



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Thursday 10 February 2022

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Parliament

Thursday 10 February 2022

[The Presiding Officer opened the meeting at 11:40]

Point of Order

Willie Rennie (North East Fife) (LD): On a point of order, Presiding Officer. I seek your guidance on the potential misleading of Parliament by a minister.

The national transition training fund was launched in October 2020 by the then minister, Fiona Hyslop, who said that the initial £11 million phase of the fund would help up to 6,000 people by March 2021. It was targeted at unemployed people. In a debate in November last year, I had an exchange with the minister Jamie Hepburn on the fund and the Government's failure to meet the target of 6,000. That exchange was based on a media report earlier in the year, in which Mr Hepburn said:

"3000 places have been awarded".

In the debate, Mr Hepburn intervened on my point about the failure to meet the 6,000 target for strand 1, to correct his own claim and to claim that the number was now 9,000. However, in today's report from the national transition training fund, we discover that the number for strand 1 is not 9,000, 6,000, or even 3,000, but actually 1,206.

The minister claimed that the scheme was a success and that it had exceeded its target by 3,000 places, whereas, in fact, it had fallen short by 4,800—failing 4,800 unemployed people in their time of need—and the minister had potentially misled the Parliament on the scheme's success. As is often the case with the Scottish Government, the talk is better than the action.

Presiding Officer, can you set out what avenues there are for ministers to correct the record?

The Presiding Officer (Alison Johnstone): I have not had a chance to see the report that the member refers to. However, Mr Rennie will be aware that the Presiding Officer is not responsible for the content of speeches made by members. The guidance on the corrections mechanism for the *Official Report* sets out the steps that a member can take if they wish to request that another member make a correction.

I remind members of the Covid-related measures in place across the chamber and the Holyrood campus and that face coverings should be worn.

General Question Time

11:42

The Presiding Officer (Alison Johnstone): Our first item of business is general questions. In order to get in as many questions as possible, I would be grateful for short and succinct questions and responses.

Renewables (East Lothian)

1. **Paul McLennan (East Lothian) (SNP):** To ask the Scottish Government what support is available to maximise the growth opportunities for the renewables sector in East Lothian. (S6O-00748)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The Scottish Government is maximising growth opportunities in the renewables sector in several ways, including through our national planning framework, which is currently under review; funding and support to allow Neccus to consider the industrialised decarbonisation of large-scale emitters, including East Lothian's Tarmac; the £181 million emerging energy technology fund, which is providing capital support to accelerate low-carbon infrastructure projects; the Scottish Government's community and renewable energy scheme; and the £100 million capital green jobs fund, which offers support to help businesses to transition to a low-carbon economy. East Lothian has access to all those initiatives.

Paul McLennan: East Lothian is ideally placed to take advantage of the growth opportunities, with the current grid connections in Cockenzie and Torness and the proposed new east link at Dunbar. Can the cabinet secretary expand on the opportunities for the supply chain in East Lothian specifically?

Michael Matheson: I agree that East Lothian is ideally placed to play a pivotal role in Scotland's energy transition. In particular, the SSE offshore wind farm at Berwick bank provides an opportunity to capitalise on the significant economic benefits that could come to East Lothian and Scotland from that transition.

We are carrying out a range of work, including the actions that we are taking to support businesses in their energy transition. I have no doubt that businesses that are based in East Lothian will be able to benefit from that in the months and years ahead.

Craig Hoy (South Scotland) (Con): East Lothian and its coastal areas are leading the way in renewables. However, last month, we found out that Torness power station is to shut its doors two

years earlier than planned. The Scottish National Party-Green coalition has used the planning system to close down nuclear power, and it is throwing the oil and gas sector under a bus. As we build renewable capacity, in what way is making the south of Scotland dependent on volatile gas supplies from Russia either just or a transition?

Michael Matheson: The priority is to ensure that we decarbonise our economy so that we are not dependent on imports of gas from other parts of the world. That is not just my view; it is the view of the United Kingdom Government. That is why it announced just yesterday that it is increasing the rate at which the contract for difference programme will be taken forward, in order to speed up decarbonisation. That is the approach that the Scottish Government has taken for a number of years. We are accelerating investment in our renewable energy sector not only to ensure security of supply in Scotland but to secure the economic benefits for those who live in the East Lothian area.

Examinations (Content)

2. Meghan Gallacher (Central Scotland)

(Con): To ask the Scottish Government for what reasons school pupils taking examinations in some subjects, such as business or geography, will reportedly receive advance notice of what content will or will not be assessed, while those taking other subjects, such as chemistry, will receive no advance notice. (S6O-00749)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): Question papers for exams are different for each course, as they assess different types of knowledge, understanding and skills. Accordingly, the revision support has been tailored to reflect that, as well as to complement the significant course modifications that have already been made this year. In some courses, learners may be advised which topics, contexts or content will or will not be assessed in the exam. For others, that additional information has already been provided. It is not possible to take the same approach for courses in which the exam will assess content from across the whole course or in which the topics or content cannot be separated easily.

Meghan Gallacher: Pupils who receive a study guide will need access to a laptop or device in order to fully prepare for their exams. The Scottish Government promised internet connectivity, which is vital to pupils accessing the online revision platform. Last week, I raised in the chamber the issue that 80 per cent of school pupils still do not have a digital device. I ask the cabinet secretary again: when will pupils finally receive a digital device? Will that be before the revision support is published, in March?

Shirley-Anne Somerville: As has been made clear in the chamber a number of times, the Scottish Government has provided funding for 72,000 devices and 1,400 internet connectivity solutions to be distributed across Scotland. The Convention of Scottish Local Authorities has reported that 122,000 devices have been distributed, and we believe that that is underreporting on the issue. As has been made clear many times, the Scottish Government has a commitment to provide a device for each pupil by the end of the parliamentary term.

Kaukab Stewart (Glasgow Kelvin) (SNP): We know that teachers, too, have faced significant disruption throughout the past year. How are the Scottish Government and its agencies supporting them to deliver the best possible outcomes for our learners?

Shirley-Anne Somerville: We take the wellbeing of our teachers very seriously. Since October 2020, we have invested £2 million specifically to support teacher wellbeing. On top of the 1,400 teachers recruited during the pandemic, we have committed to bringing 3,500 teachers and 500 support staff into the system by the end of the parliamentary session. Once the effects of the pandemic are less direct, that increase in staff will support improvements in attainment.

Strategic Transport Projects Review (Ferries)

3. Donald Cameron (Highlands and Islands)

(Con): To ask the Scottish Government whether it will provide an update on the provision of new ferries in light of the publication of the strategic transport projects review 2. (S6O-00750)

The Minister for Transport (Jenny Gilruth): The Scottish Government has committed to investment of at least £580 million in ports and vessels to support and improve Scotland's ferry services over the five years to 2026.

We have been working with partners to progress our fleet replacement programme. Last year, we announced the decision to extend the Islay vessel procurement that is being undertaken by Caledonian Maritime Assets Ltd to a second vessel, and bids from shipyards are now being evaluated. Our recent investment in the purchase of the MV Loch Frisa and vessel cascades will bring benefits across the network to Mull, Skye and the Outer Hebrides.

Further projects—the small vessel replacement programme, new vessels for Dunoon and Kilcreggan, further major vessel replacements for Mull and South Uist, and replacement freight ships for Orkney and Shetland—are under way.

Donald Cameron: The Comhairle nan Eilean Siar—Western Isles Council—has this morning released a scathing statement lamenting the

decades of underinvestment in ferries and calling for urgent action. That is a significant intervention by a local authority whose residents rely heavily on the robustness of Scotland's ferry network. Will the minister meet the comhairle as a matter of urgency to discuss its concerns, and will she apologise for the SNP's abject failure, over the past 15 years, to maintain a reliable ferry network for Scotland's island communities?

Jenny Gilruth: I am not sighted on the detail of the statement that Donald Cameron alludes to. Will I meet the council in question? Yes, I am more than happy to do that.

I point out that the 2021-22 budget included £19.2 million for local authority ferries, which was an increase of £7.7 million on the previous year. That ensures that local authorities are fully funded to operate their internal ferry services.

On whether I will engage with the local authority on the detail, I am more than happy to do that. It is hugely important that we have a ferry service that is fit for our island communities. Given that I am relatively new to my post, I hope that Donald Cameron will take my offer in the spirit in which it is meant and felt. I am keen to meet local authority partners on the matter, because it is important that we get our ferry services right for our island communities.

Early Learning and Childcare

4. Natalie Don (Renfrewshire North and West) (SNP): To ask the Scottish Government whether it will provide an update on progress regarding free early learning and childcare provision for all one and two-year-olds. (S6O-00751)

The Minister for Children and Young People (Clare Haughey): The latest census statistics show that 13 per cent of two-year-olds are registered for the current funded ELC offer, which is an increase from 9 per cent in last year's statistics. Given the challenges of the pandemic, that is important progress, and I am grateful to local partners and staff for all their efforts to deliver expanded funded ELC in difficult circumstances.

We are learning from what we know about the barriers to taking up funded ELC faced by families with young children. That will inform how we develop our new commitment to all families with a one or two-year-old, starting with low-income households within this parliamentary session. Our vision is to develop an offer that will contribute to supporting the wellbeing of the whole family, and help to deliver our mission to tackle child poverty and implement the promise. We are starting our engagement with families, the early learning sector and academic experts to design how the new offer can best support children and families

this year, and we will ensure that that early engagement informs the resource spending review process.

Natalie Don: Our nursery staff provide an important and valuable service. If the roll-out of free early learning and childcare has resulted in more children than before accessing early learning, can the minister inform me what support is in place for the staff and management of both private and council nurseries, to ensure that they can continue to provide a robust service?

Clare Haughey: The early learning and childcare workforce is vital to providing high-quality funded childcare, and we are committed to supporting the continued development of practitioners via our refreshed national induction resource. Scottish Government grant funding supports the childcare sector representative bodies to support and advocate for their members, and our core funding to local authorities ensures that they can support funded partners in public sector settings.

We have developed a wellbeing resource for all childcare practitioners. We are supporting recruitment through our national recruitment campaign resources, recent work with the Scottish Social Services Council to invite registrants to return to the workforce, and the creation of thousands of additional training places across Scotland.

Human Trafficking

5. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what action it is taking to identify perpetrators of human trafficking and disrupt their activity. (S6O-00752)

The Minister for Community Safety (Ash Regan): Human trafficking is a horrific abuse of human rights and there is absolutely no place for it in Scotland or elsewhere.

Action to identify perpetrators of human trafficking and disrupt their activity is led by action area 2 of the trafficking and exploitation strategy. That group, which is chaired by Police Scotland's dedicated national human trafficking unit, worked collaboratively to maintain the profile of human trafficking throughout the pandemic, including the development and circulation of monthly briefings to draw together intelligence and information.

Police Scotland continues to pursue and disrupt perpetrators of human trafficking and exploitation, including across national boundaries. Joint investigative teams have been developed with other European law enforcement agencies, including in Romania.

Ruth Maguire: Websites advertising sexual services are a major enabler of sex trafficking and

sexual exploitation and, according to Police Scotland, they are somewhere where crime groups hide in plain sight. Does the minister think that the current legislative framework in Scotland provides our law enforcement agencies with all the tools that they require to end the exploitation and bring perpetrators to justice?

Ash Regan: Police Scotland actively investigates all reports of online sexual exploitation. Human trafficking legislation gives police and prosecutors powers to bring traffickers to justice. In addition, we have laws that make it an offence to procure for the purposes of prostitution, including in an online context. Work to design a model to challenge men's demand for prostitution will consider whether the current laws need further modernisation or strengthening.

Recognising that the regulation of internet and online service providers is reserved, we are liaising with the United Kingdom Government on its draft online safety bill, which will form part of our consideration as more details become available.

Rhoda Grant (Highlands and Islands) (Lab): Criminalising the purchase of sex would make Scotland an unwelcome place for traffickers. Is the Scottish Government taking action by using websites to identify both people who have been trafficked and the traffickers? Will it take further action in that regard?

Ash Regan: We are taking further action in that regard. It is an ambition of the Government to create an environment that makes Scotland a hostile place for human traffickers. Trafficking is an absolutely abhorrent crime. The member will know that the Scottish Government is undertaking a vast amount of work on the model for Scotland, which will seek to challenge men's demand for prostitution.

Regarding the online part of it, we have the UK Government's draft online safety bill, as I have said. The situation is a developing one, and it looks like there are some interesting developments there regarding what the member has raised. The Government takes the matter very seriously and there is on-going work in this area.

Universities and Colleges (Face-to-face Learning)

6. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government whether it will provide an update on when it expects college and university students to be able to return to full-time face-to-face learning. (S6O-00753)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): Guidance for the current academic year is being reviewed in

collaboration with the sector, taking into account advice provided by the Covid-19 advisory subgroup on colleges and universities. It is for institutions to determine an appropriate balance of in-person teaching that focuses on the reduction and management of risk and a cautious approach to keep people safe. The First Minister has announced that an update of the Scottish Government's strategic framework will be published shortly and updated guidance for colleges, universities and community learning and development providers will, of course, be in alignment with the strategic framework.

Liam McArthur: Recent relaxations in restrictions have allowed some normality for students after two years of disrupted learning. However, I have been contacted by students from my constituency who continue to experience largely online learning for science-based courses. Does the minister not accept that, given that nightclubs are open but some lecture halls remain closed, guidance on face-to-face learning on campus now urgently needs to catch up in the interests of students and their learning?

Jamie Hepburn: I am hugely appreciative of the forbearance of students across Scotland, who have been playing their part in responding to Covid-19 and in minimising and mitigating its spread. I understand Mr McArthur's points and I reiterate the point that I have just made. All our guidance is constantly kept under review. It is designed on the basis of responding to the various harms that we know exist through the response to Covid-19. That is the manner in which we have approached the situation throughout, and it is the manner in which we will continue to approach it.

Smart Meters (Island Communities)

7. **Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** To ask the Scottish Government what action it can take to ensure that energy companies do not discriminate against island residents in relation to the installation of smart meters in residential properties. (S6O-00754)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The smart metering programme is owned and led by the United Kingdom Government, while the Office of Gas and Electricity Markets monitors suppliers and ensures that they comply with any regulatory obligations relating to the roll-out of smart meters.

We will continue to press the UK Government on the concerns that have been raised about smart meter roll-out, while using our new powers in consumer advocacy and advice to ensure that the voice of Scottish consumers is heard by energy companies, regardless of meter type or location.

In addition, we will carry on working with the Department for Business, Energy and Industrial Strategy, Ofgem, Smart Energy GB and the wider energy market to ensure that the views and needs of Scottish consumers are heard and taken into account in policy planning.

Dr Allan: My constituency already faces the worst levels of fuel poverty in the country. Difficulties in getting smart meters fitted is just one of the challenges that my constituents come up against. The UK's recent price cap hike will, from April, cause many energy bills in the Western Isles to rise potentially even higher than Ofgem's 54 per cent increase. What can the Scottish Government do to press the UK Government to remedy what has just been inflicted on vulnerable people in the islands?

Michael Matheson: Very often, those who live in rural areas, including in our island communities, are off the gas grid and at greater risk of fuel poverty. Smart meters can assist households in managing their bills, which is why we need a much more effective roll-out in our rural areas in Scotland.

In addition, given that there is a greater dependency on the electricity supply for heating in our rural areas, the UK Government should look to remove the obligations that are placed on energy tariffs, which would help to reduce the cost of electricity as a source of heating. Alongside that, it should look at extending and expanding the warm homes discount scheme, which could help to support the tackling of fuel poverty in the medium to longer term.

Later this afternoon, the Scottish Government will set out in the budget the measures that we will take to support families who are experiencing significant pressure due to marked rises in energy prices.

The Presiding Officer: That concludes general question time.

First Minister's Question Time

12:01

The Presiding Officer (Alison Johnstone): Before we move to questions, I have agreed to allow the First Minister to give a brief update on Covid-19. At my request, the First Minister wrote to party leaders to provide details of the update as far in advance as possible, so that members would have the opportunity to consider it and to ask questions. I will extend the session in order to facilitate that.

The First Minister (Nicola Sturgeon): Thank you for that, Presiding Officer.

Before I update the Parliament on Covid protections in schools, I take the opportunity to pay tribute to Her Majesty the Queen, following the 70th anniversary of her accession. Becoming the first monarch to celebrate a platinum jubilee represents a unique and remarkable record of service. *[Applause.]*

In recent weeks—and as recently as Tuesday—I have committed to keeping the Parliament and school communities updated on Covid protections in schools, including the use of face coverings in classrooms. I have been clear that we do not want to keep those measures or any others in place for longer than is necessary but that we must continue to be led by scientific and expert advice and must put the safety of our young people first.

On Tuesday, the advisory sub-group on education met to discuss a number of issues, including the use of face coverings. The group reiterated its previous position that the removal of mitigations in schools should be phased. It also advised that the next step of the phased approach could begin after the February half-term break, starting with the removal of the requirement to wear face coverings in the classroom.

The sub-group has advised that that change should apply to both pupils and staff in classrooms and should take effect from 28 February, when all schools will have returned from the half-term break. That change will reduce barriers to communication in the classroom and reduce any wellbeing impacts that arise from the use of face coverings—for example, through their use in support learning and teaching. Of course—and it is a point that I stress—any young person or staff member who wishes to still wear a face covering in the classroom should be fully supported in doing so.

We currently expect that face coverings will still be required outside the classroom, in indoor communal areas of schools, for a period after 28

February. However, that will be kept under regular review.

In arriving at its recommendation, the advisory sub-group pointed to reducing case rates for secondary-age pupils, which is a recent development; falling hospitalisation rates across all age categories; and the fact that, at this stage, the estimated reproduction rate is below 1. In addition, vaccination rates for young people continue to increase.

In recognition of that encouraging situation, the sub-group also advised that the remaining restrictions on school assemblies should be lifted, and that school visits that are linked to transitions—for example, primary 7 children visiting their new secondary school—should be given greater priority.

Those changes were all discussed with the Covid-19 education recovery group this morning. Our guidance will be updated next week, but I wanted to confirm the decision today in order to give children and young people, their families and school staff certainty about the forthcoming changes before the February break. They represent a further step in allowing children and young people to return to a more normal experience in school after many months of sacrifice. I hope that they will be welcomed not just across the chamber but, more importantly, across the country.

ScotRail

1. Douglas Ross (Highlands and Islands) (Con): Like the First Minister, I pay tribute to Her Majesty the Queen and her incredible service over the past 70 years. I was in the chamber yesterday when my colleague Stephen Kerr led a debate on that subject and I was pleased that almost every member who participated in that debate was able to recognise the incredible service of Her Majesty the Queen.

With regard to the statement that we have just heard from the First Minister, Scottish Conservatives have urged for weeks that young people should no longer be forced to wear face coverings in classrooms for seven hours a day. Young people's education has been unnecessarily disrupted for far too long. Finally, after weeks of refusing to budge, the Government has U-turned and, although that is welcome, it has taken far longer than necessary.

However, today, I will ask about another pressing issue. Earlier this week, ScotRail confirmed that it is going ahead with planned cuts to 250 services across Scotland from May of this year. In April, the Scottish National Party Government will take charge of Scotland's

railways. Will the First Minister commit today to cancel those cuts?

The First Minister (Nicola Sturgeon): First, in response to Douglas Ross's comments about my statement a few moments ago, I say that the fact that he has been urging that change for weeks is not a demonstration that he has been right; it is a demonstration of his deep irresponsibility. Had we made the change weeks ago, we would have done so at a time of soaring infection rates among school-age children and put school-age children and those who work with them in schools at greater risk. Secondly, had we done it before today, we would have been acting against expert and scientific advice, so it would have been the wrong thing to do. We are doing it now at the right time and in line with advice, and that marks the responsibility of the Government, in contrast to the irresponsibility of the main Opposition.

On the issue of ScotRail, first, I welcome the Minister for Transport's confirmation yesterday that ScotRail will come into public ownership on 1 April; that upholds a manifesto commitment of this Government, which was overwhelmingly elected just under a year ago. We will continue to do what ScotRail is already doing—making sure that we have a railway that is fit for the future.

Travel patterns and the numbers of passengers have substantially and significantly changed in the course of the pandemic, so the pattern of rail services needs to reflect that, but we also need to keep that under review. Therefore, although we are still in a period of hybrid working, as people begin to go back to the office and passenger numbers increase on our railways, we need to ensure that the timetable and routes that are serviced by ScotRail remain fit for purpose. The Government will take on that responsibility to make sure that we have a railway that is fit for the future and is of the type and quality that the public have a right to expect.

Douglas Ross: The First Minister welcomed the transport minister's statement yesterday. Does she also welcome what the transport minister said about those cuts being "not acceptable" when they were announced in her local area? I am interested to see whether the First Minister agrees with that previous comment from her transport minister.

The problem is that the Government says that it wants more members of the public to use public transport, but it does not do enough to improve services or bring down rising ticket prices. What is the use in nationalising services if the SNP is just going to do the exact same thing as ScotRail? The First Minister has just accepted that she will continue with the cuts that ScotRail is planning. If the First Minister will not change those cuts that are planned, will she at least guarantee that, when

the Scottish Government assumes control of ScotRail, not one further service will be cut?

The First Minister: First, let us talk in terms of reality rather than the mischaracterisation and misrepresentation that we have just heard. The timetable—*[Interruption.]* I know that Douglas Ross will not want to hear this, but I will persevere in answering the question. The timetable, which was initially supposed to add 100 extra services compared with December 2021, is now adding nearly 150 services, following the consultations. From May 2022, ScotRail will operate around 2,150 daily services, providing almost 600,000 seats.

However, the key point is that I am not sure whether Douglas Ross or anybody else in the chamber is suggesting that there should not be changes to ScotRail timetables to reflect changes in passenger usage. We saw a significant and substantial change in that during the pandemic, and that change will continue to some extent after the pandemic. Usage of services might also revert to being more like it was before the pandemic, and the timetable will need to adapt to that. That is the sensible and responsible approach to take.

We will continue to take steps to keep rail fares affordable. That will be one of the key benefits of public ownership in the years to come. I will end this answer with a reminder that rail fares on average are significantly lower already in Scotland than they are where the Conservatives are in power in England.

Douglas Ross: The First Minister urged me to listen to her answer—which I did—but it had nothing to do with the question that I posed to her. She went on for quite a while after I asked whether she would commit to guarantee that her Government will not cut any services, but there was nothing about that in her answer.

To defend the changes that are coming in May based on what was happening in December 2021—well, we know what was happening in December 2021: the First Minister was warning about the tsunami of cases and urging people not to go out of their house or to work. It is not fair to compare December 2021 with the situation that we are in today.

All that the First Minister is doing is replacing ScotRail with SNP rail. There will be a different owner but the same problems, and while public transport services are being cut, her Government has turned against drivers as well. She has abandoned plans to improve roads, and now she is putting in the workplace parking tax, without any cap on the amount that people will be forced to pay. When it was first proposed, organisations such as the Educational Institute of Scotland, the Scottish Police Federation and Unite the union

warned about the costs that would fall on teachers, police officers, care staff and shift workers. All those warnings were completely ignored by Nicola Sturgeon and her Government.

This week, the Scottish Retail Consortium said that the workplace parking tax is

“a recipe for extra cost and complexity”,

and today the AA is warning that

“workers are going to be hit with . . . levies of as much as £1,000”.

People are already on the brink, with bills increasing and the cost of living rising. Why is the Government in favour of a costly workplace parking tax at the same time?

The Presiding Officer: Before the First Minister responds, I remind colleagues that I would very much like to hear both questions and responses.

The First Minister: Many people in this country are right now on the brink because of benefit cuts and tax rises that are being imposed by the Conservative Government at Westminster and because of its complete failure to respond appropriately or accordingly.

Let me address the points on ScotRail first. What I guarantee is that, when the Scottish Government takes ownership of ScotRail, we will operate a timetable that is reflective of the usage of the railways by passengers. That is about the real-world running of a railway that is fit for purpose.

Secondly, we will continue to ensure that we have affordable rail fares—we will take action to ensure that they are affordable. Let me remind Douglas Ross that rail fares right now are, I think, 20 per cent cheaper on average in Scotland than they are in the rest of the United Kingdom. I would suggest that that is a good foundation on which to build.

Let me turn to the workplace parking levy. I remind Douglas Ross that it gives a discretionary power to local authorities. They do not have to use it if they do not want to or if they do not think that it reflects their local circumstances. Of course, I would remind Douglas Ross that, in the Tories' last local government manifesto—although I grant that this was before he was leader of the Scottish Conservatives—they said:

“We need to empower councils and give them a renewed sense of meaning and purpose.”

We are giving discretionary powers to local authorities and what do we have? The Scottish Conservatives opposing it and moaning about it.

The second point is that the workplace parking levy is simply giving local authorities in Scotland a power that local authorities in England have had

for a decade and more, which is allowed to them by the Conservative Government. Not for the first time, there is a deep hypocrisy at the heart of Douglas Ross's question.

Lastly, here we are again. All parties across the chamber are, rightly, signed up to our climate change objectives and our net zero ambition, and we need to get people out of cars. We need to get people on to public transport, which is why public ownership of the railways is a good thing and why free bus travel for under-22s, which has been introduced by this SNP-Green Government, is a good thing. We will not just set the targets but take the action to help meet those targets, and we will leave Douglas Ross and his colleagues whining as usual on the sidelines.

Douglas Ross: Here is the difference between me and the First Minister: I want to empower councils; she wants to use them as a shield. Last week, she was using councils as her shield about chopping the bottom off doors and this week she is using them as a shield against her tax rises. It will be councils that are led by the SNP and the Labour Party that will introduce the car park levies, because I can assure her that Scottish Conservative councils will not.

The First Minister's Government is anti-driver. She does not seem to understand that many people, particularly those living in rural areas, need their car to get to work. Instead of delivering better public transport to make up for the difference, her Government is going to nationalise the railways and make no improvements to the services. What can people expect from a nationalised railway service from the same Government that cannot even build a ferry, which launches ferries with painted-on windows and which sends ferry contracts to Romania instead of Port Glasgow? Are trains going to go the same way as ferries under the First Minister's Government?

The First Minister: First, on railways, this Government has connected or reconnected more of Scotland to the railways in the past number of years. Since 2009, the communities of Alloa, Laurencekirk, Armadale, Blackridge, Caldercruix, Conon Bridge, Shawfair, Eskbank, Newtongrange, Gorebridge, Stow, Galashiels, Tweedbank and Kintore have all been reconnected to the railways through the reversal of Beeching cuts. In the next three years, Reston, East Linton, Dalcross, Cameron Bridge and Leven will all follow in being reconnected to the railways. This Government has a record to be proud of and we will build on that record.

Going back to the workplace charging issue, I think that, from listening to Douglas Ross, it is quite clear what his approach is. He will empower local authorities—if he ever gets the chance,

which I humbly suggest is unlikely—only if they then do exactly what he instructs them to do. That is not empowerment. We have given powers to local authorities. It is up to them to judge whether and to what extent to use them, in line with their local circumstances. That is empowerment.

We will get on with improving public transport and meeting our net zero targets. That is why people continue to put their trust in this Government.

Oil and Gas Windfall Tax

2. Anas Sarwar (Glasgow) (Lab): I join others in paying tribute to Her Majesty the Queen for her 70 years of dedicated commitment and service to the public of this country.

I welcome the development on the wearing of face masks, but, after almost two years, it will add anxiety for staff and workers in schools, as well as for parents, and it makes ventilation and high-efficiency particulate air—HEPA—filters even more crucial in our schools. We need a credible plan from the Government on those issues.

We are in the midst of a cost of living crisis. At the same time, energy giants are posting record profits. Shell has posted a £14 billion profit and BP has posted a £9.5 billion profit this year. Combined, that is more than £44,000 a minute. At the same time, household energy bills are going up by almost £700. We need a windfall tax on energy companies, with the money going into people's pockets. It is unbelievable that SNP and Tory MPs are refusing to back that and that the SNP and Tories are also failing to do so in this Parliament. The SNP Government knew that the crisis was coming, so why, despite months of pleading for action, are people still waiting for help?

The First Minister (Nicola Sturgeon): This line of questioning by Anas Sarwar is incredible. It is serious, and I will come to its serious point about the cost of living crisis in a second.

He asked me about a windfall levy on oil and gas companies last week, and I have made it clear that I have no objection to that. I said again yesterday that companies that see rising profits should contribute more, but it is for the United Kingdom Government to come forward with proposals on the matter.

Anas Sarwar is asking me about something that, regrettably, I have no power to do. Rather than ask me about things that I lack the power to do, he should join me in seeking those powers for the Parliament, so that we can actually do those things as opposed to just talking about them.

It is not the case that the Government has not taken action. We have taken a range of measures

to help people in poverty. We set up the Scottish child payment and recently announced plans to double it, and we have already taken action to help people with the cost of winter and rising fuel costs.

Although the matter is still to be finalised, we believe that last week's announcements from the Chancellor of the Exchequer will not deliver any net increase to what we already expected to have in the Scottish Government's budget. Despite that situation, the Cabinet Secretary for Finance and the Economy will, this afternoon, set out further plans to help those who are struggling with the rising cost of energy, and we will continue to do everything that we can to help.

Looking to the future, would it not be better if more of those powers lay in the hands of the Scottish Government and the Scottish Parliament instead of their being left to Westminster, in the hands of Conservative Governments?

Anas Sarwar: Forgive me, Presiding Officer, but that is classic SNP—say one thing, do another. The SNP MPs had a chance last week to vote for a windfall tax and failed to do so. I asked the First Minister about what the Government plans to do because, while she is scrambling to put together a last-minute plan, we set out proposals months ago that could have been helping people now.

In response to the deepening crisis, we have published plans to support hard-pressed Scots, which include a UK windfall tax that provides most households with £200, and a further 815,000 households with £600, off their bills. The First Minister says that she will set out plans for Scotland this afternoon. We have already set out detailed plans that would help more than half a million of the hardest-hit Scots by providing £400 to people who receive council tax reduction, pension credit, child winter heating assistance or carers allowance and a top-up to the Scottish welfare fund, which would give councils the ability to award £400 to those whom the scheme does not cover but who struggle to pay their bills. Will the First Minister support those plans?

The First Minister: The finance secretary will set out additional plans this afternoon. We will, of course, consider carefully any proposals that come from Labour or anybody else. Like most Labour proposals, that plan lacks any indication of how it should be paid for—the Scottish Government has to fund the things that we do.

We have already taken significant action. For example, we have provided pandemic support payments to more than half a million households; delivered the Scottish child payment and bridging payments for older children; continued to increase funding for discretionary housing payments—that

is, of course, how we mitigate the Tory bedroom tax, which would not even be there if more powers were in the hands of the Parliament; delivered our £41 million winter support fund to help people to heat their homes and meet the rising cost of food; and continued investment in the Scottish welfare fund. We also support debt and welfare advice services.

We are taking a range of actions on the back of the chancellor's announcement last week. We assumed that additional money would come to the Scottish Government, but it now looks as though a net increase will not take place. Notwithstanding that, we have committed—and stand by the commitment—to deliver an additional £290 million-worth of support, which would be the equivalent of the consequential had they been passed on to us.

The finance secretary will set out the details of that commitment this afternoon, balancing helping as many people as possible with getting the support to people as quickly as possible. We will continue to do everything that is within our power and our financial resources to help people.

Anas Sarwar: We have published a fully costed plan that goes alongside the £290 million that the First Minister has just quoted, because we knew that the problem was coming. The Government has just set a £44 billion budget—why was the problem not a priority when we knew that we were in the midst of a cost of living crisis?

We are in the midst of a cost of living crisis and Scots are being failed by two Governments that just do not get it. The Tories cut universal credit and put up national insurance, yet they have written off billions in fraud. The SNP increases water charges, increases rail fares while taxing people to park at work, and squanders hundreds of millions of pounds of public money due to incompetence and mismanagement. Both Governments fail to back a windfall tax on energy companies that are raking in billions of pounds while bills go up for millions of people. We have known about the crisis for months, yet both Governments have failed to support people across the country who are struggling.

The First Minister's answers are not good enough. If she really wants to help family budgets, will she reverse her decisions to increase rail fares and water charges, and will she back Labour's plan?

The First Minister: Both rail fares and water charges are, on average, lower in Scotland than they are elsewhere in the UK.

Let us go back to the point about votes on budgets and the use of our budget. It is only a few weeks since we had the stage 1 vote in this Parliament on next year's budget. It is a budget

that includes plans and the money to double the Scottish child payment, which will be game changing in helping to lift children out of poverty. However, Scottish Labour voted against the budget that will double the Scottish child payment. It will be interesting to see whether Labour members vote for or against the budget at its final stage, this afternoon. If they vote against it or fail to support it, they will be voting against the doubling of the Scottish child payment. *[Interruption.]* Anas Sarwar is telling me that that is not how it works, but I am afraid that it is. If he wants money for a child payment to lift people out of poverty, he has to vote for it in the budget. That is exactly how it works.

The support in Scotland for people in poverty exceeds the support for people in other parts of the UK, including, in many respects, in Wales, where Labour is in government. We do everything that is within our power and resources to help, and that will continue.

Labour will lack credibility on the issue for as long as it teams up with the Tories to keep vital powers over benefits and energy in the hands of Conservatives at Westminster instead of arguing for the powers to lie here, where we can use them to do more to help the most vulnerable people in our society.

The Presiding Officer: We move to supplementary questions.

Animal Welfare

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): What is the First Minister's response to the actions of Kurt Zouma, the Premier League footballer for West Ham, who tormented one of his cats for fun and posted a video of his actions on social media for the entertainment of others? Does she consider that the laws on animal welfare in Scotland are sufficiently robust to deal with such horrific actions should they occur here?

The First Minister: From what I know about it, which I am sure is the same as what everybody else knows about it, that incident was absolutely appalling and sickening.

In Scotland, we have one of the most robust animal welfare frameworks anywhere in the world, and we continue to strengthen and develop the measures that are in place to protect animals and enable effective enforcement action. The Animal Health and Welfare (Scotland) Act 2006 provides sufficient powers to take enforcement action in a case such as that, and to remove animals from abusive keepers.

Ferries (Ferguson Marine Engineering Ltd)

Graham Simpson (Central Scotland) (Con):

The latest bombshell from Ferguson Marine Engineering Ltd is that cables on one of the ferries that it is allegedly building are too short and will have to be replaced. The First Minister will be familiar with the ferry, because it is the one that she launched in 2017. How much extra will it cost, and how long will the delay be?

The First Minister: This is an issue around cabling that was installed by FMEL contractors in late 2018 and early 2019, prior to the shipyard coming into public ownership. The Government and the Cabinet Secretary for Finance and the Economy will be working closely with the yard to ensure that the problem is rectified as quickly and as cost effectively as possible. The finance secretary will, of course, keep the Parliament fully updated.

Trinity Tower (Support for Households)

Pam Duncan-Glancy (Glasgow) (Lab): The First Minister will be aware of the situation at Trinity tower in Glasgow, and might know that 100 households in my region have been evacuated as a result of risk from that dangerous structure. Despite being advised that the evacuation could last for two to three months, my constituents are being told by insurers that, because no damage has been done to their homes, alternative accommodation will not be provided.

In June 2018, following the Glasgow School of Art fire, the Government made £1,500 of emergency funding available for each household that was displaced, and that funding was matched by Glasgow City Council. My constituents are anxious and distressed about being moved away from their homes and possessions. Will the Government take action to ensure that similar support is provided to them?

The First Minister: First, this is an incredibly difficult situation for residents of Trinity tower and those who have been evacuated from their homes in surrounding buildings and remain out of their homes. I know that Kaukab Stewart, the constituency MSP, and Alison Thewliss, the constituency MP, have been and will continue to be involved in supporting their constituents.

We will continue to liaise with Glasgow City Council and offer any reasonable support that we can to rectify the situation and get people back into their houses as soon as possible.

LGBT History Month

3. Gillian Mackay (Central Scotland) (Green):

To ask the First Minister how the Scottish Government is marking LGBT history month. (S6F-00803)

The First Minister (Nicola Sturgeon): The Scottish Government has a strong commitment to advancing LGBTI equality, inclusion and rights. We work closely with national LGBTI organisations to protect, promote and improve equality. We also show support for key events, such as LGBT Youth Scotland's annual fundraising day, purple Friday.

We recognise that many people feel that they are underrepresented or misrepresented in history, so LGBT history month gives us an opportunity to reinforce the sense of belonging, value and respect that everyone has a right to feel. It is also a time to reflect on what more we need to do as a society to ensure that Scotland is truly equal and inclusive, and a place where everyone feels safe and valued for who they are.

Gillian Mackay: LGBT history month gives us an opportunity to celebrate Scotland's diversity and reflect on historic injustice and persecution. Let us be clear: Scotland is an inclusive nation, and our commitment to human rights must not waver. That is why it is so shocking for many that bigotry and damaging practices such as conversion therapy still happen in this country. This week, it was revealed that crimes against LGBT people accounted for more than one third of all hate crimes that were reported to the British Transport Police in the nine months to January this year.

Will the First Minister stand with the LGBT community, condemn those hate crimes, and outline what more she and her Government can do to tackle anti-LGBT discrimination in Scotland?

The First Minister: I agree very strongly with the sentiments and the substance of that question. I condemn all hate crimes and all forms of hate crime, prejudice and discrimination. We should never be complacent, and it is an important lesson for Scotland and many other countries, right now, at this moment in history, that we should never assume that progress is not reversible. We have to fight for progress each and every single day.

The Scottish Government and, I am sure, everyone in the chamber stands shoulder to shoulder with the LGBTI community in condemning any and all hate crime.

Later this year, the Scottish Government will work with partners to publish a new hate crime strategy to guide how we tackle hatred and prejudice, including when it is directed at LGBTI communities. We will also work with the Parliament's Equalities, Human Rights and Civil Justice Committee to introduce legislation that is as comprehensive as possible within our devolved powers to ban conversion practices by the end of next year. They are harmful, discriminatory practices that have no place whatsoever in our society.

Paul O'Kane (West Scotland) (Lab): I associate myself with Gillian Mackay's comments and those of the First Minister as we celebrate LGBT history month.

Access to sport for LGBT+ people has been historically challenging, and it remains so today because of barriers caused by stigma and discrimination. If we have made progress on sporting role models globally, we still have a long way to go, with many professional footballers in this country speaking of the barriers that remain to players coming out. Does the First Minister agree that the work of organisations such as Leadership, Equality and Active Participation in Sports Scotland—LEAP Sports—and campaigns such as Stonewall's rainbow laces are vital in supporting LGBT+ people to participate in and enjoy watching sport? What more will the Government do to support that important work?

The First Minister: I thank Paul O'Kane for that question and take the opportunity to support the organisations and campaigns that he has cited. They are important.

There is continuing stigma in our society and in sport. Perhaps in some sports in particular, that stigma remains strong. All sportspeople should be encouraged to be themselves and to be open about themselves and, when they do, it is incumbent on us all to show them full support and stand shoulder to shoulder with them against any discrimination and stigma.

We will continue to work with a range of organisations to consider what more the Scottish Government can do to support that. I know that many of us, and I include myself, feel passionately that there is still work to do, and the Scottish Government is committed to playing its full part.

Football (Protection of Women and Girls)

4. Michelle Thomson (Falkirk East) (SNP): To ask the First Minister what discussions the Scottish Government has had with professional footballing authorities regarding the protection of women and girls within football. (S6F-00794)

The First Minister (Nicola Sturgeon): Violence and abuse against women and girls is abhorrent and unacceptable. Football, of course, has a very special place in our society, which is why it is vital that football authorities and clubs ensure that they and their players are positive role models for children and adults across the country.

Scottish Government officials have recently discussed these issues with the Scottish Football Association, which has advised that it has safeguarding policies and guidance in place for players and coaches. Scottish Women's Football also has comprehensive policies in place. The Minister for Public Health, Women's Health and

Sport will meet the football authorities in the near future to discuss what further steps they could take to support women and girls in the sport more generally.

Michelle Thomson: Now that Raith Rovers has withdrawn its offer to David Goodwillie, the immediate media storm has died down, but an issue remains in a footballing environment in which two clubs felt it appropriate to offer a job to a proven rapist, despite there having been no apology or contrition. Furthermore, claims have been made that no payment was ever made to the victim, Denise Clair.

First, given the leadership role that footballers have in our society, does the First Minister support the concept—floated by Val McDermid—of an independent regulator that could, for example, undertake a fit and proper person test for footballers? Secondly, what steps can the Scottish Government take to support a change in the misogynistic culture of football, in which scoring goals is awarded a higher priority than the safety of women?

The First Minister: I think that Val McDermid's proposal merits further consideration. In the interests of full transparency, I should mention that Val McDermid is a friend of mine. Notwithstanding that, I think that she has said many sensible things on the issue.

Football clubs have a particular responsibility that reflects their special place within our society. A bit like being a politician, but for different reasons, being a footballer is not an ordinary job. People look up to footballers—that is perhaps not always true of politicians—and there is a responsibility on football clubs to make sure that those who play for them are role models for the wee boys and the wee girls who look up to them and see them as heroes. That is an important responsibility, and I think that the football authorities perhaps need to reflect on recent events and ask the question about whether the current rules and regulations are sufficient.

Of course, there is a deeper culture in our society, which is reflected in football. We need to tackle misogyny. Right now, Helena Kennedy is looking at the issue for the Scottish Government. She is due to report relatively soon, and we will reflect carefully on all of that. That is a more general response, but it obviously has particular questions for football.

Comment has been made, including around my comments on the matter, about the fact that when the player in question signed for Clyde, the same outrage was not expressed. It is the case that there are things that went unmentioned on in past years that are now called out. That is progress, and it shows us that there is less of a

tolerance for misogyny and less of a tolerance for violence against women, but there is not yet zero tolerance, and it is zero tolerance that we have a responsibility to achieve.

Restoration of Peatland (Net Zero Targets)

5. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the First Minister what action the Scottish Government is taking to restore peatland as part of its net zero targets. (S6F-00797)

The First Minister (Nicola Sturgeon): Since 2012, we have funded the restoration of 30,000 hectares of degraded peat. We are committed to significantly increasing that activity to help meet net zero targets.

In 2020, we announced a record funding package of £250 million to support the restoration of 250,000 hectares of degraded peatland by 2030. That commitment is helping to grow a new industry. It is supporting a pipeline of multiyear landscape-scale restoration projects, it is boosting the confidence of contractors to invest in the people, skills and machinery that are needed to get the job done, it is attracting private finance into the sector and, by supporting green jobs in communities across rural Scotland, it is helping our just transition to net zero.

Rachael Hamilton: I thank the First Minister for that answer, but we know that her Government's desktop approach to rural areas is failing. For the past four years, peatland targets have been missed. Emissions targets for five key sectors have been missed. Since 1994, 50 per cent of Scotland's iconic species have vanished. Lord Deben has said:

“the credibility of the Scottish climate framework is in jeopardy.”

When will the First Minister's Scottish National Party-Green coalition take climate change seriously—*[Interruption.]*—and produce a robust moorland strategy to save Scotland's iconic species and protect biodiversity—*[Interruption.]*

The Presiding Officer: Ms Hamilton, I could not hear your question and I am not convinced that the First Minister would have been able to hear it. Would you be good enough to repeat the end of your question?

Rachael Hamilton: When will the SNP-Green coalition take climate change seriously and produce a robust moorland strategy to save Scotland's iconic species and protect biodiversity and rural jobs and livelihoods?

The First Minister: It actually beggars belief that a Tory MSP is getting up to talk about taking climate change seriously. *[Interruption.]* Clearly, they were not listening to the questioning by their

leader at an earlier stage. The Conservatives' approach is, of course, to say that we should take climate change seriously but then opportunistically oppose every measure that we take to tackle climate change when it suits them to do so. We saw that very clearly earlier.

This Government's record on peatland restoration is a good one. I have already spoken about the restoration of 30,000 hectares and the record funding package and all that it is enabling. We will continue to get on with taking the actions to tackle climate change. Perhaps it is the Conservatives who need to learn to take it a bit more seriously.

Collette Stevenson (East Kilbride) (SNP): Will the First Minister outline what funding has been made available for the 45 hectares of peatlands at Langlands Moss? Does she agree that the work undertaken by the Friends of Langlands Moss has been a huge factor in promoting the local environment and improving people's health?

The First Minister: In 2019-20, the peatland restoration programme funded by the Scottish Government funded work at Langlands Moss to the value of £63,800. I certainly agree that the Friends of Langlands Moss is an excellent example of the type of partnership that is needed to allow communities to make decisions about the management of their local environment and to help address the twin climate and biodiversity crises.

Delayed Discharge

6. **Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what action the Scottish Government is taking to reduce delayed discharge from hospitals, in light of reports that it is at the highest recorded level since the Covid-19 pandemic began. (S6F-00789)

The First Minister (Nicola Sturgeon): The Scottish Government is committed to reducing the number of people delayed in hospital. In October, the health secretary announced an investment of £300 million to help address winter pressures. That included £40 million to support alternative interim care arrangements and £62 million to enhance care at home. Part of that funding is being used to rapidly scale up hospital at home services, first and foremost to provide better care but also to help alleviate pressures on acute services.

There have been significant recent developments, with new services launched in Ayrshire and Arran and in Greater Glasgow and Clyde. We have also recently launched the discharge without delay programme, backed by £5 million, to help local health and social care

partnerships improve discharge planning arrangements in the longer term.

Jackie Baillie: We know that ending delayed discharge frees up bed capacity in hospitals, has a positive effect on waiting times in accident and emergency and even has a positive effect on the number of ambulances queuing at the front door.

The First Minister is right to say that the Cabinet Secretary for Health and Social Care has set out his plan to help the national health service through the anticipated winter crisis. Given the record high levels of delayed discharge, does she believe that her cabinet secretary's strategy has worked? Why is it that, seven years on from the Scottish National Party promising to end delayed discharge completely, more than 1,600 people are unnecessarily stuck in hospital?

The First Minister: I do believe that the actions that we are taking are the right ones, but we are not complacent and we will continue to take whatever steps we can to address the issue. In fact, the health secretary, senior officials and I will have a session this afternoon to look at progress on the issue and what further steps we need to take.

It is worth noting that the average number of beds occupied by people whose discharge was delayed in 2020-21 reduced by 34 per cent on the previous year, but that is still too high. This is a whole-system challenge and we are very focused on addressing it. It requires steps to be taken across the whole health and care system. The longer-term work to establish a national care service is also important in this context.

Child and Adolescent Mental Health Services (Waiting Times)

7. **Martin Whitfield (South Scotland) (Lab):** To ask the First Minister whether she will provide an update on what steps the Scottish Government is taking to improve child and adolescent mental health services waiting times. (S6F-00792)

The First Minister (Nicola Sturgeon): We know that the pandemic has been exceptionally difficult for the mental health and wellbeing of many children, young people and families. We have allocated almost £40 million of additional funding in 2021-22 to national health service boards to improve CAMHS. That comes from our overall recovery and renewal fund. More than £4 million of that allocation is directly focused on offering treatment to those who are already on CAMHS waiting lists, in order to tackle the longest waits. We are working closely with all national health service boards, particularly those with the most significant challenges, to develop and implement detailed local improvement plans to clear backlogs and meet targets.

Martin Whitfield: I thank the First Minister for her answer. This week, the Royal College of Psychiatrists called on the Scottish Government to “pull out all the stops”

and explain how it will meet its target for investing in mental health services for our children and young people.

I was contacted by a teacher, who is more than happy to meet the First Minister, and she asked me to ask the First Minister

“to rescind the free bus travel, stop giving out laptops and put some money into mental health provisions for our young people.”

She said:

“What good is a laptop and a free bus pass when you’re in a deep state of anxiety and depression?”

Will the First Minister agree to meet that teacher to find out what CAMHS delays feel like for those who are left to support our young people through the waiting period?

The First Minister: First, of course I or the health secretary will be happy to speak to the teacher who was quoted, or indeed any professional who is working with young people. This is a really serious issue. I am not entirely sure whether the member is seriously asking me, or just quoting somebody else asking me, to rescind free bus travel. I think that that would be the wrong thing to do for the broader wellbeing of our young people. Perhaps that is something that the member could clarify at some stage in the future.

On the action that we are taking, the NHS recovery plan commits to providing extra funding for more than 300 additional staff in CAMHS over the coming years. That has the potential to increase the capacity to see cases by more than 10,000. Long waits are always unacceptable, but it is important to stress that long waits are not the norm. The median wait nationally for a first treatment appointment in CAMHS was seven weeks, and of course almost eight out of 10 children and young people—which is not good enough—are seen within the target that we set.

The final point that I make is that, while the investment that I am speaking about to tackle longer waits is really important, there is a bigger challenge here, which is to redesign and reform CAMHS so that there is more preventative treatment and more early intervention. That is why counsellors in schools are so important, along with the approach to a national wellbeing service and, indeed, policies such as free bus travel, which supports the overall wellbeing of young people.

This is something that we need to address on all those fronts, and this Government is doing exactly that.

Face Coverings in Schools

Ross Greer (West Scotland) (Green): I acknowledge that today’s announcement on face masks in schools was made on the basis of clinical advice, but for many clinically vulnerable staff and pupils in our schools, it will only increase their anxiety. I ask the First Minister to confirm that no school or council should seek to prevent any pupil or member of staff who wishes to wear a face covering from continuing to do so.

The First Minister: That is a really important point, so I am grateful to Ross Greer for giving me the opportunity to underline it. The requirement to wear face coverings in classrooms will be removed from the end of February, but any young person or indeed any member of staff who feels safer wearing a face covering and would prefer to continue to wear one should absolutely be fully supported in doing so.

In all the decisions that we are taking right now, it is important that we balance the understandable and perfectly legitimate desire to get back to normal with understanding that those who are more clinically vulnerable have a real sense of anxiety. We need to consider their needs and concerns as well, so that is a really important point, and I am glad to have the opportunity to underline and emphasise it.

Early Learning and Childcare (Funding)

Meghan Gallacher (Central Scotland) (Con): More than 200 nurseries wrote to the First Minister this week to raise concerns relating to the roll-out of the 1,140 hours and the funding inequity between the private and voluntary industry and local authority nurseries. Private nurseries have warned that there are serious flaws in the delivery of the 1,140 hours and that, if they are not addressed, many will have to reduce opening hours or close completely.

Will the First Minister respond immediately to the concerns that are contained in the letter? Will the Scottish Government commit to an audit of early learning and childcare funding that compares best value between all sectors?

The First Minister: Of course we will respond to and indeed listen carefully to the views that are expressed in that communication, but I am really proud of the fact that, since last August, all councils have been offering 1,140 hours of funded early learning and childcare to all eligible children and that the private, third and childminding sectors are playing a vital role in the delivery of that, and are increasing choice and flexibility for parents. I thank everybody across the sector for that.

We are investing more than £1 billion in early learning and childcare in the current financial year. It is important to stress that the funding agreement

between the Scottish Government and the Convention of Scottish Local Authorities enables local authorities to pay sustainable rates to private nurseries that provide free early learning and childcare places, as well as to childminders. That is an important principle, but of course we will play close attention to the points that are made in the letter and respond as quickly as possible.

Online Pimping

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members' business debate on motion S6M-02911, in the name of Ruth Maguire, on online pimping. The debate will be concluded without any question being put.

Motion debated,

That the Parliament commends the Cross-Party Group on Commercial Sexual Exploitation for its inquiry into pimping websites and its report, *Online Pimping: An Inquiry into Sexual Exploitation Advertising Websites*; understands that pimping websites, which profit from advertising individuals for prostitution, operate with impunity in Scotland, including in the Cunninghame South constituency; considers that pimping websites facilitate demand for prostitution by enabling men who pay for sex to quickly and anonymously locate women to sexually exploit; believes that pimping websites facilitate and incentivise sex trafficking by centralising and concentrating demand online and making it quick and easy to advertise victims; understands that the Scottish Government recognises prostitution as a form of violence against women; notes what it sees as the Scottish Government's commitment to develop a model for Scotland to challenge men's demand for prostitution, and notes the view that the new model for Scotland must outlaw online pimping in order to deter demand and prevent sex trafficking.

12:51

Ruth Maguire (Cunninghame South) (SNP): Today, I am calling for three things: the Scottish Government to outlaw online pimping, traffickers and exploiters to be held to account with the full force of our criminal justice system, and the provision of comprehensive support and exiting services for women who have been advertised and exploited via pimping websites.

I thank colleagues from the Labour Party, the Conservative Party and the Scottish National Party for supporting my motion and enabling the debate to go ahead. I thank members for their speeches today. I am grateful to UK Feminista, which supported and facilitated the cross-party group in the Scottish Parliament on commercial sexual exploitation's inquiry and to all those who took part. I also thank all those who have provided briefing materials and feedback—in particular, A Model for Scotland. I declare an interest as a member of the steering group, however, it is the members of the group—the women who have generously and openly shared their lived experience and expertise, women who have exited prostitution, the front-line organisations that work with women, and the grass-roots campaigners—who do the real work. I am grateful to know them and I feel privileged to work with them. Their courage and tenacity are awe inspiring.

In 2021, the Scottish Parliament's cross-party group on commercial sexual exploitation, which I

co-convene with Rhoda Grant, conducted an inquiry into pimping websites. Most people in Scotland would be surprised to know that in our country, our current laws mean that criminal gangs that profit from sexual exploitation of women can hide in plain sight by using so-called adult services websites. A quick glance at one of those sites will show that in this city, right now, there are women who have been trafficked—both from outwith and within our borders—who are being subjected to abuse, violence and humiliation to satisfy the demands of a minority of men. It is happening not only in Edinburgh, but right across the country.

Scotland's laws on prostitution have not kept pace with technological change. As a result, commercial pimping websites, which advertise individuals for prostitution across Scotland, currently operate openly and freely. The problem that we face is that online pimping is legal and fuels sex trafficking in Scotland.

Detective Superintendent Filippo Capaldi, who is the head of Police Scotland's human trafficking unit, told our inquiry:

"Adult Services Websites are one of the main facilitators of trafficking for the purposes of sexual exploitation in Scotland and the rest of the UK, and we come across them quite commonly when we are dealing with trafficking inquiries, particularly involving foreign nationals."

Pimping websites enable and incentivise sex trafficking and sexual exploitation. Those websites, which host adverts for prostitution, expand the scale of sexual exploitation and enable anyone on the internet to anonymously access women who are advertised for prostitution. Websites are routinely used by sex traffickers, and there is no realistic way in which the website operators can prevent that.

Most prostitution advertising now takes place online rather than on the street or in local newspapers. A small number of websites dominate that online advertising marketplace. Those market-leading websites centralise and concentrate demand from sex buyers across Scotland. By placing an advert on one of those sites, trafficking gangs can quickly and easily advertise their victims to sex buyers throughout the country as well as move their victims between locations by simply altering the location information on their advert.

Frankly, those websites make the brutal business of sex trafficking easier and quicker for criminals. They do not deliver protection or security to the women who are advertised on them; on the contrary, they typically openly display the phone numbers of the women who are advertised, which allows anyone with access to the internet to immediately and anonymously access those women.

There is also no way in which website operators can identify whether a woman is being advertised on their site or exploited by a third party, such as a trafficker or pimp. As Megan King, who is a survivor of prostitution, told our inquiry:

"When I was handed over to my first client, at which point I had no idea I was being sold into the sex trade, that client took intimate photos of me, some in my underwear and others more intimate and degrading. The underwear shots were then used as profile pictures on my Adultwork profile that my pimp created without my knowledge or consent."

She said that

"there's no real way that [the website] can verify that that woman is the same woman that is then sold to a punter. In my situation, I believe that my pimp's wife took passport photographs under which all of his girls were then advertised."

An inquiry by the United Kingdom Parliament's all-party parliamentary group on prostitution and the global sex trade concluded that pimping websites are now core to the typical business model for sex trafficking. Those websites have turbocharged the sex-trafficking trade. They incentivise sexual exploitation by making it quick and easy for pimps and traffickers to advertise their victims to men who pay for sex. In Scotland, that online pimping is taking place on an industrial scale, but the operations fall through the cracks of our outdated prostitution laws, and website owners profit from that exploitation with impunity.

The Scottish Government must, with urgency, get on with adopting laws against sexual exploitation that are fit for the 21st century. That requires making it a criminal offence to enable or profit from prostitution of another person, tackling men's demand by criminalising paying for sex, and decriminalising and supporting victims of sexual exploitation.

It is time to get serious about men's violence against women and girls in all its forms. It is time to put pimps and traffickers out of business.

12:58

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I express my gratitude to my colleague Ruth Maguire for securing this important debate, and to my colleagues in the cross-party group on commercial sexual exploitation for their determined and focused work to highlight the brutal business that is the world of online pimping.

In Scotland, we have a Government that rightly recognises prostitution as a form of violence against women, and our "Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls" underlines that. We need to implement a "challenging demand" approach, whereby it is the sex buyer who is recognised as the driver for that violence and, in

turn, the pimps—whether they are on the streets, in brothels or operating online—are understood to be the traffickers and suppliers of prostituted women.

It beggars belief that men in Scotland are able to simply turn on their smartphones, open up the likes of the Vivastreet platform, and order themselves access to a woman's body as easily as they can order a pizza. What does that say about the position of women in our society? It says that they are commodities to be bought and sold, trafficked and abused from coast to coast. There is very little empowerment for women in a system that allows online platform companies and pimps to get rich at the bodily expense of women.

I recently watched the "Panorama" documentary "Online Pimps Exposed", which saw investigative journalist Bronagh Munro take a forensic look at the Vivastreet platform, on which one can buy a second-hand car as easily as one can find a woman in one's vicinity to exploit. Although the company maintained that it does all that it can to prevent pimps from operating on the site, that is not believable, given that the programme uncovered evidence that hundreds of ads included the same mobile number and the same language, including grammatical errors, but advertised multiple women. Those are clear warning signs that Vivastreet should have picked up on as indicators of sexual exploitation.

A known Northern Irish trafficker was followed to airports where he picked up women who were then quickly added to the platform, with access to their bodies for sale within hours. That clearly indicates sexual exploitation for financial gain.

The news documentary also featured interviews with Detective Sergeant Stuart Peall, who runs the exploitation team at Lancashire Police. He told "Panorama":

"Every single job is Vivastreet, they advertise over Vivastreet ... It is very common knowledge that if you need sexual services, Vivastreet is the place that you will find it. You can arrange what you want the girl to look like—it's like a takeaway menu. There isn't a job we have done that's not Vivastreet".

That is echoed by Detective Superintendent Filippo Capaldi, who is head of Police Scotland's national human trafficking unit. He said:

"Adult services websites are one of the main facilitators of trafficking for the purposes of sexual exploitation in Scotland and the rest of the UK, and we come across them quite commonly when we are dealing with trafficking inquiries, particularly involving foreign nationals."

There have been numerous prosecutions for pimping and sex trafficking involving people who have used Vivastreet to advertise the women whom they are exploiting. In one case in the north-west of England in 2017, a man spent £25,000 on adverts on Vivastreet, which actually gave him his

own personal account manager. What does that say?

A Model for Scotland's briefing for the debate further outlines that a small number of highly lucrative pimping websites dominate the online marketplace for advertising prostitution. They are the go-to websites for sex buyers who are looking for a woman to pay for sex. As a result, pimping websites centralise and concentrate demand from sex buyers online.

Women are murdered and assaulted in appalling numbers. We cannot disengage that reality from exploitation of women who are involved in prostitution and pornography. Violence against women must be seen in all of its forms and in all the places where it exists. Reducing women to commodities harms us all, so our laws must reflect that.

13:02

Russell Findlay (West Scotland) (Con): I congratulate Ruth Maguire on securing this important debate, and I am very glad of the opportunity to speak in it.

As MSPs, we get bombarded with a vast amount of information from political parties, public and professional bodies, members of the public, pressure groups and charities, along with many others. I do not think that any of us can claim to read it all. However, I would urge all members to take the time to read the report on online pimping that has been produced by the cross-party group on commercial sexual exploitation. It is a thorough and well-researched piece of work that lays bare the extent of the online sex industry and the hugely complex issues around how best to deal with it.

The report identifies four main websites that are operating in the United Kingdom. Today, one of those websites contains 905 adverts for prostitution, often euphemistically misnamed as "escorting". Of those adverts, 358 are in Glasgow and 176 are in Edinburgh. However, the issue is not just in our big cities, with women for sale today in all but two of our 32 local authority areas. Some of the content is deeply disturbing. A cursory look yields an advert containing the word "schoolgirl". There are women from many countries, including those, such as Romania, that are associated with the trafficking of people. The seedy websites are a window on a deeply disturbing and dangerous world. Services and prices are displayed alongside photos of the women, whom we are expected to believe have made the choice to do what they are doing.

The report makes it clear that many of the women have been enslaved by cross-border criminal gangs and are treated as no more than

commodities. One of the most shocking findings in the CPG's report is that the median time for which a sex trafficking victim is held captive is 274 days—approximately nine months. In that time, they will be raped 795 times.

I note with interest the competing views about how law enforcement deals with the websites and the sex trade more generally. It seems that the police have sought to engage with the sites in order to identify and catch the criminal gangs and offer some form of protection to the victims. The approach of the police seems to be based on pragmatism and an acceptance that the trade in sex will always be with us. However, the CPG's report suggests that a much more robust approach is necessary, citing France as an example. One concern is that that may drive the trade further underground, potentially making the police's task even harder and increasing the danger to women. I appreciate both perspectives, and I am sure that that will be the subject of continued debate.

I have only four minutes, so I will conclude by categorically agreeing with others that men are the catalyst for the online trade in women—just as men have controlled sex for sale throughout the ages, since long before the internet. It is men who use violence and threats to control their female victims, and it is men who maintain the trade by paying for sex with absolutely no regard for the subjugation and misery that they are fuelling.

This trade is part of broader societal issues that affect women and girls, from the sexualisation of children, the abundance of pornography, female exploitation, and everyday sexism and discrimination right through to a criminal justice system in which women continue to be failed—as was acknowledged in the chamber this week by the Cabinet Secretary for Justice and Veterans.

Last year, it was reported that an English university was offering sessions to support students involved in sex work. I agree with the United Kingdom Minister for Higher and Further Education, Michelle Donelan, who said that that was “legitimising a dangerous industry”.

I will conclude by stating that it is incumbent on all men to stand up and be counted—to be part of the solution, not part of the problem.

13:06

Collette Stevenson (East Kilbride) (SNP): I thank Ruth Maguire for securing the debate and for her work on the cross-party group on commercial sexual exploitation. The group's report, “Online Pimping”, is a detailed and harrowing piece of work that covers many bases.

In many cases, girls and women are trafficked and then bought, sold or hired by men for the

purposes of sexual violence and exploitation. Unfortunately, that is not new, but the rise of the internet has changed the landscape and, as the CPG's report notes, it has fuelled a demand and has grown the market in recent years. In the past, men who paid for sex were at risk of being caught when frequenting red-light districts. Nowadays, men can access websites to buy women by the hour just as easily as they can do online grocery shopping.

Rightly, the Scottish Government recognises prostitution as an example of gender-based violence. As we have heard, equally safe is the national strategy to prevent and eradicate all forms of violence against women and girls. It has been adapted for schools in order to embed gender equality into our education system and to prevent gender-based violence. That is important for many reasons, including in relation to men's demand for prostitution. Research from the Sandyford clinic in Glasgow found that men who have not purchased sex by the age of 25 are less likely to ever do so. By educating boys and young men and by highlighting that prostitution is sexual exploitation, we can hopefully curb some of the demand.

We also need reforms to the law regarding those who pay for sex. The need to end commercial sexual exploitation is clear. I know that the Scottish Government has been considering international best practice in tackling the harms associated with prostitution, and I welcome the commitment to develop a model that will reduce the harms of prostitution and challenge men's demand but that will also support women to exit prostitution.

Right now, as Ruth Maguire points out, online pimping is legal but the women, who may well have been trafficked, are criminally liable. Equally safe emphasises the importance of exit services to support women to leave prostitution and move on with their lives. Importantly, those women deserve to be treated without fear of judgment or discrimination. Women who have been involved in prostitution experience huge stigma, but the outrage should be directed towards the men who buy sex. It is crucial that the model for Scotland tackles the stigma that is experienced by women, encourages them to come forward and get the help and support that they are entitled to, and does not make the victims of sexual exploitation the people who face criminalisation.

I commend the cross-party group for its inquiry. I thank everyone involved for their work, especially those women—the survivors of sexual exploitation—who are trying to effect change. To date, the Scottish Government's approach has been good, but we need legislative change. It is time to outlaw online pimping, and I look forward

to hearing an update from the minister on the planned reforms.

13:10

Rhoda Grant (Highlands and Islands) (Lab): I, too, congratulate Ruth Maguire on securing the debate. It is good to see her back in the chamber.

We all know and recognise that prostitution is violence against women. In a country that values equality, men should not be able to buy access to other people's bodies. That is male violence and an abuse of power, and it has no place in Scotland; yet, today, 1,595 women are on sale in Scotland on Vivastreet and Adultworks.

That is because a sizeable minority of men in Scotland are abusive, which has led to the creation of a lucrative industry. The pimps, traffickers and brothel keepers exploit that market, but, to do so, they need to be able to advertise their victims to sex buyers. The pimps are the same, whether they advertise on the street, own a brothel or operate a website. They facilitate and profit from the prostitution of others. Vivastreet, Adultworks and the rest are simply pimps making money through promoting violence against women and exploiting people to feed an appalling trade.

The truth is that prostitution is lucrative for those who manage it. The websites say that they have measures in place to prevent victims of trafficking from being advertised on them. However, as we heard from Ruth Maguire, our witnesses in the report tell us something very different. Megan King's evidence was alarming.

Elena Whitham cited last year's BBC "Panorama" broadcast, which was an investigation into Vivastreet that exposed how pimps and their traffickers use the site to advertise their victims. The journalist who led that investigation, Bronagh Munro, said:

"I was able to identify a pattern surrounding phone numbers, surrounding the names of the women that were being advertised, the names of women that were passing through multiple postcodes. There were hundreds of numbers connected to multiple ads. ... The 12,000 ads that I looked at were littered with adverts that I would say were concerning."

If she can see that, surely so should the police.

Elena Whitham also cited the case that shows how seriously Vivastreet takes the issue of sex trafficking: that of the trafficker who spent £25,000. Prior to that man's arrest, Vivastreet did not respond to his high rate of spending on prostitution adverts by calling the police; instead, it allocated him an account manager.

Pimping websites have a major vested interest in prostitution and will oppose any attempt to combat that exploitation. The charity National Ugly

Mugs is launching NUMbrella lane, a service in Scotland for people who are involved in the sex trade. The Vivastreet logo is on the home page of its website, in its list of funders. The website states:

"We have a longstanding relationship with Vivastreet that began in 2015".

Last year, National Ugly Mugs lobbied the Scottish Government, through the equally safe consultation, to fully decriminalise the sex trade, including for third parties. There is a close relationship between exploiters and organisations that promote the decriminalisation of pimps, making money out of misery and using it to further the cause of misery. They must be stopped.

13:14

Maggie Chapman (North East Scotland) (Green): I thank Ruth Maguire for bringing this debate to the chamber today, because it allows me to give voice to those who are not represented by the sexual exploitation inquiry report—sex workers.

As we seek to tackle violence against women and girls, including sex trafficking, we should follow the evidence to ensure that we support sex workers and keep them safe and tackle the causes and structures that enable sex trafficking and violence against women and girls.

Ruth Maguire: Would Maggie Chapman acknowledge that, although we might call them different names, people who had been involved in prostitution were very much represented in our inquiry? We spoke with those who were involved in what might be deemed high-class prostitution and people who had been victimised in the street. Current sex workers were also invited to take part, but they declined.

Maggie Chapman: I will talk about the responses from Scot-PEP, which represents sex workers, about how their evidence was not included in that report.

I do not agree that outlawing adult services websites will stop sex trafficking and deliver the kinds of changes that the motion outlines. Sex workers—and groups that support and represent them—do not want online platforms to be banned, and they highlight three key reasons for that. First, sex workers use online platforms to screen clients, in order to improve safety. They also use them to connect with each other, in order to reduce isolation and keep each other up to date with risk alerts.

Rhoda Grant: Will the member take an intervention?

Maggie Chapman: I am going to make some progress.

Secondly, if online platforms were banned, it would force sex workers into on-street and other informal ways of working.

The Minister for Community Safety (Ash Regan): Will Maggie Chapman take an intervention on that point?

Maggie Chapman: I am going to make progress.

That could disrupt their income streams, which would cause economic hardship, and would lead to survival sex work, which is more unsafe. There is clear evidence from the US where, following the Allow States and Victims to Fight Online Sex Trafficking Act and the Stop Enabling Sex Traffickers Act of 2018, violence experienced by sex workers increased, as did their vulnerability to pimps. Perhaps unexpectedly, it also negatively affected their ability to find other forms of work. They were less able to deal with mental and physical health issues and therefore less able to secure alternative employment.

Thirdly, banning online platforms risks displacing activities to the dark web and other unregulatable spaces, where there is far more risk of harm and less scope for outreach, safety and support services. The dark web is already used by traffickers, and banning online sites now will not stop that.

Beyond the Gaze, a research project that was funded by the Economic and Social Research Council, found that sex workers overwhelmingly agreed that the internet had enabled them to work independently of pimps or managers, screen clients effectively, find out about their rights as workers and people, access networks and support, and improve the quality of their working lives.

Rather than criminalising and endangering sex workers, I urge the Scottish Government and those who speak in the debate today to engage with and speak to sex workers, in order to explore how we can regulate adult services sites, improve safety, secure rights and options for earning the money needed to live, while also addressing poverty, economic insecurity and structural inequality.

I also encourage members to read the response to the CPG's sexual exploitation inquiry from ScotPep, whose evidence was not included in that report.

I will close with the words of a young sex worker in Edinburgh. Jay says:

"I know firsthand the impact removing online advertising spaces causes as my colleagues in the united states were being contacted by pimps being told that it's different now, and claiming that we need them. I don't want to see workers in Scotland pushed back into the hands of

managers. When I started sex working at 21 I worked in a brothel where a manager took 60% of my earnings and I kept 40%. Being able to work alone has helped me to keep my earnings, helped me to achieve stable housing, and allowed me to claw my way out of poverty. We must abolish poverty, not force women working in sex work into worse and more dangerous conditions in the name of saving them."

13:19

Bill Kidd (Glasgow Anniesland) (SNP): I thank our colleague Ruth Maguire for lodging the motion for debate. I state my support for the A Model for Scotland campaign, and I urge my fellow MSPs to support the campaign publicly.

I agree that legislation is required to account for technological change, which has significantly increased the levels of sex trafficking and exploitation taking place in Scotland. As members will be aware, Rhoda Grant MSP was kind enough to arrange a briefing on the A Model for Scotland campaign last December, and it is still available online.

At that briefing, Valiant Richey, the co-ordinator for tackling human trafficking in Europe at the Organization for Security and Co-operation in Europe, spoke about the scale of the issue at hand. He highlighted that, 10 years ago, a study concluded that technology is the single greatest facilitator of the commercial sex industry. He went on to say that, over the past decade, the only thing that has changed from that conclusion is that the situation has grown much worse.

That is confirmed by police who are leading convictions against traffickers in the UK. The police, notably Sergeant Peall, say that the scale of sex trafficking cannot be met by current police resources and that these websites incentivise trafficking by increasing profitability.

That brings us to today's debate, in which we, as legislators, have the power and ability to begin the process of closing the legislative gap and to seek to stop online pimping websites from facilitating mass exploitation in Scotland while they evade the law. Detective Chief Superintendent McCluskey, the head of public protection for Police Scotland, who was recently awarded the Queen's police medal, described online pimping websites as the most significant enablers of sexual exploitation in Scotland.

Should the Parliament move forward and legislate on this matter, I would urge fellow parliamentarians to remain informed and grounded about the horrific reality of the abuse and misery of sexual exploitation and trafficking, including of children. I underline that there is no such thing as a good or safe buyer in prostitution—in fact, that idea is farcical. Our laws already recognise the abhorrent nature of sex trafficking and prostitution.

I urge MSPs to anticipate that there will be false dichotomies and false narratives put forward by lobby groups that are paid for by those who profit from the legal industry, including people who have been convicted of human trafficking offences. Those views can also come from people who have heard those narratives and whose levels of information on the issue may vary.

The OSCE co-ordinator for tackling trafficking in 57 countries in Europe, central Asia and North America, Mr Richey, explained that the advertising of women for sale on these websites opens a gateway to harm. The websites allow, on a great scale, the intersection of somebody paying for sex with someone who did not come to that transaction willingly. Rather, that person, whether they are a woman or a child, finds themselves trapped as a result of coercion, abuse or people preying on their vulnerability. The whole transaction is rendered as non-consensual sex. The websites facilitate mass rape and, in the UK, have been linked to many cases of further violence and homicide. They should not be legal under any circumstances. The websites are against human rights. Mass rape is not a human flourishing—rather, it is the worst possible kind of degradation against people who are the most vulnerable in our society.

Examples from the US and Israel show how successful legislation can be in shutting down the operation of these websites. For example, after the FOSTA-SESTA legislation was passed in 2018, the online marketplace for these websites in the US dropped by 80 per cent in 72 hours. It is our responsibility as MSPs to act to the limits of our abilities and to take this issue, and the protection of the victims of exploitation and trafficking, seriously.

13:23

Mercedes Villalba (North East Scotland) (Lab): I will not be taking interventions, as the dominant view has already been very well represented in today's debate.

I thank Ruth Maguire for bringing forward the motion for debate; I believe that her concerns are genuine. However, I am concerned that moves to criminalise online platforms that are used by sex workers will actually increase the risk to their safety. Sex workers themselves have said that they use online platforms to screen clients, improve safety and connect with each other for support. Such platforms also provide greater opportunities for sex workers to access outreach, safety and support services than would likely be the case in unregulated online spaces such as the dark web. That is why I believe it important for any decisions that could affect the safety and livelihoods of sex workers to be taken after

meaningful consultation with those in work and to be based on evidence.

The evidence from studies so far shows that the vast majority of sex workers believe that there are benefits to their use of online platforms. The Beyond the Gaze project surveyed sex workers, who agreed that online platforms had improved their safety and their ability to access support and noted that they enabled them to screen clients, engage with sex worker networks and access support services. Crucially, the vast majority of them believed that both advertising sexual services online and purchasing such services should be legal.

What happens when a criminalisation approach is pursued? The US has opted for criminalisation of online platforms through the FOSTA-SESTA law and the End Banking for Human Traffickers Act 2021. Research that was published in the *Anti-Trafficking Review* found that those laws had increased the financial insecurity of sex workers, with some forced to move offline to work on the streets or through an exploitative third party. The laws have also undermined sex workers' safety with the loss of web-based harm reduction tools that helped to identify clients with a history of violence.

The result of those laws, therefore, has been to push these workers into more dangerous ways of working, into greater financial insecurity and away from support networks, and they were passed in the face of opposition from workers, anti-trafficking organisations, criminal defence lawyers and LGBT, health and social justice organisations. The approach that has been taken by the US is the clearest example of policy being made in spite of evidence and without meaningful consultation with those affected.

As I have said, if we are serious about supporting people to exit sex work, we have to tackle the underlying material issues that often drive people into sex work in the first place. Some issues such as the lack of employment and education opportunities and inadequate social security provision are long-standing, while others are being worsened by the current cost of living crisis with regard to rent, food prices and heating.

Given such underlying material issues, the criminalisation of online platforms will not help individuals leave sex work. Instead, it will leave sex workers facing greater risks to their safety, drive them into financial insecurity and deny them access to support networks and services. The proposal to criminalise online platforms is based on neither the evidence nor the views of sex workers. We need a new approach, which is why I continue to believe that we should pursue decriminalisation of sex work offline and online.

I conclude with a comment from a sex worker reflecting on the FOSTA-SESTA law, who said:

“It was written to remind”

us

“that our lives are dispensable, we are not protected, our work is unseen and irrelevant, to destabilize our ability to live with any degree of agency”.

13:28

Paul McLennan (East Lothian) (SNP): I, too, thank Ruth Maguire for lodging the motion for debate. I also thank CARE and A Model for Scotland for the briefings that they have provided.

Prostitution remains inherently exploitative. Let us call it what it is: it is gender-based violence, no more, no less. As it stands, this form of violence against women is wholly within the law, which is something that would be unthinkable in any other context. I agree that the Government deserves credit for its equally safe strategy, its recognition of prostitution as a form of violence against women and its stated commitment to having a tailored Scottish model for tackling it.

As A Model for Scotland states in its briefing,

“Online pimping is currently legal in Scotland. As a result, highly lucrative pimping websites operate with impunity.”

Many people in Scotland do not see this sort of thing and they are unaware of the issues that it causes every day. As Rhoda Grant has said, there are about 1,500 to 2,000 women for sale now, which is incredible.

Pimping websites play a key role in enabling and incentivising sex trafficking and sexual exploitation in Scotland. The websites make it quick and easy for traffickers and pimps to advertise their victims to sex buyers across the country. We heard Elena Whitham talk about it being as easy as going shopping. Someone can go online and two minutes later, that is it; they buy a woman. They buy a woman!

The Scottish Government is committed to challenging men's demand for prostitution and to supporting women to exit sexual exploitation. To achieve that goal, A Model for Scotland asks that the Scottish Government outlaws online pimping, holds exploiters to account and delivers comprehensive support and exiting services for individuals who are advertised and exploited through the pimping websites.

We have heard about the cross-party group, which found three main issues. The first is that the pimping websites knowingly facilitate and profit from the prostitution of others. Secondly, commercial pimping websites are designed to facilitate and profit from this form of violence

against women. Thirdly, they incentivise and enable sex trafficking by centralising and concentrating demand online.

We have heard already that a small number of highly lucrative websites dominate the marketplace in Scotland. Another key thing is that they are a market-expanding force. The sites can be set up pretty quickly—it takes no technical expertise—and they enable the industrial scale on which sexual exploitation takes place. The size and the scale of the prostitution trade is not constant; it is context dependent.

It is important to touch on the evidence base that supports the recommendations on legislation against online pimping. We heard about the Stop Enabling Sex Traffickers Act of 2017 in the United States, which significantly disrupted a major pimping website called Backpage and resulted in a real reduction in demand on such websites.

Online pimping is also illegal in France. Legislation makes it illegal to assist in or profit from another person's prostitution. Procuring is punishable by seven years' imprisonment and a fine of €150,000. The sentence can be increased to 20 years' imprisonment and a fine of €3 million if the offence is committed by an organised group.

In conclusion—and this is the key part of the evidence for me—Valiant Richey from the Organization for Security and Co-operation in Europe, who is the co-ordinator for combating trafficking in human beings, said:

“Governments should really be considering policy options to shut down these sites as quickly as possible”

as such sites have

“made it much easier for traffickers to advertise people and much easier for buyers to find them. And any time you reduce that threshold, those barriers to accessing the market, you are going to see more engagement and that's been the major problem. It also reduces risk for traffickers, so it makes it much more attractive.”

Online pimping is wrong. It is symptomatic of gender-based violence against women and has no place in Scotland in 2022.

Rhoda Grant: On a point of order, Presiding Officer. I think that Maggie Chapman may have inadvertently misled members. On 12 October 2020, Ruth Maguire contacted SCOT-PEP, inviting it to give oral evidence to the cross-party group inquiry. On 10 November that year, I wrote to SCOT-PEP, again extending an invitation to give oral evidence and suggesting that, if that was not possible, it might wish to give written evidence. On 12 November, I again wrote to SCOT-PEP asking it to give evidence to the inquiry, either oral or written. We had no response to that.

The Deputy Presiding Officer: I thank the member for her contribution. I suggest that that is

not a point of order, on the basis that the content of statements and contributions from members is not a matter for the chair. However, the member has made her point, which will be in the *Official Report*.

I call on the minister, Ash Regan, to respond to the debate.

13:33

The Minister for Community Safety (Ash Regan): I thank Ruth Maguire for the motion and commend the cross-party group on commercial sexual exploitation for its report, which highlights the cross-cutting issues related to online pimping, such as its role in facilitating human trafficking, and the underlying issue of how women are viewed in society, which is timely, given that the independent working group on misogyny is due to publish its report later this month.

Ms Maguire's speech was an unflinching portrait of this grim issue and there were many excellent speeches across the chamber. I never thought that I would get to this point, but I am quite in agreement with Russell Findlay on many of the points that he raised in his speech.

However, I cannot agree with either Maggie Chapman or Mercedes Villalba on either their assessment of the issue or the approach that we should take to it. Of course I agree that listening to prostituted women is very important. The point of order that Rhoda Grant just made showed that that is considered to be an important element and we want to listen. For the members' information, SCOT-PEP is also on the Government's reference group, so we are listening carefully to what it has to say. I agree that that is really important. I have also spoken to a number of women who have been involved in prostitution, so I assure members that I take that seriously.

However, I urge members to look at the reality of prostitution in countries that have pursued decriminalisation. Members should consider the high level of trafficking that is involved and the conditions, which, I am sorry to say, are far from safe for the women who are involved. They should also consider the levels of commoditisation, which has come up a lot in the debate. I reflect that that inhumane commoditisation harms not only the women who are involved, but harms and impacts on society's view of all women. My question to both Maggie Chapman and Mercedes Villalba is, is that appropriate and desirable? Is it what we want in Scotland? I would say that it is not.

The Scottish Government is clear that misogyny fuels violence against women and girls and erodes our efforts to make progress to address gender inequality. Women's bodies being commodified in that way and purchased by men is a deeply

misogynistic behaviour. An exchange for sex or sexual services is not about sex: it is about power, control and the persistence of structures that normalise such harmful behaviours in our society.

The equally safe strategy's definition includes the full spectrum of violence against women. It does not prioritise tackling one behaviour over another to achieve equality—Elena Whitham mentioned that in her speech—but recognises that forms of gendered violence frequently overlap. A recent snapshot survey by the Encompass Network demonstrates that point. Of the women in that survey, 36 per cent disclosed experiences of childhood sexual abuse, 83 per cent disclosed experiences of domestic abuse and 20 per cent disclosed that they were under 18 when they were first involved in selling sex or sexual images.

Our commitment to tackling prostitution is in line with our intention to incorporate the United Nations Convention on the Elimination of all Forms of Discrimination against Women into Scots law. Article 6 of the convention compels Scotland to take all appropriate measures, including legislating to suppress all forms of trafficking and exploitation of women through prostitution. That is a global call to action and one to which we must respond. This year's programme for government does that by committing the Scottish Government to develop a model for Scotland to challenge men's demand for prostitution. In doing so, it adds to a series of policy actions that are being taken to root out misogynistic behaviours in society.

The cross-party group's report calls for a number of legislative solutions to address certain activities that are associated with prostitution and to restrict pimps' and traffickers' room to operate and exploit. There are a number of laws in Scotland that make certain activities that are associated with prostitution illegal. Those activities are: running a brothel; public solicitation to sell or purchase sex; loitering to sell or purchase sex; procuring someone into becoming a prostitute; and trafficking for the purposes of sexual exploitation.

I fully recognise that those laws are piecemeal and were not consistently developed against a wider understanding of socioeconomic deprivation or, in some cases, even when the internet was available. However, we are clear that the development of a new model to challenge men's demand must be informed by such factors and make things better, not worse, for women. We must shift the burden and focus on the men who buy sex, and have been able to do so for generations, without being held to account for their actions.

To support the design of the model, we have tasked a short-life working group of experts to consider what the fundamental principles to

underpin the model could be. The group has met on two occasions and is making excellent progress. Its membership includes justice and health representatives, the Convention of Scottish Local Authorities, Scottish Women's Aid, representatives from violence against women partnerships and Public Health Scotland.

The development of principles will create a solid foundation that will uphold the values that we want to be reflected in the model and will ensure that women's safety is at its heart. Our ambition is to make very clear what the model stands for and draw on possible areas of consensus, such as the need to further recognise and address the structural and systemic disadvantages that women experience. The draft principles are expected in the early part of this year and we will consult further to feed further voices into the process.

A national contract has been awarded to an independent research team to undertake lived experience research in order to better understand current support, service provision and the needs of service users. That will help to inform the aspects of the model that deal with support.

An independent Scottish Government analysis is under way to look at lessons that have been learned internationally about implementing laws to challenge men's demand. That will be vital as we learn from the global stage how best to approach the issue.

It may be helpful if I set out that the regulation of internet and online service providers is a reserved matter. We are continuing to liaise closely with the UK Government on the forthcoming online safety bill. On 4 February this year, the UK Government announced that extra priority offences will be included in the bill. We understand that that will include offences that involve sexual exploitation. In principle, the move is welcome, as it aims to make the internet hostile to pimps and human traffickers. We will consider the bill very carefully once we have more detail on it, especially with regard to the scope of the domestic model that we are developing.

Now is the time for progressive and ambitious policies that support women, address the underlying causes of misogyny and drive gender equality forward. I am heartened by the debate and am fully committed to continuing to work with members across the chamber and stakeholders as we further progress with the model's development.

The Deputy Presiding Officer: That concludes the debate. I suspend the meeting until 2 pm.

13:41

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Constitution, External Affairs and Culture

The Deputy Presiding Officer (Liam McArthur): Good afternoon. I remind colleagues of the Covid-related measures that are in place and that face coverings should be worn while moving around the chamber and the wider Holyrood campus.

The next item of business is portfolio questions. On this occasion, the portfolio is constitution, external affairs and culture. As ever, if a member wishes to ask a supplementary question, they should press their request-to-speak button or place an R in the chat function during the relevant question.

International Development Programme (Climate Change)

1. **Foysoil Choudhury (Lothian) (Lab):** To ask the Scottish Government what discussions it has had regarding how its international development programme can help to support less-developed countries that are at the forefront of climate damage. (S6O-00740)

The Minister for Culture, Europe and International Development (Neil Gray): Our climate justice fund supports communities that are on the front line of the global climate emergency. At the 26th United Nations climate change conference of the parties—COP26—the First Minister committed to treble the fund to £36 million over the parliamentary session and to provide support for loss and damage.

The floods in Malawi following storm Ana highlight the damaging impact of extreme weather events on climate-vulnerable communities. We have been communicating with the Government of Malawi on the floods and are exploring the most appropriate means of support for those who have been affected.

Foysoil Choudhury: I would like to congratulate Neil Gray on his new post. We are missing him in the Social Justice and Social Security Committee. I hope that he will do his new job as well as he did his job on the committee.

The United Nations World Food Programme has just communicated that nearly 13 million people in the Horn of Africa are facing severe hunger because of drought conditions, which have affected pastoral and farming populations across southern and south-eastern Ethiopia, south-

eastern and northern Kenya, and south-central Somalia. Many people are now becoming climate refugees.

What new engagement has the Scottish Government had with the United Kingdom Government about sharing information and technology for farming adaptations, not just with the Horn of Africa but with our partner countries, such as Zambia and Malawi, which have also suffered from the effects of climate change?

Neil Gray: I thank Foysol Choudhury for his kind words at the start—flattery will get him everywhere. It is greatly appreciated.

Clearly, we have a commitment to our partner countries, but our commitment to international development and our climate justice work does not stop there. We are keen to do whatever we can, within the powers that we have, to support those initiatives worldwide. If we can support that through the work that the UK Government is doing, then we will do.

Kenneth Gibson (Cunninghame North) (SNP): I welcome the minister to his post.

I am delighted that the United Nations children's organisation UNICEF is to receive £1.5 million from the Scottish Government, as announced today, to support equitable access to Covid-19 vaccines and therapeutics in Rwanda, Zambia and Malawi.

Does the minister agree that Scotland could do so much more if powers over international aid and development were with this Parliament instead of with a UK Government that has broken its own manifesto commitment to invest 0.7 per cent of gross national income in helping the world's poorest nations?

Neil Gray: Yes. The Scottish Government believes that the cutting of official development assistance spending from 0.7 per cent to 0.5 per cent of GNI was a deplorable decision that has hit the world's poorest and most marginal communities at a time of huge need, as we have already heard. We will continue to urge the UK Government to reinstate spending of 0.7 per cent of GNI as soon as possible.

In contrast to the UK Government, we have committed not only to maintain our international development budget but to increase it by 50 per cent to £15 million over the course of the parliamentary session, and we have trebled our support for climate justice. Our statement of intent highlights how much more we could do with the powers of independence.

Maurice Golden (North East Scotland) (Con): On behalf of members on the Conservative benches, I welcome the minister to his post.

Improving waste management in developing countries not only helps tackle climate change but helps improve sanitation and lower health-harming pollution levels. However, historically, waste management has attracted very little support, with UN figures showing that it got just 0.32 per cent of global funds. Does the minister agree that there is an opportunity for Scotland to take a lead by targeting our support in a space that is often ignored?

Neil Gray: Yes, I do. I would be happy to engage with Maurice Golden on the issue and on any ideas that he has for how we can support that further.

Brexit Freedoms Bill (Engagement with UK Government)

2. **Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** To ask the Scottish Government what engagement it has had with the United Kingdom Government regarding the potential impact on Scotland of the proposed "Brexit Freedoms Bill". (S6O-00741)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): We have had no meaningful engagement with the UK Government on the Brexit freedoms bill. I spoke to the UK Attorney General just two days prior to the UK Government announcement. The meeting gave a clear impression of being for no other purpose than to allow the UK Government to say that discussions had taken place with the devolved Governments, when what was, in fact, on offer was a vague verbal briefing with nothing in writing and no advance briefing of any sort. That was totally inadequate given the sweeping changes that are proposed to law, including law in devolved areas.

The approach that has been taken by the UK Government is all the more galling for its proximity to the publication of the intergovernmental relations review. It runs completely counter to the principles set out clearly in the review of

"mutual respect for the responsibilities of the governments" and for

"Building and maintaining trust, based on effective communication".

Jim Fairlie: I share the cabinet secretary's concerns. Does he share my concern that the bill is just another method, if any were needed, to undermine the legitimacy of the Scottish Parliament's role in carrying out what it was democratically elected to do? Specifically, in areas around agriculture and subsidy control, elements of the bill have the potential to make it much harder for this Parliament to deliver the policies that work best for Scotland's farmers.

Angus Robertson: I do, indeed, share the concern that the bill risks undercutting this Parliament's powers and responsibilities. Although the precise provisions of the Brexit freedoms bill have not yet been published, based on the UK Government's recent behaviour I remain concerned that Scotland's world-leading animal welfare and environmental standards will be undermined. For example, we know that the UK Government was willing, in a recent free trade agreement with Australia, to grant Australian agri-food exporters significant market access to the Scottish agriculture market while producing at lower animal welfare and environmental standards, therefore undercutting our domestic producers.

Turning to the question of subsidy control, an effective subsidy control regime should promote a fair business landscape while facilitating targeted and effective support. The regime that is proposed in the Subsidy Control Bill is asymmetrical, giving sweeping powers to the UK secretary of state with no equivalent powers for devolved Administrations. It may also disproportionately restrict agricultural subsidies that we may wish to offer in Scotland in future.

Sarah Boyack (Lothian) (Lab): I want to follow up on the issue, given the potential impact of the bill on the Scottish Parliament's competences. Will the cabinet secretary provide an update on whether he has been able to have a conversation with the UK Government on the issue? Given that those new intergovernmental relations are now theoretically in place, has he asked for a meeting? It would certainly be useful for Parliament to get some feedback on progress, so that we can have transparency, and for us to be able to look at the bill when it comes forward.

The Deputy Presiding Officer (Liam McArthur): As briefly as possible, cabinet secretary.

Angus Robertson: Not only has our unhappiness been conveyed to the UK Government, but, significantly, so too has the high level of agreement that exists between the Scottish National Party-led Government in the Scottish Parliament, the Labour-led Government in Wales and Democratic Unionist Party and Sinn Féin ministers in Northern Ireland. We sat incredulous in a meeting with the UK Attorney General, who was acting at complete variance with the assurances in the agreement that had been announced only weeks earlier. It is fine and well to have agreements in principle about how intergovernmental relations should work, but, if the mindset does not change, relations will not improve. The answer is that, yes, we have communicated that to the UK Government and we are working very well and closely with colleagues

in Wales and Northern Ireland, of all political persuasions, to make sure that the UK Government hears loud and clear that its approach is totally and utterly unacceptable and has to change.

The Deputy Presiding Officer: Thank you, cabinet secretary. I am conscious that we have a bit of time in hand over the course of the afternoon, but I would appreciate slightly tighter questions and slightly more succinct answers from the ministerial team.

International Development Programme (Vaccines)

3. **Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government what discussions it has had regarding how its international development programme can support the sharing of vaccines and help to tackle the reported vaccine apartheid in the global south. (S6O-00742)

The Minister for Culture, Europe and International Development (Neil Gray): On 8 December, the First Minister wrote to the Prime Minister to urge the United Kingdom Government to join more than 100 countries that are now supportive of a temporary trade-related aspects of intellectual property rights waiver for Covid-19 vaccines. By waiving patent protection for Covid-19 vaccines, countries will be able to make use of all the tools that are available to increase vaccine access.

As we have announced today, the Scottish Government has provided international development funding to support vaccine preparedness and delivery in Malawi, Zambia and Rwanda. That included a £2 million contribution in December 2020 and will include a further £1.5 million this financial year.

Mark Griffin: The minister will be aware that the proportion of fully vaccinated people is 54 per cent in Rwanda, but 9 per cent in Zambia and just 4 per cent in Malawi. Those countries are the Scottish Government partner countries that the minister has mentioned, and they should and will look forward to receiving that additional support. Does the minister engage with the authorities in those countries on the reasons for such a slow roll-out? How many vaccines have been shared with those countries?

Neil Gray: We are in constant discussion with our partner countries about those issues, which is why it has been identified that that support would be welcome. We are continuing that support, but—and this is an early priority for me—we must ensure that we enhance on-going vaccine equity support worldwide and build on the leadership that the First Minister has shown with regard to the UK

Government joining up with an intellectual property rights waiver for vaccines.

Sharon Dowey (South Scotland) (Con): I, too, welcome Neil Gray to his new position.

The announcement of funding to Malawi, Zambia and Rwanda is welcome. Will the Scottish Government give us an update on other aid that has been promised? In October, the Scottish Government pledged £120,500 from its humanitarian aid fund to help South Sudan's Unity state, which suffered flooding across 90 per cent of its territory. How much of the funding has been spent in South Sudan, and how has the country been sent, given recent articles that said that charity teams have—

The Deputy Presiding Officer: I call the minister.

Neil Gray: I would be happy to update Sharon Dowey in writing on the work that has been done via the humanitarian effort.

Forced Adoption (Access to Records)

4. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government what discussions it has had with National Records of Scotland and other organisations on the challenges facing people affected by historic forced adoption when seeking to access records. (S6O-00743)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government and its officials have had discussions with a number of organisations that are involved in adoption records, including the National Records of Scotland, as part of our initial engagement activities around historical adoption practices.

The Scottish Government is determined to improve the experience of those whom adoption has affected, and access to records is one of a number of areas that we are exploring. We are seeking a broad range of views and want to learn more about the impacts as we progress with our engagement. The information that we receive will help inform how we support those whom such practices have affected.

Monica Lennon: I thank the cabinet secretary for that helpful update, and I, too, welcome Neil Gray to his post.

As the minister and the cabinet secretary know, it is estimated that around 60,000 mothers in Scotland had their babies taken from them due to historical forced adoption practices. For many years, the campaigners have been fighting for justice, including for a long-overdue formal apology, specialist mental health support and better access to records.

I am glad that the cabinet secretary is aware that real difficulties exist for mothers, fathers and adoptees in accessing information and records. Will he meet me, campaigners who want to bring additional information to his attention and other MSPs who have an interest? Will he commit to doing all that he can to urgently improve access to records and information?

Angus Robertson: I would be delighted to meet Monica Lennon and campaigners on that issue. I am sure that, between her office and mine, we can find a suitable date as soon as possible.

The Scottish Government has already opened discussions with a number of organisations, including Birthlink, the National Records of Scotland and a number of adoption agencies through Social Work Scotland's fostering and adoption sub-group. We will continue to meet them as we seek to expand our understanding of this complex and multifaceted issue. Meeting the campaigners that Monica Lennon has mentioned would be a good addition to that process.

This is a long-standing and complicated issue. I hope that there is agreement across the parties that we need to find remedies. We want to do that as quickly as possible, and I am happy to be advised by colleagues of all political parties about how best we do that.

Miles Briggs (Lothian) (Con): I associate myself with what Monica Lennon has said. It is important for campaigners that we consider the Scottish Government's progress in this work. I hope that ministers will take that on board. Are ministers already looking at a national record of historical forced adoption experiences? When are we likely to see announcements on that work, which campaigners really want to be progressed as soon as possible?

Angus Robertson: I commend my colleague from the Conservative benches for raising the issue of progress, because it has been a long wait for people to see the progress that they want to see. I hope that Miles Briggs understands that the complexities of the issue are such that it is simply not possible to say that there is a fix to the situation in which we find ourselves. We are moving as quickly as possible and we are trying to find remedies across the piece. There are all kinds of complications involved with the process, but I agree with him that it cannot go on endlessly without finding resolution for people. I am happy to work with him and colleagues across the chamber so that they are fully apprised of what stage we are at and when we are likely to make announcements. I am happy to continue to update him as we make progress in this important area.

Referendum Bill (Legal Advice)

5. Douglas Lumsden (North East Scotland)

(Con): To ask the Scottish Government what legal advice it has received on introducing the proposed referendum bill on Scottish independence. (S6O-00744)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government does not comment on the content or source of legal advice. Other than in exceptional circumstances, Government legal advice is not released and remains confidential. That reflects the public interest in the provision of free and frank legal advice and maintaining the right to confidentiality of communications between legal advisers and clients.

The law officers advise the Government about any bill that ministers introduce. That is recognised in paragraphs 2.41 and 3.4 of the Scottish ministerial code.

Douglas Lumsden: Once again, we hear of vast sums of taxpayers' money being wasted on planning for another divisive independence referendum, despite the fact that no section 30 agreement is in place with the United Kingdom Government. This devolved Government cannot even share with us whether it has been told that this non-section 30 independence referendum is legal. Once again, the Scottish Parliament is being left in the dark about what advice the Government has had or how much it is spending on it.

The Government spends more on hiring civil servants to plan a referendum than on raising attainment for pupils in Aberdeen. When will the cabinet secretary get his priorities right and start focusing on the day job?

Angus Robertson: Forgive me, Presiding Officer, but I will not take lectures from a political party that lost the election on this very issue. The member should know something about that, having stood in 2019 on a manifesto commitment to oppose a referendum and then losing to the Scottish National Party, which was committed to a referendum taking place. In last year's election in the very same constituency, who won the election? Again, it was the Scottish National Party. *[Interruption.]* Excuse me? I am being heckled from a sedentary position, Presiding Officer.

The Deputy Presiding Officer: You should not respond to it, cabinet secretary. Please resume your seat.

I understand that emotions run high on this topic, but I would appreciate it if members who are asking questions would allow the ministerial team to respond without making sedentary interventions. Cabinet secretary, I encourage you

to stick to answering the question that is in the *Business Bulletin*.

Angus Robertson: I have made the position on legal advice clear. There is a basic democratic principle in all of this, which is that, when the public elects a party to govern, they expect it to deliver on the manifesto commitments that it has made. This Government was elected with a commitment to hold a referendum on the future of Scotland. On that issue, surprisingly, the Conservative Party wants the Government not to deliver on its manifesto commitment. It is a very odd set of priorities.

Stuart McMillan (Greenock and Inverclyde) (SNP): To those members who seem determined to overlook the firm and democratic will of the Scottish people, will the cabinet secretary reiterate the ways in which the Scottish Government has secured a clear and overwhelming mandate to hold an independence referendum within the first half of this parliamentary session? Does he agree that, ahead of the referendum, the Scottish people should expect an open, bold and honest conversation about the opportunities of independence?

Angus Robertson: The agreement reached between the Scottish Government and the Scottish Green Party confirms and strengthens the clear mandate that was granted by the people of Scotland for a referendum on Scottish independence. Of the 129 members of the Scottish Parliament, 72 were elected on manifestos that commit them to a referendum on Scottish independence during the current parliamentary session.

A section 30 order has already been mentioned. It behoves the UK Government to respect the democratic wishes of the people who, in an election, returned a Government—*[Interruption.]* Again, Presiding Officer, we are getting interventions from a sedentary position that seek to disrespect the result of a democratic election.

The Government is committed to delivering what the people voted for, and they elected a majority of MSPs to this Parliament to do that. The honourable gentlemen and ladies on the Opposition benches do not recognise that; on these benches we do. We will deliver on the mandate that was delivered by the Scottish people.

The Deputy Presiding Officer: I again encourage members not to make interventions from a sedentary position, and I also encourage ministers to ignore any sedentary interventions, should they be made.

Brexit (Impact on Policy)

6. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government what impact Brexit has had on its policies across Government, including how it invests in business. (S6O-00745)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The United Kingdom Government's determination to impose a hard Brexit against the democratic wishes of the people of Scotland has caused significant impacts across society. Some of the hardest hit have been businesses, which continue to be faced with trade friction, additional checks and increased administration costs.

The Scottish Government supports and invests in businesses in a vast range of ways. Brexit is making it harder for those policies to achieve their objectives and to deliver positive outcomes for Scotland because of the permanent damage it is inflicting on our economic relationship with the European Union.

Alex Rowley: Is there any legal or constitutional reason that would explain the failure of the Scottish Government to set up the proposed and promised national energy company? Why could it not have made much more use of the powers that it currently has to ensure that Scotland benefits from the onshore manufacturing and services that are needed to supply offshore wind farms? Is there any legal or constitutional reason that would explain why the Scottish Government did not seek legal guarantees that that work would come to Scotland?

Angus Robertson: I am sure that the Presiding Officer would chide me if I did not stick with the first question that was posed. Alex Rowley has asked an important question, but it is not related to the initial question that he asked.

On legal and constitutional relations with the European Union, members know that, in the next few years, we in this country will have an opportunity to make a decision on whether we will rejoin the European Union and become part of the biggest single market in the world. I hope that Alex Rowley and his colleagues will join us in agreeing that the people should be able to decide on that question. Even though we might disagree in the vote that might take place in that referendum, I hope that, as democrats, we agree on the constitutional legal position that, having elected a Parliament and Government to deliver such a vote to the people, the people should have that vote.

Brexit (Relations with European Union)

7. Siobhian Brown (Ayr) (SNP): To ask the Scottish Government how it is building on Scotland's relations with the European Union post-Brexit. (S6O-00746)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): Scotland remains an inclusive European nation. We share with the European Union a vision for Europe that embodies democratic values, rises to the challenge of the global climate emergency and supports sustainable economic recovery from the global pandemic.

The Scottish Government continues to take a proactive role in engaging with EU institutions and member states, in particular through our Brussels office and external European network. We recognise the importance of learning from others and sharing experience across Europe.

Later this spring, we will open a new Scottish Government office in Copenhagen to further strengthen our EU ties and to increase Scotland's economic and cultural connections with the Nordic region.

Siobhian Brown: Some of my constituents—in particular, students—have been in touch because they are starting to feel acutely the effects of the UK's hard approach to EU relations post-Brexit, including through the loss of the Erasmus+ student exchange programme. Can the cabinet secretary provide an update on the Scottish Government's efforts to set up an alternative that will benefit students in Scotland and across Europe?

Angus Robertson: It is disappointing that the UK Government's decision not to associate with Erasmus+ prevents Scotland from participating fully in its own right. Although we remain committed to Erasmus+, in the interim we are creating a Scottish education exchange programme to support participants from across Scotland's education system. That is a programme for government commitment, and it will help to maintain Scotland's place as an outward-looking and internationally connected destination for work and for study.

The Deputy Presiding Officer: Question 8 comes from Joe FitzPatrick, who joins us remotely.

Civil Service (Independence Policy)

8. Joe FitzPatrick (Dundee City West) (SNP): To ask the Scottish Government what its response is to reported calls for the head of the civil service to investigate and rule on the deployment of Scottish Government civil servants to develop policy on independence. (S6O-00747)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): It is quite clearly the duty of the civil service to support the elected Government of the day to develop and implement its policies,

including those relating to the constitution. That is widely accepted, including by previous heads of the United Kingdom civil service. Members will also have seen that a former member of the Scottish Parliament, Professor Adam Tomkins, tweeted to accept that that is a proper role for the civil service.

Joe FitzPatrick: Does the cabinet secretary agree that that political stunt is an embarrassing and hypocritical attempt to thwart Scottish democracy by a political party whose leader, just a couple of weeks ago, accused the Prime Minister of treating Scotland with “utter disdain”?

Angus Robertson: I agree with my colleague, the member for Dundee City West. As is the case across the Government’s programme, the civil service will support the Scottish ministers in delivering commitments that are in the programme for government. We should not forget that, in 2011, when he wrote to party leaders on this very topic, the then head of the UK civil service, Sir Gus O’Donnell, said:

“It is right and proper that civil servants working to their respective administrations undertake the relevant work to support their ministers to pursue their aims, whether or not these aims are the subject of political controversy.”

Donald Cameron (Highlands and Islands) (Con): A recent freedom of information request revealed that the Scottish Government has 11 civil servants working on an independence prospectus, at a reported cost of £700,000 a year. How many civil service staff are working on the independence referendum bill? How much is that costing taxpayers?

Angus Robertson: Donald Cameron must forgive me, but I did not get advance notice of the detailed question that he has asked. I would be happy to write to him.

I hope that Donald Cameron does not disagree with the notion, which is accepted across political parties, that Governments exist to deliver what they have been elected to do. That is what we intend to do, and that is exactly what will happen during the current parliamentary session.

Professional Qualifications Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-03124, in the name of Ivan McKee, on the Professional Qualifications Bill, which is United Kingdom legislation. I invite members who wish to participate in the debate to press their request-to-speak button as soon as possible.

14:28

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): The United Kingdom Government announced its Professional Qualifications Bill in the Queen’s speech on 11 May last year, and introduced it in the House of Lords the following day. The extent of the bill is UK-wide, and the bill does not make separate provision for devolved and reserved professions. Therefore, the bill applies to all regulated professions, whether their regulation is reserved or devolved.

The bill defines a “regulated profession” as

“a profession that is regulated by law in the United Kingdom or a part of it”.

Three main categories of profession are captured under the bill. The first category consists of reserved professions such as architects, vets and medical practitioners. The second category is made up of those professions that are devolved, which, for Scotland, include solicitors and advocates, school teachers and social workers. Finally, there are those professions for which there is a mix of reserved and devolved responsibility. The regulation of the majority of healthcare professional groups is reserved. However, the regulation of new groups of healthcare professionals and those that have been regulated since the Scotland Act 1998 is devolved to the Scottish Parliament.

For example, the UK-wide Health and Care Professions Council is the regulatory body for the devolved professions of operating department practitioners and practitioner psychologists; the General Dental Council is the body for dental nurses, dental technicians, clinical dental technicians and orthodontic therapists. There is, clearly, a complicated landscape.

As well as providing continuity in the provision of an information centre, such as the one required by the European Union, the bill covers the implementation of the professional qualification aspects of trade agreements and would enable regulators that do not currently have the power to do so to enter into agreements with overseas counterparts. That latter power is already in place for key Scottish regulators. For example, the

Institute of Chartered Accountants in Scotland has entered into a mutual recognition of professional qualifications agreement with its United States counterpart that is not replicated across the UK.

Those aspects of the bill are not contentious. However, the actions that are available to a “national authority” under the bill go much further, and I know that the other devolved Administrations have raised concerns about the scope of the bill.

The UK Government has sought legislative consent for the bill but, as it stands, the bill would confer concurrent powers on UK ministers, allowing them to act in devolved areas without a provision requiring the consent of the Scottish ministers. The bill, as introduced to the House of Lords, could, for example, allow the UK Government to require Scottish regulators to enter into international agreements, or to accept qualifications from other countries as being equivalent, without the agreement of the Scottish ministers and without any form of scrutiny by the Scottish Parliament.

Those concerns were reflected as the bill progressed through the Lords from the committee stage on 9 June to its third reading on 17 November. In that debate, responding for the Opposition, Baroness Blake said:

“There is a belief that there remains much work to do on the Bill in relation to devolved authorities. Just last week, the Minister promised to continue to explore amending the Bill to alleviate the justified concerns of the devolved Administrations.”—[*Official Report, House of Lords, 17 November 2021; Vol 816, c 239.*]

The UK Government introduced amendments to improve protection of the autonomy of regulators under the bill and a requirement to consult regulators before a “national authority”—which would be the UK or a devolved Government, depending on the circumstances—takes actions under the bill. The Scottish ministers would support those amendments as a step in the right direction, but they do not go far enough.

The underlying issue of the exercise of concurrent powers by UK Government ministers without consent was then raised in the Commons by Opposition members and has consistently been raised by Scottish Government officials and ministers in meetings with the UK Government. It is, as yet, unresolved.

Despite officials working to reach agreement with the UK Government, and despite various ministerial meetings emphasising our position, no agreement has been reached. Officials have analysed the issue in detail. On the assumption that future UK Governments would use the bill in a reasonable and sensible manner, we have not identified a single example where the Scottish ministers would wish to withhold consent. Given

that, it is unclear to me and my officials why, for this bill, the UK Government would not respect the devolution settlement by including a consent provision in respect of devolved professions. Does the UK Government want to offer to lower professional standards to secure free trade agreements, is it a power grab, or does the current Government simply not respect the institutions of devolution?

Two Scottish Parliament committees have reported on the bill. The reports from the Delegated Powers and Law Reform Committee and the Economy and Fair Work Committee both concluded that the Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within its competence, and that the use by the UK Government of powers in devolved areas should require the consent of the Scottish ministers. The Welsh Senedd has debated the bill and will also not be recommending consent to it as it stands.

When it has been respected by the UK Government, the Sewel convention has served devolution well. The Scottish ministers and officials have made clear that we would like to be able to recommend consent to the bill but that, as it stands, we cannot. If this Parliament does not give its consent to the bill, the Sewel convention requires UK ministers either to amend the bill or to exclude devolved matters from it. So far, there is no sign of either thing happening.

From Brexit, to Sewel, to its proposals to rip up the Human Rights Act 1998, the UK Government’s lack of respect for Scotland’s devolution settlement is clear and deeply troubling. In more than 20 years of devolution, the convention has been breached four times, always in relation to Brexit and with three of those breaches under the current Prime Minister. I hope that this bill will not be the fifth breach.

Mutual recognition of professional qualifications is important, which is reflected in its inclusion in our vision for trade. MRPQ allows our professionals to export professional services and gain valuable experience in other countries, and it allows professionals who qualified elsewhere to settle and contribute in Scotland. However, that should not lead to the Scottish ministers losing their responsibility to govern in devolved areas or to this Parliament losing its role in scrutinising those areas. The bill as it stands would mean just that if legislative consent was given.

I move that the Parliament backs the motion, refuses legislative consent to the bill as it stands and backs our request for a suitable amendment to be made to the bill that respects this Parliament’s role in scrutinising the regulation of devolved professions.

I move,

That the Parliament notes the supplementary legislative consent memorandum on the Professional Qualifications Bill lodged by the Scottish Government on 28 January 2022, and the reports of both the Economy and Fair Work Committee and the Delegated Powers and Law Reform Committee of 22 November 2021 and 23 September 2021, and calls on the UK Government to amend clause 16 (formerly 14) of the Professional Qualifications Bill to require UK Ministers to secure the consent of Scottish Ministers before acting in areas of devolved competence.

14:35

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to contribute to the debate as convener of the Economy and Fair Work Committee. After considering the initial legislative consent memorandum on the Professional Qualifications Bill on 29 September 2021, we published our report on 22 November while recognising that the Scottish Government was working to secure amendments to address the shared concerns.

In that report, we shared the concerns that the Delegated Powers and Law Reform Committee had raised, agreeing that the Scottish Parliament should be able to scrutinise the exercise of legislative powers within devolved competence. Under the bill, there is no means for the Scottish Parliament to do that when regulations are laid by the UK Government that fall within devolved competence. That is proving to be a recurring issue.

In our report on the initial LCM, we also expressed concern that the combined effect of the United Kingdom Internal Market Act 2020 and the bill would mean that, in some cases, the Scottish Parliament would not even be made aware of regulatory changes in another part of the UK that would affect devolved areas.

In our scrutiny of the initial LCM, we appreciated the Health, Social Care and Sport Committee sharing with us concerns regarding the potential for unintended consequences around health and social care workforce planning should regulations be made by UK ministers that contradicted or interfered with the Scottish Government's strategy. We share that concern and agree that a scrutiny role for the Scottish Parliament is vital, including the ability to track regulatory changes being made in relation to the health and social care workforce in Scotland. That is also relevant to other professions.

Following the publication of our report on the initial LCM, we anticipated a supplementary LCM from the Scottish Government, given the amendments at Westminster. Although the Scottish Government was aware in November 2021 that amendments had been agreed to that

would require a supplementary LCM, a supplementary memorandum was not lodged until 27 January 2022. It is regrettable that that gave the committee only a very short time to consider the issues and formulate a position. Although today's debate is important, the Scottish Government's initiation of it further reduced the time that was available for the committee's scrutiny, which is again regrettable. The truncated time that committees are being given to scrutinise LCMs is an issue that I intend to raise with the Conveners Group.

Despite the difficult timescales that have been involved, the committee published a report on the supplementary memorandum yesterday. The committee welcomes the amendments that were made to the bill that address issues of regulatory autonomy and regulator consultation, but substantive concerns remain. Five key recommendations from our report on the initial LCM have still not been addressed. They are as follows.

First, the bill should contain a requirement for the consent of the Scottish ministers to be obtained before regulations are made in areas of devolved competence. Secondly, there should be a scrutiny role for the Scottish Parliament in relation to health and social care workforce planning in order to avoid unintended consequences when the UK Government makes regulations that may impact, even inadvertently, on Scottish Government policy in devolved areas.

Thirdly, the Scottish Government should demonstrate how it will track and keep this Parliament informed about regulatory changes that are made in other parts of the UK that will affect areas of devolved competence. Fourthly, a process should be put in place to ensure early notification and opportunities for parliamentary scrutiny of intra-Government communications. Fifthly, the issues that the Delegated Powers and Law Reform Committee raised in relation to the appropriateness of delegation of the powers in clauses 1 and 3 should be pursued.

I recognise that the UK Government says that it does not intend to make regulations in areas of devolved competence without the agreement of the relevant devolved Administrations. However, the committee shares the Scottish Government's concern that that commitment is not in the bill. That results in there being no mechanism to enable the Scottish Parliament to scrutinise UK ministers' regulations under the bill that are within the Scottish Parliament's competence. A consent requirement would give this Parliament its appropriate place in the process.

The Economy and Fair Work Committee's view is that the legislation should require the UK Government to obtain the consent of the devolved

Administrations in areas of devolved competence. If that is truly the UK Government's intention, there is surely nothing to prevent the inclusion of a consent mechanism.

14:39

Tess White (North East Scotland) (Con): The UK Government's Professional Qualifications Bill aims to create a new legislative framework for recognising professional qualifications that are gained outside the UK. That framework will replace existing EU-derived law in the area. Given that more than 200 professions are regulated by law in the UK, that is a significant undertaking. Feedback from regulators such as the Law Society of Scotland suggests that the law has been improved during its passage in the UK Parliament, and that constructive engagement has taken place with the Department for Business, Energy and Industrial Strategy during the amending stage, when proposed changes were rigorously debated.

The Scottish Government's supplementary legislative consent memorandum rightly emphasises that many aspects of the bill are not contentious; during the bill's second reading, the SNP chief whip in Westminster stated that

"the Scottish National Party is not against the principles of the bill"—[*Official Report*, House of Commons, 15 December 2021; Vol 705, c 112.]

It is clearly not the policy intention of the bill that the Scottish Government opposes, but the process through which its provisions are implemented, and the reason why the legislation is required in the first place. I will address those points in turn.

On the issue of process, it is important to acknowledge at the outset that the Sewel convention was engaged and that the UK Government has been negotiating extensively with the devolved Administrations to find consensus on areas of divergence. That point was specifically made by Ivan McKee in his evidence to the Economy and Fair Work Committee on 29 September 2021, when he highlighted that there is "on-going engagement at official level"

and that the minister had been in contact with

"Gerry Grimstone, the relevant UK Government minister."—[*Official Report, Economy and Fair Work Committee*, 29 September 2021; c 31.]

That point was also made in Ivan McKee's letter of 23 November to the committee, which referred to "continuing discussion with BEIS".

The main point of contention for the Scottish Government is outlined in paragraph 20 of the supplementary legislative consent memorandum—namely, concerns about exercising of concurrent powers and the definition of "appropriate national authority", and issues related to consent. On

concurrent powers, the approach that has been taken by the UK Government is to ensure that professions that fall within devolved legislative competence, but are regulated on a UK-wide basis, can be dealt with effectively and appropriately under the bill by the relevant and appropriate national authority.

To address the concerns of the Scottish and Welsh Governments, the UK Government suggested putting a duty to consult in the bill. That duty would require the relevant secretary of state or the Lord Chancellor to consult the devolved Administrations before making, under the legislation, regulations that fall within devolved competence, and to publish a report on the consultation. Therefore, there has been significant movement by the UK Government, which would preserve the balance of the devolution settlement while maintaining a coherent approach across the UK.

Martin Whitfield (South Scotland) (Lab): Will the member take an intervention?

Tess White: No.

The proposal would also mitigate some of the concerns that have been raised by the Economy and Fair Work Committee and the Delegated Powers and Law Reform Committee. Given the SNP's concern that the bill impinges on devolved competence, it is worth pointing out that the Scottish Government was content with operation of the former system for recognition of qualifications under EU law, in which the UK made decisions, as the member state.

I now turn to the reason why the legislation is required—the UK's withdrawal from the EU. The SNP seems to agree with the principles of the bill, yet it expresses opposition, at least in part, because of Brexit. MSPs have made the argument on that many times in the chamber, but it bears repeating that the UK, which Scotland voted to remain part of in 2014, voted to leave the EU two years later. That outcome was a source of sadness and regret for many people, but they have, nevertheless, accepted it as a democratic process.

I will make two final points, the first of which is technical. The Scottish Government's motion refers to the Economy and Fair Work Committee's report that was published on 22 November 2021. Paragraph 58 of that report concluded:

"the Committee is not currently in a position to take a view on this LCM".

The minister talked about lack of respect and said that scrutiny is important. I am glad that he said that, because the committee's report on the supplementary legislative consent memorandum, which was published yesterday, raised concerns

about the amount of time the Scottish Government took to lodge the supplementary LCM, which was more than two months overdue. Along with the Scottish Government's timetabling of today's debate, the committee felt that those factors limited its ability to conduct detailed scrutiny. The minister might look at me.

We believe that the bill will provide stability for qualifications and prevent divergence in professional qualifications regulations in the UK. We note the extensive engagement to date between the UK Government and the Scottish Government regarding the bill's provisions, and we note that the Scottish Government is supportive of the general principles of the bill. Overall, we are in favour of consenting to the bill and will vote against the motion at decision time.

14:46

Martin Whitfield (South Scotland) (Lab): I am very grateful to speak in the debate.

We find ourselves in an unusual position following our departure from the European Union, in which, over decades, regulations and rules were driven by professions across Europe to ensure that recognition of the skills, competencies, honesty and otherwise of various professions was reflected across the European Union. The purpose of that, of course, was that people could ply their trade where they chose to be. That also came at a time when recognition of devolved professions was coming to the fore. With the devolution settlement in Scotland, and even before that, we had a distinct and separate group of professions.

I want to take the short time that I have to discuss two of those professions: the legal profession and the education and schools profession, which is very close to my heart. I had the pleasure of serving on the General Teaching Council for Scotland as a council member a while ago. It is fascinating that, with the bill making its way through the Parliament at Westminster, those two groups came to advocate for their own identity and their own professional competences.

It was interesting to listen to Tess White; I am slightly sad that she was unable to take my intervention. She talked about the assurances that the Westminster Tory Government has given to the devolved nations. It does not seem to be a large step from saying, "We will talk to you, we promise" to putting that in the bill so that the people of the devolved nations can say, "There's the respect that we are due." In turn, the devolved Governments would consult the professions that, within the Governments' ambit, regulate themselves. I am thinking of the Law Society of Scotland and the General Teaching Council for Scotland.

I will turn to some specific issues, in the short time that I have left. On teaching, a consultation was put out by the Government to which the General Teaching Council for Scotland responded. The GTCS has responded to a number of such items in seeking to protect access to the profession for people who are properly qualified, because we in this nation are very proud to have a graduate profession, or graduate-equivalent profession, that empowers people to teach our youngsters. In its own consultation on the matter, The GTCS stated:

"GTC Scotland has actively participated in the discussion of new legislation, including the Internal Market Bill ... and the Professional Qualifications Bill",

which we are dealing with today. It said:

"GTC Scotland is strongly opposed to any proposal which could erode or dilute the integrity of the Register of Teachers through changes to qualification requirements or similar."

That is where the fear about the bill lies: a fear that a change that is made in the south without proper and full consultation will affect teachers here. It is for this Parliament and our Government here to represent our independent bodies, such as the GTCS, and to defend their position.

Mention was made of the Law Society of Scotland's support for the bill. It is right to say that it supports the bill's provisions in the main, but it drew specific attention to clause 7, which provides for a centre from which information can be sought by people from elsewhere in Europe who want to practice in the United Kingdom, or professionals from the United Kingdom who want to practice abroad. The reason why the Law Society of Scotland took issue with that was not that it is not a good idea, but that it is vitally important that there is proper consultation of the various professional bodies across the United Kingdom so that the correct information is available. I have some concerns that are perhaps on a technical level, about the cost and finance implications of that centre, but they are for another day.

To come to the heart of the matter, I note that we have heard members discuss whether the matter is a constitutional argument about whether this Government and this Parliament should or should not be consulted. It is more fundamental than that. The bill had to be rushed through because of a choice that was made in a referendum. In pursuing its vehicle to implement that choice, the Conservative Government down south was confronted with the problem of how professionals will ply their trades across the European Union. It was an opportunity for Westminster to hold out its hands, listen and discuss, and then to reflect those discussions in the bill, not in side-by-side letters and promises. It is right that in Wales and Scotland there is dismay

and disappointment at the approach that has been taken.

I support the Government's motion and, honestly, I feel that the Westminster Government could have done a lot better.

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

14:52

Ivan McKee: I thank members for taking part in the debate, short though it has been. As Martin Whitfield clearly outlined, the bill is on a very important issue that impacts on many professions in Scotland. I welcome the support that has been shown by him and the Scottish Parliament's committees for the Government's position on this important issue.

As I said in my opening speech, mutual recognition of professional qualifications benefits skilled Scottish workers who are looking to work abroad, and helps us to attract the skilled labour that our businesses and public services need. That is something that we want to encourage, in order to enable Scotland to continue to grow and prosper.

It is true that it can sometimes be appropriate for UK ministers to act on Scotland's behalf, as we have seen on numerous occasions over the past couple of years, but that should always happen with the consent of Scottish ministers, and this Parliament must have the opportunity to scrutinise actions that are taken using powers in devolved areas. That underpins devolution; indeed, consent has been given to Brexit-related UK statutory instruments in relation to MRPQ, where they touch on devolved issues.

I hope that the Parliament will agree with the recommendation not to give consent to the bill as it currently stands. I fear that if the bill were to be given consent in its current form, that would set a dangerous precedent for future bills that include concurrent powers, through which the UK Government would seek to act in devolved areas without the consent of Scottish ministers. That is not something that we can or should agree to. I know that that view is shared by colleagues and ministers in Wales and Northern Ireland.

Members have heard today that we will do everything that we can do to protect devolution and Scotland's interests. We will continue to engage and work with the UK Government to try to convince it to include an appropriate consent mechanism in what would then be an otherwise uncontentious bill.

It is very interesting to note the complete disrespect for devolution that is emanating from Conservative members. That informs our opinion

of their attitude to this Parliament, to devolution in its entirety and, indeed, to Scotland—something that the voters of Scotland are, increasingly, coming to recognise.

I ask Parliament to back the motion, to refuse legislative consent to the bill as it stands and to back our request that the UK Government table a suitable amendment to the bill that respects Scottish ministers' and this Parliament's responsibilities in respect of devolved professions.

Budget (Scotland) Bill: Stage 3

The Presiding Officer (Alison Johnstone): I remind members of the Covid-related measures that are in place. Face coverings should be worn when moving around the chamber and across the Holyrood campus.

The next item is a debate on motion S6M-03081, in the name of Kate Forbes, on the Budget (Scotland) Bill. As members will be aware, at this point in the proceedings, I am required under the standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Budget (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

14:56

The Cabinet Secretary for Finance and the Economy (Kate Forbes): Throughout this budget process, I have been open and transparent about the challenges that we face. As we approach the end of this financial year, we are still awaiting the finalised position of the United Kingdom Government on this year's budget. Prior to Christmas, we were told that we might have to pay back consequentials. In mid-January, the message changed positively: the £440 million was confirmed and there would be further consequential funding.

In recognition of my commitment to Parliament to provide as much transparency as possible, with the fast-approaching deadline of the year's end and the requirement to finalise our budget position so as to give certainty to the health service and local government, in particular, I announced a further £120 million for local government and we published the spring budget revision just last week, with the latest figures.

Last week's announcement of funding for the cost of living crisis has changed the position again, not by increasing the expected consequentials but by decreasing the funding. That means that the spring budget revision will need to be updated at the first available opportunity.

Frustratingly, as I stand here at stage 3 of the Budget (Scotland) Bill, with about six weeks to go until the end of the financial year, the position is yet to be formally and finally confirmed. Why does that matter? It matters because Parliament often presses me for greater transparency, which is what I am giving in this statement. It matters because this is real money that affects all our lives. Ultimately, it matters because it

demonstrates the extreme constraints of the devolution settlement within which we operate.

Due to the arbitrary and strict limits on carry-forward—which means being able to use funding on either side of the 31 March cut-off—if consequentials are to be used meaningfully this year, I need to give certainty now—today. The changes that have been made to date, over a very short space of time, are significant and will have an impact on our assumptions for next year's Scottish budget. I will update Parliament once we have received the final position at the UK supplementary estimate outcome, later this month.

Despite all of that, I want to move on to the most important issue affecting households across Scotland right now: the rapidly increasing cost of living. Large rises in energy bills, increased costs for everyday essentials, rising interest rates and the UK Government's new national insurance hike are causing huge concern and worry, and people are struggling. Those additional costs will hit the most vulnerable in our society. The additional energy costs alone will place significant burdens on many. Estimates suggest that they could move a further 211,000 households into fuel poverty and around 235,000 households that were already fuel poor into extreme fuel poverty. That would result in a total of 874,000 fuel-poor households—an increase of 43 per cent on the most recent statistics, published in 2019—and 593,000 households in extreme fuel poverty. The extent and the depth of the need is stark. That is why, whatever other budget challenges we face, we will honour our commitment to pass on the full £290 million to help families now.

That additional support will be the latest in our efforts to target funding to help those who are most in need. We are already using the powers that are available to us to support hard-pressed households, including targeted assistance for those on the lowest incomes; delivery of the unique Scottish child payment; the award of £76.7 million this year and last year to low-income families through the bridging payments; 530,000 low income pandemic payments last year; the funding of discretionary housing payments; an additional carers allowance supplement in 2020 and again in 2021; the delivery of the winter support fund to help people to heat their homes and meet rising food costs; and the continued £41 million investment in the Scottish welfare fund.

Pam Duncan-Glancy (Glasgow) (Lab): Does the cabinet secretary accept that the measures in the budget will not meet the child poverty targets?

Kate Forbes: I am going on to say that, when it comes to the challenges that we face right now, the measures that we have outlined will go only so far. I will outline what I think the next steps will be in providing as much support as possible.

With that £290 million, we can go further. However, I will be clear at the outset: we have explored a range of options and routes, and I have heard calls from Age Scotland, the Poverty and Inequality Commission and the Joseph Rowntree Foundation for us to ensure that the support is targeted, but it is frustrating that we do not have all the levers that I would wish to have, such as a full social security system or tax system, in order to best target and deliver that support.

Pam Duncan-Glancy: Will the cabinet secretary take another intervention?

Kate Forbes: I want to make some progress on the substance, if that is okay.

Today, I can announce that there will be three elements to the package of support. First, we will provide £150 to every household, in all council tax bands, that is in receipt of council tax reduction. The council tax reduction scheme already identifies the households that are in greatest need and will allow us to target that intervention. Secondly, I will provide local authorities with funding so that they can pass on £150 to other occupied households in bands A to D. In total, from the combination of those elements, 1.85 million people—73 per cent of households—will receive £150 of support.

I have discussed the matter directly with the Convention of Scottish Local Authorities as recently as last night, indicating my preference that that money should be distributed as a payment rather than as a council tax credit. However, due to the urgency of mobilising that funding quickly, councils will have a choice: they can deliver either a direct payment or a credit to council tax accounts as long as it can be done in April. Clearly, the scheme is imperfect and it will reach some households that may not need it. However, it is the only route that we have to reach quickly and simply those for whom it will make a difference.

I know that the cost of living crisis also affects households that are not in receipt of benefits and that are not claiming a council tax reduction. They are facing hardship, too, and we need to do what we can to prevent those households and families on the edge of the poverty line from falling over it. Therefore, the third element of the package that I am announcing is £10 million for continuing our fuel insecurity fund, in order to help households that are at risk of self-disconnection or self-rationing their energy use due to unaffordable fuel costs.

Today's package is in addition to the further £120 million for local government next year, which I announced previously, for easing its pressures and for helping to prevent inflation-busting council tax rises. We will also go further in ensuring that

councils have as much discretion as possible to tailor their response quickly.

Daniel Johnson (Edinburgh Southern) (Lab): I seek clarification on two points. First, will those measures take place during the coming budgetary year rather than the current one? Secondly, I assume that they will be paid for from the £284 million reserve that was contained within the spring budget revision—or will the money come from other sources?

Kate Forbes: The measures will kick in from the beginning of April, which is in the next financial year. When it comes to effecting them, it is too late for a stage 3 amendment, because of when we received the detail. Therefore, I will be in touch with the Finance and Public Administration Committee to confirm that, to effect the change, we will need to take it through the autumn budget revision. I will clarify that to the committee.

To go further in helping councils to have as much discretion as possible, I am announcing that I will allow any existing underspent discretionary housing payment funding to be redistributed between councils and carried forward into 2022-23, to allow them to provide targeted, discretionary support. I will also allow any existing underspend of the Scottish welfare fund to be carried over by local authorities for the same purpose.

I say honestly and openly that that is not enough. Households across Scotland and the UK are struggling with the wide range of rising costs, and many of the macro levers—for example, around energy regulation—reside with the UK Government. In that spirit, I will write again to the Chief Secretary to the Treasury to highlight that we need to work together urgently and use our joint powers to do more to tackle the cost of living. I hope that members across the chamber can unite in that bid.

I will share one further update with the Parliament. One of our key objectives in the budget was economic recovery—if households are struggling, businesses are also identifying some of the challenges that they face. As members will be aware, the Government committed to maximising our Covid recovery support for businesses. As part of that, I previously announced the allocation of £276 million of omicron business support funding for the current financial year. Following consultation with businesses, which asked for support to focus now on economic recovery, I am pleased to announce today the allocation of further funding to support business sector recovery, including in some of the sectors that have been hardest hit, such as events and travel, as well as in city and town centres.

That funding includes an additional £16 million for culture and major events that have faced

cancellations. For tourism, there is additional funding of £7.5 million to support inbound tour operators. We know that international tourists spend more when they visit, so supporting that sector helps to drive recovery in retail and tourism across Scotland.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the cabinet secretary take an intervention?

Kate Forbes: Yes, briefly.

Murdo Fraser: The cabinet secretary might know that there is a specific issue for nightclubs that are not able to access money from the nightclub support fund because they are classed as hybrid if they operate a bar alongside nightclub premises. I understand that the Night Time Industries Association is meeting the Scottish Government on Monday to discuss that. Will she look at how that fund might be readjusted in order to support those in that category?

Kate Forbes: I am keen that that money gets out the door to support businesses that need it. As Mr Fraser has just referenced, we have met nightclub industry representatives a number of times and we will continue to do so. I am happy to look at the criteria, but we set out funding that was as targeted as possible, knowing that we cannot reach all businesses. However, I will certainly keep his comments in mind.

Willie Rennie (North East Fife) (LD): Will the cabinet secretary take an intervention?

Kate Forbes: I have one more minute and two pages left. So, if Willie Rennie does not mind, I will persevere.

We will also provide £3.5 million for outbound travel agents that have been impacted by near-continuous restrictions on international travel throughout the pandemic.

To come to the important issue that has been raised a number of times about supporting city centres to recover, we will make an additional £3 million available specifically for city centre recovery, to improve footfall and help those businesses that have been affected by, for example, office closures.

We will also provide additional support of £6.5 million for the childcare sector, because a fully functioning childcare sector is a pivotal part of our national economic infrastructure.

Last but not least, we understand that many small and medium-sized enterprises have already adapted, but more are keen to invest in digital adaptations. Therefore, we are providing additional funding of £3 million to help SMEs to continue their digital journey.

All those grants will provide a bridge from resilience to recovery. As I move the motion and

we open stage 3 proceedings today, I think that we can all agree that we are still in unprecedented times. That requires a quick and flexible response from Government, which we have demonstrated today, but it also requires unity across Parliament, so I hope that members will vote to support the budget at stage 3 tonight.

I move,

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

The Presiding Officer: Members might wish to be aware that we have time in hand this afternoon for interventions, so there might be opportunities as the afternoon proceeds. I invite members who wish to speak in the debate to press their request-to-speak button now.

15:09

Liz Smith (Mid Scotland and Fife) (Con): I warmly congratulate the cabinet secretary on her exciting news that she announced earlier in the week. [*Applause.*] We wish her well in the months ahead.

I also start on a note of considerable agreement. The cabinet secretary said that the budget process is not satisfactory in exactly the terms of the Finance and Public Administration Committee's report: there are real concerns about the timing of budgets, the definitions of "old money" and "new money", and the challenges of working to estimates. That last concern is an issue between not just Westminster and Holyrood, but Holyrood and local government, which has been saying exactly the same thing. At base level, when it comes to planning budgets, there is, as the finance committee suggested, a need to try to ensure that we have a better process.

It is appropriate to think again about the economic context in which we find ourselves. Although the main economic forecast, on which the Scottish Government ultimately relies for both the formal interrogation of the budget statistics and policy making, has recently indicated some short-term relief—for example, growth in gross domestic product has been better—the longer-term predictions for the Scottish economy remain exceptionally gloomy. The main trends show that Scotland is behind the rest of the UK. They also point to serious structural problems in the Scottish economy, including imbalances in labour markets, which we have debated several times already.

The fact remains—and it is a fact—that income tax revenues are showing a £190 million shortfall for 2022-23. That means that the revenue from Scottish income taxes is growing more slowly than is the block grant adjustment. In other words, despite more tax powers having been devolved to Holyrood, we are facing a growing shortfall in

income tax revenue, which will possibly rise to £470 million in four years' time.

Since the budget statement was delivered on 9 December, we know exactly what the reactions of local government and business have been. Also, the cabinet secretary, quite rightly, has made reference to the significant increase in the cost of living. She has admitted to the finance committee that there are serious issues in relation to that, but she still fails to accept that the UK Government provided the Scottish Government with record funding for this year's core block grant, not counting the funds from the UK Covid spend, and a record funding settlement for the next three years. This afternoon, she reiterated, as she said at stage 2, that she does not expect to be required to pay back the £440 million in Covid funding, as was previously thought.

I fully appreciate that there are severe issues with regard to planning budgets ahead and the fact that estimates have turned out not to be wholly accurate, not just in the UK but in Scotland, too. We know exactly what local government has felt about the uncertainty and the difficulties that it faces, because, as some of my colleagues will refer to later, at stage 1 there remained a real-terms cut of £251 million, which was £81 million short of what COSLA believed was necessary. I will leave it to my colleagues to pick up some of that.

For business—

Willie Rennie: Will the member take an intervention?

Liz Smith: Yes, I will.

Willie Rennie: Liz Smith will have seen that Her Majesty's Revenue and Customs has issued a winding-up order against the division of Liberty Steel, which could have implications for the workers at Clydebridge and Dalzell steelworks. Does she think that the finance secretary should address that in her closing remarks and give clarity on the disputed guarantee for the potential clean-up of the site?

Liz Smith: I will leave it to the cabinet secretary whether to pick up that offer.

When it comes to business, although there is acknowledgment of the helpful support in the form of the small business bonus, there has undoubtedly been strong criticism that the Scottish National Party has ignored requests to extend the duration and level of relief. Marc Crothall of the Scottish Tourism Alliance said that the support went "not nearly far enough" to avoid the impending cliff edge facing many businesses in June. Liz Cameron of the Scottish Chambers of Commerce said that

"the Scottish Government should have gone further"

in supporting business. David Lonsdale of the Scottish Retail Consortium said that the SNP support for business was "a pale imitation" of UK Government support—and it goes on.

Daniel Johnson: Will the member take an intervention?

Liz Smith: I will not, if the member does not mind.

The SNP should remember that budgets are about spending money wisely. How much better would it have been if the SNP had not been so profligate with taxpayers' money? Here is a reminder of what we are talking about. The Government spent £47.4 million on Ferguson Marine in the past financial year, when the original estimate was £28 million; £4.5 million of the £45 million of loans to Burntisland Fabrications had to be written off; £98 million went on the ferries overspend and £40 million on the malicious prosecution of Rangers administrators; and Audit Scotland confirmed that the £43.4 million of loans to Prestwick airport had to be reduced to £11.6 million to reflect all the losses. The list goes on.

Then, bizarrely, we have the money that is being publicly committed to the plans for a second independence referendum, which are no doubt being expanded every minute as the Scottish National Party tries in vain to write, or perhaps to rewrite, a coherent strategy for paying our pensions, saying what currency we would use and explaining how the huge black hole in Scotland's public finances could ever be filled.

Michelle Thomson (Falkirk East) (SNP): Will the member take an intervention?

Liz Smith: No, I will not.

As well as that, we have very serious concerns about the SNP's desire to spend millions of pounds on a national care service. *[Interruption.]* If we listen to local government and many stakeholders in the care sector, that is by no means what they feel—*[Interruption.]*

The Presiding Officer: Ms Smith, will you give me a moment, please?

I ask for respect and courtesy while Ms Smith is speaking. Thank you.

Liz Smith: I thank you for that, Presiding Officer, because what I am citing is not what I am thinking, but what local government and some stakeholders in the care sector are saying.

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): What about the people—those with lived experience?

Liz Smith: The people are the very ones who are represented by local government and the care

sector, which are saying that a national care service is by no means the right way to tackle—

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Will the member take an intervention?

Liz Smith: I will not, Mr Swinney. I think I am about to have to finish.

Councillors from the SNP, Labour and the Conservatives have said that the upheaval that is required to restructure the social care system into a national care service could be “hugely damaging”.

Kevin Stewart: Will the member take an intervention?

Liz Smith: Councils such as Falkirk, East Lothian, Fife, Highland, and Argyll and Bute are clearly very worried about the proposed changes and how they would affect local accountability.

Kevin Stewart: Will the member give way?

The Presiding Officer: Ms Smith is not giving way.

Liz Smith: Do I have time?

The Presiding Officer: You have time, Ms Smith.

Kevin Stewart: I thank Ms Smith for giving way. Does she recognise that in the consultation responses, which have just been published, 70-odd per cent of people want a national care service? It is about delivery for people, ending the postcode lottery and doing what is right for them. Does she not agree that that is the right thing to do?

Liz Smith: I am listening to the people who would have to deliver the services—local government and social care—and they are desperately unhappy, including many in Mr Stewart’s party.

The arithmetic in the Parliament and the unholy alliance between the SNP and the Greens mean that the budget has been a fait accompli from day 1, with very little engagement with the other political parties.

John Swinney: Will the member take an intervention?

Liz Smith: Do I have time?

The Presiding Officer: There is time for a brief intervention.

John Swinney: I am very grateful to Liz Smith for giving way. Would she enlighten the Parliament on what changes she would make to the Budget (Scotland) Bill that the finance secretary has put to the Parliament that would support her additional

resources for local government? Where would the money come from and how much would it be?

Liz Smith: I am not sure that Mr Swinney has been listening to what I have just been saying. I cited all the waste—[*Interruption.*]—and I have also—[*Interruption.*]

The Presiding Officer: Members, I cannot hear Ms Smith’s contribution. I would be grateful if we could make sure that we can hear it.

Liz Smith: I have also just cited the fact that when it comes to the national care service, on which the SNP proposes to spend millions of pounds, we have grave reservations about whether it is worth spending that money.

Kevin Stewart: Will the member give way?

Liz Smith: I will not, this time.

The Presiding Officer: Ms Smith, you must conclude.

Liz Smith: The budget has failed to put economic recovery first and failed to put forward the delivery of local services. In my opinion, the SNP has failed to listen to business and local government, and failed to understand where the public’s priorities lie. As such, we cannot support the bill.

15:19

Paul Sweeney (Glasgow) (Lab): I, too, add my congratulations to the cabinet secretary on her delightful news. I wish her and her family all the best for the coming months. I am sure that the experience will be even more frightening than the budget but that it will go very well. [*Laughter.*]

I might as well be unequivocal: Labour will not support the budget today—I am sorry if that is not much of a baby shower gift. It is a timid, regressive and unambitious budget, which does not do nearly enough to alleviate the cost of living crisis, which no longer looms in the distance but is staring us directly in the face, as the cabinet secretary herself has said. We all have a duty to do everything that we possibly can to address the hardship that families face, but the budget does not do enough to address the real, substantive concerns that Scotland’s underresourced and underappreciated local authorities have articulated, and does nothing to reboot our economy after the pandemic.

The Government could have used this year’s budget to invest in upskilling, in the future of education, and in upgrading Scotland’s antiquated public transport infrastructure. We could have welcomed radical and transformative domestic policies today that would have lifted people out of poverty rather than compounding the hardship that they already face. We could have led the way on a

post-Covid recovery plan that would have seriously addressed our economy's lagging productivity, stagnant wage growth and substantial labour shortages.

Instead, we got a budget that will force councillors of all parties to cut £250 million from crucial local services, despite the inadequate sticking plaster that the cabinet secretary has announced. We got a budget that delivers a paltry 48p an hour pay rise for care workers and settles for a rise of almost 4 per cent on rail fares and a further increase of more than 4 per cent on water bills. Inflation is projected to hit 7 per cent this year and interest rates are likely to rise, so families are being hammered with an increase in food, fuel and energy prices, too.

We know that today is, essentially, a foregone conclusion. Members from the SNP and the Greens will rise to their feet and proclaim how excellent and transformative the budget will be, but the fact is that people will be worse off. The very people who we are sent here to represent will see their incomes hammered, their bills increased and—for those fortunate enough to have them in the first place—their savings diminished. It is really that straightforward.

Kenneth Gibson (Cunninghame North) (SNP): I hear much criticism of the Scottish Government, but I do not seem to hear anything of the Westminster Government, where many of those responsibilities actually lie.

Paul Sweeney: I am more than happy to adumbrate on that particular issue, because I am no friend of the Conservative Government—that much is for sure—but we have to hold both Governments to account. It is said that politics is about choices, and both Governments are failing to capitalise on, and make the most of, those choices.

Every member on this Government's benches has a choice. Whether at Westminster or in this chamber, will members toe the line and make their constituents poorer, or will they stand up and say that enough is enough? Experience tells me that I would be foolish to hold my breath waiting for the latter.

I return to the cost of living crisis, which is the most pressing issue that we face. The Joseph Rowntree Foundation said last week that those in low-income households will now spend

“16 per cent of their income after housing costs on energy bills.”

However, for middle-income households, that figure is just 5 per cent. The pain is not being felt equally.

Citizens Advice Scotland recently released an analysis that showed that more than a third of all

Scots now find their energy bills unaffordable. Yesterday, Advice Direct Scotland revealed research that concluded that more than 70 per cent of Scots—more than two in three—are now worried about not being able to pay their gas and electricity bills this year.

John Swinney: Those points are absolutely valid. Does Paul Sweeney then not accept the absurdity of the Labour Party's position? It will vote against the budget that includes the doubling of the child payment, which puts resources directly into the hands of some of the poorest families in our country. The Scottish Labour Party will turn its back on those self-same families this afternoon.

Paul Sweeney: I am afraid that the Deputy First Minister offers a false choice. We welcome the measures that have been introduced, but they are not nearly enough to address the scale of the hardships that people face.

I am pushing the Government further on this, because, at the same time as we are talking about all the issues that are going on, Shell and BP are recording combined profits of more than £22 billion. That is why Labour has called for a windfall tax on oil and gas companies, which is a proposal that, last week, MPs of the Deputy First Minister's party did not even turn up to vote for in the House of Commons. The proposal would have saved every household in Scotland more than £200, and the lowest-income households would have been £600 better off. Why on earth did they not turn up?

Politics is about choices, but it is also about priorities. That is why Labour has called for a £400 Scottish fuel payment, targeted at Scotland's hardest-hit families; a top-up to the Scottish welfare fund, to ensure that local authorities have the power and capacity to help people in need; and the cancellation of increases in water and rail prices. Each of those proposals is within the gift of this Government and within the available £238 million spending envelope that is additional. The budget does not go far enough to capitalise on that opportunity.

As was just announced, the cabinet secretary is offering a basic £150 credit or payment through the council tax system—a system that is already regressive and was supposed to be abolished more than a decade ago, and that does not work to target support.

The Scottish Government has been slow to get out of the traps on delivering for people, and it is allocating only half of the unallocated sum of £238 million. It could have done something more constructive or creative such as using the carers allowance supplement to target support more readily or using the child winter heating assistance to do as Labour has proposed. There is still £60 million to £70 million to be allocated—why are we

not pushing the throttle to the absolute maximum to get that money into the pockets of the neediest families?

The £10 million that was announced for fuel security works out as just £16 for every person who is on universal credit or pension credit. It is not nearly enough to address the harms that people face when bills are skyrocketing by £700.

The Conservative Government in Westminster holds some of the answers, but we cannot pretend that the Scottish Government is doing everything that it possibly can to help people. If that were the case, it would not be ripping £250 million from Scotland's councils next year, and Scotland's care workers would be receiving a more substantial pay rise than 48p an hour, which is a paltry amount that will barely dent the scale of the cost increases that they face.

A tacit acceptance of Tory economic doctrine has led to the difficulties that Scotland's economy faces today. More of the same will not fix it; I think that, deep down, the cabinet secretary knows that to be the case. My plea to all members is simple: stand up and be counted. The facts are clear: Scotland's poorest will struggle to survive this year, and this budget does not do nearly enough to alleviate their hardship.

15:27

Alex Cole-Hamilton (Edinburgh Western) (LD): I offer my heartfelt good wishes to Kate Forbes on the news that she is an impending member of the greatest club in the world—she has all our good wishes.

I am sorry that I am joining the Parliament remotely, having tested positive for Covid-19 this morning. It is not how I wanted to contribute to the budget process, but it is a reflection of our times.

Covid casts a long shadow over the budget. The job of recovery is only just beginning in our hospitals, where hundreds of thousands of operations have been lost; in our schools, where children have missed out on so much; and across our economy, where footfall remains down and the company accounts make for difficult reading.

The last thing that businesses, public services and households needed on top of Covid was a cost of living crisis. The doubling of the child payment, which we all support, was supposed to drive down poverty, but I fear for the impact that it will have while household incomes fail to compete with 7 per cent inflation, while food prices rise, while Scotland's rail and water prices rise, and while national insurance goes up. Critical child poverty targets that were set by this Parliament were already at risk, even before Covid or these

dire economic circumstances, which is why both of Scotland's Governments must go further.

Scottish Liberal Democrats want a cross-Government, combined cost of living rescue package to help the thousands of people who are on the brink. That means the reversal of SNP and Green rail price hikes, the scrapping of the Conservative national insurance hike, unprecedented investment in retrofitting homes to insulate households against soaring energy prices, and doubling and expanding the warm homes discount. It means boosting disability benefits—the Scottish Government can do better than copy a UK Government policy that leaves the benefits 3 per cent or even 4 per cent below inflation. It means new broadband social tariffs for vulnerable customers; extra financial support for this Government's new smoke alarm requirements, because many people cannot now afford the hundreds of pounds that it will cost them; and a windfall tax for oil and gas companies that have made record profits on the back of the energy crisis.

Households are also worried about hikes in the council tax. The finance secretary has set the same elephant trap as her predecessors. Year after year, the SNP lays down punishing cuts to councils, only offering a little extra cash at the last hour. This time, the £120 million was described as “a funding boost”. The finance secretary labelled it as “additional funding”. Let us be clear: when £370 million is deleted from a budget and £120 million of that is restored, it still makes for a £250 million cut. There are no heroes on the Government benches today.

I do not understand why, year after year, the Green Party goes along with the charade. The SNP has always been a centralising Government. It does not hide that it believes that ministers know best. We should just look at the police and what is now being planned for social care. It is, however, a depressing reality that the Green Party has become ingrained in this pattern of council cuts and central Government ring fencing. Only last May, the Government was promising a new era for Scottish local government, but the new era looks very much like the old one, with brutal council cuts and no prospects of local tax reform in the current parliamentary session. It is the same old tricks and the same old sleight of hand.

Broadly speaking, if we can break it down, education makes up about half of what we ask our councils to do, so the impact of the cuts will be felt mostly in Scotland's classrooms. Despite all the disruption and all the promises of extra resources, teachers and parents are still struggling to see any difference in what is on offer for our schools. It is therefore no wonder that the poverty-related attainment gap is wider now than it has ever been,

and the Government is still to take air quality in our schools seriously. Today's cuts to councils will just not help that.

We have seen the SNP-Green Government being visibly embarrassed by its now notorious recommendation to chop off the bottom of the doors in schools, but the bigger embarrassment is the fact that the height of this Government's ambition is to fund changes in just 2,000 of Scotland's 50,000 classrooms. That is all that £5 million will get us. Cleaning the air needs proper investment, and that means a HEPA filter in every one of Scotland's classrooms.

The finance secretary is always keen to impress on Opposition members the need to account for extra spending, so here is an idea. Take the £17 million that this SNP-Green Government is about to spend on putting children as young as four or five through senseless national testing and invest it in keeping them safe in our schools. Investing in infection control will do more for attainment than national tests ever could.

The reality is that this SNP-Green Government has a central mission, but it is not the climate emergency, it is not education, and it is not health. We would struggle to point to the Greens moving the dial on any of those topics. Instead, their votes are there principally for independence.

The energies of the Government are shifting towards it now. We have seen it in this past week in the discussions on pensions where, by the way, the claim that taxpayers in the rest of the UK will pay for Scottish pensions after independence holds about as much water as Donald Trump expecting Mexico to pay for his border wall. Regrettably, independence consumes political oxygen, the attention of ministers and the attention of this Parliament. I—and, I think, most of the people of Scotland—would far rather that we in Parliament devoted our time to the existential threat to humanity in the climate emergency; helping children to recover from two years of disruption to their education; driving down the painful waiting lists that now exist in every corner of the NHS; overhauling Scotland's meagre response to long Covid; and the social care crisis that is causing harm to people up and down this country.

The Scottish Liberal Democrats will vote against the budget tonight because the Government has got its priorities all wrong.

15:34

Kenneth Gibson (Cunninghame North) (SNP): I warmly welcome the cabinet secretary's happy personal news.

I am delighted to support the Scottish budget and pay tribute to finance secretary Kate Forbes, her ministerial team and her officials, who have all worked so hard to produce a detailed and positive budget for Scotland at a time of great financial challenge and uncertainty, all within the parameters of the limits set by the independent Scottish Fiscal Commission and amid the on-going machinations of the Treasury.

Investing £197 million in the new Scottish child payment and doubling it to £20 a week three years ahead of schedule—amid much muttering from the Opposition—will make a huge difference to recipients, as will the provision of the £150 council tax grant to 73 per cent of our households; continuing investment in the NHS and affordable, energy-efficient housing; and a much more generous local government settlement than we see south of the border under the Tories, despite their ludicrous attempts to be seen as the champions of our councils, which I doubt that even they believe. In addition, £840 million in new money will be allocated to the national care service over the next three years.

Of course, no other party made any attempt whatever to provide an alternative budget. The Tories praised one-off consequential, which we hope will not be clawed back by the Treasury, while asking for extended rates relief and increased local authority funding. Meanwhile, in England, the Tory cuts to local government, which, over the past decade, have amounted to 37 per cent in real terms, continue. Birmingham City Council will have to make further cuts of £41 million in 2022-23, which will rise to £107 million by 2025-26.

A headline in last Monday's *Times*, referring to the situation in England, read:

"Budget cuts mean 11m rural potholes will go unfilled".

The article lamented a broken Tory manifesto promise to increase spending on council road maintenance by £500 million a year; instead, from April, it will be cut by £480 million, which is a 40 per cent cut in two years.

Regarding Scotland, no attempt has been made to explain how much additional local authority funding the finance secretary should deliver and from where in the budget it should be found. Indeed, when he was asked directly by the Minister for Public Finance, Planning and Community Wealth in the stage 1 debate exactly how much should be allocated to local authorities, all that Douglas Lumsden could say in reply was:

"I will easily set the budget whenever the Government wants to move out of office."—[*Official Report*, 27 January 2022; c 88.]

It is woeful stuff. The SNP will be in government for at least another four years. If the Tories want to

be seen as even a competent Opposition, let alone as an alternative Government, they really need to raise their game.

Willie Rennie: Will the member give way?

Kenneth Gibson: I would rather take interventions from members of one of the two major parties, if Mr Rennie does not mind. We have local government elections coming up and, the last time that we had them, for the 96 council seats that were contested in Ayrshire, the Lib Dems had not one candidate. In fact, the last time that they contested a council seat in my constituency, they came 10th—and only because the Greens did not have a candidate in that ward.

Miles Briggs (Lothian) (Con): What cuts will the member's local council face as a result of this budget?

Kenneth Gibson: There has been a real-terms increase in council funding, as has been clearly expressed through the budget. Indeed, it is 3.5 per cent in North Ayrshire, before the addition of the £120 million.

When Gerry Hassan wrote "The Strange Death of Labour Scotland" a few years ago, I doubt that even he imagined the precipitous decline of that once-dominant political force, following years of indolence, incompetence and taking voters for granted. At stage 1, we were given a stark demonstration of exactly why Labour has plummeted into its present rut as Scotland's third party here at Holyrood, and fourth, in terms of Scottish seats, at Westminster.

Following the cabinet secretary's confirmation of the independent Scottish Fiscal Commission's figures that our resource budget will reduce by 5.2 per cent in real terms, while our capital allocation is slashed by 9.7 per cent, courtesy of Westminster, what was Labour's reaction? Was it to denounce the wicked Tories for cutting Scotland's funding at a time of rocketing inflation, as we recover from Brexit and the pandemic? Not a bit of it. Daniel Johnson, Jackie Baillie, Pam Duncan-Glancy and Paul Sweeney treated us to a tirade of invective against the SNP Government, with only a two-sentence whimper of a critique of the Tories for being disingenuous from Daniel Johnson, and not a word from the others.

Labour has become increasingly marginalised over the past two decades, having declined from holding 53 Scottish Parliament constituencies to two, both of which it managed to hold only because of desperate appeals to Tory voters for tactical votes. Therefore, it is little wonder that Labour members fear to criticise UK Tory cuts when it is that party's voters that Daniel Johnson and Jackie Baillie rely on so heavily. The others have no such excuses.

As with the Aberdeen nine, it appears that Labour is smoothing the path for lots of local deals involving the better together parties across our councils, come May.

As for the party's budget comments—calling them "proposals" would be a stretch—in evidence to the Finance and Public Administration Committee last week, the finance secretary diplomatically and politely advised the committee that she did "not recall seeing costings." She also said:

"there is certainly not capacity for anything in the region of £1.8 billion",—[*Official Report, Finance and Public Administration Committee*, 1 February 2022; c 38.]

which is the cost of the pay increase for care workers that Labour demands.

Only yesterday, Jackie Baillie submitted a motion that called for nurses to be given what she called "a proper pay rise" without mentioning that Scottish nurses are the best paid in the UK, or giving the merest hint of what a "proper" pay rise might be and how it could be funded.

Labour's wish list for a budget that the cabinet secretary has repeatedly made clear is fully allocated could be met only by cutting deep into other budget lines. At a committee meeting nine days ago, Daniel Johnson offered to share his party's mythical costings, but, alas, they have yet to appear.

What of this new-found, budget-busting interest in care workers? We know that, when Labour left office in 2007, Scottish care workers were being paid a measly £5.35 an hour. Despite the financial crisis, austerity and rising demand, the SNP Government is increasing the hourly rate to £10.50—a 96 per cent increase in 15 years. During that period, inflation has been 45 per cent. The increase is more than twice the rate of the rise in prices. Under the SNP in Scotland, hourly rates are higher than under Labour in Wales or the Tories in England. We recall that, in Glasgow, Labour spent millions on legal fees in trying to deny female care workers and others equal pay.

Labour has never recovered from its humiliation in 2009, when it set out reasonable budget demands, all of which the then Finance Secretary John Swinney met, only for Labour to then vote down the budget before crawling back a week later to vote for an identically worded budget out of fear of an election.

It seems that, each year, Labour cynically makes the most unaffordable demands as an excuse not to back an SNP budget. I gently suggest that, if Labour wishes to return to the halcyon days when it held more Scottish constituencies than the Lib Dems, a more responsible and grown-up approach to the budget might help. Support the budget.

15:41

Miles Briggs (Lothian) (Con): I add my best wishes to those that have already been expressed to the cabinet secretary.

I open by thanking all those who work across our public services for all the hard work that they have put in, especially during the pandemic, to help support our families and communities.

In the limited time that I have, I will concentrate my comments on the social care crisis faced by councils across Scotland and on the delivery of the policy to extend free personal care to people under the age of 65.

Local authorities from across Scotland are warning of the social care crisis that they face. Here in my own area—the city of Edinburgh—that crisis has become acute. It was reported this week that council staff have been asked to volunteer for secondments to help plug the gap in the capital's social care workforce. I am disappointed that the minister responsible for that issue has left the chamber; I would have liked an intervention from him on that matter.

A report to the Edinburgh integration joint board, which oversees health and social care services in the capital, makes clear that there is a crisis. Between September and December, 83 people across the capital needed arrangements for services that they had not received, and a total of 1,400 hours of care had to be provided by outside agencies. The report noted the extreme distress that that caused many people and their families.

The cabinet secretary did not mention the social care crisis in her speech.

Kate Forbes: I have two quick points for the member. First, that is precisely why we have increased the overall amount of funding for the local government settlement. Whenever the Conservatives and other parties talk about cuts to local government, they are excluding all the additional funding that we have provided for social care. For some strange reason, they exclude it from the overall settlement, as if social care is not part of local government commitments.

On ensuring that that money reaches its allocated intention, that is why we say that health and social care funding is for social care. I hope that the member will accept and agree with that position.

Miles Briggs: That does not get us away from the fact that I am talking about. Under this SNP-Green Government budget, Edinburgh will receive one of the lowest levels of funding per head, both for our council and for our health board. It does nothing to address the social care crisis in the capital.

For a long time, there has been growing concern about ministers' plans to destabilise services further, the potential impact of which could undermine fragile local services and accountability, making a difficult situation even worse. As my colleague Liz Smith said, there are serious concerns about the top-down restructuring and redevelopment of social care through a national care service. The total restructuring of social care in Scotland will be hugely destabilising. We must accept that. It will present significant challenges and bring considerable additional costs to our local authorities. Scotland does not need a national care service; it needs SNP and Green ministers to properly fund local care services.

That brings me to the policy to extend free personal care to people under the age of 65, which is something that I campaigned for in the previous session of Parliament. I am passionate that we should see that fully delivered.

I am therefore more than disappointed and concerned about the lack of progress that we have seen on delivering the policy to extend free personal care, and the increasing secrecy around it. The Scottish Government committed to deliver the extension of free personal care—known as Frank's law—in 2019, but no data has been provided on how it has actually been delivered.

When I spoke to Amanda Kopel, Frank's wife, this week, she told me that she is concerned that two years and eight months—almost three years—after Frank's law was initially implemented following the campaign that she fought, there are still no figures on the uptake of the policy. Covid must not be used as an excuse for the discrepancies in the proper implementation of the policy across all our councils. Amanda said:

"I and many thousands of Frank's law supporters do not want to think that our six-year battle for justice, fairness and equality was all in vain."

I agree.

In 2019, the Scottish Government promised councils £30 million in the budget to deliver the policy. Despite written questions and freedom of information requests, however, we have not been able to obtain information on how much of that has been provided to councils, or indeed how many people have been given access to the care and support that they need and now have a legal right to receive.

Given the problems that people have experienced in accessing care packages during the pandemic, with many packages being removed from individuals or cut, it is concerning that there are more and more reports that people with complex needs and life-limiting conditions are not getting that vital care. I hope that delivering and protecting free personal care will become one

of our main focuses in future budgets, because all parties have supported it. It is vital that care packages and assessments for personal care are fully restored across Scotland.

It is clear that the pre-pandemic pressures on social care services are only going to increase in the post-pandemic environment. As I said, I hope that, in the future, we will all focus on social care services and the crisis across Scotland, but especially here in the capital, whose people I represent in the Parliament. That is why I am disappointed that ministers have not agreed to my proposal that a national recovery group be convened. We desperately need that, and we desperately need national leadership on the issue—something that is lacking from the budget that we are discussing today.

15:47

Carol Mochan (South Scotland) (Lab): The budget is lacking in ambition and it is full of the usual unnecessary compromises that leave people wondering why public funds are not being utilised effectively to help us to recover from the pandemic and tackle the looming cost of living crisis. It will simply not help individuals enough. It has little to offer our hard-working NHS and social care workforce and, on top of that, councils are being left to suffer once again as the Government passes difficult decisions down the line and forces local authorities to take on yet another round of real-terms cuts.

COSLA suggests that the real-terms core funding cuts amount to £371 million of lost funds. That is a story that my council colleagues have been forced to hear year after year. I will be interested to speak to the councillors on the ground, from all parties, about the announcements that are made and the way in which the budget process is conducted. However, we know that the local government funding position means that many of the targets and priorities around care, exercise and social isolation that the Government brings to the chamber and covers in various reports week after week will never get off the starting block in local communities.

Local authorities simply do not have the capacity to meet their populations' needs, and they cannot commit to funding beyond very basic provision. They cannot commit to funding additional care, exercise and green-space areas, housing improvements, roads or bin collections, because they cannot afford to do that. I hear from council colleagues and residents all the time about the lack of local services but, yet again, the Government simply does not listen. It finds it convenient to blame councils, claiming that they have the choice to prioritise what they deem suitable and that they can raise their own revenue

in some cases. In reality, the decisions that are made here in the chamber will be fatal for large chunks of locally run services.

In April, many people will see their energy costs rise by as much as 50 per cent. Even for relatively comfortable families, that is a serious load to bear, but for those who are already living from month to month, it is potentially life destroying. I understand that the £290 million that was announced by the chancellor will go towards that, which is welcome and the correct thing to do. However, the £290 million should not lead to a squeeze on other expenditure in Scotland's budget and it should not be assumed that that is even close to enough for those families. I join my colleagues in calling for an additional £400 payment to be given to those families who will be hit the hardest by the crisis.

The ballooning energy costs, which have been caused by poor energy infrastructure planning, Governments putting profit before people and greedy oil and gas companies that clearly have done everything in their power to lobby those at the top against Labour's windfall tax on their profits, will disproportionately impact the most vulnerable. Most people around the country believe that such profitable and gigantic companies should be made to pay more towards the countries that they benefit from. A windfall tax is justified and the right action to take. I am glad that the First Minister appears to have now backed something similar to the windfall tax—although, as is often the case, it has not been made clear exactly what she is backing—but it would also be helpful if she could make her MPs do the same and walk into the lobbies to support people over profit.

The budget is simply not enough even to meet the Government's child poverty targets and to fund our councils—I do not need to reiterate the very cogent points made by my colleagues about education, health and social care.

I come back to a point that I raised earlier about our undervalued social care staff, who are a severely low-paid workforce. At the very least, the Scottish Government should commit to a £15 minimum wage for social care staff, who have worked especially hard during the pandemic and have not been valued by the Scottish Government. Scottish Labour has costed an immediate pay increase to £12 an hour, rising to £15 an hour.

Kate Forbes: Can the member tell the chamber how much that would cost?

Carol Mochan: The Labour Party has costed that out and we have had that discussion. It is about choices. If the SNP Government had the political will, it would do it—[*Interruption.*]

The Deputy Presiding Officer (Annabelle Ewing): Let us hear the closing minute of Ms Mochan's speech.

Carol Mochan: Where is the ambitious funding to help our NHS recover and prevent so many staff leaving? We know that a recent report indicated that six in 10 nursing professionals are thinking of leaving the NHS at a time when we can ill afford to lose them. Urgent action is needed from the Government to value NHS staff and to maintain staff numbers.

Without a commitment to funding our councils, paying our social care staff properly and giving our NHS the resource that it needs and deserves, it is impossible for anyone who is committed to helping Scotland to recover from the pandemic to back the budget. This budget represents a Government bereft of ideas and lacking a desire to support those most in need. It simply is just not enough.

I was hoping for an intervention from Mr Gibson. I hope that he will join us in Glasgow or Edinburgh on Saturday to campaign and fight to stop the cost of living crisis.

15:53

John Mason (Glasgow Shettleston) (SNP): I appreciate the opportunity to speak on the budget today. As I was preparing for the debate, I hated to think that Murdo Fraser would be bored with my repeating myself by saying again today that we can only spend the money we have. Nevertheless, demands for further spending by the Conservatives or anyone else are pretty pointless if we do not know where the money is coming from.

However, perhaps I can change tack a bit today by focusing more on some of the good things that will come out of the budget. The first is housing. In particular, I welcome £831 million for affordable housing. I get the point that we need to invest in many other things, such as skills and a whole range of less tangible assets, which are important for the future, but I still think that there is something incredibly important about investing in bricks and mortar. I always get a boost when I see a new housing development in my constituency. A new affordable home can mean that an overcrowded family who could not afford to heat some old, draughty and damp building are able to move into a modern home that is easier and cheaper to heat, perhaps to Passivhaus standards, and in which the young people have an opportunity and the space to study.

Again, we see investment in public transport and active travel. I very much welcome the investment of £1,396 million in rail, £413 million in buses, including concessionary fares, and £150 million in active travel. I would like us to think

about the amount with which we support the rail industry. By my calculations, that is £258 per person. Members know that I am very much in favour of rail, but it is worth emphasising how much is being invested. Every person in this country, whether or not they have a train line nearby, pays £258 for the railways each year. Maintaining rail as well as other public transport continues to be a challenge because of Covid, with passenger numbers still at around only 50 per cent of pre-pandemic numbers—fares income is down in line with that. It is all very well for some Opposition parties to say that they want increased services despite the lack of passenger demand, and that they want lower fares, more routes, and better terms and conditions for staff, but all of those come at a cost. Of course we want people to switch from car to rail, but we cannot afford to run trains with hardly any passengers on them.

It is clear that buses are important, too. They carry many more passengers than trains do, but bus passenger numbers have been declining over a number of years in Glasgow and the west of Scotland. The ownership of buses may be a factor, but I do not believe that it is the major one. Lothian Buses told us that it would run in very much the same way whoever owned it.

In the west of Scotland, we have an excellent local train service, and it is clear that the buses struggle to compete on speed and comfort, although they are cheaper and free for some people. That said, I very much welcome the £110 million to give free bus travel to under-22s. I hope that that will get more young people into the habit of using buses and that they will therefore become paying passengers in due course.

In health, we can welcome the spending of £12.9 billion for health boards as part of the total £18 billion budget. The doubling of the Scottish child payment from April—that will cost £197 million—is hugely good news. I hope that that will make a big impact on where child poverty would have been otherwise.

The announcement of an extra £120 million for local government is very welcome. I hope that that will give our councils a bit more room for manoeuvre. I know that they would like more certainty further ahead, as would a number of other sectors, including colleges and universities, but that, in turn, brings up the question of how much certainty the Scottish Government and we in the Scottish Parliament have about our funding. The answer to that is not very much. Even today, we have heard from the cabinet secretary about her lack of certainty on UK funding announcements. Is the £290 million to tackle increased energy costs new money or a reallocation from existing budgets? That makes a huge difference to our spending ability. We are at

stage 3 of the bill for the budget for next year and we are still very uncertain about the budget for this year.

That is not even to mention the problem that we have had in several recent years in having to start our budget process before Westminster has formally started its budget process. I do not want to get into the fiscal framework in this debate, but it would help all of us hugely if Westminster set its budget during the autumn. We would then have a better idea of where we stood.

The budget seeks to maintain current public services and to do new things, such as with the child payment and more childcare. That is not an easy balance to strike—there is always a tension. Should we pay existing workers more or expand services and take on new workers? Should we make existing train lines better or create new lines? There are no easy answers to those questions. Somehow we have to try to do both. However, the budget makes a good attempt to do what it can on both fronts. We see continuing finance for valuable existing services in health and local government and elsewhere, but we also see expansion into significant new areas.

Overall, I am happy to support the budget. We would all like to do more in a whole range of sectors but, like every individual and organisation in Scotland, we have a limited amount of money available. I consider that the budget does well in using our resources wisely and effectively.

I hope that all parties will see the huge benefits that will come from the budget and will support it at decision time, as I certainly will do.

15:59

Ross Greer (West Scotland) (Green): Like colleagues, I would like to pass on my congratulations to the cabinet secretary and her husband. I would also like to observe to Liz Smith that, although I have certainly been called many things in my political career—as I am sure that the cabinet secretary has—I am intrigued by the notion that a process that was based in large part on dialogue between Kate Forbes and me could be described as “unholy”. [*Laughter.*] The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights observed to me a moment ago that, had he been leading for the Greens in the discussions, “unholy” may have been a more apt description.

The budget process in this Parliament is far more compressed than members in committees would like, as John Mason has just noted. However, even in the relatively brief period between the publication of the first draft and this final debate, the world around us has, not for the first time, changed significantly.

A global energy crisis and a complete failure on the UK Government’s part to regulate our domestic energy market means that almost every household in Scotland faces a huge rise in their energy bills. For many, those will be completely unpayable. It will force families into crisis, and, without radical action, as the cabinet secretary for energy said at the weekend, some people will die. At the same time, the energy companies whose gas runs through our network are laughing all the way to the bank, reporting billions of pounds in net profits. BP and Shell made a combined £44,000 of net profits a minute in 2021.

With a single step—a windfall tax on the profits of oil and gas companies—the UK Government could raise the money that is needed to help families through this difficult period. I hope that all parties in this Parliament and in Westminster recognise the growing public demand for that very just tax on obscene profits.

I welcome the finance secretary’s announcement today that the Scottish Government is doing what it can to support families, particularly given the revelation that the £290 million of additional funding that the UK Government claims is coming to Scotland largely does not exist. That support is on top of the measures already in the budget that support family income: the doubling of the transformational Scottish child payment; free bus travel for young people; increasing funding for family income maximisation projects; increasing pay for care workers; delivering free school meals for all primary 1 to 5 pupils; and funding of capital investment needed to roll that out to primary 6 and 7 as soon as possible.

On home energy and fuel bills in particular, I am proud of the role that the Greens are playing in government to drive forward energy efficiency and decarbonisation programmes that will reduce emissions and reduce household fuel bills. The £160 million already earmarked to support those who would otherwise be unable to pay for energy improvements to their home will clearly be essential. I hope that the plans for its deployment are being revisited, to ensure that that money is going out the door and resulting in home energy improvements as soon as possible.

Supporting people to pay their surging bills in the short term is obviously critical, but the budget reflects the priority that we are putting on reducing the amount of energy that people need to heat their home in the first place and on decarbonising the sources of that energy. The new low-income winter heating assistance programme will also be hugely important this year, but I ask the Government to consider if plans for how it is deployed might be adapted to reflect the energy crisis that we now face.

The warmer homes scheme is another scheme whose importance is now far greater than previously envisaged, and, given the circumstances, there is probably merit in revisiting and widening the eligibility for that scheme. Expanding the advice capacity of Home Energy Scotland would also seem sensible at this point.

I say all that knowing the huge pressure that the Scottish Government is under. The context of the 5 per cent real-terms cut from Westminster is still true, and the developments around that £290 million—the money that never was—have again demonstrated that the fiscal framework simply is not working. Opposition parties have now proposed about £3 billion of additional spending—I think that the amount has gone up in the course of the debate—but there is absolutely no credible accompanying proposals for where that money would come from.

I return to the point that I made during the debate on the Scottish rate resolution. We need to change how the budget is developed, scrutinised and debated in this Parliament. All parties should be given the opportunity—they should be expected—to confirm at least some of their taxation proposals each year. Spending proposals without revenue-raising or reallocation proposals should not be taken seriously.

Daniel Johnson: I agree with the need for a better budget process. However, would the member accept that, if we compare last year's budget with the resource funding that is available for this year, and we assume or take it on good faith that the Government did not use Barnett consequential for Covid on recurring items, £3 billion that was unallocated from last year's budget is going into this year's budget?

Ross Greer: I thank the member for the intervention, but I do not recognise his characterisation—both of the way in which the underspend is calculated and of the way in which Covid consequential are deployed. There is a difference between one-off and recurring spending as a result of Covid. The example that I gave during the stage 1 debate was the amount of money that must be spent this year to keep public transport operators operating. That goes from our core funding. We hope that that will not be needed on a recurring basis, but it is certainly needed this year. That comes out of the core budget, as a result of the Covid consequential being withdrawn.

Having all parties putting forward at least some spending proposals—or some taxation-raising proposals, rather—would be better for Government and for Opposition in the course of the debate.

Liz Smith: Will the member give way?

Ross Greer: I think I am about to close.

The Deputy Presiding Officer: There is a wee bit of time in hand, should you wish to take the intervention.

Ross Greer: Yes, please, in that case.

Liz Smith: I thank Mr Greer for taking the intervention. Is he in favour of going back to a system in which we have three-year projections on budgets? Would he also agree to the possibility of having a finance bill, which would be better for scrutinising where expenditure lies?

Ross Greer: I am grateful to the member for that intervention. Someone can intervene to correct me if I am wrong, but I think that all parties in the Parliament would prefer it if we were able to do multi-annual budgeting. Three-year budgeting is something that we would all support if we were in the position to do that. We are in a position this year, as a result of the UK spending review, to look a little bit further forward. If we had more certainty from the UK Government, I would strongly support three-year budgeting. However, that is not possible under the current arrangements that the Parliament has on an annual basis.

This year's budget is based on three strategic choices made by the Scottish Government, and that is why the Greens are supporting it. Those are choices that have been made in the programme for government and in the co-operation agreement between our parties, which underpin it. We have chosen to tackle child poverty, climate action and Covid recovery as shared strategic objectives. That is reflected, for example, in the £150 million for active travel, the £300 million for bus services, the £6 million for the climate justice fund and the £200 million for tackling the poverty-related attainment gap. The Greens are proud to vote for a budget that reflects those strategic priorities, and we would urge all parties in the Parliament to seriously consider what they might be voting against at decision time.

16:06

Michelle Thomson (Falkirk East) (SNP): I think that we can all agree that the backdrop to the budget has been extremely challenging. We have considerable uncertainty. We have talked about rapidly rising inflation, a cost of living crisis, energy price hikes and so on.

Against that backdrop, we must acknowledge that the UK Government has added its own challenges for the Scottish Government, with the constant changing of reliable consequential figures and, fundamentally, its lack of respect for this Parliament.

The response of the UK Treasury to the wider economic conditions remains unclear. The Bank of England has started a process of regular interest rate rises and, although that has received little comment in this Parliament, it is setting out on a path of unwinding quantitative easing. No one can be certain of the consequences of that—least of all, I suspect, the Bank of England.

That backdrop, which it is very important for us to understand, of course leads to pressure to increase Government expenditure on every front. No area has been immune from such pressures, and we have heard multiple calls from across the chamber today to raise department allocations and expenditure on virtually everything. It cannot be overstressed that the cabinet secretary and her ministerial team face all those pressures with a largely fixed budget. As someone coming into the chamber for the first time, I cannot understand why it is so hard for the Opposition parties to understand that. The calls for increased expenditure are simply not matched by suggestions of where budget cuts should be made. Opposition members seem to imagine that there actually is a magic money tree after all.

A further issue about which I have spoken before is the uncertainty and fast-changing forecasts that the Scottish Government must contend with. The forecasts from the Office for Budget Responsibility determine the size of the block grant adjustments for both devolved taxes and welfare benefits, and the forecasts from the Scottish Fiscal Commission affect tax revenues and welfare spending. That is a headache—and more so if the outcomes are significantly different from the forecasts and given the limited ability to carry forward, which the cabinet secretary has already pointed out.

For me, the question is how we should judge the budget. Perhaps there is a test. Amidst that background and the challenges that we face, has the Government come up with a balanced, fair and proportionate set of proposals? Furthermore, is there flexibility to allow for adjustments as circumstances evolve? As a member of both the Finance and Public Administration Committee and the Economy and Fair Work Committee, I think that the cabinet secretary and her ministerial team have done a remarkable job to satisfy those tests.

The scrutiny of the budget by the Finance and Public Administration Committee was detailed and thorough, given the time and resources that were available. Our report identifies the importance and challenges of the fiscal framework and of the negotiations that take place. Among the evidence that we examined, I was impressed by the paper “Options for reforming the devolved fiscal frameworks post-pandemic”, which was authored by the three Davids: Professor David Bell, David

Phillips and David Eiser. They argued persuasively for increased flexibilities in borrowing and reserve drawdowns in normal times. They also sought the reintroduction of funding guarantees and extended borrowing powers during times of rapid change and adverse shocks such as those that we have experienced in the Covid-19 pandemic.

Scrutiny of a budget can become dauntingly technical, but we cannot forget the need for transparency and clarity for the citizens of Scotland. Rather than asking about the intricacy of the fiscal framework, they might ask—probably encouraged by the media—why there was an underspend of £580 million for 2020-21. When asked about that during an evidence session, the cabinet secretary responded with her typical clarity and candour:

“It is illegal for me to overspend. Therefore, as we get closer to the end of the financial year, coming in under budget is a bit like landing a 747 on a postage stamp.”—*[Official Report, Finance and Public Administration Committee, 21 December 2021; c 32.]*

In other words, that is a function of the quite ridiculous process of how we need to manage our budget. Earlier today, I tweeted:

“you wouldn’t run a business like this - so why are the SG expected to run a country like this?”

I have already had my say on tax, during the debate on the Scottish rate resolution. However, from some of their earlier comments, I notice that the Tories still fail to pick up on the fact that, as was mentioned last week in the Spotlight on Corruption report, £290 billion is lost every year to the UK GDP as the result of corruption. Last week, I called on Murdo Fraser to condemn that, but he did not. Perhaps he might like to do that today.

Murdo Fraser: Will the member take an intervention?

Michelle Thomson: I would like the member to condemn it. Would he like to do that?

Murdo Fraser: Will the member take an intervention, or not?

Michelle Thomson: I would be delighted to.

Murdo Fraser: Will the member condemn all the wastage that we have seen from the Scottish Government, which my colleague Liz Smith outlined in detail earlier in the debate?

Michelle Thomson: Presiding Officer, the member is beginning to sound a bit like Boris Johnson. He will not condemn it.

I will close by reflecting on an important aspect of expenditure. The budget for 2022-23 gives emphasis to the importance of preventative spend across a range of areas, from health to the environment. That is also related to the need for

reform. I strongly agree with the view that Professor Graeme Roy expressed to our committee, that the resource spending review provides

“an opportunity to undertake a significant review of how public services are delivered ... That will involve difficult choices, but that is ultimately what the Government has to do”.—[*Official Report, Finance and Public Administration Committee*, 14 December 2021; c 29.]

I commend the budget for its tackling of such difficult choices amid the current economic conditions, and I congratulate the cabinet secretary and her team on their efforts on behalf of the people of Scotland.

16:13

Jamie Halcro Johnston (Highlands and Islands) (Con): I add my congratulations to the cabinet secretary and her husband Ali on their wonderful news.

Over the past two years, we have lived through a global crisis that would be almost unimaginable had we not experienced it. At times, it has brought nations to a standstill. It has emptied our streets of people and it has led to restrictions on our citizens that we have never seen before and that, I hope, we will never see again. Scotland’s economy has been hit hard, but many people and many families have been kept afloat through a combination of Government support and their own resilience.

How we live our lives has changed, too. Many trends—including the increase in online shopping, there being more remote working and there being more cash-free transactions—have been accelerated by the pandemic. Combined with changing rules, closures and disruptions to supply chains, the pandemic has stretched people, businesses and the state. Our collective resilience has been battered; however, it has not been broken.

It goes without saying that the Government must be responsive to that change, which calls for an ambitious programme of recovery with the aspiration—this is, perhaps, an overused phrase—to build back better.

Sadly, the budget falls short in almost every way. Councils are still the guiding hand for many of the services that matter most to people—including schools, social care, housing and transport—but, once again, they face the sharp edge of decisions that are made in St Andrew’s house.

Over the past couple of months, we have witnessed the now familiar announcements of swingeing cuts to local government—which accumulate year on year—being followed by the announcement of some previously undiscovered spare cash to sweeten the bitter pill. The cuts are

why vital services are being stretched ever further, downgraded or abandoned altogether. It is difficult not to assume that the reason why the cuts fall on councils is that it is hoped that councils, rather than the Scottish Government, will get the blame.

We have heard something about the creation of a national care service, but beyond a title and the odd high-cost externally commissioned report, there are few solid proposals on how we will fix the crisis in our care sector. Instead of offering support, the Scottish Government is offering an approach that worries many councils, which see the move as being potentially damaging. It risks centralising the approach to care and ignoring the distinct needs of communities, particularly those in my Highlands and Islands region.

The budget also fails to help business to recover. Across the Highlands and Islands, we have seen an extremely mixed recovery for tourism and hospitality, but phase 2 of the tourism recovery plan has been shelved, never to see the light of day. The Scottish Tourism Alliance has said that the budget

“does not go anywhere near far enough”

in supporting recovery. I suspect that that might be polite, compared with what constituents in the sector would tell the finance secretary in private.

In our countryside, £4.4 million is being removed from agricultural support. All the while, the budget for Highlands and Islands Enterprise—the body that is responsible for supporting business growth and new business creation—is being cut.

Instead of targeted help, the Government’s approach to recent support schemes seems to be little better than arbitrary, and ignores the impact of winter public health measures on a range of businesses. Conservative members called for 75 per cent targeted business rates relief for a full year, but what the budget offers is paltry in comparison.

We now know that one part of the Scottish Government—the Scottish Greens—does not believe in growing the economy; increasingly, it seems that that has infected the SNP, too. Therefore, it is no surprise that the fiscal outlook shows Scotland lagging a good quarter behind the rest of the UK in the timing of its economic recovery.

Where are the big ideas, the change and the aspiration to rebuild? We were promised much throughout the pandemic. One of the notions was a skills-led recovery to address not only the issues of the pandemic but the long-term drag on economic growth and productivity growth across Scotland. Instead, the skills and training budget is being cut and funding for colleges—already the

victims of years of SNP downgrading—is being cut by £53 million.

Based on any honest assessment, the budget fails to live up to the requirements of today's circumstances or to the aspirations for the future that we should all share for our country. The budget not only dodges the big questions, but actively serves to undermine progress against the long-term challenges that Scotland faces.

Above all, the budget shows the deep complacency in the Scottish Government. If the recent upsurge in discussion about breaking up the United Kingdom is anything to go by, that Scottish Government has got tired of the day-to-day business of governing.

The budget will leave the Highlands and Islands and Scotland worse off, but it is not too late for SNP and Green MSPs to put their constituents first and reject it. I urge them to do so today.

The Deputy Presiding Officer: Paul McLennan will be the last speaker in the open debate.

16:18

Paul McLennan (East Lothian) (SNP): I also pass my best wishes on to the cabinet secretary on her fantastic news.

I am delighted to speak in the stage 3 debate to pass the Scottish Government budget. I will speak about the economic situation in Scotland at this time of crisis and economic upheaval.

We have heard before about the cost of living crisis. Our poorest families have already had to deal with the universal credit cut, which affected 8,000 families in my constituency alone, including 5,000 single-parent families.

In the UK, fuel-cost increases will see the energy price cap rise from £1,277 to £1,971—a rise of £693 per year, or nearly £60 per month, which will impact on the most vulnerable people in our society. However, in France, price hikes have been limited to 4 per cent, in Spain the Government introduced a windfall tax on electricity generators and gas producers, and in Germany the Government slashed the surcharge on bills in order to support renewables.

The German Government will support them by increasing state subsidies, which are drawn from higher carbon taxes. Those were all policy choices that were available to the UK Government.

The average rise in national insurance payments will be around £350 per year, or £30 per month. Inflation is expected to hit over 7 per cent later this year, and food bills are soaring. Interest rates also look set to rise sharply. For many of our working poor, the combined rise in costs could range from £100 to £350 per month. Those are

people who are already struggling. In my constituency, food bank use was up 40 per cent in December and 28 per cent in January. It is no surprise that that biggest rise in years followed the universal credit cut. Most food bank users in East Lothian are people on low incomes.

The cost of living crisis is caused by UK Government policy choices on universal credit, energy and national insurance. Those choices are all coming home to roost. Make no mistake: they impact the poorest in society. They are Westminster decisions.

We hear the Tories talk about the need to grow our economy, but let us look at another Tory policy choice. Brexit has given the economy its biggest hit—even bigger than Covid—yet we hear not a word about that on the Conservative benches today.

Only yesterday, one of Scotland's biggest trading partners, Germany, reported that its import of goods from the UK dropped 8.5 per cent in year-to-year trading figures, while its imports from the rest of Europe surged by 17.1 per cent. For the first time ever, the UK is no longer among Germany's top-five trading partners.

Yesterday, the UK Parliament's Public Accounts Committee said that "the only detectable" sign of Brexit so far has been increased burdens on business, through higher costs, more red tape and border delays.

Let us now be reminded of what the Scottish Fiscal Commission said in its forecast:

"Overall the Scottish Budget in 2022-23 is 2.6 per cent lower than in 2021-22, after accounting for inflation the reduction is 5.2 per cent."

We will hear from the Scottish Tories that this is all about grievance politics and that the UK Government has been very generous. Yet on Tuesday, Mark Drakeford, the Labour First Minister of Wales, said:

"Last week HM Treasury said Wales would receive £175m from its English council tax rebate plan.

Just as we're finalising our plans to tackle the Cost of Living Crisis, we've learned there's no extra money for Wales."

—surprise, surprise—

"We will continue to work to support those who need it the most."

How ironic is it that the Welsh First Minister stands up more for the devolved budget than do his Scottish Labour Party colleagues? What Mr Drakeford says sounds familiar. The Tories naturally do not like devolution, nor will they ever.

We have talked about the Tory-created backdrop. What is the Scottish Government going to do to help? I welcome the cost of living

measures that were taken by the cabinet secretary today. The Scottish Government has provided funding to business—more than UK Government consequentials provided. The Scottish Government's latest business support package of £375 million would equate to a £4.6 billion equivalent package from the UK, far exceeding the chancellor's £1 billion of funding that was announced in December.

The finance and economy portfolio budget will provide £1.75 billion and will support the Scottish Government's economic response with a firm commitment to build a net zero wellbeing economy and protect and create good-quality, green jobs across every region of Scotland. This budget will support economic recovery by protecting the resource budgets of Scotland's three enterprise agencies and VisitScotland. It will also capitalise on opportunities that are created by the green economy, while strengthening Scotland's pandemic recovery. That is a major focus of this budget.

To accelerate the potential of digital technology, £192 million has been allocated to improve connectivity and boost the digital economy.

Douglas Lumsden (North East Scotland) (Con): Will the member take an intervention?

Paul McLennan: Yes.

Douglas Lumsden: I am interested in the advances in digital, because, as we all know, the R100 scheme, which is managed completely by the Scottish Government, is years behind schedule. What does the member think of that?

Paul McLennan: The R100 scheme was picked up by the Scottish Government because of the inadequacies of the UK Government, which did not know what it was doing. *[Interruption.]* I am not going to take lectures on that—sorry.

The spending plans maintain the Scottish Government's non-domestic rates reliefs package and will save ratepayers more than £800 million. It includes the small business bonus scheme, which takes over 111,000 properties out of rates altogether and is the most generous relief package of its kind in the whole of the UK. I see that every single day in the high streets of East Lothian.

In 2021-22, retail, hospitality and leisure businesses received 100 per cent rates relief, meaning that they pay nothing until April 2022, while equivalent businesses in England started paying rates last July.

Other budget funding for 2022-23 includes £215 million for the Scottish National Investment Bank, to enable it to invest in existing and emerging sustainable businesses. I have seen that through Sunamp in my constituency of East Lothian. It also includes £370 million for Scotland's enterprise

agencies, up from £340 million last year, and £225 million for Skills Development Scotland, to support a range of national training interventions.

A further £45 million will support the young persons guarantee, which will, through new and enhanced employment and training opportunities, target employment support at young people who face longer-term scarring effects from the pandemic.

It is a budget for business recovery, business growth, business renewal and jobs. I am proud to support it this afternoon.

The Deputy Presiding Officer: We move to closing speeches. I take the opportunity to advise members that there is some time in hand for extended contributions and/or interventions, should the closing speakers so wish. I call Daniel Johnson to wind up for Scottish Labour.

16:25

Daniel Johnson (Edinburgh Southern) (Lab): Thank you, Presiding Officer. I will try not to notice the disappointment on members' faces as I rise to speak when you have just said that.

We have become used to, if not weary of, finance secretaries making unexpected last-minute announcements as we conclude the budget process. However, the unexpected announcement that the cabinet secretary made the other day was very welcome indeed. I offer my congratulations to her and her husband. Parenthood is genuinely a blessing and a joy—most of the time.

Let me turn to the budget. It comes at an important time, because we all recognise and hope that we are entering a new phase of the virus in which we can genuinely start to look towards recovery, rather than just dealing with the emergency. We can all agree that the Covid costs have not gone away, but recovery means going further than simply accounting for those costs. It means saying what action we will take in order to build that recovery.

What the budget needed to do was to set out clear plans to help our shattered public services get back to normal, businesses to get back to trading and schoolchildren to recover the learning that they have lost. Although there are many things in the budget that we can support, such as the doubling of the Scottish child payment, I would argue that there is sufficient focus and clarity in those detailed steps to build recovery, and that is where the budget falls short.

There has been a lot of hot air, heat and argument about what the Opposition parties may or may not have been saying. Let me set the position out very clearly in numbers. At the point

that it was passed, there was £37.8 billion of resource funding in last year's budget. That included £1.8 billion of non-recurring Covid spending. The Covid money rose to £4.6 billion, but when compared with the £39.2 billion of resource spending in the coming year's budget, that left £3 billion unallocated. It is true that there is less money overall if we include the non-recurring Covid money, but that non-recurring point is important, because the money was unallocated in the coming budget.

We set out proposals within that envelope of £3 billion that would deliver recovery. The Government's contention is that, because of Covid, the cost of just running services more than exceeds that £3 billion. That may be so, but I do not think that it has clearly demonstrated that. Therefore, I make no apology for setting out our proposals in detail. I say politely to Kenny Gibson that, if he wants to accept invitations, he needs to do so. If he had got back in touch with me, I would have sat down with him and my dossier and gone through it literally line by line. Likewise—

John Swinney: Will the member take an intervention?

Daniel Johnson: I will in a moment, when I have finished the point.

Each one of those proposals was published with detailed costings. They may be wrong, but I would be happy for Mr Gibson to sit down with me and point out where they are wrong.

John Swinney: Mr Johnson completely misses the point that we have reached in the budget process. The finance secretary has allocated the budget in its entirety, including the supposed £3 billion about which Mr Johnson is talking just now. If he wishes to allocate money to some other purpose, he has to serve Parliament well by telling us where in the proposals that have been put forward by the cabinet secretary he is going to move the money from. It is just incredible for him to come here and say that he wants to spend £1.5 billion on this side without saying where in the allocated budget the money will come from. That is the credibility problem that the Labour Party has failed today and it is why there is no justification for Labour turning its back on the young people and children of Scotland by not supporting the doubling of the child payment.

Daniel Johnson: Mr Swinney has got his sequencing a bit out of order. The point at which we made the claim was before the budget was—

John Swinney: That is irrelevant.

Daniel Johnson: If Mr Swinney would just wait a moment!

The key point is that there are two fatal flaws in the budget. We cannot build social care recovery

on low pay, and that recovery is needed if we are going to deal with the backlog problem. I contend that simply raising the pay of social care workers by 48p is a problem, because we will not be able to recruit and retain the social care workers we need to deal with that backlog.

We cannot vote for a budget that does that, nor can we vote for a budget that treats council services as a budget line to be raided and redistributed elsewhere. Council services are not something to be expended in the cause of recovery; they are the foundation of recovery. We need roads, schools, libraries and play parks, and we cannot afford to cut them if we want a recovery that is worthy of the name.

Since the budget was first introduced in December, the cost of living crisis has come to dominate headlines, which underlines the challenge that recovery poses. In recent days, we have heard that the profits of multinational oil and gas companies are spiralling. BP has announced £9.5 billion-worth and Shell £14 billion-worth of profits. When Labour comes forward with a proposal to tax those profits and use them to alleviate the cost of living, what do SNP MPs do? They vote down those proposals with the Tories. Frankly, that is shameful.

Kenneth Gibson: Will the member take an intervention on that particular point?

Daniel Johnson: If the member can explain why SNP MPs voted with the Tories against those proposals, I am happy to take the intervention.

Kenneth Gibson: I recall Labour voting for £30 billion in cuts before it lost 40 of its 41 MPs in 2015. However, we are talking about the Scottish budget today. What Daniel Johnson is talking about is a reserved matter. Is Daniel Johnson saying that he believes that Scotland should have the powers to decide whether to have a windfall tax? As for the invite, it seems to have got lost in the post, because I have never received it.

Daniel Johnson: What has been lost in the post is whether the SNP agrees that we can talk about reserved matters and about what MPs do in Westminster. There is a huge amount of inconsistency from that side of the chamber.

The plan against which SNP MPs voted would have given most households £200 off their annual bills and delivered targeted support to the hardest hit by increasing the warm homes discount—815,000 households would have received £600 off their bills if plans from both the UK and Scotland were included.

I note with interest, and I will consider in detail, the measures that the cabinet secretary has introduced. I would be interested to look at their detailed impact, and at who will benefit from the

£150 council tax reduction. Critically, I have a key question on whether disabled households will benefit.

I might have missed the answer to my intervention, but I am interested to know where the money is coming from if not from Barnett consequential. I noted that, in the published spring budget revision, £284 million was in the reserve and I wonder whether the funding is coming from there. It would somewhat indicate that more money is available as the budget process goes through.

Kate Forbes: For clarity, the spring budget revision is out of date. For example, the overall quantum has been revised down and it is now net of the £290 million, so there are two different changes that require a more substantial revision, which I will take through the Finance and Public Administration Committee.

Daniel Johnson: Clearly, much more work needs to be done and we will examine the detail.

I was pleased to hear the cabinet secretary discuss the various allocations of the remaining £104 million, but I only totalled an additional £36 million in what she has stated. I would be grateful if she could state when the extra £60 to £70 million will come.

Do I need to wind up, Presiding Officer?

The Deputy Presiding Officer: A minute or so would be amply sufficient.

Daniel Johnson: I welcome the calls from the cabinet secretary and from Mr Greer for a more constructive approach to the budget process. Indeed, I believe that it is necessary. I suggest that we need three things. First, we need earlier and more open on-going dialogue—meeting a day or two before the budget is published does not provide for that.

Secondly, we need more transparency about the numbers. The calls for that have been made not just by Opposition parties but by Audit Scotland, too. We need to be able to track where the money goes, from budget to announcement to outturn to consolidated accounts. For us to be unable to see how money is spent is impossible.

Finally, there must be consistency. I note very different figures—£12 an hour and £15 an hour—being discussed in different places, and some consistency would be helpful.

There are some things in the budget that we can support, but we cannot pass a budget on the back of low pay for social care workers and cuts to front-line and foundational services that are delivered by councils. For those reasons, we will not be voting for the budget.

16:35

Murdo Fraser (Mid Scotland and Fife) (Con): Like other members, I congratulate the Cabinet Secretary for Finance and the Economy on her happy news. Like Daniel Johnson, I can testify that parenthood is a great joy. I am a parent of two teenagers, and she will have no idea what a joy that is. She will just have to wait until her children get to the age at which their friends can troll her on Instagram—that will be something for her to look forward to.

When we had the stage 1 budget debate three weeks ago, I reminded members that we were dealing with the largest budget in the history of devolution. If we take out the extraordinary coronavirus funding of last year, we find that, in the year to come, the Scottish Government will have more money to spend than ever before. I am grateful to Daniel Johnson for confirming that during the debate.

It is the task of Opposition parties to scrutinise the money that is spent, ask whether it has been properly allocated and highlight areas of wastage where we feel that money could be put to better use, which my colleague Liz Smith did earlier.

In Ross Greer's speech, he raised an interesting point about the budget process and whether Opposition parties should present more detailed proposals, which I remember being debated in the Finance and Constitution Committee in the previous parliamentary session. One of the barriers to prevent that happening is that only the Government has full sight of all the information. In the previous session, as members of that vintage will recall, we had the phenomenon, which we discussed in the many happy exchanges that we had with both the current finance secretary and her predecessor, of the remarkable ability of the Government to find money between the presentation of the draft budget and when the budget got to stages 1 and 3—down the back of the sofa, we used to call it. By all means, the Opposition could be brought in to present more proposals, as Mr Greer asked for, but we would need to have sight of and access to additional information, which, up until now, the Government has been reluctant to share with Opposition parties.

In the stage 1 debate, I mentioned support for business, which was discussed earlier in the debate. It is an issue that is more important than ever. Over the past few weeks, I have spoken to a large number of hospitality businesses across Perthshire, which has brought home to me the severe impact of the Covid restrictions that were introduced in December.

Having experienced two very difficult years, hospitality businesses were looking forward to the

Christmas and new year period as an opportunity to make up for lost revenue. There were bookings for office lunches, Christmas parties and family get-togethers. In early December, when the advice came from the Scottish Government that Christmas parties should not proceed, it was catastrophic for many businesses, as virtually all their bookings were cancelled. Many had already bought in their Christmas supplies of food, alcohol, decorations, napkins and crackers—all that is required for the festive season—much of which could not be reused.

In such circumstances, it is reasonable for such businesses to ask that they be supported financially. However, what has been offered by the Scottish Government falls far short of compensating them for their losses. As we speak, two months on from businesses being told that restrictions would be put in place, many are still to receive a penny of support.

In the budget, we called for the Scottish Government to provide 75 per cent business rates relief for a full year for businesses in the retail, hospitality and leisure sectors, which was widely supported by the business community. Instead, the Scottish Government has offered only rates relief of 50 per cent for the first three months of the financial year, and it has capped that at £27,500.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Will Murdo Fraser also call on the UK Government to put a halt to the 20 per cent VAT that it is about to put on the hospitality industry?

Murdo Fraser: I have heard that call from many people in business. Of course, they have also called on the Scottish Government to take action on business rates, which is within its gift and within the context of this debate, here in Parliament. The support that has been offered by the Scottish Government is less generous than what is being offered by the UK Government to businesses south of the border.

Earlier, I raised with the cabinet secretary the issue of support for nightclubs because, as a sector hard hit by the closures, nightclubs have been squeezed—

Jim Fairlie: Unbelievable!

Murdo Fraser: Mr Fairlie is shouting at me from a sedentary position, as if he wants me to give way again.

The Deputy Presiding Officer: Yes, a bit of calm on all sides would be helpful. Mr Fraser, please continue.

Murdo Fraser: Nightclubs have had a particularly difficult time for the past two years. They were looking forward to a busy Christmas and new year period and, of course, they faced

closure. The Scottish Government provided a nightclub closure fund to compensate them.

Daniel Johnson: Is Murdo Fraser concerned, as I am, that there are still nightclub owners who are saying that they are yet to receive money? Indeed, some are claiming that they have been refused it because their music is not loud enough. One person said that a nightclub has to play its music at above 85dB to be a nightclub.

Murdo Fraser: That is a significant point. I had not heard the point about the level of noise, but I have heard from other nightclub operators who have said that they are classed as hybrid premises because they have a bar alongside a nightclub and, because of that, they do not meet the criteria for support from the Scottish Government.

Earlier, I urged the cabinet secretary to address that. I know that the Night Time Industries Association has a meeting with the Scottish Government, and I hope that the Scottish Government will listen to what it has to say. It is a sector that has been hardest hit by the restrictions that were brought in, and yet it is being left high and dry without proper support.

The Scottish Government will say—we have heard it from the finance secretary—that there is more support for business in Scotland than there is south of the border. However, we have to remember that businesses south of the border did not face the same level of restrictions that we have seen here in Scotland. Despite all the additional restrictions that were introduced in Scotland, there is no evidence whatsoever that we faced a lesser impact of omicron than was the case elsewhere in the United Kingdom.

We have had some discussion about local government. Despite the finance secretary finding an extra £120 million for stage 1, we are still looking at real-terms cuts to local government amounting to £250 million in its core grant.

Kenneth Gibson: How can the Tories seriously talk about local government—no one does take them seriously on the issue—when we are seeing 40 per cent cuts on a manifesto promise south of the border on top of 37 per cent real-terms cuts? Their own record in government is so utterly woeful that to pose as defenders of local government is, frankly, embarrassing. Pick another topic next year.

Murdo Fraser: You would think that Mr Gibson would be embarrassed to raise a point that illustrates so perfectly the value of the fiscal transfer of £2,000 for every man, woman and child in Scotland from the rest of the United Kingdom—a fiscal transfer that he would throw away overnight because of his demand for Scottish separation. We are seeing support for the Scottish public sector thanks to fiscal transfers from

elsewhere in the UK. *[Interruption.]* Mr Gibson is still shouting at me from a sedentary position; does he want me to give way again?

Kenneth Gibson: Is Mr Fraser saying that the people of Scotland are less able to run their own country than their next-door neighbours? Is that what he is actually saying? Where is the union dividend if what he says is true?

Murdo Fraser: Of course the people in Scotland could choose to run their own country. Back in 2014, we asked that question and people chose to keep the benefits of being within the United Kingdom, and they chose to be part of a union in which the stronger economic part supports those that are in greater need, such as Scotland. Kenneth Gibson would throw that away.

We have also had some discussion about the cost of living crisis, which is a very serious issue, and a number of members have referred to it. SNP members are very anxious to talk about what the Westminster Government should be doing about the cost of living crisis, so let us look at what the Scottish Government is doing about the cost of living crisis. We are seeing increases in council tax for many households. We are seeing inflation-busting increases in Scottish Water charges. We are seeing the hated car park tax that will mean commuters paying up to £1,000 per year just to park their cars. We are seeing increases in the cost of rail tickets.

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): Will the member give way?

Murdo Fraser: Not just now. We are even seeing the introduction of compulsory smoke alarms costing hundreds of pounds for households at a time when budgets are being squeezed.

Each and every one of the measures that I have talked about is under the direct control of the Scottish Government. Instead of talking about what Westminster should do, it should be using the powers that it has to address those measures.

If Mr Arthur wants to intervene, I will give way.

Tom Arthur: I am very grateful. I ask this question in all sincerity. Does Mr Fraser think that there is a relationship between the pandemic and all the disruption that that has caused, and the current cost of living crisis that we face?

Murdo Fraser: There are many different reasons behind the increase in the cost of living. The pandemic, the rise in energy prices and the fact that there is a shortage of supply of energy have all been factors. One wonders why the Scottish Government and its Green partners are talking about closing down oil production in the North Sea at the very point when fuel prices are

going through the roof and hitting households right across Scotland.

In the debate, we have once again been challenged to say where money would come from. John Mason made his usual comments in that area. Let us look again at the projections from the Fiscal Commission on the amount of money that Scotland will get in income tax, which Liz Smith referred to earlier. If we could only grow the Scottish economy even at the same rate as—not faster than—the UK average, the finance secretary would not be facing a big cut in the budget that is available to her because of a drop in income tax receipts. If we want to find just a little bit of extra money, let us start with the £700,000 in civil servants' wages that is being spent preparing for another independence referendum, which we know is not going to happen.

The Minister for Public Health, Women's Health and Sport (Maree Todd): Will the member take an intervention?

Murdo Fraser: No. I am just coming to a close.

The Scottish Conservatives have made it clear that the budget before us is not one that we can support. Even though the Scottish Government has more money than ever before, the budget delivers cuts to local government and does not properly support businesses that have been struggling over the past two years. It is a budget that should be rejected by the chamber.

16:46

Kate Forbes: I am grateful to members for their very kind words. I do not mean to coincide major life events with budgets; that is just the way that things have unfolded. I assure members that I was not designing to get out of next year's budget. Whether that is a pro or a con I will leave to others to determine.

I will begin with a reminder of the announcement that we have made to help families. We are committing the full £290 million to support households, which will mean that 73 per cent of all households in Scotland will receive £150 at a time when budgets are squeezed. Even more importantly, we will use the council tax reduction scheme to target support better so that all households that receive a council tax reduction, regardless of what band they are in, will receive that support, which is a reflection of need.

In recognition of the energy impacts, we will continue the fuel insecurity fund to help households that are at the greatest risk of self-rationing their energy use.

Pam Duncan-Glancy: I congratulate the cabinet secretary on her news.

While we have been in the chamber, leading poverty organisations have said that the cabinet secretary's proposals on the cost of living are deeply disappointing and a missed opportunity to right a wrong done by the Westminster Government. What is her response to that?

Kate Forbes: My response is very similar to what I said in my opening remarks, in which I was up front and honest about two things. The first was that our scheme is an imperfect one. We have intentionally chosen to distribute funding in a way that is simple and effective, knowing that some will receive it who do not need it but that others who desperately need it will receive it.

My second point was that what we are doing must be seen in a much wider context. I read with interest Age Scotland's proposals and the Joseph Rowntree Foundation's analysis. If we had the full levers of a social security system or a tax system, we could take a far more targeted approach, but the approach that we have taken will ensure that families get help sooner rather than later. Obviously, deliverability is key, which is why COSLA is a key delivery partner in the whole process, which has been developed in collaboration with it.

Pam Duncan-Glancy: I thank the cabinet secretary for being generous in taking interventions.

The point about targeting is an important one, but there are levers and powers available to the Scottish Government that would allow it to better target support to low-income families. Support could be targeted to those on the carers allowance supplement or on pension credit, or to families that access child winter heating payments. Does the cabinet secretary agree that those would be appropriate ways to target support to low-income households?

Kate Forbes: I certainly think that that must be part of the package. As I said in my opening speech, support should be seen in that context. The fact that there was a supplement to the carers allowance in 2020 and again in 2021 is one example of such targeting. Over this winter, £41 million was provided through the winter support fund. Last year, low income pandemic payments were made to everyone in receipt of council tax reduction. Those are examples of how we have sought to target our funding.

On the point about deliverability, we have looked at a lot of options. The best way to get funding out as quickly as possible in April, instead of waiting for months, is to do it in the way that we have outlined. I am in no way shying away from the fact that that is imperfect. Thankfully, we have a council tax reduction scheme in place that allows

us to identify those households that are in greater need and to provide support to them.

Paul Sweeney: Will the cabinet secretary accept an intervention on that point?

Kate Forbes: I think that we have time for that.

Paul Sweeney: At stage 1 of the budget, the cabinet secretary announced that she was giving councils the opportunity to raise council tax as an option for offsetting budget cuts. Given that her announcement of additional funding would account for only a third of the proposed cuts, does that not mean that any councils that do choose to increase council tax will wipe out, at a stroke, any additional support coming from that measure?

Kate Forbes: I dispute the premise of that point. We did not give councils discretion over council tax for any reason beyond the fact that they have been asking for that discretion for years. I have not been in a single budget call with COSLA in which it has not specifically requested discretion.

I was going to come on to the position for local authorities. The point about the final position for councils has been raised a number of times in the debate, and I will come to that.

This budget, which all parties will have the opportunity to vote on at 5 pm, is about tackling inequalities. It includes £3.9 billion for benefits next year to provide support to more than a million people. There is £197 million to deliver the Scottish child payment, doubling it to £20 a week. The budget will continue tackling homelessness, with £831.5 million towards the delivery of more affordable housing. There is £200 million for the Scottish attainment challenge, as part of our commitment to providing £1 billion over this parliamentary session to tackle the poverty-related attainment gap.

We all know what the major challenges are. I thank Paul Sweeney for raising a point that the Joseph Rowntree Foundation has made clear, which is that the current rise in the cost of living will disproportionately affect lower-income families. That is why the holistic approach to providing more targeted help is critically important.

I will pick up on some other points that were raised by colleagues. Members from all parties talked about local government, and Miles Briggs illustrated a point that is central to the debate about local government. Social care is a key part of local government's responsibilities. Funding for that is therefore a key part of the overall settlement, although many parties exclude that when they talk about the settlement.

This budget will deliver real-terms growth in the local government settlement. It will protect the core budget, which increases by £120 million in cash terms. Over and above that, we will see £354

million for health and social care integration, £200 million to support investment in health and social care and £145 million for additional teachers and support staff, as well as significant funding for the increase in the Scottish child payment and the rolling out of free school meals.

Graham Simpson (Central Scotland) (Con): If the budget is so good for local government, can the cabinet secretary name any councils that are not having to put up council tax?

Kate Forbes: We have provided an additional £120 million so that no council has to deliver an inflation-busting council tax increase.

The point that I am making is that, when members debate the local government settlement, they exclude the very point that Miles Briggs quite legitimately put to me about the fact that social care is under pressure. We have increased funding for social care as part of our renewed commitment to passing on health consequentials to not just the health service but social care as well, but that is excluded from much of the debate and discussion.

Over the past few years, and again this year, Labour has—rightly, I think—highlighted the need for us to support carers. The budget that Labour will vote against tonight increases carers' pay by 10.5 per cent over last year. That 10.5 per cent increase in carers' pay is made for precisely the reasons that Daniel Johnson rightly outlined. To build resilience into the social care system, we need to make sure that carers are rewarded and remunerated rightly. There is a clear commitment, too, to building in collective bargaining as part of the national care service.

All parties have identified the need to invest in economic recovery, and we are doing precisely that. Murdo Fraser talked about business support, as others did. He also talked about the impact of omicron on hospitality businesses. Hospitality businesses in Scotland were not paying a penny in rates under the SNP, but hospitality businesses in England, under the Conservatives, were paying rates. It is all right to talk about the need to extend non-domestic rates relief, but, when businesses needed it, the SNP Government ensured that they had support. The same cannot be said of the UK Government.

When it comes to supporting the economy, there has been much debate about the need for some game-changing policies that will accelerate growth. My plea would be for the other parties to actually deliver on the rhetoric in terms of concrete, tangible ideas. There is much in the way of denigrating and criticising but very little in the way of tangible policies that the other parties have put forward that would accelerate growth in the way that they call for.

Presiding Officer, I was going to go through the contributions that were made by other parties, but I will not do that apart from making two quick comments. Michelle Thomson talked—I think very helpfully—about the challenges that we face but also about some of the hypocrisy. She talked, for example, about waste. We have all seen the reports of the £4.9 billion of fraudulent business loans under the UK Government and the £8.7 billion of personal protective equipment that was written off. In relation to waste, perhaps the Conservatives should start with their colleagues.

Jamie Halcro Johnston made a point about Highlands and Islands Enterprise, and I want to ensure that the answer is on the record. The enterprise agencies have seen a record level of funding—the highest level since 2010-11—because of the critical role that they play in economic recovery. HIE plays an absolutely essential role in the economic recovery of the Highlands and Islands, which is why we have maintained its spending power. What Jamie Halcro Johnston referred to as a reduction is a non-cash reduction—it is about accounting charges like depreciation. I want to make sure that it is clear that this is about protecting our enterprise agencies.

Last but perhaps not least, Paul McLennan talked about the wider economic impacts that we are all contending with. He talked about the impact of Brexit and the impact of the cumulative costs on businesses. It reminds me of the debate that we had a few weeks ago about labour shortages, when, on the one hand, the Conservatives were at pains to say that Brexit is not the problem and that there are labour shortages in France as well, while, in the same breath, they blamed all economic woes on the SNP. They cannot have it both ways. I have spoken directly to businesses and it is quite clear to me where much of the challenge is coming from.

Presiding Officer, I have endeavoured to fill the time and take us right up to 5 o'clock. I am delighted to commend the budget to the Parliament. It is an ambitious and bold budget that delivers for the people of Scotland and highlights their priorities. It also ensures that, as a Government, we have been quick to respond to the needs that have emerged since 9 December.

Health and Care Bill

16:59

The Presiding Officer (Alison Johnstone): The next item of business is consideration of a legislative consent motion, S6M-03054, on the United Kingdom Health and Care Bill.

Motion moved,

That the Parliament agrees that the relevant provisions of the Health and Care Bill, introduced in the House of Commons on 6 July 2021, relating to regulation of healthcare and associated professions; food information for consumers: power to amend retained EU law; international healthcare arrangements; Medicine Information Systems; virginity testing offences: Scotland; hymenoplasty offences: Scotland; Secretary of State's power to transfer or delegate functions; and information about payments etc to persons in the health care sector, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive function of the Scottish Ministers, should be considered by the UK Parliament.—[*Humza Yousaf*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:00

The Presiding Officer (Alison Johnstone): There are three questions to be put as a result of today's business. The first question is, that motion S6M-03124, in the name of Ivan McKee, on the Professional Qualifications Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. There will be a short suspension to allow members to access the digital voting system.

17:01

Meeting suspended.

17:04

On resuming—

The Presiding Officer: We come to the division on motion S6M-03124, in the name of Ivan McKee. Members should cast their votes now.

The vote is now closed.

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): On a point of order, Presiding Officer. Unfortunately, I was not able to log in in time. I would have voted yes.

The Presiding Officer: We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Haicro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-03124, in the name of Ivan McKee, on the Professional Qualifications Bill, which is UK legislation, is: For 94, Against 29, Abstentions 0.

Motion agreed to,

That the Parliament notes the supplementary legislative consent memorandum on the Professional Qualifications Bill lodged by the Scottish Government on 28 January 2022, and the reports of both the Economy and Fair Work Committee and the Delegated Powers and Law Reform Committee of 22 November 2021 and 23 September 2021, and calls on the UK Government to amend clause 16 (formerly 14) of the Professional Qualifications Bill to require UK Ministers to secure the consent of Scottish Ministers before acting in areas of devolved competence.

The Presiding Officer: The next question is, that motion S6M-03081, in the name of Kate Forbes, on the Budget (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-03081, in the name of Kate Forbes, on the Budget (Scotland) Bill, is: For 69, Against 54, Abstentions 0.

Motion agreed to,

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

The Presiding Officer: The final question is, that motion S6M-03054, in the name of Humza Yousaf, on the Health and Care Bill, which is UK legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Health and Care Bill, introduced in the House of Commons on 6 July 2021, relating to regulation of healthcare and associated professions; food information for consumers: power to amend retained EU law; international healthcare arrangements; Medicine Information Systems; virginity testing offences: Scotland; hymenoplasty offences:

Scotland; Secretary of State's power to transfer or delegate functions; and information about payments etc to persons in the health care sector, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive function of the Scottish Ministers, should be considered by the UK Parliament.

Meeting closed at 17:09.

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

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