



OFFICIAL REPORT
AITHISG OIFIGEIL

Health, Social Care and Sport Committee

Tuesday 8 February 2022

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

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

Tuesday 8 February 2022

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
HEALTH AND WELLBEING OF CHILDREN AND YOUNG PEOPLE.....	2
HEALTH AND CARE BILL	31
Legislative Consent Memorandums	31

HEALTH, SOCIAL CARE AND SPORT COMMITTEE

7th Meeting 2022, Session 6

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

*Paul O’Kane (West Scotland) (Lab)

COMMITTEE MEMBERS

*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

*Sandesh Gulhane (Glasgow) (Con)

*Emma Harper (South Scotland) (SNP)

*Gillian Mackay (Central Scotland) (Green)

*Carol Mochan (South Scotland) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*Evelyn Tweed (Stirling) (SNP)

Sue Webber (Lothian) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Clare Haughey (Minister for Children and Young People)

Gavin Henderson (Scottish Government)

Shirley Laing (Scottish Government)

Shona Robison (Cabinet Secretary for Social Justice, Housing and Local Government)

Humza Yousaf (Cabinet Secretary for Health and Social Care)

CLERK TO THE COMMITTEE

Alex Bruce

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament
Health, Social Care and Sport
Committee

Tuesday 8 February 2022

[The Convener opened the meeting at 09:00]

Decision on Taking Business in
Private

The Convener (Gillian Martin): Welcome to the seventh meeting in 2022 of the Health, Social Care and Sport Committee. I have received apologies from Sue Webber; no substitute member is attending in her place.

The first item on our agenda is a decision on whether to take items 4, 5, 6 and 7 in private. Do members agree to take those items in private?

Members indicated agreement.

Health and Wellbeing of Children
and Young People

09:01

The Convener: Our second item is a further evidence session with Scottish Government ministers as part of our inquiry into the health and wellbeing of children and young people. I welcome, for the first time in this session of Parliament, Shona Robison, who is the Cabinet Secretary for Social Justice, Housing and Local Government; and Clare Haughey, who is the Minister for Children and Young People. They are supported by their officials from the Scottish Government. Fiona Clements is from the improving lives for people with care experience unit in the children and families directorate; Gavin Henderson is deputy director for keeping the Promise; Shirley Laing is director for housing and social justice; Tom McNamara is head of youth justice and children's hearings; and Laura Meikle is head of the support and wellbeing unit. They are joining us online.

I believe that the Cabinet Secretary for Social Justice, Housing and Local Government would like to make an opening statement.

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Good morning. I am grateful to the committee for inviting me and the minister to give evidence. The Covid pandemic has had a clear impact on the wellbeing of children and young people. The true extent of that will not yet be evident. That is why the committee's inquiry is important and why the Government remains committed to getting it right for every child.

We know that there are strong links between experience of poverty in childhood and poorer health outcomes across a range of measures. Not only that, but there are impacts on wider life chances, including on educational attainment. We want better for Scotland's children. We have set in statute ambitious income-based targets to significantly reduce levels of child poverty in Scotland by 2030 and we have declared tackling child poverty to be a national mission. We are working to mobilise all of Scotland to drive the progress that is needed.

Across the life of our first tackling child poverty delivery plan, we have strengthened the financial support that is available for low-income families across the early years. That includes support through our package of five family benefits, including the best start grant, best start foods and the Scottish child payment. That package will be further strengthened from April with the doubling of

the Scottish child payment to £20 per week per child.

We now offer the equivalent of 1,140 hours of early learning and childcare to all three and four-year-olds and about a quarter of two-year-olds. That is a critical investment in children and parents. We have also delivered new employment support that is built on the values of dignity and respect, and is providing the help that parents need to access employment without fear of sanctions.

We recognise that holistic whole-family support is essential to wellbeing in tackling poverty. To that end, we have committed to investing £500 million in whole-family wellbeing funding during this session of Parliament.

We also recognise the additional challenges that our care experienced children and young people face. By the end of this Parliamentary year at the latest, we will publish a single implementation plan setting out the actions and commitments that we will deliver to ensure that we keep the Promise by 2030.

We will also publish our next tackling child poverty delivery plan by the end of March. That will set out the transformational actions that we will take with partners across Scotland to tackle child poverty and drive progress towards the ambitious targets that are set by this Parliament.

In 2020-21, our investment targeted at low-income households reached almost £2.5 billion, including nearly £1 billion that focused on low-income families with children. Delivering on our ambitions on child poverty and child wellbeing will require changes not only in ways of working, but in investment. That is why our on-going resource spending review has outlined child poverty as a key priority.

I welcome the committee's inquiry and the opportunity that you have given me and the Minister for Children and Young People to answer your questions relevant to our portfolios.

The Convener: Thank you very much. It is important that say that we have asked ministers and cabinet secretaries from different portfolios to give evidence because what they are doing feeds into children's health. An overwhelming number of stakeholders and witnesses to our inquiry have flagged up poverty as a driver of poor mental and physical health outcomes for children and young people, which prompted us to bring in both of you. Thank you for coming to give us your perspective on the work that you are doing.

I want to ask about the interim child poverty targets. Where are you with the targets? What are the challenges in relation to the constitutional landscape—the powers landscape—in tackling

poverty from the Scottish Government's perspective?

Shona Robison: First of all, we have made considerable progress in implementing the first delivery plan, which includes the key supports that I mentioned earlier such as the Scottish child payment for children under six, the bridging payments for older children and the parental employability support fund. We are not starting from nothing; building blocks are in place.

However, we recognised the need to give the next delivery plan far greater cross-Government focus. We cannot tackle child poverty through social security alone. Although that can do some of the heavy lifting, we must also try to reduce costs, as well as increase opportunities for employment, because we know that work is a key way out of poverty, including child poverty in families.

Making that happen requires the whole of Government's focus; it also requires partnerships across the rest of Scotland with local government, the third sector and the private sector. The focus is very much around those three pillars and what we can bring across the whole of Government in pulling that together. I have spent a lot of time in bilateral meetings with colleagues, and we have spent a lot of time in Cabinet discussing the issues. Basically, we are looking at every possible way in which we can make the interim targets achievable.

That is against a challenging backdrop in which cost-of-living pressures are building and in which the £20 a week cut to universal credit—the uplift had been given during the pandemic—is causing problems. We are doing absolutely everything that we can, but I cannot overestimate how difficult the backdrop is. However, we need to get it right, because we absolutely must give our children the best chance of having the life chances that they deserve. We are working hard to do that.

The Convener: I want to ask about the approach that you are taking with the forthcoming delivery plan and your work with stakeholders to inform the plan. I know that this is a huge question, but can you give us a grounding on that? My colleagues will come in on specific aspects of the plan later.

Shona Robison: We started from the point of view that, although we have some ideas, we do not have all the answers. That is why we have been consulting with a wide range of stakeholders, seeking to build on the robust evidence base that was established during the life of the first delivery plan.

We have also sought views directly from the Social Justice and Social Security Committee, as the principal committee with the remit in, expertise

on and oversight of the work; however, we very much welcome the views of other committees, third sector organisations, local government and people with lived experience. We have been working with the Poverty and Inequality Commission, which has also been working with those who have lived experience, to co-develop and test some policy proposals, in advance of publishing the plan next month.

In that way, we have looked at how we support the six priority family types. Those account for around 90 per cent of all children in poverty in Scotland so, if we can do better by those families and come up with solutions that are going to work for them, we can dig deep into child poverty.

For example, on the employability side, we have been looking at how we create more bespoke solutions for families. If they had already found it easy to navigate and get into employment from the position that they are in, they would have done so. We need to understand the barriers. Some of those barriers are financial, but some are about childcare or transport costs. We need to understand that and put in place wraparound solutions that will make the difference and open doors that have previously been closed.

We also need to look at the costs that families face and at how we can reduce those, in the current climate of increasing living costs, and, what is important, make sure that people get the support that they are entitled to, through Social Security Scotland.

That is the approach that we are taking, and I am hopeful that it will give us the best possible chance of meeting the interim targets.

The Convener: Before I bring in my colleague Sandesh Gulhane, I will bring in the Minister for Children and Young People. A lot of the approach to tackling the wellbeing of children has been in very early and significant interventions, both universal and bespoke. Will you give us an overview of that, from the perspective of your portfolio?

The Minister for Children and Young People (Clare Haughey): Yes, and thank you for the opportunity to speak to the committee, convener. Overall, the work of the Scottish Government, with our partner agencies in health, happens through pre-conception care, antenatal care, perinatal care, the baby box, and the best start grants that are available. Those give our children and families the best start in life with the tools and opportunities to have healthy babies and to supported people when they become a family—when someone gives birth to a child.

One of the most obvious examples is the baby box, which the Scottish Government introduced in our programme for government in 2016. That is a

universal measure. As of January this year, more than 200,000 baby boxes have been delivered across Scotland and have had an impact on 98 per cent of expectant parents, who took up that offer of support, clothing and information. That demonstrates how valued that particular intervention and offering is.

I move on to the expansion of early learning and childcare. In August last year, all local authorities across Scotland were offering 1,140 hours of free early learning and childcare. As the cabinet secretary mentioned, that offer is also made for eligible two-year-olds.

The Government is looking to expand that offer, which we hope will mitigate some of the effects of poverty on families, which the cabinet secretary also mentioned, including the ability to access work, training and education. In addition, our manifesto commitments include expanding the childcare offer by considering wraparound childcare, out-of-school childcare and holiday childcare. That will provide families with some of the support that is necessary to enable them to access services, education and work opportunities that will alleviate the poverty in which they find themselves.

09:15

Sandesh Gulhane (Glasgow) (Con): I am glad that work has been mentioned as an exit route from poverty. Why do low-income parents lose their council tax reduction when they enter work, rather than there being a gradual tapered withdrawal that might incentivise work?

The cabinet secretary and the minister mentioned childcare. The Joseph Rowntree Foundation said that, in 2020, against a background of huge council tax funding decreases, less than 30 per cent of local authorities had enough childcare. What work will the Scottish Government do to improve that?

Shona Robison: Our council tax reduction scheme currently protects more than 470,000 low-income households in Scotland from council tax bills, according to need and ability to pay. There is no equivalent approach in England, where, from 2013, council tax support was localised to individual local authorities. Our council tax reduction scheme has maintained support since the abolition of council tax benefit in 2013, and funding for it has exceeded local authority costs by more than £97 million in the past three years. I would say that we are doing what we can with those costs.

The Government is looking at how we support families with some of the consequential money that has come from the United Kingdom Government's response to the cost of living. We

will always look at what more we can do. In the budget, we have tried to strike a balance and focus on how we support low-income families at a time of rising costs. We cannot do everything, and we cannot mitigate every aspect of decisions that are made elsewhere, but we can try to focus that support as best we can.

Clare Haughey might want to talk about childcare.

Clare Haughey: In recent years, we have made significant progress on delivering a major expansion of funded early learning and childcare. We work closely with the Convention of Scottish Local Authorities, with our local authority colleagues, and with the private, voluntary and independent sectors on expanding that offer of free childcare. There has been significant investment in infrastructure—some expansion of nurseries and some building of new nurseries—to ensure that we can make that offer to local communities.

We have proved that, when we set targets for provision of early learning and childcare, we can meet them. Obviously, we have provider neutrality for funding, which takes account of the fact that, outwith the nursery infrastructure, the childminding industry represents a huge offer to children and young people at the pre-school stage and in the early years of school, as well as in wraparound school care. Obviously, there is always work to do to support that infrastructure and industry to ensure that there are places for children, as we expand that childcare offer.

Emma Harper (South Scotland) (SNP): As someone who is interested in child poverty and public health, I wonder whether you can tell us to what extent child poverty is viewed as a public health issue.

Shona Robison: There are clear links between the experience of child poverty and poorer health outcomes across a range of measures over the course of a child's life, including healthy life expectancy. As I have said, our approach is to ensure that we are working on this right across Government, including in the health portfolio and what it can bring to the table. Earlier, Clare Haughey talked about early intervention and some of the work that is being undertaken to get that right and to ensure that the right interventions are put in place. The target that was set in the Child Poverty (Scotland) Act 2017 allows us to take a holistic look at a wide range of action to tackle child poverty.

We need only look at some of the work done by, for example, Harry Burns, who set poverty and child poverty in a public health context. The challenge for us all is to see poverty and child poverty not as inevitable but as products of society

and its structures; we need to understand that if we are to move the barriers and address the structural issues that set children on a path to poverty as soon as they are born.

We have some levers for addressing that, but it is frustrating that we do not have them all. Sometimes in the work that we do and the decisions that we take, we feel like there is a pushback in decisions that are made elsewhere; indeed, I have already mentioned the £20 cut to universal credit. That can be difficult, but we have to use every lever that we have as a Government to make progress on child poverty. Viewing it as a public health issue is certainly the right thing to do.

Emma Harper: I think that Clare Haughey said that 200,000 baby boxes had been given out so far. I know that NHS Dumfries and Galloway has had 1,241 and NHS Borders 1,033, but are you able to say a wee bit about the impact of their introduction and how they have helped to support and protect families and met some of the challenges of the poverty that we are seeing?

Clare Haughey: The independent evaluation of Scotland's baby box, which was published on 13 August last year, highlighted the scheme's positive impact on families, particularly first-time younger and low-income parents, with a 97 per cent satisfaction rate for the box and its contents and 91 per cent of families reporting financial savings, which is obviously very relevant to the committee's inquiry.

The evaluation also highlighted key impacts, including saving money on essential items that are needed for the baby and learning about positive parenting behaviour, such as bonding with the baby through playing, talking and reading. Indeed, more than half the families reported reading to their baby earlier as a result of the baby box, which is obviously good for promoting attachment and positive parenting and for child development, particularly in speech and language. As we know, reading to younger children can help them to develop those important skills. I think that we have demonstrated through both the research and parental uptake of the baby box how valued it is.

I want to go back to the cabinet secretary's point about our having to mitigate some of the impacts of decisions that have been made elsewhere on reserved benefits. In the past couple of weeks, we saw statistics about the number of children who have been affected by the benefit cap that the Westminster Government introduced a few years ago. In essence, their families do not receive benefits for more than two children. In my constituency, at least 215 children have been affected by that. The impact of it on family incomes is huge in one constituency in Scotland.

We must consider the effects of child poverty and what the Scottish Government can do. We are not powerless; we can do things to alleviate child poverty but, at times, it feels like we are fighting with one hand tied behind our back.

The Convener: We move on to questions about the protection of vulnerable children.

Gillian Mackay (Central Scotland) (Green): Given the difficulties that the pandemic caused with keeping in contact with children and their families, as well as the decreased visibility of children during lockdown, is there a risk that a greater number of children will have fallen through the cracks and not been identified by public services as vulnerable or at risk? What action has been taken to identify those children?

Clare Haughey: We are acutely aware of the impact that the pandemic has had on us all, particularly children and families. The Covid-19 children and families collective leadership group, which was jointly chaired by the Scottish Government and the Society of Local Authority Chief Executive and Senior Managers, was established in May 2020 to bring together local and national Government and other partners across children's and family services, including health, education, justice and the third sector, to review concerns for children, young people and families with vulnerabilities during the pandemic and the longer-term support for recovery and renewal.

As part of its work during the pandemic, the CLG developed an action plan that was focused on 10 priorities, including access to services, child protection, drugs and alcohol, care leavers, respite care and workforce resilience. Using near real-time data rather than historical data, the CLG was able to get a better sense of the early impact on vulnerable children, including by commissioning deep dives through the centre for excellence for children's care and protection—I believe that the committee has had some contact with the centre and received some information and evidence from it—as well as other partners to understand the collective impact and any emerging trends, particularly in relation to service response to the need.

During the pandemic, we have learned to work in a more agile way between local and national Government organisations and agencies. We also need to continue to include our third sector partners. That has largely been driven by better access to timely routine data and use of local intelligence, which was not previously available in the same way.

We have seen some good examples of how services have adapted to the pandemic to ensure that they were able to deliver to vulnerable

children and families in particular. We have heard examples of social workers donning personal protective equipment to do home visits and meeting children and families outside to go for a walk at times when that was the most appropriate and safest approach because of the mitigations that were in place for Covid-19. Of course, health services remained operational during even the most restrictive of measures and during lockdown. For instance, maternity services were prioritised and health visitors and school nurses continued to work.

There are certainly lessons to be learned and we will learn from them. If services need to respond to tighter restrictions that need to be put in place in the future, we will be able to learn from the work and research that has already been done.

Gillian Mackay: That is great. Thank you.

The Promise Scotland has commented on the impact of the proposals for a national care service on reform of the care system. How do we ensure that reform and change happen now while long-term work on the national care service continues?

09:30

Clare Haughey: Last week, the committee heard evidence from my colleague Kevin Stewart, who is leading on the national care service. This week, the responses to the call for evidence and the consultation will be published, so I do not want to pre-empt those. Children's services were included in the consultation, and, from my conversations with stakeholders and others, I am sure that a wide variety of views will have been submitted.

The Government is committed to keeping the Promise, to ensuring that children in Scotland grow up feeling loved, safe and respected, and that the wraparound services that they receive are appropriate to them.

I have no doubt that there will be challenges with the introduction of a national care service. There will be inevitable changes to social work, even if only adult services are covered by the national care service. We are very mindful of that. As with the challenges of addressing child poverty, the commitment to the Promise is a cross-Government commitment. We are mindful of unintended impacts, so we will develop the national care service in a way that does not lead to unintended consequences for other systems and services.

Paul O'Kane (West Scotland) (Lab): Good morning. I will follow on from the previous question about the Promise. Last week, Louise Hunter, the chief executive of Who Cares? Scotland, referred

to “implementation purgatory” in relation to progress on the Promise. Given what the minister has said about the time that it will take to develop a national care service, and what the sector perceives as a delay in implementing the Promise, are those comments a fair assessment?

Clare Haughey: I can understand why care-experienced people feel frustrated that progress is not as visible as it should be. The past two years have been very difficult and challenging for all of us, and many people’s situations have changed as a result. As we recover from the impact of Covid-19, our commitment to keep the Promise remains central to the Government’s actions, as I said in my answer to Gillian Mackay. Our ambition to create the conditions that enable wellbeing to flourish is set out in our Covid recovery strategy. That includes driving forward the changes that we need to keep the Promise.

The Convener: We heard from quite a few care-experienced young adults, some of whom had become parents, and they talked about being very isolated during the pandemic. Last week, I mentioned to Kevin Stewart a very astute comment that one young woman made. She said that all local authorities know who leaves care and when that happens, but the health and mental wellbeing outcomes for young people who leave care and go into their adult lives are known to be quite bad. She made the point that local authorities almost seem to leave them and that there is nothing in place to support their mental health.

What is your response to that? Local authorities act independently of one another and they all act differently, but what are we doing to ensure that young people who leave care or have care experience have better health and wellbeing outcomes?

Clare Haughey: It sounds as though the voice of that young woman has resonated with you and, I am sure, the rest of the committee. It is vital that we listen to those voices and that such voices and experience are at the heart of the work that we do. As we develop policy and work to fulfil the Promise, it is vital that we take account of the voice of lived experience.

We absolutely recognise the vital role of positive and well-planned transitions, and we recognise that planning can improve outcomes for young people who are in care and leaving care. We are committed to supporting care-experienced young people. That is enshrined in the Children and Young People (Scotland) Act 2014 and the measures that we are taking to keep the Promise.

We are working with partners to explore how to link existing data collections in order to provide a clearer picture of health and wellbeing outcomes

for care-experienced young people so that we can make targeted interventions. For example, over the next six to 12 months, we will be working with four local authorities on a pilot programme to link community health index numbers with existing data on looked-after children in order to get a better understanding of outcomes and information for the next steps of a national roll-out. That will mean that, ultimately, we will have a better understanding of long-term outcomes. The aim is also to measure improvements in the care system as we work together to keep the Promise and improve the lives of children and young people.

Through that on-going work, there has to be a golden thread of lived experience—people’s experience, good and bad, of being in looked-after situations or in the care system. What we can take from that includes what they felt was good and what we need to improve on. We are absolutely determined to do that work.

The Convener: Paul O’Kane wants to discuss child poverty priority groups.

Paul O’Kane: Having read some information on the subject, I want to start with how the data can be improved with intersectionality. For example, how do we know how many families from an ethnic minority background have children who have a disability? How do we drill down and get to the detail of what are complex and different lives?

Shona Robison: You raise an important point. As I said earlier, we have placed a sharp focus on six priority family types, but those families are, of course, all different in the challenges that they face. How do we ensure that we understand all those challenges? We have published a series of evidence reviews alongside our first three annual child poverty progress reports. One of those is on lone parents, one is on black, Asian and minority ethnic families and one is on disability. We should not take a one-size-fits-all approach. I mentioned having more bespoke solutions for families. Each family is different, and those with different protected characteristics clearly face further challenges.

On the data, I note that it will always be difficult to pick up small populations in sample surveys, so it is important to support those surveys with the development of other evidence. Qualitative and what I guess will be called participatory research with the priority families is key to understanding the barriers and what works for those families in tackling poverty. The additional reports will help us with that, and we are actively looking to develop data linkage to allow better analysis of those small populations. The data and intelligence network has an on-going project to link the school pupil census and health records. If that can be done, it will provide a more granular level of information.

Having said all that, I add that one of the most important things that we can do is to listen to what families tell us about what the barriers are. I mentioned the three pillars earlier. When it comes to employability, for example, if one parent has a disability, or if parents are from the BAME community, they are going to face additional barriers to employment compared with other families, for all the reasons that we understand. Likewise, lone-parent families will have to overcome childcare barriers, as well as the other barriers that they face.

We need to understand that, and our solutions in the delivery plan need to recognise that one size does not fit all. We need to work alongside families and with trusted folk who know them, instead of pitching up with an agency. Those trusted folk, who are often from third sector organisations, can help us to have a conversation about what will make the difference for a family and help them to overcome some of the issues that people face in moving on to the world of work.

Paul O’Kane: Thank you for that comprehensive answer, which began to explore some of the other themes that I am keen to get more clarity on. You said, quite rightly, that a one-size-fits-all approach does not work. Is the Government’s intention, then, to target measures specifically to the groups that we have just discussed? Are there examples of initiatives through which that targeting is happening?

Shona Robison: I think that there are. A lot of third sector wraparound support is focused on lone parents, and there are specific supports—again, particularly through third sector organisations—for black and minority ethnic families. However, I think that we could do better at understanding the barriers, particularly to employability. There is also evidence that some families are still not aware of the available supports that they are entitled to. We need to understand why that is and to overcome the barriers to their accessing that financial support.

There are other issues, too, such as whether, through the affordable housing supply programme, we are building enough homes that are large enough for families that require, for example, four or five bedrooms. We could be better at that. There is also the need to keep the cost of a home in the social rented sector substantially lower than the cost in the private rented sector, so we need to think about how to reduce costs, as well.

The employability area, which is underdeveloped, is a very strong focus for us in the delivery plan. We recognise that, if we are going to help families to move into the world of work, we need to understand the barriers for all those families and that they will be different from one another. We are trying to tailor that support to

meet families’ particular needs. If we can do that more effectively, we could really begin to help families. We are looking at using test sites to work with families and see what works. A lot of work is going on around that, and I will be happy to furnish the committee with more information once it is ready to go live.

Clare Haughey: I will give a further example of targeted support from my portfolio interests. The eligibility of two-year-olds to access the 1,140 hours was expanded to include the children of care-experienced parents in order to provide them with the opportunity to work, train, or continue or restart their education. That recognises that they might not have the family support around them that other people will have in terms of childcare, and it enables them to get some time away while their children are in a safe place, so that they can access other services. That is another example of where we have targeted the support in a way that is tangible.

09:45

The Convener: We have talked about the 1,140 hours and the expansion of that care to include vulnerable two-year-olds. Particularly given that we have had the lockdowns and there have been issues with people being unable to access some of the care that would ordinarily have been available, what is being done to improve the uptake of places by people with two-year-olds who are entitled to additional childcare? There might be families and parents out there who do not want to put their two-year-olds into nursery. Is there flexibility in the provision that might encourage them to take up those places?

Clare Haughey: There is a principle of provider neutrality. A parent who has an eligible child can choose from a variety of early learning settings. That could be childminding, a nursery placement or an outdoor nursery.

It is important to remember that, even during the time of school and ELC closures for most pupils and young people, those facilities were there, not only for our key workers so that they could maintain services, but for vulnerable families who were identified by local authorities, because they know them best. Those families were, therefore, still able to access that funded ELC and school-age care.

As I said in response to Sandesh Gulhane, we have made significant progress in delivering a major expansion of provision, and part of that happened during a pandemic. That is testament to the work that many people have done to ensure that we could deliver 1,140 hours in August last year, and we have seen an increased uptake in relation to eligible two-year-olds year on year,

which is encouraging. Obviously, there is still more to do and we want to ensure that everyone who is eligible for that provision is able to access it if they choose to do so, accepting that some parents of two-year-olds do not want to use that childcare.

We have done some work to ensure that the services that are in contact with families are aware of the childcare offer and can inform families about it. We are also working with the UK Government to look at UK-level data sharing. A UK Government consultation is calling for views on data sharing with the Scottish Government in relation to families that are recipients of eligible benefits so that local authorities would be more able to communicate directly with them, because there have been general data protection regulation issues, with systems not being able to speak to one other. My understanding is that that will require some legislation at Westminster.

As the cabinet secretary said, we also need to get alongside those eligible families and understand what the barriers are to them accessing the childcare offer.

The Convener: Sandesh Gulhane has a supplementary question on that subject. He can then move on to the theme of child development during Covid.

Sandesh Gulhane: Minister, you talked about the increased uptake but, between 2019 and 2020, registrations fell from 11 per cent to 2 per cent. The Scottish Childminding Association has said that added bureaucracy and paperwork for childminders has prevented them from delivering the funded 1,140 hours, has led many to leave the profession and has prevented new people from joining. What is your response to that?

Clare Haughey: My figures are slightly different from yours. There was a drop between 2019 and 2020, but it was a drop from 11 per cent to 9 per cent, rather than a drop to 2 per cent. In 2021, it increased to 13 per cent. Given the impact of Covid and the circumstances in which they were living, one can understand why parents did not register for the childcare that they were eligible for, or why they were reluctant to do so.

Childminders and the Scottish Childminding Association are key partners with the Scottish Government and local authorities in delivering the 1,140 hours and developing the wraparound care that we have committed to, and we are working closely with them to understand why childminders are giving up the profession and to help with recruitment and retention. As they are an absolutely key part of the ELC workforce, we are committed to working alongside the national association to understand what attracts people to childminding, to ensure that it is seen as an attractive career option, and to not only expand

the workforce, but retain the current workforce and understand why people are choosing to leave.

Sandesh Gulhane: Mary Glasgow told the committee:

“There are babies and toddlers who are reluctant to go to nursery or to begin to move through important social stages”

and

“We will be seeing the impact of”

Covid

“for a long time to come”.—[*Official Report, Health, Social Care and Sport Committee*, 11 January 2022; c 31.]

The University of Glasgow has found that, in 10 to 13 per cent of children, there was concern about an area of development, including gross motor skills, speech and language development, and emotional and behavioural development. Cabinet secretary, what impact assessment did the Scottish Government carry out on later restrictions with regard to the development of children?

Shona Robison: That might be a question for Clare Haughey.

The Convener: Perhaps you have just been promoted, minister.

Clare Haughey: No—I am happy to answer as the minister.

I talked earlier about our cross-sectoral work in the children and families collective leadership group on the impact of the pandemic on children and young people. We looked at the real-time data and how, for example, services were responding to children, young people and families. It is important to remember—I am sure that you will be aware of this—that the early years workforce, including ELC staff, health visitors and allied health professionals, has continued to support parents and carers over the course of the pandemic, although people might have been working in different ways.

That said, we know that there has been an impact on social and emotional development with the pandemic, and we will continue to look at the controls and measures that are in place to contain it and whether they need to be adjusted further to minimise any developmental harm to our young people. Many children in Scotland have had a significant part of their nursery experience cut short due to Covid. A key part of early learning for children is learning how to socialise with others and about group dynamics. Lots of our wee ones will have missed out on that and, as you have suggested, the evidence is beginning to show the pandemic’s impact on a range of children’s outcomes, including speech and language development. Indeed, that is why I highlighted the issue when I talked about the books in the baby

box and our encouraging parents to read to their children, which is something that they can do at home and which is so vital in stimulating children's imaginations and encouraging speech and language development.

It is for all those reasons that we prioritised keeping ELC and other vital services open, with appropriate safety measures in place, and the delivery of 1,140 hours of free childcare, although I should say that a lot of the planning and development work was going on during the pandemic.

We will continue to work with partners to support nurseries, primary schools and other services and help our young people and children to recover from the impacts of Covid. I know that the committee has heard evidence on the importance of play in children's health and wellbeing as the recovery from Covid goes on. That was, of course, vital in pre-Covid times, too.

We have made a number of commitments on play, including the £60 million investment in renewing play parks. We invested heavily in outdoor play, as it was safer for children to play in the outside environment. We know that that helps to maintain children's physical health and to stimulate their imaginations, and that they get lots of other physical and mental health benefits from being outside. Last year, we supplied nurseries with funding so that they could provide outdoor clothing for children who might not have it. That enabled them to get outside, too.

We have invested in training for our ELC staff so that they can develop their skills in outside play. There has been a huge expansion in outdoor nursery provision, including among local authority nurseries. I have been to some of those facilities and have seen the impact that they have on children in stimulating their imaginations and helping them to develop the skills and social interaction that they might not have had the opportunity to develop during the Covid pandemic.

Sandesh Gulhane: I am really happy to hear that you are looking at doing more. Will you look at creating a programme of activity that focuses on social and emotional recovery, as Mary Glasgow suggested to the committee?

Clare Haughey: We will look at all suggestions that are made by our third sector stakeholders, and we will look to embed social and emotional recovery in all our Covid recovery plans. I am certainly happy to look at the evidence that Mary Glasgow gave. Children 1st is a key stakeholder, and it gives the Scottish Government lots of advice and help in developing policies. We will look at all the evidence that the committee receives and at the recommendations in the committee's report when responding to its inquiry.

The Convener: We will move on to talk about the cost-of-living crisis, as it is becoming. Given that Shona Robison and I are both constituency MSPs and that people are very worried about heating their homes and feeding their families, I am sure that her inbox will be as full as mine is. What is the Scottish Government doing to help families to get through this period? I imagine that you will be having cross-Government conversations about what can be done to get families through this period in which the cost of living has increased.

Shona Robison: We absolutely are having those conversations. That issue features as a backdrop to all our discussions about the child poverty delivery plan and what we can do to support families. I will outline some of the areas that could make the difference.

It is worth repeating that, during the pandemic, which has been a tough period, we have focused a lot of support on low-income families. In 2020-21, we invested about £2.5 billion in supporting low-income households, and nearly £1 billion of that investment went directly to supporting children. In 2022-23, we are committing more than £3.9 billion in benefit expenditure, which will provide support to more than 1 million people. I note that that is more than £360 million above the level of funding that we received from the UK Government through block-grant adjustments. We have found money outwith that funding to put into benefit expenditure. We have had to make difficult choices, but trying to put as much money as possible into people's pockets at the moment is important.

By the end of October last year, we had provided direct financial support to more than half a million households through the £130 pandemic support payments. I mentioned the Scottish child payment. That will double from April this year and benefit around 111,000 eligible under-sixes. We are continuing to invest in discretionary housing payments. The £80 million includes around £68 million to fully mitigate the bedroom tax and protect more than 70,000 Scottish households. There is also £41 million for the Scottish welfare fund.

10:00

In addition to all that, over the winter, I announced a package of £41 million for a winter support fund to help people to heat their homes and meet rising food costs. Some of that money has gone out through local government and some has gone out through third sector organisations. We are continuing to deliver the £520 bridging payments to more than 143,000 children who are eligible for free school meals.

As the First Minister said last Thursday, we are looking at how we spend every penny of the additional consequentials, which are reported to be around £290 million, to support people with escalating costs. We want to do that in a way that helps the most vulnerable.

Obviously, the Cabinet Secretary for Finance and the Economy will confirm plans for further investment during the final stages of the Budget (Scotland) Bill, but we have looked at every way of trying to support people during these difficult times. If there is more that we can do, we will try to do it, but we are working within a fixed budget. Energy price regulation sits with the UK Government. We are trying to focus our attention on household costs and financial support for people, and I hope that I have given a flavour of that.

The Convener: As I listen to you, I am thinking of Rishi Sunak's response about giving loans. What did you think when you heard that, knowing what you do about vulnerable families on low incomes in Scotland? Was that a realistic or helpful suggestion?

Shona Robison: I do not think that the approach is targeted enough and, essentially, people will have to pay the loans back over time. The crisis will impact on a far wider range of people than those who are currently within the official poverty statistics. More people who have just about been keeping their heads above water will suddenly not be able to do so, and they will be caught within the cost-of-living crisis.

Our response has to be as targeted as it can be in order to help those who are most impacted. I really fear for people's ability to keep their heating on and put food on the table. Although we will look to do more, we have already been focusing support to make sure that we help those who need it most. There are on-going discussions about what more we can do in that space and, as I said, there will be further information about that through the budget.

I do not think that we can mitigate every part of the cost-of-living impact on a fixed budget, but we can make sure that our support is targeted at those who are most in need.

The Convener: Gillian Mackay has some questions about that.

Clare Haughey: May I add something before Ms Mackay gets to her questions?

The Convener: Of course, Ms Haughey.

Clare Haughey: As a precursor to the family wellbeing fund, which we might come to later in the meeting, the Deputy First Minister announced at the weekend £3 million for local authorities and £255,000 for a small number of third sector

organisations, to provide cash support to families who are currently in need. There is an on-going commitment from the Government to do what we can when we can to mitigate—

The Convener: That will be delivered locally to target people who are in most need, as you said.

Clare Haughey: Absolutely. We are looking at targeting what families need at that point in time, whether that is help with utilities, clothing or food.

The Convener: Thank you. That is helpful.

Gillian Mackay: The writer Jack Monroe has painstakingly documented rising prices in supermarkets, shrinking product sizes and the reduction in value ranges. What conversations is the Scottish Government having with the retail sector about the impact of the reduction in value ranges, in particular on the cost of living among lower-income families?

Shona Robison: I will come back to Gillian Mackay and the committee specifically on the discussions with retailers, but we have been engaging with the business sector generally about what it can do on costs.

We have engaged with the energy sector, for example. I was in a meeting with Michael Matheson and representatives of the big energy companies in which they were asked what they were going to do by way of support to consumers. We have been calling on the UK Government to take urgent and tangible action against increasing energy bills.

On food costs, we have been supporting a number of initiatives on food poverty. We have been trying to take a cash-first approach in supporting people. The food banks have done an amazing job, and those who run them have been supporting our strategy towards a cash-first approach, which has become very important in the current climate.

You are right that retailers have a responsibility, too. The profits of the supermarkets increased substantially during the pandemic, whereas that was not the case for other sectors. I would certainly call on them to do what they can to recognise that people are going to struggle to afford the increased prices of their food products. They have an important role to play. I am happy to follow up on the detail of that with the committee.

Paul O'Kane: I have a technical question about Barnett consequentials—in particular, the Barnett consequentials from the UK council tax rebate and their most effective use in relation to the cost of living. What is the Government's view on how they will be used? Are there plans in place?

Shona Robison: As I indicated earlier, discussions are still on-going on the best way of

utilising them. We already have a council tax reduction scheme in place, and we have had for a number of years. That ensures that no one has to pay a council tax liability that they cannot be expected to afford. That is not the case down south. We have something in place that others are looking to do an element of.

We are having on-going discussions on how we can ensure that the money has the biggest impact on those who need it most. The plans for how we will support families will be set out in short order. Various options are being considered. The starting point for the discussion is how the money can have the biggest impact on those who are most in need.

We have called for things that we think would have the biggest impact. We have said that a cut in VAT on energy bills would be one of the simplest means of helping energy consumers in the short term. There are other levers that could be used more effectively.

We are looking at the options, and the plans will be announced in due course.

Carol Mochan (South Scotland) (Lab): It is very welcome that both the minister and the cabinet secretary have indicated that, in what is a crisis, we should be dealing with things that we can deal with now.

I am interested to know their opinion on the low-income winter heating assistance scheme, which is out for consultation, although it is not pencilled in to start until next winter. Do they agree with me that that is far too late? I would be interested to know about the discussions on that. To what extent are we taking into account the views of the energy suppliers over those of the people who actually need the assistance—and who need it now, as I think we are all agreed?

Shona Robison: I would first point out that a good chunk of the £41 million winter support package that I announced before Christmas will help to deal with fuel poverty through third sector organisations, so there is money going out the door to help people in the here and now. The new low-income winter heating assistance will, as Carol Mochan has said, replace cold weather payments with a guaranteed annual winter payment of £50 to around 400,000 low-income households, which will be an investment of £21 million in 2022-23.

Of course, the UK Government could make a payment right now to all those eligible for the cold weather payment. We are moving to the new benefit as quickly as possible, but Covid had an impact on our ability and the ability of the Department for Work and Pensions to expedite some of the new benefits as we would have wanted. Unfortunately, because of the pandemic,

a lot of the work was paused on both sides so that there could be a focus on providing life-and-limb support to people.

We think that the UK Government can go further. I have already mentioned the cut in VAT on energy bills, and we have also urged it to review the obligation costs on energy bills to reduce the premium paid by households that rely on electric heating and to help unlock the deployment of low and zero-emissions heating. We do not have the power to set or change energy tariff levels, but we are continuing to engage with the Office of Gas and Electricity Markets and to urge the UK Government and energy suppliers to go further with the support that they can provide in a way that helps the most vulnerable.

As for the medium to longer term, I am sure that the committee will be aware of the significant investment of more than £1 billion in energy efficiency programmes to make homes warmer and cheaper to heat. That will be quite important as people face the rising energy costs.

We will continue to do what we can on energy, food and all the other costs. It is also perhaps worth mentioning the Scottish welfare fund, which was allocated additional moneys as part of the winter support package. It is a flexible fund that local authorities administer and which people can access if they are struggling to pay for things. We have tried to put out information on the fund through support structures such as welfare advice and the national helpline to ensure that people can access what they need in order to find the right source of support for them.

The Convener: We will move on to the theme of whole family support, and I call Stephanie Callaghan to lead the questioning.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): The cabinet secretary has already talked about getting alongside families and working with people—often those in the third sector—with whom the families already work, and the minister has also mentioned the Deputy First Minister's announcements at the weekend. That cash support will be incredibly welcomed by families.

We have also heard in evidence how critical it is to listen to families and to provide the hands-on and practical support that individual families need. Cash and financial support is a part of that and can really prevent families from going off a cliff edge. What guarantees can the Scottish Government give that funding for existing whole family support services will be maintained?

Shona Robison: First of all, I will say a bit about the commitment to the new £500 million whole-family wellbeing fund, which is being prioritised within what was a tough budgetary

envelope. We have talked a lot about this already, but the impetus for the fund was the need for early intervention and prevention rather than crisis intervention, and it will help with making what needs to be a transformational shift towards those types of services. In 2022-23, £50 million will be deployed, with a focus on building capacity for more significant investment from 2023-24 onwards.

10:15

It is a cross-portfolio budget. It looks at how we provide early support, and the six priority family types are obviously key to that. It is not about supporting business as usual and doing the same thing; it is about enabling a shift in the way that we deliver family support services. It relates very much to keeping the Promise and other key strategies. If we get that right, I think that it will have a huge impact on our ability to do things differently.

As I said earlier, we are looking at how we can support families through all the budgets that I have outlined to help them through what will be a really tough time. Again, if the committee would find it helpful, I can provide a more detailed breakdown of all the elements of the budget across portfolios that I think will have an impact on the money in people's pockets. I have given a flavour of that, but I am happy to give a more comprehensive list, if it would be helpful.

Stephanie Callaghan: That is great. It is reassuring to know that we are talking about moving forward and investing more in family support. How will you measure the impact of the whole family wellbeing fund? Will you be able to drill down and ensure that it is supporting families?

Clare Haughey: We are working closely with The Promise Scotland and partners across local government, social justice, health and the third sector to design and deliver the funding. We are expanding our engagement to test ideas about where the funding will have the most sustained impact. We spoke earlier about having the voice of lived experience at the absolute heart of that. We need to understand and reflect the opinions of families—that is absolutely crucial—and the experiences of those who help us to deliver family support, to ensure that it has the impact that we want it to have.

We want an on-going process of learning and development over the course of the funding. The intention is not to set in stone the profile of the spending for the next four years; rather, we want to listen and learn about what can best support transformation and have the greatest impacts for families, and to allocate the funding accordingly.

It might be helpful to ask one of the officials who are with us to give a bit more policy detail on how we anticipate measuring the impact of the funding. I ask Gavin Henderson, who is deputy director of keeping the Promise, to expand on the answers that the cabinet secretary and I have given.

Gavin Henderson (Scottish Government): As the minister and the cabinet secretary have said, we plan to spend £50 million in 2022-23. I should also mention that, through work with The Promise Scotland, and as we set out in our programme for government, we are working towards an ambition of using 5 per cent of community health and social care spend by 2030 for preventative whole family support. That will be a significant increase in funding for that, even from that transformational spend.

As we work through the drafting of the implementation plan that the minister announced a couple of weeks ago in Parliament, we will set out how we plan to go about the monitoring and evaluation of that. We will work with The Promise Scotland and other organisations on exactly what monitoring and evaluation methods will be required to ensure that we track and measure how we are properly keeping the Promise. That is the method that we propose to use.

Stephanie Callaghan: That is great. I have a final question. Is there scope to expand the early intervention support specifically for care-experienced children and their families, which goes beyond the whole family wellbeing fund? To a degree, that also relates to the Promise.

Clare Haughey: As I said in my previous answer, we are working with stakeholders to shape and design the whole family wellbeing fund for 2022-23. We recognise that early intervention is essential to ensure that children can safely remain in the care of their families when they are at risk of becoming looked after or are looked after at home. To fulfil our commitments to the Promise, we have to understand the impact of trauma on family relationships and how we can drive a reduction in that. We will continue to engage with stakeholders and listen to those with care experience, to understand how we can support that critical work.

Through the children, young people and families early intervention fund, which is more commonly known as CYPFEI, funding is provided to more than 100 organisations—some of which the committee will have received evidence from—to promote wellbeing, prevention and early intervention activities and improve parenting and family support. We have committed to funding those organisations until 2023. In April 2023, as we committed to in this year's programme for government, we will launch a £16 million third sector fund to replace the CYPFEI fund and the

adult learning and empowering communities—ALEC—fund. Therefore, as I said, there are on-going commitments to continue to work with the sector.

The Convener: We move to questions on housing policy from Evelyn Tweed, who joins us online.

Evelyn Tweed (Stirling) (SNP): Good morning to both ministers, and thank you for your answers so far, which have been really helpful.

As a housing professional, I know that the Scottish Government has had a massive house-building programme for a number of years, but why is it so important at present with regard to child poverty? What are you doing to increase supply of housing at the present time?

Shona Robison: That is a very pertinent question. We have committed to delivering 110,000 affordable homes by 2032, of which at least 70 per cent will be available for social rent. We have also committed to 10 per cent of those homes being in remote rural and island communities. We have increased to £23.6 billion the total that is available for delivery of social and affordable homes in this parliamentary session. That continued investment in social housing will ensure that even more people can access an affordable home, which will further drive down child poverty. The links between affordable housing and child poverty are clear.

Progress with affordable housing delivery is reported through quarterly official statistics publications, along with more detailed annual outturn reports. An estimated 2,100 households with children were helped into affordable housing in the year ending March 2021. Keeping social rents lower than market rents benefits approximately 110,000 children in poverty each year. We have had the affordable housing supply programme for many years, but it has become more important as an investment that is also one of the levers to tackle child poverty.

We have made good progress so far, and there is more to be done. Obviously, there has been a Covid impact, because construction was paused for a period during the pandemic, and construction and labour costs are very high at the moment, which has impacted on the price of some projects that are coming through. However, housing associations and councils are working really hard to keep that pipeline of projects coming through, so that we can keep the momentum going here. Also, local authorities and housing associations are operating in quite innovative ways, such as off-market purchases from private sector developers, as well as purchasing on the open market, in order to meet the particular needs of families. There is a

flexibility there, which allows us to try to meet needs.

Earlier, I mentioned the need for more larger homes. It would be fair to say that we need to get better at ensuring that homes can meet the needs of people with disabilities and complex needs. There is more that we can do in that space, and I am keen to support housing associations and local authorities to get that right for folk.

“Housing to 2040” laid out a longer-term vision to ensure that standards are continually improving, and that more and more homes are barrier free and more flexible as people’s mobility changes over the years. There is more that we can do in that space to support people with particular complex needs, and we are looking at that at the moment.

Evelyn Tweed: Given what you said about a lack of supply of materials and a labour shortage, do you think that Brexit has influenced and dented the Scottish Government’s house-building programme?

Shona Robison: Together, Brexit and the pandemic have created a perfect storm—the costs of getting materials from various parts of the world have increased, shipping costs have increased, the costs of raw materials have increased and labour costs have increased. If we put all that together, we can see the impact on goods and services across the board—the construction sector is no different.

A number of projects are still coming in under the agreed benchmarks. There is a bit of geographical variation, and we need to be mindful that costs get higher the further north we go, because of a lack of economies of scale, the reduced number of contractors and so on.

The minister Ivan McKee has been in regular dialogue with the construction sector to consider what we can do, but the issues are global, and it is difficult for the Scottish Government to change things dramatically. We are working with councils and registered social landlords to support them in keeping the momentum going.

The Convener: Is Evelyn Tweed happy for me to move on or does she have more questions?

Evelyn Tweed: Could I have one more?

The Convener: Yes—go on.

Evelyn Tweed: I am sorry—thank you for your patience. How will the new deal for tenants target action on child poverty?

Shona Robison: Tenants have rights and responsibilities—that is the first thing that we would all acknowledge. Strengthening tenants’ rights on the affordability side is a matter of considering appropriate controls on rent levels.

There is an important consultation out about how that is done.

Rent levels vary across Scotland. We recognise that the housing market in the Edinburgh area, where we are sitting, is very different from the housing market for rent and purchase in other areas of Scotland. When we consider rent controls, different local circumstances must be recognised.

Affordability is important, and we must ensure that people can afford rents. The private rented sector will continue to have an important role to play.

10:30

“Housing to 2040” sets out the ambition for where we want to get to and shows that, if we get this right, there should be no visible difference between tenures. If we get the quality of property standards to the same level, get the rights and responsibilities correct and ensure that rents are affordable across all sectors, we can drive up the quality of standards. Good landlords have nothing to fear from the changes, because many of them already provide a good-quality service to their tenants. There is a package of measures.

The Convener: David Torrance will ask questions on the final theme, which is on young adults. I know that we have dipped into that theme throughout the session.

David Torrance (Kirkcaldy) (SNP): How will the Scottish Government focus on addressing poverty among young adults—especially those who cannot live with their parents, who are often affected most by poverty?

Shona Robison: That is, without a doubt, an important area. I will set out a few things that I hope are relevant. We continue to invest in the young persons guarantee to ensure that young people have opportunities. There is a guarantee to provide a job, a place in education or training or a formal volunteering opportunity for every young person. In 2022-23, an additional £45 million will be provided for that work.

Since the end of January, nearly 1 million five to 21-year-olds who live in Scotland have been eligible to benefit from free bus travel, which helps young people to connect with employment and training. It helps socially, too.

We are delivering our job start payment for young people to help with the cost of starting a job. The payment is worth just over £252 for a single young person and more than £400 for someone who is the main carer of children. Through that payment, we have helped about 1,800 young people with the cost of starting a new job.

Young mothers—one of the priority family types that we talked about earlier—are a particular focus. They will benefit from support and targeted interventions such as family nurse partnerships, which are about getting alongside young single parents and supporting them in their journey.

We need to look at what more we can do. If there is more that we can do to support young adults, we will consider that. Does Clare Haughey want to add anything?

Clare Haughey: You have covered most of what we are doing, with the exception of the care-experienced young people’s grant, which is an annual £200 grant that will benefit about 50,000 young people between the ages of 16 and 26 who do not have access to the family support networks that some of their non-care-experienced peers can access.

David Torrance: You mentioned the planning process for care leavers. In her evidence to the committee, Helen Happer from the Care Inspectorate said that the planning process for care leavers is “out of date.” Will you expand on your previous answer by saying how the Scottish Government will make improvements to the process?

Clare Haughey: The Scottish Government, COSLA and many others have a shared ambition to have trauma-informed and trauma-responsive workforces across the country and to have transition and support planning in place for people with care experience. That is central to our commitment to keep the Promise. As I said in response to Gillian Mackay, as part of our national trauma training programme, we are developing tailored trauma training, which will be rolled out in summer 2023 to members of the workforce who work most closely with care-experienced babies, children and young people, and their families. Focusing on having a trauma-informed workforce across all public services will help to support not only the general population but care-experienced children and young people.

Gillian Mackay: I have heard from constituents about a lack of support for young adult carers, who do not have access to support that is granted to young carers, such as the young carer grant, but often face many of the same pressures, such as juggling being in full-time education with their caring responsibilities. What action can the Government take to better support young adult carers and ensure a smooth transition from young carer to adult carer?

Shona Robison: The transition period is difficult for young people, full stop, but young carers’ transition into adulthood is even more impacted. We provide a number of supports to carers.

Perhaps Shirley Laing can provide more information.

Shirley Laing (Scottish Government): We are investing more than £350 million in 2022-23 in support to eligible unpaid carers through the carers allowance, the carers allowance supplement and the young carer grant. Work is on-going on the development of Scottish carers assistance. We will consult on the proposals for that this winter.

Shona Robison: I am happy to keep the committee informed about that, if it would be helpful.

Gillian Mackay: That would be great—thank you.

The Convener: This is a final call for any last questions. I think that our last question might be from Stephanie Callaghan.

Stephanie Callaghan: What consideration has the Scottish Government given to offering care-experienced people lifelong support? We know that there is often generational trauma—adverse childhood experiences run through the generations. Young children in particular reflect their parents' emotional and mental health. As it is so important for young children to have a strong anchor, is it worth considering giving lifelong support, to let care-experienced people know that we have their backs and allow them to feel confident that they can become strong parents and support their children?

Clare Haughey: As I have said, the Scottish Government is absolutely committed to keeping the Promise to care-experienced children and young people. It is also committed to supporting young people who are in care or leaving care; that is enshrined in the Children and Young People (Scotland) Act 2014 and in the measures that we have outlined in previous answers.

On collecting data, one thing that we spoke about often during my time as a member of the Health and Sport Committee was the collating of accurate and relevant data and ensuring that we have data that shows us the outcomes for children and young people who are leaving care, so that we can target interventions towards them. Having such data is key to driving forward the improvements that we want in the care service.

We have talked today about the whole-family wellbeing fund providing support and a wraparound service. Providing the individual support that a person needs is key to ensuring that transitions occur as seamlessly as we want. We want the flow between services to be as easy as it can be for a child or a young person and their family. It is certainly our ambition to work towards

keeping the Promise, as the Scottish Government has committed to doing.

The Convener: Thank you very much. I thank both witnesses for—

Shona Robison: Sorry—it might be a bit cheeky of me, but when you talked about the cost-of-living crisis and I referred to supports, it was remiss of me not to plug the moneysupport.scot website, which refers to a myriad of supports for people. We ask members to disseminate word of moneysupport.scot and the national helpline of 0800 111 4000, where people can find out how to get help in the current circumstances.

The Convener: That is not cheeky at all—it is helpful. I am sure that we will all put that on our social media, because it is the sort of thing that people need to know about. Thank you, cabinet secretary. I thank the minister and officials for their time and for the valuable information, which will inform our report.

10:40

Meeting suspended.

11:00

On resuming—

Health and Care Bill

Legislative Consent Memorandums

The Convener: The third item is an evidence session on two supplementary legislative consent memorandums related to the UK Health and Care Bill—supplementary LCM-S6-5a, lodged on 9 December 2021; and supplementary LCM-S6-5b, lodged on 27 January 2022.

To give us some feedback on the LCMs, we are joined virtually by the Cabinet Secretary for Health and Social Care, Humza Yousaf, and his Scottish Government officials: Robert Henderson is team leader in the intergovernmental and international relations unit; Jane Hamilton is head of directorate support and intergovernmental relations; and John Paterson is deputy director for food, health and social care in the legal directorate.

Good morning, cabinet secretary. I believe that you have an opening statement.

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Thanks very much for the opportunity to speak to the committee, convener. I hope that you and all your committee colleagues are keeping safe and well.

You will know that the Scottish Government lodged a legislative consent memorandum on 31 August for the provisions in the bill which extend to Scotland. At the time of lodging, and in my appearance at this committee on 5 October 2021, I advised that the Scottish Government was not in a position to recommend consent to any of the provisions, despite—as I said a number of times to your committee—being broadly supportive of the policy intentions.

The bill is a skeleton bill; it has nine Henry VIII powers to amend primary legislation through secondary legislation. The UK Government's reluctance to include appropriate consent requirements was, to me, a direct threat to devolution.

As you may recall, in the previous evidence session in October, I stressed just how important it is to secure the consent of Scottish ministers on devolved matters. It is an integral pillar of the devolution settlement and our respective officials are currently discussing how parliamentary scrutiny of a decision to consent to any such statutory instruments can be achieved. I am therefore pleased to inform the committee that I have successfully negotiated consent requirements for key provisions within the bill. I am now in a position to recommend that the Scottish Parliament grants consent to the following

clauses: medicine information systems; information about payments and so on to people in the healthcare sector, which is known as mandatory reporting; food labelling; reciprocal healthcare; professional regulations; the powers of the secretary of state to transfer or delegate functions in relation to arm's-length bodies; and virginity testing and hymenoplasty offences.

Those provisions touch upon several different policy areas and, of course, I am always supportive of measures that seek to enhance and improve the health of the people of Scotland. It is, however, exceptionally important to note that the delivery of healthcare in Scotland is devolved and I will always challenge the UK Government on any perceived overreach into NHS Scotland.

I must also notify the committee that I was unable to resolve the competence dispute on the advertising of less healthy food and drink provision. I remain supportive of any measures that are designed to tackle obesity, and it is with regret that I note that the UK Government maintains that the matter is entirely reserved.

I am happy to take any questions that you may have.

The Convener: Thank you very much, cabinet secretary. You have largely answered my questions and it is good to hear that a lot of your previous concerns have been resolved. You mentioned that one in particular is still outstanding and I believe that Sandesh Gulhane has some questions on the advertising aspect of things.

I have a parliamentary process question about the notice that you are able to give Parliament of any regulations that are made in devolved areas where consent is not required and also where consent is required but SI protocol 2 does not apply. Where does Parliament sit in relation to being able to scrutinise those decisions?

Humza Yousaf: Thanks, convener. That is an exceptionally important question from my point of view. The basis of my answer is that wherever we can include some level of parliamentary scrutiny we will do so. I mentioned in my opening remarks that I am keen that my officials continue conversations with the committee clerks and elected members, where appropriate, to discuss what that scrutiny will look like. It can only be to our advantage to have that scrutiny.

You asked a specific question about regulations that are made in devolved areas where there is no consent requirement, such as the food labelling provision and reciprocal healthcare provision, which confers concurrent powers on Scottish ministers. The concurrent powers in reciprocal healthcare in relation to regulations made by the UK Government are subject to the terms of the SI protocol 2 that you mentioned and, therefore, take

account of parliamentary scrutiny. Where Scottish ministers make regulations, the Scottish Parliament will be notified by way of a Scottish statutory instrument.

The medicine information systems provision includes a consultation requirement. That will be underpinned by a robust memorandum of understanding that outlines the principles of engagement. The MOU has not been finalised yet, but my officials are collaborating with the UK Government to ensure that, prior to the drafting of regulations, consultation takes place in a meaningful and timely fashion. I stress those words—it has to be meaningful and it must not be last minute. I will write to the committee to provide an update on that when the consultation process has concluded.

The competence dispute on the advertising provision was not resolved. The UK Government maintains that it is entirely reserved and that there is, therefore, no specific requirement for the UK Government to consult Scottish ministers before making any secondary legislation in relation to online advertising of less healthy food and drink. There is, however, a requirement placed on the secretary of state to consult persons that they consider appropriate. As I consider that the online advertising provisions are at least in part devolved, I will write to inform the committee of any UK Government consultation that takes place.

Your second question was about how the committee can scrutinise the Scottish Government position in respect of proposed UK Government regulations that are in devolved areas where there is a consent requirement but SI protocol 2 does not apply. I do not think that there are currently any UK Government regulations in devolved areas where consent is required but an SI protocol does not apply. My officials are in discussion with the Scottish Parliament about how parliamentary scrutiny of a decision to consent to any such SIs could be achieved, but I think that I am right in saying that it does not currently apply in any protocols.

The Convener: Thank you. I will hand over to Sandesh Gulhane.

Sandesh Gulhane: Cabinet secretary, do you feel that a unified UK approach to the advertising of unhealthy food and drink would be better than individual approaches?

Humza Yousaf: As I said on 5 October and referenced in my opening statement, I have no objection to the policy principle. A lot of good can be done by tackling the advertising of less healthy food on a four-nations basis. However, it is incumbent on me, in my position in Government and, I suspect, important for all MSPs, that we protect the devolution settlement. We are worried

about there being some overreach. It should also be noted that certain stakeholders, including Food Standards Scotland and Obesity Action Scotland, have criticised the UK Government's definition of "less healthy". There are understandable differences but I stress again that I am not particularly opposed to the substance of the policy. My concern is the overreach into public health, which I think we all agree is a devolved matter.

Sandesh Gulhane: Are discussions on-going with the UK Government about that? Do you feel that we might reach resolution and get a unified approach?

Humza Yousaf: I do not think that the UK Government will necessarily accede to that, but discussions will continue. I should have said at the start of my remarks that I am grateful for the personal intervention of the Secretary of State for Health and Social Care. In my previous meetings and correspondence we were not getting very far, but he and I were able to sit down and thrash it out. I am pleased that he compromised in relation to the consent provisions that we were, reasonably, asking for. I will keep the discussions going, but, to be frank, I do not think that the UK Government will change its position.

The Convener: I will bring in Emma Harper, who is online. *[Interruption.]* We can see you now.

Emma Harper: Thank you, convener. I was just waiting for my camera to come on.

Cabinet secretary, I will pick up on your comments about working with the Secretary of State for Health and Social Care. Obviously, a lot of work has taken place between the civil servants in both Governments. In your opening statement, you outlined that, originally, the bill was encroaching on devolved areas. Will you tell us a little bit about the work that has taken place between the two Governments to achieve legislative consent, and can you confirm that work will continue to ensure that Scotland's devolution settlement is always considered in future legislation?

Humza Yousaf: I can be relatively brief in answering that. Your question gives me the opportunity to thank my officials, who are on the line. They and their teams have worked incredibly hard behind the scenes trying to ensure that UK Government officials and their counterparts could see that we were not being obstructive or trying to be difficult for its own sake but that we had a genuine concern.

When I came to the committee last October, it was well understood by committee—I think that there was a lot of agreement around the table about this—that the substance of the policy was not necessarily the issue and that it was the lack

of consent in areas that were clearly in devolved competency that was the cause of great anxiety.

On the discussions that took place, there was a fair bit of correspondence to and fro; there were also meetings, telephone calls and so on. As I said to Dr Gulhane, I am grateful to Sajid Javid, the secretary of state, for personally intervening. When he and I had a conversation a couple of weeks ago, that is when we began to see movement.

The conversations will have to continue. There is the unresolved issue that Dr Gulhane asked about a moment ago, and there is the issue of the implementation of a number of the provisions, should the House of Commons pass the bill. Discussions will also have to continue on the MOU, which has yet to be finalised. I would expect to come back to the Scottish Parliament with a further update on that.

Stephanie Callaghan: It is good to see you this morning, cabinet secretary. I note from our papers that the Scottish Government has done significant stakeholder consultation around virginity testing, perhaps most importantly with third sector partners that have expertise relating to honour-based violence or the wider violence against women and girls agenda.

I will roll two questions into one. First, how will the virginity testing provision be enforced? Secondly, is there a potential risk of criminalising that practice? If so, how would that be mitigated?

Humza Yousaf: That second question is really good. The first one is also good—I do not want to take that away from you—but the second one is important and vital for us to answer.

The first question is perhaps the slightly easier one to answer. Like any offence that is created, we will work closely with the Crown Office and Procurator Fiscal Service and Police Scotland on implementation. That will not be any different to how we deal with any new offence. We will take that forward in the usual way.

The second question is critically important. We cannot find—we are unable to find—any evidence of virginity testing taking place in Scotland. That is not the same as saying that that does not happen; we just not have been able to find any evidence of that.

The criminalisation of the practice intends to ensure a unified approach across all four nations. Therefore, although we could not find evidence of that practice—again, I stress that that does not mean that it is not happening—we would not want a situation to arise in which the other nations of the UK legislate that that is an offence, and Scotland is seen as a safe haven for virginity testing. Although we are unable to find evidence of

it taking place, all of us—including the committee members—agree that virginity testing is a form of violence against women and girls. It is completely unacceptable if and where it is happening.

11:15

With regard to stakeholder engagement, the stakeholders were positive about legislating for the offence, given everything that I have said a moment ago. The only note of caution that was perhaps struck—which I would not overplay—was that we could be in danger of overcriminalising offences in a way that puts a focus on black, Asian and minority ethnic communities. The second point that a number of groups made was that it is fine to legislate, but we have to accompany that with education and working with those communities. We have to get into those communities to eliminate the practice, if it is going on in Scotland in any way, shape or form. The feedback from stakeholder engagement was really good.

Gillian Mackay: Good morning, cabinet secretary. The supplementary LCM notes that there is

“a lack of evidence showing that hymenoplasty is in fact being practised in Scotland.”

Are there any plans to collect more data on that and, more widely, on attitudes towards virginity in Scotland?

Humza Yousaf: The short answer to that is that we should do that, because of what I have just said to Stephanie Callaghan. We are unable to gather evidence around whether virginity testing or hymenoplasty is happening. That is not to say that it is not happening; if it is happening in England and other parts of the UK, I do not doubt that it might be happening in Scotland. That is why the second point that I made to Stephanie Callaghan is important. It is vital that we do that work by involving ourselves in the communities where we think that it could be happening. We have to work with and empower those communities to root out those practices which, as we all accept, are a form of violence against women and girls.

Gillian Mackay: Given that those practices often happen in secret, which means that it is difficult to gather data on them, is there any plan for an awareness-raising campaign around the fact that those practices are now offences, in order to ensure that women and girls who might not be aware that they are offences are well informed and know their rights?

Humza Yousaf: If the bill passes in the House of Commons, we will absolutely do the work on that, perhaps on a four-nations basis, which would make sense if the legislation is across the four nations. We will look at the UK Government’s

plans for that marketing and awareness raising and, if we agree with it, we will do it on a four-nations basis but—as is sometimes the case—if it does not quite match the messaging that we feel is appropriate, we will take forward our own awareness raising. There will be awareness raising and, as I keep emphasising, it is really important. We want to work with those communities so that they do not feel unnecessarily targeted. People in all ethnic minority communities would be the first to say that those practices are abhorrent and have no place in any society.

The Convener: Cabinet secretary, we have exhausted all our questions, so I thank you and your officials for coming to give us an update on that legislation.

At our next committee meeting on 22 February, the committee will receive an update from key stakeholders in the social care sector. We will also take evidence from the Cabinet Secretary for Health and Social Care on three affirmative SSIs.

11:19

Meeting continued in private until 11:59.

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

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot

