



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament

Thursday 11 May 2023

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

Thursday 11 May 2023

CONTENTS

	Col.
GENERAL QUESTION TIME	1
Gender Pay Gap.....	1
Prosecution of Criminal Cases	2
Water Safety Action Plan (Lifeboat Provision in Arbroath).....	4
Net Zero Targets for Tree Planting (Finance)	5
Climate Emergency (Involvement of Financial Sector)	5
Bus Travel (National Entitlement Card Scheme).....	6
Swallow Roundabout in Dundee (Transport Scotland)	7
FIRST MINISTER'S QUESTION TIME	9
National Care Service (Costs).....	9
Interest Rates	12
Disposable Vaping Products	16
Youth Navigator Programme (St John's Hospital).....	17
Colleges and Universities (Support)	19
ScotRail (Timetable)	21
Carbon Monoxide Poisoning (Holiday Homes)	23
Aberdeen City Council (Library and Pool Closures).....	24
Free School Meals.....	24
Bracken (Use of Asulox).....	25
Oil and Gas Exploration (North Sea).....	26
Ferguson Marine (Return to Private Ownership).....	27
SUPPORTING MENTAL HEALTH IN RURAL COMMUNITIES	29
<i>Motion debated—[Rachael Hamilton].</i>	
Emma Harper (South Scotland) (SNP)	33
Tess White (North East Scotland) (Con)	34
Carol Mochan (South Scotland) (Lab).....	36
Donald Cameron (Highlands and Islands) (Con)	38
Beatrice Wishart (Shetland Islands) (LD)	39
Finlay Carson (Galloway and West Dumfries) (Con)	41
The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon).....	43
PORTFOLIO QUESTION TIME	48
SOCIAL JUSTICE	48
Gender Recognition Reform (Scotland) Bill	48
Social Security Scotland.....	49
Minimum Income Guarantee	51
House Building.....	52
Scottish Welfare Fund	54
Homelessness (South and East Ayrshire).....	55
Child Poverty (Greenock and Inverclyde).....	56
Illegal Migration Bill (Impact on Asylum Seekers)	57
CHARITIES (REGULATION AND ADMINISTRATION) (SCOTLAND) BILL: STAGE 1	60
<i>Motion moved—[Shirley—Anne Somerville].</i>	
The Cabinet Secretary for Social Justice (Shirley-Anne Somerville)	60
Collette Stevenson (East Kilbride) (SNP)	64
Jeremy Balfour (Lothian) (Con)	67
Paul O’Kane (West Scotland) (Lab)	70
Gordon MacDonald (Edinburgh Pentlands) (SNP).....	72
Douglas Lumsden (North East Scotland) (Con).....	75
Marie McNair (Clydebank and Milngavie) (SNP).....	77
Foysol Choudhury (Lothian) (Lab).....	79
John Mason (Glasgow Shettleston) (SNP).....	80
Maggie Chapman (North East Scotland) (Green)	83
Pam Duncan-Glancy (Glasgow) (Lab).....	85
Fergus Ewing (Inverness and Nairn) (SNP).....	87

Paul O’Kane.....	90
Miles Briggs (Lothian) (Con).....	92
Shirley-Anne Somerville	95
CHARITIES (REGULATION AND ADMINISTRATION) (SCOTLAND) BILL: FINANCIAL RESOLUTION	98
<i>Motion moved—[Shirley—Anne Somerville].</i>	
DECISION TIME	99

Scottish Parliament

Thursday 11 May 2023

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. Our first item of business is general question time.

Gender Pay Gap

1. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what steps it is taking to reduce the gender pay gap. (S6O-02220)

The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray): Figures from the Office for National Statistics for 2022 show that the median gender pay gap for all employees in Scotland, both full and part-time, is below the United Kingdom gap—as it has been since 1997—at 12.2 per cent, versus 14.9 per cent. The median gap for full-time employees in 2022 is particularly positive, at 3.7 per cent, compared with an 8.3 per cent gap in the rest of the UK.

We are not complacent and know that more work is required. Last December, we published a refreshed fair work action plan, which integrates tackling the gender pay gap with addressing the wider intersecting inequalities that are faced by women in Scotland's labour market. Between 2021 and 2024, we will also provide funding of up to £700,000 to Close the Gap to change employment practices and workplace cultures in order to tackle the gender pay gap in Scotland.

David Torrance: Has the Scottish Government made a recent assessment of the potential merits of introducing compulsory gender pay gap reporting?

Neil Gray: I thank David Torrance for raising that important issue. Although employment law is reserved, the Scottish Government has repeatedly called on the UK Government to reduce the reporting threshold of 250 employees and to mandate employers to produce action plans in response to the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Our fair work policy promotes fairer work practices across Scotland and aims to tackle workplace inequality for women by addressing the key drivers of gender pay gaps across the labour market. Among other criteria, our fair work first approach to public sector spending asks employers to tackle gender pay gaps and to offer

flexible working from day 1 of employment, and has been applied to £4 billion-worth of public sector funding since 2019. The proportion of women employees aged 18 and over who are earning the real living wage or more has also increased from 83.9 per cent in 2021 to 89.7 per cent in 2022, which continues the upward trend since 2018. It is really important—

The Presiding Officer: Cabinet secretary, may I stop you there? I am keen to get through as many members as possible and would be grateful if we could have short and succinct questions and responses.

On that note, I call Beatrice Wishart.

Beatrice Wishart (Shetland Islands) (LD): Across Scotland, social carers can earn more by working in a German-owned supermarket than they can in the Scottish Government-run healthcare service. That does not help to close the gender pay gap, which is a tax on families, and structural sexism in society perpetuates the issue. When will the Scottish Government look holistically at the reasons for and causes of the gender pay gap in order to tackle the issue?

Neil Gray: That is an important question. Closing not only the gender pay gap but the gender employment gap is not only the right thing to do but gives us a huge opportunity to engender better economic growth.

It is recognised that increasing pay for the social care workforce would make a positive contribution to our commitment to reduce the gender pay gap. Improvement of pay and conditions for the adult social care workforce, which is 85 per cent female, is a priority for the Scottish Government. We continue to make progress in our work to improve that situation. For example, from April this year, adult social care workers who deliver direct care to commissioned services will see their pay increasing to a minimum of £10.90 per hour, in line with the real living wage rate for the 2023-24 financial year.

Prosecution of Criminal Cases

2. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the Scottish Government what measures can be taken to accelerate the prosecution of criminal cases. (S6O-02221)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Decisions about individual prosecutions are matters for the independent Lord Advocate.

However, the Scottish Government is working with its criminal justice partners across a range of initiatives, both to reduce the overall time that cases take from start to finish and to improve

people's experience of the process. That will build on the successful introduction during Covid of new, more flexible and efficient, approaches to delivery of justice services and of use of digital technologies to streamline processes.

Furthermore, the Scottish Government has a strong track record on court investment and we continue to prioritise supporting justice partners to address the backlog, with a further £42.2 million budget being allocated in the 2023-24 budget.

Christine Grahame: I thank the cabinet secretary for her answer. As the main witness in a trial for threatening behaviour to me, I had to give evidence on incidents spanning from 2017 to 2020, the trial having been deferred from 2022 to earlier this year. The case against Peter Morris was found to be not proven. No one can determine that the outcome was due to delays in prosecution, but what data is there regarding a possible connection between delays in the prosecution process and conviction rates?

Angela Constance: I agree whole-heartedly with Ms Grahame that justice is not best served by delays. That is why the recovery programme that is funded by the Scottish Government has seen the court backlog in summary cases fall by 37 per cent. We continue to invest £26 million in the Scottish Courts and Tribunals Service, which is confident that the summary backlog will be cleared by March 2024.

In relation to data that connects the processes and convictions, I will have to seek further information on the matter, but I point Ms Grahame to the fact that, for the first time, the Scottish Government's justice analytical services is now publishing end-to-end journey times—from the start to the end of people's justice journeys. That will give us far more detail, transparency and scrutiny to ensure that the investments that we are making are, indeed, delivering justice on the ground.

Jamie Greene (West Scotland) (Con): Justice delayed is, of course, justice denied. Many solemn cases in the High Court are taking up to four years to reach court. Survivors report self-harm, depression, anxiety and even attempted suicide, so it is clear that something is not working. What analysis has been done of why cases are taking so long? When will the horrendous court backlog finally be cleared?

Angela Constance: Mr Greene raises a very important point of crucial detail. Although we have seen significant reductions in the backlogs in summary cases, he is quite correct to point to the on-going challenges with solemn and High Court cases, and we know that that trend in cases coming forward, particularly to the High Court, is likely to continue.

That is why, in relation to the recovery programme, we have refocused our endeavours and investments on solemn proceedings and the High Court. For example, the criminal justice board agreed to create two additional High Court courts and six additional sheriff solemn courts from April 2023. That is on top of the additional High Court and sheriff solemn courts that were established in 2021.

I will, of course, keep Parliament updated.

Water Safety Action Plan (Lifeboat Provision in Arbroath)

3. Maurice Golden (North East Scotland) (Con): To ask the Scottish Government what its position is, regarding any implications for its water safety action plan, on future lifeboat provision in Arbroath, in light of reported concerns expressed by the local community about the service. (S6O-02222)

The Minister for Victims and Community Safety (Siobhian Brown): The Scottish Government greatly values and appreciates the work of staff and volunteers at the Royal National Lifeboat Institution, who work alongside other emergency services to provide a vital service in saving lives around Scotland's extensive coastline. The RNLI played a key role in the creation of our water safety action plan and it continues to do so through its work with Water Safety Scotland.

The RNLI operates as an independent charity across the United Kingdom and any decisions on operational matters are rightly made by the institution.

Maurice Golden: I thank the minister for that answer, but it would be hard to overstate the anger in Arbroath over the RNLI's decision to downgrade the town's lifeboat station, especially as the community has contributed millions of pounds for the construction of an all-weather lifeboat. The fear is that the decision could compromise the safety of the crew or reduce operational capability, particularly in rough seas.

I appreciate the limitations that the Scottish Government is under, but does the minister share the community's concern? Will the Government encourage the RNLI to enter a dialogue with the lifeboat crew, local volunteers and the wider community to find a solution?

Siobhian Brown: The Scottish Government takes water safety very seriously. It welcomed the publication in 2018 of Water Safety Scotland's "Scotland's Drowning Prevention Strategy 2018-2026". The Scottish Government continues to provide funding, via the Royal Society for the Prevention of Accidents, to support the operation of Water Safety Scotland, of which RNLI is a key member. We work closely with Water Safety

Scotland and other partners to support the recommendations in its drowning prevention strategy, and to support initiatives to raise awareness of the hazards around water and to reduce deaths from accidental drowning. However, as I said in my previous answer, decisions on operational matters are, rightly, made by RNLI.

Net Zero Targets for Tree Planting (Finance)

4. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government, prior to the signing by the Minister for Green Skills, Circular Economy and Biodiversity of the memorandum of understanding between NatureScot and financial partners, how much financing it had identified would be required to meet its net zero targets for tree planting. (S6O-02223)

The Minister for Energy (Gillian Martin): Research by the Green Finance Institute in 2021 estimated that, to meet our desired outcomes, there is a finance gap of £1.3 billion for woodland creation and maintenance in Scotland up to 2031. The memorandum of understanding between NatureScot and its financial partners represents an important step in bridging that and the wider nature-related outcomes finance gap, and will ensure that private financing is used in line with our interim principles for responsible investment in natural capital.

Edward Mountain: I did not hear the answer. How much is needed to reach the net zero target for tree planting? What is the actual amount?

Gillian Martin: I apologise if Edward Mountain did not hear me. Maybe I did not say it clearly enough. The figure is £1.3 billion.

Climate Emergency (Involvement of Financial Sector)

5. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what action is being taken to ensure that Scotland's financial sector plays its role in tackling our climate emergency. (S6O-02224)

The Cabinet Secretary for Net Zero and Just Transition (Màiri McAllan): As the previous question and answer made clear, responsible private investment is crucial to delivering net zero. Given the scale of the transition that is required, there are real and growing opportunities for green financial services. In pursuit of those opportunities, Scottish ministers engage regularly with the financial services industry via the Financial Services Growth and Development Board.

Building on Scotland's commitment to a just transition to net zero, we established the Scottish task force for green and sustainable financial

services, which is chaired by David Pitt Watson. The task force is working on positioning Scotland as a leading global contender for green and sustainable finance that will maximise the economic and employment benefits for all.

Audrey Nicoll: It is welcome news that the most recent edition of the global green finance index has shown Scotland rising through the rankings in green finance. Two Scottish cities feature in that index, compared with just one financial centre in England. What assessment has been made of those findings, and what steps are being taken to build on that progress?

Màiri McAllan: Audrey Nicoll is absolutely right to reflect on the fact that our financial services industry is making great progress, and to pull out the figures that demonstrate that both Edinburgh and Glasgow rose in April's edition of the global green finance index. Edinburgh moved up eight places to number 14, and Glasgow moved up seven places to number 46.

Given the scale of the opportunity, we are absolutely clear that Scotland must seize the momentum. Our task force for green and sustainable financial services is developing a road map that will identify areas in which we can build on deep specialisms to compete globally in green finance and, through Scottish Financial Enterprise's five-year strategy, the industry has made financing the journey to net zero a critical priority.

Rhoda Grant (Highlands and Islands) (Lab): Is the Scottish Government merely facilitating big profits for the private financial sector and international companies through exploiting Scotland's resources and potential?

Màiri McAllan: The answer is a resounding no. The Scottish Government is absolutely clear, noting that the finance gap that Gillian Martin referred to in the context of tree planting stands at around £20 billion for overall natural capital. We know that activities such as afforestation and peatland restoration contribute massively to our net zero targets. We also know that there is a significant gap in funding and that the public sector could never be expected to meet that alone. That is why we are working on this. We have developed the interim principles for responsible investment in natural capital, which means that, although investment is welcome, it must be responsible, work with communities, be additional and verifiable and have integrity.

Bus Travel (National Entitlement Card Scheme)

6. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government what action it has taken to promote free bus travel through the national entitlement card scheme,

particularly among people with a qualifying social security entitlement. (S6O-02225)

The Minister for Transport (Kevin Stewart): I am proud that we are investing £300 million annually to provide the most generous concessionary travel schemes in the United Kingdom. Last year, we delivered a national marketing campaign increasing awareness of free bus travel for under-22s, with two thirds of young people now joined and more than 62 million journeys made. I was also pleased this week to mark the delivery of the choose the bus campaign with the bus industry.

Transport Scotland is working with Social Security Scotland to ensure that clear processes are in place for people with qualifying benefits and I would encourage anyone who is eligible to apply.

Clare Adamson: Support for people who qualify for social security entitlement, particularly disabled people, is vital. That cover also extends to a carer in receipt of free bus travel where it is required. Has the Government made any representations to the Department for Work and Pensions regarding the fact that many people transferring on to adult disability payment from personal independence payment seem to be unaware of that, in order to ensure that everyone in Scotland who is entitled to that support gets it?

Kevin Stewart: As I said, earlier this week I met bus industry officials in Galashiels about phase 2 of our choose the bus marketing campaign, which has a clear focus on concessionary travel. I said in my initial answer that we are working with Social Security Scotland to ensure that clear processes are in place. I say to Ms Adamson that we will try to extend that and see whether we can do similar with the DWP. I hope that the DWP will co-operate as much as Social Security Scotland has.

Swallow Roundabout in Dundee (Transport Scotland)

7. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what recent discussions it has had with Transport Scotland regarding the Swallow roundabout in Dundee. (S6O-02226)

The Minister for Transport (Kevin Stewart): The Scottish Government has not held any recent discussions with Transport Scotland regarding the Swallow roundabout in Dundee. I can advise that officials are in continued discussions with the developer of the adjacent Dykes of Gray Road development site. Those discussions are to finalise the legal and operational aspects for changes at the A90 trunk road Swallow roundabout, which the developer is required to make under conditions to their planning consent. Those are legal and commercial matters for the

developer to progress and finalise before advising Transport Scotland.

Michael Marra: I am afraid that that is quite a disappointing answer from the minister. His predecessor took an active interest in the issue and brought Transport Scotland to the table to try and conclude the process, which has dragged on for more than a decade. Can the minister give some reassurance to the community that he will take a similar interest to that of his predecessor? What lessons can he draw for Transport Scotland and his Government about the failure of this project to be delivered?

Kevin Stewart: My officials will continue to work constructively with the developer, but the ball is in their court. We want to progress this and the outstanding issues and conclude the minute of agreement as soon as possible. Mr FitzPatrick is the constituency MSP—*[Inaudible.]*

The Presiding Officer: If you could give me one moment, minister. Can we have the minister's microphone, please?

Kevin Stewart: I want to see the issue progressed, but the developer needs to move on this, too. My officials will continue to work constructively with them to see that that happens.

The Presiding Officer: That concludes general questions.

First Minister's Question Time

12:00

National Care Service (Costs)

1. Douglas Ross (Highlands and Islands)

(Con): The Parliament's Finance and Public Administration Committee called for updated costs for the Scottish National Party Government's controversial plans for a centralised care service to be given to it this week. Humza Yousaf's Government has refused. The previous estimate of the costs for the centralised care service was £1.3 billion. However, after that figure came out, Audit Scotland said that

"it is likely that the overall cost of the measures will be significantly above the amounts currently assessed."

Will the First Minister tell us now how much the service will really cost Scottish taxpayers?

The First Minister (Humza Yousaf): First and foremost, let us not forget why we have introduced the national care service legislation: it is to end the postcode lottery of inconsistency of care that we all accept exists up and down the country. We want to introduce a system that ensures that we put fair work principles and people who need care at the very heart of the national care service.

I point out to Douglas Ross that the Opposition, quite rightly, asked the Scottish Government to ensure that we engaged with local authorities and our trade union colleagues—*[Interruption.]*

The Presiding Officer (Alison Johnstone): I am sorry, First Minister. Before we go any further, I would be grateful if members could treat each other with courtesy and respect.

The First Minister: It is hardly a surprise that the Tories groan when I mention fair work principles and working with trade union colleagues. Douglas Ross was one of the first to call for us to pause the national care service legislation so that we could engage with local government and trade unions. We are doing so in the hope of finding a level of compromise on the legislation that will allow us to proceed with it with an element of consensus. What that compromise is will then determine whether there will be any changes to the financial memorandum. One we have had that intensive engagement over the course of the summer we will return to Parliament and ensure that a revised financial memorandum is published. *[Applause.]*

Douglas Ross: The muted applause from SNP members has not got any better since last week. It is no wonder, because the answers have not got any better, either. The First Minister suggests that there might be additional costs, whereas Audit

Scotland was very clear that the figure of £1.3 billion will not be the final cost—it will be higher. From that feeble answer, which did not address the point, it turns out that the First Minister has no idea what it will be.

The First Minister is throwing public money away when front-line social care services are in desperate need of more funding. The SNP Government could be investing to improve local care services; instead, it is creating a bureaucratic nightmare, and it wants a blank cheque to enable it to do so. It has already wasted £14 million on the plans and spent £1.9 million on consultants. However, the plans are not advancing, there are no signs of progress and the legislation has been repeatedly delayed. Is the First Minister paying consultants a fortune to tell him what everyone else knows—that his plans are woeful and will not work?

The First Minister: It is hardly a surprise that a national care service plan that puts fair work, sectoral bargaining and ethical commissioning at the heart of it is wholly opposed by the Conservative Party. That is hardly a surprise to anyone in the chamber, our trade union colleagues or the people of Scotland.

Why are we bringing forward a national care service? We are doing that because we know of the extreme challenges that people who work in social care face because of workforce issues. That is the biggest challenge that social care providers face. One of the fundamental reasons for such workforce challenges is the hard Brexit that was imposed on us by a United Kingdom Government. Once again, the Scottish Government is having to pick up the pieces—*[Interruption.]*

The Presiding Officer: Thank you, members.

The First Minister: Once again, the Scottish Government is having to mitigate the woeful decisions that have been made by a cruel Tory Government. How are we doing that? Yes, we are committed to spend on the national care service, but we have also ensured that there is an additional £100 million to provide a pay uplift from April this year, which represents a 14.7 per cent increase for those workers over the past two years. When I was health secretary, I was proud to have ensured that there was not just one, not just two, but three pay uplifts for our adult social care workers. We want to go further where we can.

We have committed to invest in social care right now to undo some of the damage that was done by the Conservatives' hard Brexit. At the same time, we are absolutely committed to our plans for a national care service that will ensure that fair work is at the very heart of any future care service.

Douglas Ross: You would not have guessed it from that answer, but my question was actually

about spending almost £2 million on consultants on the proposal. However, the First Minister failed to address that in his answer.

The plans are such a mess that his social care minister, Maree Todd, who is sat in the chamber just now, said this week:

“it has been a little hard for me to get my head around”.—[*Official Report, Health, Social Care and Sport Committee*, 9 May 2023; c 12.]

The plans are a bit hard for the minister in charge to get her head around—First Minister, she is talking about your plans. Before Humza Yousaf failed upwards, he was not just the health secretary but cabinet secretary for social care—he wrote these shambolic plans. What does it say about the First Minister’s policy if his own care minister does not understand them?

The First Minister: It just goes to show how desperate Douglas Ross is when he starts with personal attacks on me or any of my colleagues—[*Interruption.*]

The Presiding Officer: Thank you, members—

The First Minister: Those are not attacks on policy or substance, but personal attacks from the man who is, of course, the least popular elected politician on these islands by any poll estimation—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: The best retort that Douglas Ross has is that I am catching him up, but he is still the most unpopular leader and elected politician in this country by a country mile.

On consultancy spending, which is an important point, the Scottish Government and our officials are absolutely focused on making the national care service work, but it is important that we bring in the additional technical and specialist expertise that allows us to ensure that we make progress on the legislation.

On the question on finances around the national care service, which is a very legitimate question, we will, as I have said, engage with trade unions and local government, and when we reach a compromise—as I hope that we will—on the national care service, we will come back with a revised financial memorandum.

I will hardly take any lectures on financial literacy—neither will any minister in my Government—from Douglas Ross, who demanded that this Government copy Liz Truss’s tax cuts, which would have cost the Scottish Government £500 million and caused economic carnage to our public finances.

Douglas Ross: That is absolutely hopeless from the First Minister. He said that quoting his

own minister was a desperate tactic by me. Listening to that answer, I am pretty sure that Maree Todd still cannot get her head around the policy or the costings, because it is quite clear that the First Minister cannot.

This is all starting to look like another Humza Yousaf disaster. The man who could not get the trains to run on time, forced police officers to breaking point and left our national health service in crisis is now doing his best to throw social care into chaos as well. He does not know whether he is building a national care service or a white elephant.

Humza Yousaf has no idea how much this centralised care service will cost, when this bureaucratic nightmare will be ready or how it will improve the situation for people who desperately need better care. The very last thing that our struggling care service needs when its front line is being starved of cash is an administrative overhaul costing billions of pounds.

Will Humza Yousaf do the right thing, stop wasting taxpayers’ money and scrap the plans altogether?

The First Minister: It is quite incredible that when we give a pay uplift to adult social care workers, Douglas Ross describes it as a waste of money. Every penny that we spend on social care is ensuring that we lift standards for adult social care workers and for those people who are in receipt of care. While we do that, yes, we build a national care service that has fair work and ethical commissioning at its heart, so that the profits from care are not just gleaned away into bank accounts in the Cayman islands—which is something that the Conservatives would, of course, like to see—and a national care service that has sectoral bargaining at its very heart. That is what we are committed to.

All of that is happening in the midst of the more than a decade of austerity that we have had from Douglas Ross’s Conservatives. We have also had a hard Brexit imposed on us and, of course, the disaster of the mini-budget, in relation to which, if we had listened to Douglas Ross and gone ahead with tax cuts for the wealthiest, our budget would be worth £500 million less. Therefore, I will take no lectures about financial literacy, or for standing up for people who work in our care service, from Douglas Ross and the Conservatives.

Interest Rates

2. **Anas Sarwar (Glasgow) (Lab):** It has just been announced that interest rates will go up again, which will mean higher mortgages. That is all because of Tory economic chaos. That comes in the same week that the Scottish National Party launched its campaign for another Tory

Government. *[Interruption.]* Therefore, I ask the First Minister to put aside his party's self-interest and be honest—*[Interruption.]*

The Presiding Officer: Members.

Anas Sarwar: SNP members do not like the truth, Presiding Officer.

I ask the First Minister to put aside his party's self-interest and be honest. What is better for Scotland: a Labour Government or a Tory Government?

The First Minister (Humza Yousaf): What is best for Scotland is independence, of course, because then we will have the powers in our own hands. *[Interruption.]*

The Presiding Officer: Thank you.

The First Minister: It is exceptionally brave of Anas Sarwar to go on that topic, this week of all weeks, because what we have with the Labour Party's Keir Starmer is someone who has refused to reverse every single measure of Tory austerity. What we have with Keir Starmer is an individual who has reneged on his promise to abolish tuition fees for students in England and who, just yesterday, refused to repeal cruel Tory legislation such as the Illegal Migration Bill.

Scotland does not need cruel, harmful policies imposed on it, whether that is done by a politician who wears a blue tie or a politician who wears a red tie. What Scotland needs is the full powers of an independent nation, so that we can chart our own course and get out of this unequal and broken union.

Anas Sarwar: There you have it, Presiding Officer. He cannot answer the question. *[Interruption.]*

The Presiding Officer: Thank you. I am sorry, Mr Sarwar.

We have visitors, who have gathered to hear the questions and answers, and we have people tuned in across the nation, who are also keen to do so. Although I appreciate members' passion and interest, I would be grateful if we could try to behave ourselves with decorum.

Anas Sarwar: I think that you should be softer with SNP members, Presiding Officer—it is the first time that they have shown life in weeks. We should appreciate the SNP back benchers. Is it not amazing that they have shown life when it comes to attacking the Labour Party? We have a governing party that is under investigation by the police; sexual misconduct allegations; whistleblowers being silenced; and division on the back benches. There is only one party that looks like the Tories, and it is not us—it is the SNP.

The First Minister is so out of touch that he insults the intelligence of people across Scotland. Labour would deliver a new deal for working people and scrap the Tory anti-trade union laws. Labour would deliver a publicly owned energy company, which the SNP promised but has failed to deliver. Labour would make Scotland a research and development powerhouse, rather than imposing SNP cuts on universities. Labour would bring down people's bills with a proper windfall tax, which the SNP and the Tories do not support. That is the change that Scotland needs.

I know that the First Minister is still trying to find his feet and that the job can be quite confusing for him. Is it not the case that he prefers a Tory Government, because it is cover for his own incompetence?

The First Minister: I will say what the SNP is interested in. We are not interested in getting rid of the Tories just for a little while; we want to get rid of Tory Governments for ever, and the way that we do that is, of course, by voting for independence. We do not want to replace Tory with Tory-lite or with a pale imitation of the Tories. We know that Keir Starmer is lurching to the right. The Labour Party is little more than a Conservative tribute act.

Just last week, Labour committed to keeping the Tories' anti-protest legislation in place. On tuition fees, Keir Starmer has done a Nick Clegg and ditched his pledge to make university education free.

We are absolutely committed to progressive taxation—the Scottish Government is leading the way on progressive taxation. What does Keir Starmer say about income tax for the top 5 per cent of earners? He said:

"we are in a different situation now ... I think we've got the highest tax burden since world war two."

What about railways? Starmer was, of course, previously committed to nationalising the railways. Now he says of water, rail and other services:

"I take a pragmatic approach rather than an ideological one."

I say to Anas Sarwar that we are prepared to work with any political party in order to keep the Tories out of number 10. Why is Keir Starmer refusing to work with the Scottish National Party in order to keep the Tories out of number 10? We are the most progressive party on these islands. I say to Anas Sarwar that I do not want to be rid of Tory Governments just for one year, five years or one election cycle; we want to be rid of Tory Governments in Scotland for good.

Anas Sarwar: Yet again, the First Minister is more interested in attacking Labour than in getting rid of a Tory Government. *[Interruption.]*

The Presiding Officer: Members.

Anas Sarwar: It is really interesting that the First Minister did not want to talk about poll ratings with me. Why? His approval rating is minus 12. Twenty-two per cent of people say that he is competent; 40 per cent say that he is incompetent. Eighteen per cent say that he is trustworthy; 42 per cent say that he is untrustworthy. Nineteen per cent say that he is strong; 39 per cent say that he is weak. Nineteen per cent say that he is doing well; 44 per cent say that he is doing badly. Best of all is this: 9 per cent say that he is better than his predecessor; 41 per cent say that he is worse than his predecessor. He is a pale imitation of Nicola Sturgeon. I am not sure whether that is a compliment any more.

The SNP and the Tories are two sides of the same coin. Both want division, both want chaos, both want to damage Labour and both want a Tory Government. It is all about saving their jobs—*[Interruption.]*

The Presiding Officer: Members.

Anas Sarwar: —and not acting in the interests of the people of Scotland.

Scotland is desperate for change and desperate to get rid of two failing Governments—an economically illiterate and morally bankrupt Tory party and a dysfunctional and incompetent SNP Government. *[Interruption.]* If people want change and want lower bills, more money in their pockets, the end of fire and rehire, the transformation of workers' rights, the creation of thousands of jobs—

The Presiding Officer: Mr Sarwar, I am sorry to disrupt this session further, but members are doing a very good job on that account. I would be grateful if members could remember the basic rules of the code of conduct, which require that we conduct ourselves with courtesy and respect. I am seeing little of that, and that is not continuing.

Mr Sarwar, please put your question to the First Minister.

Anas Sarwar: SNP members do not like it. Change is coming, and they do not like that they have been found out and that they are plummeting. They do not like putting more money into people's pockets through a proper windfall tax. They do not like ending fire and rehire and scrapping the anti-trade union laws. They do not like creating tens of thousands of new jobs.

The Presiding Officer: Question, Mr Sarwar.

Anas Sarwar: Surely even the First Minister can see that Scotland needs change and that it can be delivered only by a Labour Government.

The First Minister: Presiding Officer, I am grateful that you stepped in to save the branch manager of the Scottish Labour Party.

The reason why Scotland will not trust Keir Starmer, of course, is that he is a born-again Brexiteer. It should be remembered that Brexit has caused economic devastation to this country. Anas Sarwar said that he wants a changing relationship with the European Union. We want a relationship with the EU that means that Scotland is back in the European Union—that we rejoin it. The only way in which to do that is, of course, as an independent nation and country.

Here is the real proof of the fact that Keir Starmer's Labour Party has lurched to the right again. The very first major speaking event that I went to as First Minister was at the Scottish Trades Union Congress. Anas Sarwar was there. One person who was not invited was Keir Starmer. Dundee Trades Union Council brought forward a motion that condemned Keir Starmer's actions and behaviours. Labour members might well be led by someone who is named after the founder of the Labour Party, but if Keir Hardie could see the state that the Labour Party is in now, he would be birling in his grave.

Disposable Vaping Products

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

To ask the First Minister whether the Scottish Government will consider a full ban on disposable vaping products on health and environmental grounds. (S6F-02109)

The First Minister (Humza Yousaf): We will give that consideration. Littering of any kind is, of course, unacceptable, and I share Gillian Mackay's concerns about the environmental impact of single-use vapes, not to mention their increased use among children and young people, who should not have access to them in the first place.

The Minister for Green Skills, Circular Economy and Biodiversity has asked Zero Waste Scotland to examine the environmental impact of such products and consider options to tackle the issue. The review is considering a range of possible options, including a ban. Our future approach will be informed by the findings of the review, but I should make it quite clear that we take the use of such products very seriously and that nothing is off the table at this stage.

Gillian Mackay: I look forward to the publication of the report that was commissioned by the minister.

Vaping has serious environmental and health impacts. That is why campaigners such as Less Waste Laura, the *Daily Record* and a growing number of councils have highlighted those harms. I thank them all for their work.

A full ban on disposable vapes is needed, but does the First Minister agree that there is much

that can be done to reduce harm ahead of a full ban, such as keeping the products away from public view—as is the case with cigarettes—raising awareness of the legal purchase age and highlighting disposable return points? Will the First Minister join me in calling on retailers to step up to the plate and implement those measures?

The First Minister: Yes, I join the member in that call. We are keen to work constructively with retailers in that regard. I understand the many concerns about both the environmental and the health impacts of single-use vapes that have been raised by campaigners, including Less Waste Laura, as Gillian Mackay mentioned, and by our local government colleagues. I know that they also take the issue extremely seriously, and about 15 councils have now called for a ban.

Those concerns, as well as the issues that the member raised around retailers' responsibilities, are being looked at in detail by the minister for the circular economy and by the Minister for Public Health and Women's Health as part of the review of the environmental impacts and in our refreshed tobacco action plan, which will be published in the autumn. That plan will include further action on education but also, crucially, on enforcement. I will keep the member updated on the publication of that strategy.

Mercedes Villalba (North East Scotland) (Lab): Thanks to the work of local campaigners, in February this year, Dundee City Council supported banning disposable vapes and called for a national ban from the Scottish Government. As there is already local support for such a ban, what consideration has the Scottish Government given to introducing a pilot ban on disposable vapes in Dundee to help to develop a model for a national ban?

The First Minister: That is very worthy of consideration. As I referenced in my previous response, about 15 councils have called for a ban, but I am not surprised to see Scottish National Party-led Dundee City Council leading the way in that regard.

I am more than happy to consider a potential pilot, but it is important that the work that we have initiated through the review is allowed to happen. I will ensure that that work is published and that we take immediate action, because this issue is of growing concern due to the environmental and health impacts.

Youth Navigator Programme (St John's Hospital)

4. **Fiona Hyslop (Linlithgow) (SNP):** To ask the First Minister what the Scottish Government's position is on the view of the Children and Young People's Commissioner Scotland that NHS

Lothian should review its children's rights impact assessment of the decision to end the youth navigator programme, which operates at St John's hospital. (S6F-02098)

The First Minister (Humza Yousaf): The hospital youth navigator pilot will continue to be delivered by Medics Against Violence and national health service partners at the Queen Elizabeth hospital for children in Glasgow alongside the adult navigator programme in nine hospitals across Scotland.

Navigators are key support workers who help individuals presenting at hospitals with multiple complex needs to access those support services. I understand that no decision about future funding has yet been taken and that NHS Lothian is evaluating all its youth work provision in hospitals, including the pilot to which Fiona Hyslop refers. NHS Lothian has confirmed that a children's rights and wellbeing impact assessment will be undertaken on the proposed options. A final report is expected to be discussed at the children and young people's programme board at the end of this month.

Fiona Hyslop: As the First Minister has acknowledged, the youth navigator programme is supported by Medics Against Violence, which has announced that funding will end at the end of June. It offers a youth work-based community outreach service to vulnerable young people aged 12 to 16, accessed at the time of presentation at St John's hospital in West Lothian as well as at the sick kids hospital in Edinburgh.

Having debated a trauma-informed approach to services only on Tuesday in this chamber, does the First Minister acknowledge that preventative youth work such as that offered by the successful youth navigator programme should be supported, not withdrawn, that a full impact assessment would have flagged up that adverse childhood experiences often present as a crisis on hospital presentation, and that early support and intervention, actioned quickly, can be most effective?

The First Minister: Fiona Hyslop makes an important point to which I fully subscribe, particularly due to my previous roles in justice and health. Taking a preventative, trauma-informed approach through the navigators programme can make and has made a difference to young people in NHS Lothian. I value the importance of the service. Fiona Hyslop is absolutely correct in saying that the most effective way to deal with those issues is to take a trauma-informed and preventative approach. In my previous answer, I said that those matters are under review. When it comes to the final decision on the provision of youth services in NHS Lothian, there has been confirmation that a children's rights and wellbeing

impact assessment will be undertaken. I will ensure that the Cabinet Secretary for NHS Recovery, Health and Social Care will make representations to NHS Lothian on the important issues that Fiona Hyslop has raised.

Sue Webber (Lothian) (Con): Scrapping that service will have a devastating effect on vulnerable children and young people across the Lothian region. The Queen Elizabeth hospital is hardly accessible. Many other youth worker services have lost funding and statutory services, such as child and adolescent mental health services, are at breaking point. Cutting back on youth work is the wrong course of action and will simply store up problems for the future. So often, we hear about a preventative approach being championed by the Scottish Government, and the navigators programme takes exactly that approach, so why are we even considering cutting it?

The First Minister: I agree with the approach in relation to preventative funding. The Government has funded Medics Against Violence—an excellent organisation that I have had the pleasure of meeting a number of times over the years—to the tune of £337,000 in this financial year. It delivers a variety of violence prevention activities, and its core activity is to support the national hospital navigator programme.

I go back to my answer to Fiona Hyslop. NHS Lothian is reviewing its decision and is looking at youth service provision in the round. It will do that important impact assessment that Fiona Hyslop has called for. I am more than happy for the Government to make representations to NHS Lothian on the back of what has been said in the chamber, but ultimately, it will be a decision for NHS Lothian to take and I would expect it to do the full impact assessment in that regard.

Colleges and Universities (Support)

5. Pam Gosal (West Scotland) (Con): To ask the First Minister what action the Scottish Government is taking to support colleges and universities in Scotland. (S6F-02100)

The First Minister (Humza Yousaf): Colleges and universities make a crucial and unique contribution to Scotland. We are investing nearly £2 billion in that sector each year through the Scottish Funding Council and, where possible, we make that funding flexible. I recognise the challenges and pressures that colleges and universities are currently facing. We will continue to engage with the Scottish Funding Council as well as the sector directly to ensure that institutions are financially stable.

Pam Gosal: Two weeks ago, the Scottish National Party Government took a dagger to the

heart of colleges and universities by cutting £46 million from funding that had been announced only in December, with no warning and no consultation. When the Scottish budget was announced, the Scottish Government trumpeted a £12.7 million increase for higher education. Five months on from the budget announcement, £7.3 million in cash has been cut between financial years.

Since then, I have also received a letter from the City of Glasgow College stating its intention to begin the process of 75 compulsory redundancies. Despite claiming that education was her number 1 priority, the former First Minister Nicola Sturgeon failed Scotland's young people. What is the First Minister going to do to prevent history from repeating itself?

The First Minister: If it comes back to the question of the former First Minister's record, I remind the member that there are more young people from areas of deprivation who are going to university now than there ever were before. That is down to the legacy of Nicola Sturgeon. We are closing the poverty-related attainment gap because of the actions of the former First Minister.

We have had to make some difficult decisions on the savings that we have had to make. I am not going to downplay the significance and the effects that those savings will have on the college and university sector. However, I will put that into some context: the cuts that we made were 2.3 per cent of the £2 billion budget for further and higher education in 2023-24. Why did we have to make that saving? We had to do that because, rightly, every party in the chamber demanded that the Scottish Government intervene and help to assist local government to settle the teachers' pay dispute. An additional £320 million had to be found in order to do that. That does not grow on the proverbial magic money tree, so tough decisions had to be made—we were up front about that.

We will take the tough decisions and we certainly will not take lectures from a Conservative member. The Conservative Party's actions are the reason why we face financial constraints on the Scottish public finances. I remind Pam Gosal that, because of sky-high inflation as a result of decisions that the Conservative Government took, our Scottish finances were worth £1.7 billion less at peak inflation last year. That was because of the economic carnage that her party inflicted on Scotland.

Yes, we will take the tough decisions that are needed, but we will certainly not take any lectures on financial and economic literacy from the Conservative Party.

Willie Rennie (North East Fife) (LD): Sally Mapstone, who is the head of Universities Scotland, has described the SNP Government's

policy on universities as “managed decline”. Why does the First Minister think that the multimillion-pound cut to the universities budget will reverse that managed decline?

The First Minister: I do not agree with that characterisation. In the coming weeks, months and years, I will be more than happy to meet Dame Sally Mapstone—and other university and college principals—because I take her views very seriously.

As for the characterisation of managed decline, I remind Willie Rennie that the latest higher education statistics show that a record number of Scotland-domiciled students are studying at Scottish universities. We have some of the best universities in the world—those universities are world class because they undertake excellent initiatives and provide excellent education. That is also down to the funding that the Scottish Government has put into our higher education and further education sectors, and will continue to put into them for many years to come.

I am more than happy to engage with our university and college principals, but I do not accept that there is managed decline when we have world-class universities, such as the University of St Andrews, which are being funded by the Scottish Government.

ScotRail (Timetable)

6. Katy Clark (West Scotland) (Lab): I refer members to my entry in the register of members’ interests.

To ask the First Minister what the Scottish Government’s position is on the potential impact of the proposed timetable reductions by ScotRail on efforts to ensure a modal shift from car to train. (S6F-02085)

The First Minister (Humza Yousaf): My understanding is that, under ScotRail’s new May 2023 timetable, the number of daily services will remain the same, with no overall reduction, and resources will be focused on areas to better serve current demand. As a result, peak-time trains and school connections have been prioritised to support the modal shift that Katy Clark referred to.

I want to make Scotland’s public transport system more accessible, I want to make it more available and I want to make it more affordable. That is why I confirmed last month that the six-month pilot to remove peak-time fares from ScotRail services will start in October. That intervention, which is unprecedented in the UK rail sector, will enable officials to gather evidence across transport modes for the fair fares review and will inform future proposals while, importantly, encouraging modal shift.

Katy Clark: Despite the Scottish Government’s goal of reducing car use by 20 per cent by 2030, ScotRail proposes to cut many train services, including many commuter services, including the 7.42 am service from Largs to Glasgow. Will the First Minister look at the case for maintaining the 7.42 am commuter service from Largs to Glasgow? Does he agree that we need to do far more to encourage people to use the railways rather than cars, if we are to achieve our climate change target? Will he assess how the timetable changes that ScotRail has proposed will impact on meeting such goals?

The First Minister: I agree with the underlying premise of Katy Clark’s question, which is that it is important to make public transport as available, affordable and accessible as possible in order to achieve the modal shift from the car to public transport.

On the operational matters that Katy Clark referred to, I will ensure that the Minister for Transport engages with ScotRail, but they are matters for ScotRail. My understanding is that the 7.42 am from Largs to Glasgow will be replaced by the 7.54 am from Ardrossan to Glasgow, and that a train from Ardrossan to Glasgow that departs at 7.26 am has been added to the timetable.

The May 2023 timetable will also provide journey-time savings for passengers who travel on the Ayr-Glasgow route. Following customer feedback, the Ardrossan and Largs services now call at stations in the Garnock valley, in order to improve connectivity. Changes that have been directly influenced by user feedback have been made across the timetable.

Katy Clark is absolutely right that we need to continue to do more to ensure that the modal shift from car to public transport happens. That is why I am really pleased that one of my first acts as First Minister was to announce the beginning of the pilot to abolish peak rail fares, which will run for six months from October this year.

John Mason (Glasgow Shettleston) (SNP): Can the First Minister confirm that passenger numbers have not returned to pre-Covid levels, partly because people are working at home, and that that means a shortfall in cash for either the railways or the Government? Can he confirm how that shortfall is being made up?

The First Minister (Humza Yousaf): John Mason is absolutely right to raise that issue. Clearly, passenger numbers are still recovering from the pandemic, so income levels are still down. Scotland’s rail operators are also having to meet the high inflationary costs that are affecting every business and person right now. Of course, all that impacts on our rail budget.

I understand that the cost of implementing the May 2023 timetable change is projected to be neutral. It is difficult to accurately assess the exact financial impact of passenger numbers, which have not yet returned to pre-Covid levels, but it is good that demand continues to increase—even if only incrementally—and numbers have recovered to more than two thirds of pre-Covid levels.

Clearly, we want Scotland's publicly controlled railways to succeed in the short and long terms. Through a range of promotions in recent months, ScotRail has been working hard to encourage more people to travel by train—not least because of the contribution that rail can, should and will make to addressing climate change and cutting transport emissions.

The Presiding Officer: We move to general and constituency supplementary questions.

Carbon Monoxide Poisoning (Holiday Homes)

Clare Adamson (Motherwell and Wishaw) (SNP): Following the tragic death of Jaime Carsi in Majorca, due to a suspected carbon monoxide leak in a holiday home, I know that members' thoughts and condolences will be with Mr Carsi's friends and loved ones—especially his wife, who is now recovering.

The dangers of carbon monoxide are frequently a subject for the cross-party group on accident prevention and safety awareness. Regulations here vary greatly from those abroad, so does the First Minister agree that members of the public should consider the advice from organisations such as the Royal Society for the Prevention of Accidents and the Safer Tourism Foundation, that a carbon monoxide alarm is essential holiday packing?

The First Minister (Humza Yousaf): Yes, I agree with that. Of course, my thoughts are with the family of Jaime Carsi, with his wife, Mary—who, I understand, remains in a very serious condition in hospital—and with their friends, family and community, who will be deeply saddened and rocked by these events.

A carbon monoxide detector can give people an important life-saving warning about a faulty appliance. Of course, in Scotland, it is a legal requirement to have a carbon monoxide detector in any room that has a carbon-fuelled appliance. Fitting a detector is vital for safety and could, quite literally, save people's lives. I encourage everyone to find out about the importance of being aware of the signs of carbon monoxide poisoning, and about the actions that can keep them safe. People can find more information on www.gassaferegister.co.uk.

I hope that Mary Somerville, the wife of Jaime Carsi, continues to recover. My thoughts are with her and the family of Jaime Carsi.

Aberdeen City Council (Library and Pool Closures)

Douglas Lumsden (North East Scotland) (Con): Yesterday, the fight to save six libraries and Bucksburn swimming pool in Aberdeen moved to the courts. Will the First Minister contact the Scottish National Party administration at Aberdeen City Council and tell its members to get a grip, listen to the people whom they are meant to serve and not fight them in the courts—or is that yet another example of the SNP failing the people of the north-east?

The Presiding Officer: Before the First Minister responds, I remind members again that questions should be put to the First Minister on matters for which the Scottish Government has general responsibility.

The First Minister (Humza Yousaf): Of course, the SNP Government has increased funding for local government, and Douglas Lumsden would be the first to complain if we were to interfere and intervene in local decisions that are being made.

I will not comment on any potential or live court proceedings, but I will say that we have increased funding to local government. We respect the decisions that are being made by local government, and it is local authorities' right to make those decisions, under section 163 of the Local Government (Scotland) Act 1973. We will continue to make sure that we fund local government, but we will not intervene and interfere in locally made decisions.

Free School Meals

Monica Lennon (Central Scotland) (Lab): This evening, alongside the Scottish Trades Union Congress and the *Sunday Mail*, I am hosting a parliamentary reception to celebrate the food for thought campaign and the positive impact of universal free school meals across Scotland. All MSPs are invited, and we hope that the First Minister can join us to hear directly from young people how access to universal free school meals is reducing poverty, inequality and stigma.

Further to comments that he reportedly made in the *Daily Record*, will the First Minister provide an update on the roll-out of universal free school meals in primary schools and on the pilot programme to be launched in secondary schools?

The First Minister (Humza Yousaf): I say to Monica Lennon and others who have an interest in the issue that the Scottish National Party, which is leading the Government, is the party of universalism. That is why we abolished tuition

fees, which is something that Keir Starmer's Labour Party is not going to be doing. It is why we are the party of the baby box and the party that introduced universal free school meals from primary 1 to primary 5. We stood on a manifesto commitment, and we remain committed, to the future roll-out for P6 and P7, and we are also looking at a pilot in secondary schools.

I have simply made the point, including at the anti-poverty summit—and I continue to make this point—that we will look at what more we can do around progressive taxation and, because of the economic carnage that has been inflicted on us by the United Kingdom Government, we will have to look at making really tough decisions. We will have to look at targeting across a range of potential policy areas.

There is not a conflict between universalism and being targeted. There are some rights that should be universal, such as the right to a free education and free university education. They are rights; they are not benefits or a luxury. At the same time, we should absolutely make sure that we are being targeted where we can, such as, for example, with the Scottish child payment. That game-changing intervention is helping the poorest in our society.

We are the party of universalism, but we are also the party that makes sure that we target our resources towards those who absolutely need the most help, particularly in the face of a UK Government that is inflicting harm upon harm on the poorest in our society.

Bracken (Use of Asulox)

Fergus Ewing (Inverness and Nairn) (SNP): Uncontrolled bracken is the perfect breeding ground for ticks, which carry diseases that infect humans, including the debilitating Lyme disease. Will the First Minister end the delay and instruct the authorisation of Asulox, which is the only effective treatment to control bracken? Given that time is running out for both its procurement and use in the available season, will he do that straight away? If not, does he appreciate that the outcome will likely be the widespread infection of many human beings with this dreadful Lyme disease?

The First Minister (Humza Yousaf): I will look into the serious issue that Fergus Ewing raises. The Scottish Government recognises the concerns about the potential risk of uncontrolled bracken and the difficulties associated with its control, particularly here in Scotland.

Asulox is a herbicide that has no current European Union or United Kingdom authorisation. There are specific legislative conditions that must be met in order to grant an emergency authorisation of the product to ensure a high level

of protection of human health and the environment.

The Health and Safety Executive is responsible for assessing emergency authorisation applications right across the UK against the legislative requirements. The Scottish Government considered and promptly responded to the HSE's recommendation. My understanding is that the HSE will issue the decision to the applicant once all other UK Governments have responded.

The Scottish Government is aware of the importance of effective pesticides when used as part of an integrated approach, and our position is very much guided by regulation and, crucially, by scientific evidence.

Oil and Gas Exploration (North Sea)

Liam Kerr (North East Scotland) (Con): This week, three quarters of people surveyed said that they think that we should meet our domestic energy needs from United Kingdom oil and gas production rather than from imports. This Government's energy strategy specifically includes a presumption against new exploration and production in the North Sea.

Yesterday, the First Minister tried to please both sides of the debate, yet he carefully committed to neither. Here is the chance for him to get off the fence. Given the need for energy security to protect thousands of Scottish jobs and the climate benefits of local production, will he remove from the energy strategy the Government's intention to close down the North Sea?

The First Minister (Humza Yousaf): What the Government will do is listen to the responses to the consultation, which closed just a couple of days ago. We have had more than 1,500 responses, and we will analyse them carefully.

Be in no doubt that we are absolutely committed to our just transition away from oil and gas. It is important and crucial for our economy and our planet to make sure that we unleash the potential of the green economy. We have to make sure that we live up to our climate obligations—both domestic targets and international obligations. We have to make sure that we are playing our part in energy security domestically but also internationally.

What we absolutely will not do is what Liam Kerr's Conservatives did to the mining and steel communities in the 1970s and 80s. We will not throw a single worker in the north-east on to the scrap heap during the just transition process.

What members will see from the Scottish Government when it comes to unlocking our green potential is action. What we are seeing from the United Kingdom Government is complete and utter

inaction. For example, it is failing to make any meaningful progress on investment in the Scottish cluster, or, indeed, on the Acorn project in particular. There is complete and utter abject failure and inaction from the UK Government, whereas we will take action to make sure that we unleash the potential of the green economy, not just in the north-east but in the whole of Scotland. That is important because we want to invest in and unlock the potential of our economy, but also because it is a moral imperative to ensure the sustainability of our planet in the future.

Ferguson Marine (Return to Private Ownership)

Neil Bibby (West Scotland) (Lab): The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy has now said that he would like to see Ferguson Marine return to private ownership as soon as possible. The GMB union rightly says that the award of Ministry of Defence work from BAE Systems to Ferguson Marine is a sign of confidence in the workforce and that the Scottish Government should follow suit by developing a plan for the direct award of work to it on smaller vessels, with robust oversight in place. The GMB is right. Changing ownership and plunging the workforce into more uncertainty is not the solution. It is important that we listen to the GMB. In fact, if its warnings had been listened to earlier, perhaps we would not have the fiasco that we have now.

Does the First Minister not accept that, given that this whole mess is of the Government's making, it is the Government's job to clear it up?

The First Minister: Of course, the Government stepped in and saved hundreds of jobs on the Clyde. I make no apology for that.

There have undoubtedly been challenges, which the Government has fronted up. However, when it comes to the GMB's letter and this issue of public versus private ownership, what Neil Gray said has been the Government's position for a long time. It has always been the intention of the Scottish Government to return Ferguson Marine to private ownership. That was made clear when we announced that the yard was being taken into public ownership in the first place.

Having seen the GMB letter, I can say that there is not much in it that we disagree with. We want to work with the GMB and with the wider workforce to secure the best possible future outcome for the yard. We absolutely have faith in that workforce and in the future of the yard. Investment in the yard is about more than just profitability, important as that is. It is about the retention of skills and jobs and manufacturing capability. Those will be key considerations in any decision on the future of the yard.

Any deal to see the yard returned to private ownership must present value for money, but let me be absolutely unequivocal that it must also ensure that it continues the good work on fair work that is at the heart of everything that this Government does.

The Presiding Officer: That concludes First Minister's questions. There will be a short suspension to allow those leaving the chamber and the public gallery to do so.

12:48

Meeting suspended.

12:50

On resuming—

Supporting Mental Health in Rural Communities

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-06107, in the name of Rachael Hamilton, on supporting mental health in rural communities. The debate will be concluded without any question being put. Members who wish to participate should press their request-to-speak buttons now or as soon as possible.

Finlay Carson (Galloway and West Dumfries) (Con): On a point of order, Presiding Officer. I am struggling to hear. I wonder whether we can turn up the volume in the chamber. Your mic is very quiet.

The Deputy Presiding Officer: I will speak up and hope that that will improve the situation, Mr Carson.

Motion debated,

That the Parliament recognises what it sees as the unique challenges being faced by farmers and the wider agricultural industry as a result of vast input cost inflation caused by Vladimir Putin's invasion of Ukraine, among other factors; commends farmers and crofters for the role that it considers they play at the heart of rural communities, producing high-quality sustainable food, supporting thousands of jobs, helping to tackle climate change and enhancing biodiversity despite the pressures that they face; understands that these pressures contribute to concerns around the mental health of Scottish farmers and crofters, including in the Scottish Borders; notes the work of the National Farmers Union Scotland in working with its members to protect the physical and mental wellbeing of all those working and living in farming communities and highlighting the issue of mental health in farming, agriculture and countryside management more widely, alongside the work of the Countryside Alliance, the Mental Health Foundation Scotland, Scottish Land and Estates, the National Rural Mental Health Forum and the Poverty Alliance, among others, for highlighting the issue and working towards finding solutions, and notes the calls encouraging those who are struggling with their mental health to access help and support from either their friends or family or the many services available, including RSABI.

12:51

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): It is a privilege to bring the motion for debate to the chamber today. I know that the members and colleagues joining me in the chamber are incredibly supportive of the topic and I thank them for that.

During yesterday's rural questions at portfolio question time, we heard the Cabinet Secretary for Rural Affairs, Land Reform and Islands speak genuinely about the Royal Scottish Agricultural

Benevolent Institution and the national rural mental health forum in response to a question from my colleague Alexander Stewart. Her response showed that we can discuss the issue without scoring political points; it is an issue on which politicians can agree, and that is exactly what I hope to achieve from today's debate.

Last May, alongside my colleague Craig Hoy, I hosted a round-table discussion on the issue with a wide group of stakeholders from rural industries and the third sector. Organisations such as Scottish Land & Estates, Age Scotland, the Poverty Alliance, the Countryside Alliance and the Health and Social Care Alliance Scotland attended. It was clear from that meeting that there is so much more that we could do to support their work.

We identified the need to tackle the stigma around mental health as well as the importance of early intervention, but those issues are universal. The key takeaway from the discussion for me was that rural communities face entirely different mental health challenges from those faced by people in cities and our response to those challenges must be sensitive to that.

There is a growing recognition that rural contexts can be overlooked in the design of mental health services, and that led to the creation of the national rural mental health forum. I welcome Jim Hume to the gallery today. The cabinet secretary outlined that the Scottish Government is providing the forum with £50,000 of support, but I think that we all got the sense that she wished that she could go further.

People living in rural areas—farmers, crofters and agricultural workers—often find it difficult to access mental health care. Like other people across Scotland, they experience depression, suicidal thoughts and feelings, self-harming behaviour and anxiety, no matter their age, gender or location. On top of that, remoteness, isolation and small-town stigma can exacerbate those problems, as can the occupational challenges that rural workers face.

Take gamekeepers, for example, who face vitriol and abuse on a daily basis for simply doing their jobs looking after the countryside. They must also contend with the threat of losing their livelihoods, which looms over their heads as a result of the strict but necessary management of gun licences. All the while, their working life could see them go for days without seeing another person.

It is those challenges that led us to call on the Government to establish a rural workers task force to look at ways of supporting those workers with their mental health. I was encouraged, as I think that we all were, when the former First Minister

Nicola Sturgeon committed to looking again at those proposals. I know that things have changed a little in Government since then and that such commitments can fall by the wayside. However, the past few years have been tough for people living in rural areas.

Fergus Ewing (Inverness and Nairn) (SNP): I entirely agree with what Rachael Hamilton has said thus far. Does she also recognise the really critical and practical work of the Royal Scottish Agricultural Benevolent Institution, which is carried out by volunteers who provide assistance particularly to farmers and crofters who live remotely and may not see anyone for weeks on end, and give invaluable support to people in those predicaments throughout rural Scotland?

The Deputy Presiding Officer: I can give you the time back, Ms Hamilton.

Rachael Hamilton: I completely agree with Fergus Ewing that RSABI does good work. I will mention that a little later, because the work that RSABI does has formed the basis of some of the proposals that I will talk about today.

I was talking about the challenges that farmers and rural workers have been facing not only in making sure that we had food on our plates throughout Covid, but because of having to work every single day and being unable to take a day off. They have also faced increased energy and input costs, due to Putin's invasion of Ukraine. Those costs have had to be absorbed by people working in the agricultural sector, which has put a huge financial strain on their balance sheets.

That is why my party and I have taken the initiative to produce detailed proposals to establish a Scottish rural mental health task force. I will explain a little more about that as I go on. Our plan will ensure that rural provision of general practitioners is placed on a sustainable footing to bolster mental health services in rural communities. It would create a network of mental health first aiders by training residents, neighbours, members of local clubs and professionals such as vets, feed merchants and rural sales representatives, so that the farmers and rural workers with whom they frequently engage can get the maximum and best benefit from that interaction. Those mental health first aiders would be trained to identify the signs of poor mental health and would encourage mental health training among rural workers. We would establish a short-life working group to launch a viable and collaborative way of delivering that ambition.

I would, of course, be delighted to discuss those proposals further with the cabinet secretary and her colleagues in Government. For all that we disagree on, I know that this Government takes

mental health seriously, but the Government is only one piece of the puzzle.

At the annual dinner of NFU Scotland earlier this year, I was fortunate to sit next to Marc Gascoigne. He founded Farmstrong in New Zealand, which has now been established in Scotland. We spoke at length about his organisation's work in supporting farmers' wellbeing. I also thank Virgin Money, which might sound like a slightly unlikely contributor to a debate on this subject. Virgin Money partnered with Farmstrong and funded its roadshow throughout Scotland—something that was undoubtedly fostered by Virgin Money's relationship with its predecessor bank, the Clydesdale Bank, which had a strong relationship with the agricultural sector and worked across the countryside.

That conversation with Marc Gascoigne strengthened my resolve to bring this debate to the chamber so that we can discuss what more we can do to tackle these issues. We are joined today by representatives from RSABI, Change Mental Health, the NFUS and SLE, who have also undertaken fantastic work on this issue. Their role, and that of the third sector and other rural organisations, cannot be overstated. Whether in signposting people towards specific services or simply providing someone to talk to, their work is absolutely vital and I am delighted that they have joined us for the debate.

I have spoken at length about the issue that I plan to tackle, but I will finish on a more personal note. The British Association for Counselling and Psychotherapy was kind enough to prepare a briefing for today's debate and drew attention to the fact that women working in agriculture face a higher burden of depression than men. Before I entered politics, I was an agronomist, visiting farms across Scotland and the north of England. There is no doubt that, for many of the farmers whom I worked with, I was the only person whom they spoke to on any given day. Can you imagine that? Poor things.

For me, they could literally be the only people whom I spoke to that week. In my role, I was one of only two women out of 100 people across the UK, which brought its own challenges. I had long days with little interaction with others and I had to deal with the odd throwaway comment about my being a woman in agriculture. It is so easy to see how things can build up to a point where it becomes difficult to cope.

I am sorry that I do not have time to say more about young farmers. I hope that some of my colleagues will mention them, because they face the challenges of social isolation as well. I was thankful to have a fantastic support network around me for anything that happened to me, but

not everybody is so lucky. I hope that we can work together to make things better.

13:00

Emma Harper (South Scotland) (SNP): I congratulate Rachael Hamilton on securing this debate. It is a really important issue, and Ms Hamilton has highlighted that very well.

As an MSP who covers a large rural area—Dumfries and Galloway and the Scottish Borders—I am aware of the challenges that rurality can pose for positive mental health, but also of the benefits that it can bring. I am also aware of the increased challenges that our farming community faces, which the motion mentions. The Ukraine war and the cost crisis have added increased stress, as has leaving the European Union.

This has already been said, but it is worth repeating that the evidence shows us that people in rural Scotland are more likely than others to experience depression, suicidal thoughts and feelings, self-harming behaviour and anxiety, no matter their age, gender or location. They are at higher risk of becoming isolated, and that risk is worsened by remoteness, stigma and fear. Stigma is a huge issue and it needs to be addressed. It is therefore right that we take whatever action is possible to support the health and wellbeing of our rural communities.

Some 98 per cent of Scotland's land mass is rural and 17 per cent of Scotland's population lives in rural Scotland, which equates to just under 1 million people. A lack of anonymity has been identified as a barrier to people seeking help at an early stage in rural areas. Evidence from Change Mental Health, which was formerly known as Support in Mind, shows that people in rural Scotland want support to be low level and to be delivered in non-clinical, informal settings by trusted people and local networks.

Services need to be close to the place of need and should be designed to include mobile and digital services and outreach. The outreach approach must recognise the significant stress that is involved in travelling to appointments for those with poor mental health. I therefore ask the cabinet secretary whether further targeted advertising and engagement can take place across rural Scotland to promote the means through which people can access support and to promote the wider message that it is okay not to be okay.

I am aware of the research from RSABI that shows that the Scottish index of multiple deprivation struggles to identify people living in deprivation in rural areas. That can lead to some believing that living in rural Scotland is idyllic,

whereas in fact deprivation and poverty exist and are becoming exacerbated there. The lowest-wage economies in Scotland are in rural areas, and nine out of 10 people who are income deprived do not live in a recognised deprived area.

Evidence suggests that people who live in rural areas experience deprivation differently from those who live in towns and cities. The particular issues in rural areas include the need for higher consumption of fuel for heating and transport. I am a member of the British-Irish Parliamentary Assembly's economy committee, and our current inquiry is highlighting that the challenging cost of oil for heating is a major issue. That can contribute to poorer mental health.

Stephen Kerr (Central Scotland) (Con): Does Emma Harper agree that we need to do a lot better in creating the parity that should exist between physical and mental health services? That does not exist in rural areas, for sure, but it does not exist in much of Scotland. Does she agree that we should unite to seek a rapid improvement in that regard?

Emma Harper: I thank Stephen Kerr for that intervention. I am also a member of the Health, Social Care and Sport Committee, and a nurse, and a lot of my work as a former co-convenor of the cross-party group on mental health has dealt with the parity that is needed. A lot of work is going on. I support what Stephen Kerr asks for, but I know that a lot of work is under way right now, especially in the work that I am doing in the Parliament.

Less accessibility to key services such as childcare, broadband and transport links can also be a challenge. The limit to opportunities to earn adequate income, in comparison with those in urban areas, is part of the issue. I am conscious of time, Presiding Officer, but I am aware from my own casework that many issues need to be supported.

I also want to give a nod to former MSP Jim Hume and to Kira McDiarmid, from Change Mental Health, whom I welcome to the gallery.

There is so much other work that I could talk about as well. RSABI has already been highlighted. It is another fantastic charity that operates to support those in our agricultural communities.

Mental health is everyone's business, and we must collectively work to tackle it in all our areas, including our rural areas.

13:05

Tess White (North East Scotland) (Con): I thank Rachael Hamilton for bringing such an important topic to the chamber—for shining a light

on an epidemic that is often hidden. Both Rachael Hamilton and I represent areas that have large remote and rural populations. More than half of the population of Aberdeenshire live in rural areas, compared with around 17 per cent of the population of the rest of Scotland.

However, mental health interventions have often been developed through the lens of urban populations, but what works in Glasgow will not necessarily work in Glenbervie. It is vital that policy makers recognise the unique nature of mental health in rural and farming communities, so that we can respond better. That is why advocacy by organisations such as NFU Scotland, the Farm Safety Foundation and the Countryside Alliance, as well as the work of academic institutions such as Robert Gordon University, which is in my region, are so important.

In the north-east, more than 22,000 people are employed in the food, drink and agriculture sectors. However, the awful reality is that suicide rates for agriculture workers are among the highest in the United Kingdom. Sadly, one farmer a week dies by suicide.

As we have heard, farmers often work in isolation. Loneliness frequently affects their mental health. Financial worries, especially given input-price inflation, can weigh heavily on their minds. The 2021 documentary “Unearthing Farming Lives”, which was conceived by several organisations in the north-east of Scotland, thoughtfully examines those issues.

The north-east has also suffered from the recent avian flu outbreak, which has resulted in the deaths of thousands of hens. That is a devastating loss for businesses.

In addition, although spring heralds the lambing and calving season, there are associated pressures and stresses for farmers. Livestock worrying, for example, can have a devastating impact on their mental health. Recently, there have been the horrendous cases of one dog mauling 17 lambs to death in Fife, and four lamb deaths in Moray.

As we have heard, farming can be both physically and psychologically tough.

Emma Harper: Tess White mentioned livestock worrying. It is great that we raise awareness at every opportunity about attacks on livestock. Does she agree that the changes to legislation that were made by my member’s bill will help to raise awareness so that we can reduce incidents of livestock worrying?

Tess White: I thank Emma Harper for raising that matter. Anything that can prevent livestock worrying is to be applauded. The behaviour of dog

walkers is also important—they must keep dogs on leads at this time of year.

We must continue to break down the barriers, including loneliness, that might prevent farmers and the agricultural community from accessing help.

It is good that—as we have heard today—young farmers are doing a lot of good work. They are piloting the “Thrive” mental wellbeing app, which provides live access to qualified therapists who can give advice on many things, especially mental health. We need to look more closely at such initiatives.

I will make two final comments. Access to appropriate NHS services to support their mental health can be challenging for people who reside in rural and remote communities. We know that, sadly, there is a shortage of general practitioners and other clinicians in rural areas. The Scottish Government urgently needs to address that in order to prevent the collapse of rural healthcare.

It is good that Mairi Gougeon MSP is here to hear my next comment, because Angus mental health patients have also been badly let down by the closure in 2018 of the Mulberry unit at Stracathro hospital, which means that patients have had, and still have, to travel miles to a facility in Dundee where, as the Strang report has revealed, there are serious systemic issues with mental health services. Residents in Angus feel deeply let down by that decision.

I hope that the minister will address those points in her closing speech.

13:11

Carol Mochan (South Scotland) (Lab): I also thank Rachael Hamilton for bringing this important debate. I was aware of her knowledge about and thoughts on the matter, but her speech was really good and well received. I thank her for it.

I am grateful for the opportunity to speak in the debate on behalf of Scottish Labour. Like many members in the chamber, I represent a rural region—South Scotland—and I recognise much of what is in the motion for debate. The agriculture industry is undoubtedly one of the most challenged out there—whether that is due to the weather, supply chain issues, uncertainty following the war in Ukraine or soaring energy prices. Farmers, farm workers and crofters are constantly battling the various factors that affect their livelihoods and businesses. With long hours, financial pressures and often isolated workplaces, farmers and the agriculture workforce are more susceptible to their mental health being under strain.

According, as we have heard, to the Office for National Statistics, the suicide rate for male farm workers is three times the male national average. That is a worrying figure, which has persisted over a long period of time. It shows the importance of having a particular focus on improving rural mental health. It is a devastating statistic that we must all take very seriously.

Numerous studies that I came across while preparing for today's debate highlight the wide range of mental health challenges that face people in rural Scotland. Alarming, there are also the false conclusions about the idyllic countryside lifestyle and moving to the countryside for a better life—the kind of thing that we see on the TV, but which is just not the reality for so many people.

I welcome the fact that mental health in rural communities is receiving more attention. It appears that we are beginning to turn a corner in recognising its vital importance to the wellbeing of countryside communities. Nonetheless, let me be clear that recognition on its own will not push the needle forward. It will require considerable and targeted campaigning, as we have heard, and investment over a long period of time. We need a long-term commitment to the issue.

Although investment in mental health services is necessary, that alone will not deliver the change that we need. We require a strong economy that delivers for rural areas and improves the likelihood not only of mental wellbeing but of physical, social and economic wellbeing, which are absolutely essential.

Stephen Kerr: Carol Mochan is making an important point about the need for us to revitalise rural life and the rural economy. One of the key infrastructure projects in that regard is the extension to full coverage of 5G and full-fibre broadband. That one infrastructure project in itself has the power not only to transform the rural economy and rural life but to tackle isolation and loneliness. Does she agree?

The Deputy Presiding Officer: I can give you the time back.

Carol Mochan: Thank you.

I absolutely agree. I was fully behind the commitment from the Labour Party in 2019 when we talked about the internet being the equivalent of the libraries of the early 20th century. It opens up opportunities for people and businesses and it absolutely tackles isolation. I think that we would all agree that the pandemic proved that beyond doubt. We need to get that infrastructure work done and we need to prioritise areas where it would make the biggest difference.

For too long, we have focused over much on urban areas. Tess White made a good point about

how we should manage services in our rural economies, some of which we have forgotten about.

In the interests of time I will omit other points that I was going to make, and which Emma Harper has already raised, on ensuring that we have good services and that people can see the benefit of meeting up and having places to go to. I believe in the importance of good public services in rural areas.

I thank other members for their contributions. The idea that we should be working together to make such change happen is so important.

13:15

Donald Cameron (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests in relation to farming, crofting, shooting and deerstalking.

I, too, thank Rachael Hamilton for securing the debate. There have been many excellent speeches so far and each has looked at the issue slightly differently. Ms Hamilton mentioned young farmers; how right she was to focus on them. It goes without saying that they are the future of farming, so it is absolutely right that their mental health should be a focus of the debate.

In every debate that we have on rural issues, we rightly pay tribute to the ways in which farmers, crofters, growers, gamekeepers and others manage the land. We talk about how they have adapted to the need to reduce carbon emissions and to do things more efficiently in order to meet new environmental challenges. We applaud the ingenuity of people in rural Scotland who have driven diversification in agriculture business in order that they can become more sustainable. However, we rarely acknowledge the individuals who are behind all that and—more importantly—their wellbeing.

As other members have said, the Royal Agricultural Benevolent Institution's "The Big Farming Survey" found that 36 per cent of people in the UK's farming community are either probably or possibly depressed. Many do not seek mental health support due to the stigma that is attached to doing so. Levels of depression vary among farming sectors, but the group with the second-highest level in that study was grazing livestock farmers from so-called less favoured areas. That is of particular concern to me because I represent the Highlands and Islands region, where that land status predominates.

The reasons for the figures are multifaceted, and many speakers have developed arguments about them. Isolation and long working hours have been mentioned as key reasons for poor mental

health in the sector. The NFU Scotland has noted that farmers face increasing input costs, market volatility and so on.

In another context, some rural workers experience threats and abuse. The British Association for Shooting and Conservation Scotland has highlighted recent Scottish Government research that found that 64 per cent—almost two thirds—of gamekeepers in Scotland experience threatening behaviour or abuse from members of the public at least once a year.

We must also be cognisant that access to mental health services remains difficult for many people across Scotland, and especially for people in rural Scotland. Recent data shows that, in the NHS Highland area alone, almost three quarters of adults are waiting for longer than 18 weeks for mental health treatment, and that nearly half of those who are waiting to be seen have waited for longer than a year. In our island communities waiting times are just as stark. In the Western Isles, half of adults who are waiting are waiting for longer than 18 weeks. In Shetland, almost 40 per cent are waiting for longer than that. We cannot sweep that under the carpet, and Tess White was absolutely right to mention it.

There has to be swift and effective action to bring down waiting times so that people in our rural communities who need specialist support can be seen as a matter of urgency. That is not a role for just the national health service to play. We know that many organisations do fantastic work to support agriculture workers. They have been mentioned already, but I will do so again, because they absolutely deserve it. The NFU Scotland, BASC Scotland, Change Mental Health, and Scottish Land & Estates all do fantastic work to support the mental health of their members and others.

Our agriculture workers and land managers are, as others have said, the custodians and guardians of the Scottish countryside. They do fantastic work that is often not recognised and, without them, Scotland would be a poorer nation. However, warm words do little for those people, who often work in difficult conditions through long hours, and who face a multitude of challenges. All of us here must do much more to support and nourish people in our rural workforce, when it comes to their mental health.

13:20

Beatrice Wishart (Shetland Islands) (LD): I thank and congratulate Rachael Hamilton for bringing this important debate to the chamber. There is a mental health crisis in Scotland—there

was one long before the pandemic—and it affects people from all walks of life.

In the early days of Russia's invasion of Ukraine, we could all be forgiven for feeling anxious but, although many of us have the option to focus on other matters while the conflict continues, crofters, farmers and agricultural workers are, quite literally, ploughing on. As the motion highlights, there has been a vast rise in inflation in the cost of the products and services that are needed to provide food for our tables. Alongside the impact of Brexit and a slowdown of the world economy due to Covid-19, the conflict in Ukraine has contributed to the inflation rise, and farmers cannot escape its growing impact. They are doing all that they can to cope with financial pressures, ensuring that high-quality produce is available at affordable prices and in fulsome supply, but businesses are at risk from multiple factors.

Leaving Europe has meant not only an impact on inflation or that fewer workers are coming forward to pick produce, but a new uncertainty about the future of farming payments. We are seeing an increase in criminal behaviour, too, such as fly tipping, theft, damage and irresponsible access in the countryside that threatens the welfare of livestock, with dog attacks or people leaving gates open. That impacts financial stability—people do not seem to understand the impact of those actions.

The pressure is on, therefore, and it is on those people who are working to produce food. It is not just about the physical toll of working all hours in all weathers, supporting the environment as well as their families and the wider food supply chain, but about the anxiety and worry about the increasing pressures that I have just described. More support is needed to address the underlying concerns that can contribute to poor mental health. Meanwhile, lack of anonymity in rural Scotland is known to be a barrier to people seeking help at an early stage. Crofters, farmers and agricultural workers often work alone, too, which increases the impact of loneliness, which can be a major contributor to poor mental health.

More widely in rural areas, one in 10 rural jobs is based on an estate business and those businesses are feeling the pressure, too. Any impact on them would see a knock-on effect on unemployment across a community. Those are the communities that face unique challenges of rural deprivation, such as higher fuel costs and poor public transport options.

Scotland's islands have some of the highest levels of fuel poverty. The winter has been tough, and the weather does not necessarily allow for the heating to be turned off, even in summer. The cross-party group on poverty has opened an

inquiry into rural poverty and is encouraging people to share their experiences and views—more information can be found on the Poverty Alliance website.

As I raised in the chamber yesterday, attracting local health and social care staff to live and work in rural and island areas is challenging, and it impacts physical and mental health service provision.

As others have said, poor connectivity makes seeking help or travelling to services more difficult. Communities in the north isles of Shetland, for example, face multiple ferry journeys to reach services on mainland Shetland, while poor rural broadband connections or, often, a complete lack of any digital connectivity or mobile signal—national infrastructure that should be available to all regardless of geography—make it impossible to access online therapeutic services.

However, as the motion reminds us, there is support out there. Several organisations are working to provide tailored support for rural communities and all of them are mentioned in the motion. To conclude, I commend the groups that provide tailored and person-centred support to rural communities.

13:24

Finlay Carson (Galloway and West Dumfries) (Con): It is widely accepted that people in rural Scotland are more likely to experience depression and suicidal thoughts and are at a higher risk of self-harming behaviour. No matter their age, gender or even location, there is every chance that they will feel isolated, and that is often worsened by remoteness and fear of stigma.

Individuals need more chances to engage before a wider mental health crisis occurs. That engagement could take the form of a low-level, local and non-clinical setting with shorter waiting times and mobile outreach to all parts of Scotland, all of which would play a huge part in the prevention of mental ill-health.

It is, after all, everyone's business to tackle mental ill-health, and the excellent work of the national rural mental health forum is vital in driving that. I am pleased to see some of the members of that forum in the public gallery today, including Jim Hume, who once served in the chamber and continues to champion rural Scotland. The forum is a dedicated network of more than 230 organisations from the third, private and public sectors, with an outreach to more than half a million people who live in rural Scotland, including in my constituency of Galloway and West Dumfries.

Essentially, the forum drives change to enable rural people to be open about their mental health by creating a solid evidence base for the work that is needed to improve their lives. Importantly, the forum has developed a programme to influence policy makers to channel resources in a way that brings positive change through a network of rural organisations across Scotland. Any action to tackle mental health topics and issues in rural communities should be taken in close and continuous collaboration with the forum if we seriously want to address the problem.

Lack of anonymity has been identified as a barrier that prevents people from seeking help at an early stage. We must tackle that and create ways for people to connect with one another before their personal crisis occurs. As I have argued on numerous occasions, services should be close to the place of need and they should be designed to include mobile and digital services as well as outreach. However, the outreach approach must also recognise the significant stress caused by travelling to appointments for those with poor mental health.

Mental health care must be mainstreamed within the NHS and should not just be a bolt-on, as it too often is. There must be parity between mental and physical health. Crucially, there must also be increased focus on the needs of our children and young people by providing greater resources to reduce waiting times, especially in relation to self-harming.

We all recognise the important role that the forum has played in tackling mental ill-health through sharing best practice, encouraging collaboration, raising awareness, informing policy and gathering research. It played a crucial role during the Covid-19 pandemic, which had such a negative impact on the wellbeing of the Scottish rural population in particular. It is now having to deal with the cost of living crisis, especially in rural areas, where a low-wage economy is the norm. Evidence suggests that rural people are facing greater anxiety than most because of higher heating and transport costs, and less accessible key services including healthcare, childcare and broadband. People also have limited opportunity to boost their incomes compared to those in urban areas.

I take this opportunity to highlight a scheme that was introduced in 2020 by the Stewartry Rugby Club; there are two members of the scheme here today. A few years ago, two members tragically took their own lives and, on the back of that, a scheme was set up. It included engagement with the Glasgow Warriors and was to help coaches, players and other members who were experiencing mental health issues or emotional distress. Good mental health is promoted on a par

with good physical health and players are encouraged to speak out, even if they are just having a bad day. The scheme strives to ensure that everybody in the club is involved in recognising that health in the broadest sense, whether it be physical or mental, is important.

On the back of what the club is doing, I facilitated a meeting of what was very loosely called the Stewartry mental health forum, which is a group made up of a range of mental health organisations, to encourage people to be aware of the appropriate methods of engagement and to have the confidence simply to be able to speak to someone who might be experiencing low mental health. We know how important the first responder is and research shows that someone with poor mental health might only take three chances to reach out. We must therefore make sure that we get it right.

The Scottish Conservatives want a network of trained mental health advisers to be created across Scotland in the heart of our rural communities, to include NFU members, young farmers, sales representatives, auction mart workers and sports coaches, to name just a few. They would be trained to spot the early signs and symptoms of poor mental health and assess the risk of suicide and self-harm, while encouraging the person to access appropriate professional support confidentially.

I look forward to working with Rachael Hamilton and others to see how we can further support groups and individuals across Scotland.

13:30

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): I want to start by thanking Rachael Hamilton for securing this debate, which has given us all an opportunity to talk about the hugely important issue of mental health in our rural communities. I also echo Carol Mochan's point about the genuine, open approach that Rachael Hamilton has taken to the debate and the tone that she set for today's discussion, which I very much welcome.

I also welcome the chance to set out the Scottish Government's work on rural mental health and to discuss the challenges that people in rural areas face, because I personally care about these issues, as I represent a rural constituency. Tess White mentioned the Mulberry unit. She will no doubt be aware of my campaign in that regard. That is why the issue of equality of access for our rural communities is particularly close to my heart.

Rural Scotland and our agricultural communities are based on strength and bonds of support. Farmers and crofters already know the value of supporting one another during good times and at

times of difficulty. However, as we have heard, that is really difficult given the isolation that people experience precisely because of where they live and work.

As we have heard, particularly from Emma Harper and Finlay Carson, mental health is everyone's business. Our rural economy is only as healthy as the individuals and communities who help to drive it forward.

The motion mentions some of the issues that are impacting rural Scotland, and I know from my work as cabinet secretary about some of the particular challenges that our land-based workers and communities have faced and continue to face.

We cannot underplay the many challenges for Scotland's rural, island and coastal communities and businesses, especially in the aftermath of the pandemic, Brexit and the cost of living crisis and in the wake of global trends such as climate change, biodiversity loss and food and energy insecurity.

In trying to address those challenges, the First Minister recently set out his vision for Scotland and the outcomes that we aim to achieve as a Government. We will use the powers that we have in Scotland to tackle poverty in all its forms and to protect people across our country as far as we can from the impacts of the cost of living crisis. I will briefly set out a couple of examples of how we are trying to address some of those challenges.

One example is the islands cost crisis emergency fund, which we launched last year. The fund recognises the distinct and particular challenges that our island communities face, as highlighted by Rachael Hamilton and outlined by Beatrice Wishart.

In relation to our agriculture sector and in response to the war in Ukraine, we established, together with industry, a food security and supply task force to monitor and identify any potential disruption resulting from the impact of the war and in recognition of the challenges that our supply chains had faced in recent years—the pandemic, Brexit and the resulting vulnerabilities that were, in turn, exacerbated by the illegal war. That work produced a number of recommendations, which we have implemented. However, all these challenges in the round call on us to act, and they call on us to act now, collectively, and to look across and beyond our policy boundaries.

I now turn to the substantive part of Rachael Hamilton's motion in relation to mental health and the support available. The motion recognises and welcomes the important work that is being done by the NFUS, the Countryside Alliance, the Mental Health Foundation, Scottish Land & Estates, the national rural mental health forum and the Poverty Alliance. As we heard from members across the chamber, it is vital that we recognise the role of

organisations such as RSABI and the work that it does, as well as the work that is being done by the Scottish Association of Young Farmers Clubs, the Scottish Crofting Federation and all the other agricultural organisations and businesses, too.

We should support businesses such as vet practices, marts, feed merchants and machinery rings, because they all have an important role to play in providing the first line of mental health support to farmers and crofters.

However, we in the Scottish Government also need to recognise our role as an organisation that operates in rural Scotland. Rural payments and inspections division offices, area offices and sub-offices, along with the Animal and Plant Health Agency offices, exist to support farmers and crofters.

Rural vets have a demanding job, with the pressures of providing a 24-hour emergency response service, and they often work alone while helping farmers and crofters in a wide range of difficult situations. The Royal College of Veterinary Surgeons has recognised that in its mind matters initiative, which provides support to improve mental health in all parts of the veterinary profession, and it is currently introducing further support for vets in rural areas.

A lot is already happening to support rural wellbeing, and we are proud to support a range of initiatives through RSABI and the national rural mental health forum. In the last financial year, we committed £50,000 to supporting RSABI, which takes the total Scottish Government support to more than £500,000.

It is important to outline the support that RSABI is able to offer. It provides emotional support through a 24/7 helpline and webchat service. It also provides a wide range of practical support, including on welfare benefits, business reviews and debt signposting, as well as counselling and mediation services. There is also financial support, which can include monthly payments and, potentially, single grants for essentials including food, heating, counselling, disability aids, funerals, retraining and items for the home.

RSABI is also undertaking fantastic work through the development of a Thrive Mental Wellbeing app, which includes a live therapist function. Three young farmers clubs in Scotland are trialling it, and the initial results look encouraging.

Emma Harper: Will the cabinet secretary give way?

Mairi Gougeon: If I was allowed slightly more time, that would be appreciated, Presiding Officer.

The Deputy Presiding Officer: I can give you the time back, cabinet secretary.

Emma Harper: You mentioned the app and the work that is being done already. I know that you will be aware that—

The Deputy Presiding Officer: Speak through the chair, please, Ms Harper.

Emma Harper: The cabinet secretary will be aware that NHS Inform uses the apps and web information SilverCloud, Daylight and Sleepio. Does she agree that raising awareness of the work that is already under way can help with early interventions?

Mairi Gougeon: Yes, I do. I appreciate the member raising that important point. The fact that she has covered it means that I no longer have to. We need to do what we can to raise awareness of those apps and the support that is available.

I also recognise the work that the SAYFC has done. It runs an established mental health support service for rural young people—the are ewe okay? service. Launched in 2016, the campaign was initially to run for only 12 months, but it was soon realised that it should become a permanent feature. It raises awareness of mental health and wellbeing, with SAYFC members sharing their experiences.

I will briefly mention the national rural mental health forum. The forum has a wide reach. It brings together more than 230 organisations, charities, businesses, research organisations and individuals to focus on knowledge exchange, share experiences and learn about mental health and wellbeing in rural areas. It ensures that the rural voice is heard in policy making.

I am glad that Rachael Hamilton touched on the work of farmstrong, the farmer-led wellbeing programme. I was delighted to get the opportunity to meet Marc Gascoigne at the NFUS annual general meeting in February while he was completing his tour of Scotland and supporting farmers to live well and farm well.

I reiterate my commitment to ensuring that rural communities have the on-going support that they need through the interventions that we have discussed. We have opportunities to do more through our plan for rural Scotland, which the First Minister outlined.

I express my genuine and heartfelt thanks to the organisations that we have talked about. Jim Hume from the national rural mental health forum is in the gallery. I see Carol McLaren from RSABI in the gallery, too. I also mention the NFUS and SLE. I say a huge thank you for the invaluable support that they provide and the work that they continue to do in our rural communities.

I say a final word to anyone who feels that they are struggling at the moment. I encourage them to talk and reach out. All of the organisations that we

have mentioned and discussed are here to listen and to help.

The Deputy Presiding Officer: That concludes the debate. I suspend this meeting of Parliament until 2.30 pm.

13:39

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Social Justice

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business this afternoon is portfolio questions on social justice. Once again, I make a plea for succinct questions and answers to allow as many members as possible to have the opportunity to participate.

Gender Recognition Reform (Scotland) Bill

1. **Russell Findlay (West Scotland) (Con):** To ask the Scottish Government whether it will provide an update on its legal challenge to the decision of the United Kingdom Government to issue a section 35 order in relation to the Gender Recognition Reform (Scotland) Bill. (S6O-02212)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Russell Findlay was present when I gave a statement in the Parliament on 19 June on the reasons for the decision to challenge the UK Government's issuing of a section 35 order. In that statement, I noted the strict limits on what it was possible for me to say in relation to that challenge but said that, in the interests of transparency, we intended to publish the terms of the Scottish Government's petition for judicial review. Following that statement, the petition was published in full on the Scottish Government website.

As Russell Findlay will be aware, the Scottish Government cannot comment any further on what are now live legal proceedings.

Russell Findlay: Two weeks ago, I asked the cabinet secretary to explain how the Scottish National Party can push its gender self-identification law while, at the same time, Humza Yousaf says that a rapist who is claiming to be a woman is "at it". The First Minister continues to tie himself up in knots over that fundamental contradiction. Will the cabinet secretary confirm that the SNP cannot answer that question because to do so would be to admit that its self-ID law is wide open to abuse by male sex criminals?

Shirley-Anne Somerville: As members will be well aware, the aspects around those who are in the prison estate often include individuals who do not have a gender recognition certificate. Therefore, what is in the bill that was passed by an overwhelming majority of members of the Scottish Parliament will make no change to the risk assessment that happens in each individual case in the prison estate.

Social Security Scotland

2. Stephanie Callaghan (Uddingston and Bellshill) (SNP): To ask the Scottish Government when it last engaged with Social Security Scotland. (S6O-02213)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): There is close engagement with Social Security Scotland, as an agency of the Scottish Government, on a daily basis. As the Cabinet Secretary for Social Justice, I also meet the chief executive regularly to maintain oversight over the activities of the agency.

Thanks to that close collaboration we have established a social security system that is based on the principles of dignity, fairness and respect. We are now delivering 13 Scottish Government benefits, seven of which are entirely new forms of financial support that are available only in Scotland.

Stephanie Callaghan: I thank the cabinet secretary for providing that clarity.

The application for adult disability payment from one of my constituents was delayed due to their general practitioner taking over five weeks to provide the key health information required for their application to progress. Will the Scottish Government explore additional options to enhance communications between Social Security Scotland and GPs to promote quicker decisions and payments and to avoid lengthy waits? Is there potential to streamline information technology systems at GP surgeries to speed up that processing?

Shirley-Anne Somerville: The agency is looking to ensure that it progresses a number of avenues so that people can have their applications decided as quickly as possible. Obviously, GPs are only one source of information that Social Security Scotland can go to. The agency will consider whether it should go to a GP, another professional or, indeed, someone else who knows the individual client well enough to be able to provide supporting information. It is also working with partners such as GPs and GP practice managers to ensure that we all learn from a benefit that is now live but still very new.

Jeremy Balfour (Lothian) (Con): In recent weeks, there has been a growing number of reports of the Social Security Scotland website not functioning properly. Several of my constituents have waited for hours for responses from web chats. What representations have been made to the cabinet secretary on how Social Security Scotland plans to fix those issues?

Shirley-Anne Somerville: There is a high demand for web chat and a high demand on the

telephone lines. Social Security Scotland has already taken action to try to ensure that clients who phone in receive more timeous replies. The agency is also looking at what more can be done with the telephony system to improve efficiency. I will be happy to work with the member and provide further updates on that in due course, as the agency develops.

Paul O’Kane (West Scotland) (Lab): We have heard again from the cabinet secretary that dignity, fairness and respect are the guiding principles of Social Security Scotland, just as we did when she spoke of the bill to create the agency in 2019. However, we know that the Government has failed to deliver. It has handed back social security powers, such as the administration of carers allowance, until 2025, leaving thousands of Scots at the mercy of the Tory-run Department for Work and Pensions. Indeed, as we have just heard from Jeremy Balfour, there are serious issues around call handling and web chats, with 28,000 calls to Social Security Scotland involving people waiting more than an hour. I am sure that the cabinet secretary would recognise that that does not match the 2019 aspiration.

What has she done since coming into post to deal with the operational performance of Social Security Scotland to ensure that it looks and acts like the system that was originally promised?

Shirley-Anne Somerville: Clearly, there had to be some changes to the timetable, which we made clear at the time, particularly because of the impact of Covid. That was not just because of challenges with the agency or with the Scottish Government but because of the very understandable pressures that were on the DWP as it sought to assist people at the very start. That context needs to be borne in mind.

I am heartened by the discussion that I had with another member today, when we talked about what was felt by people who are being responded to by the agency. As this member reported to me, people feel that they are being believed for the first time, so I think that we should take heart from the fact that we are delivering a system that has dignity, fairness and respect at its heart. Yes, there is more to do; yes, we have much more to do—for example, on the waiting times for the processing of adult disability payments—but the agency is taking action. I meet the chief executive regularly and will continue to do so as we work through further actions that can be taken to improve things.

Beatrice Wishart (Shetland Islands) (LD): Eight to 10 weeks was meant to be the maximum time that anyone would wait for adult disability payments, but that is becoming the average waiting time. Has the Scottish Government

misjudged that timescale and what is being done to address waits?

Shirley-Anne Somerville: We currently have a four-month average processing time and one factor in that is that the agency, unlike the DWP, has responsibility for the supporting information and the collation of that information.

We heard from Stephanie Callaghan that it sometimes takes other agencies and organisations some time to reply to Social Security Scotland with the sort of information that will allow a decision to be taken. That is exactly why the agency has already taken a number of steps to ensure that it is going to the right people for information.

It is also important to ensure that we take the time—not too much time, of course—to make sure that the person’s eligibility is checked and that the decision is the right one the first time round because we do not want to see what happened with the personal independence payment, where many people were turned down and then had to appeal.

It is taking an unnecessarily long time at the moment, but the agency already has a number of measures in place to ensure that that will improve.

Minimum Income Guarantee

3. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government whether it has conducted any analysis of the potential cost to the public purse of introducing a minimum income guarantee. (S6O-02214)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The work to define what a minimum income guarantee could look like for Scotland, including costs and delivery, is led by an independent steering group. That comprises a strategy group of cross-party members of the Scottish Parliament, including Miles Briggs, and an expert group from across the third sector, industry and academia.

The expert group published an interim report in March, which set out early considerations for a minimum income guarantee. The group will publish a full report next year, which I expect to include consideration of the costs of a minimum income guarantee.

Annie Wells: As the cabinet secretary mentioned, the Government’s working group on a minimum income guarantee was established almost two years ago. Although it produced an interim report in March, the report contained absolutely no information on the two most important questions—the level of the income guarantee and how much it would cost. Until the Government sets out the cost, this plan is a

fantasy. However, in two years, it still has not managed to even do that. Why is the Scottish National Party Government wasting time and resources on pie-in-the-sky proposals?

Shirley-Anne Somerville: The question from Annie Wells is deeply disappointing. I say that because when we were at the anti-poverty summit a few weeks ago, that was one of the areas that many campaigners strongly urged Government and Opposition parties to look at. That is not to say that it is a simple answer and it does not necessarily mean that it is all deliverable within our devolved context. However, it is deeply disappointing to see Annie Wells ruling out aspects. I presume that the questions that she has raised have been issues on which cross-party MSPs on the strategy group are challenging the expert group.

Collette Stevenson (East Kilbride) (SNP): The current cost of living crisis, which is unprecedented in scale, comes on top of a decade of Tory austerity, exposing the insufficiency of the UK Government’s safety net. What difference would it make if key welfare and employment powers were held in Scotland?

Shirley-Anne Somerville: One of the challenges when we are looking to see how we can tackle poverty in Scotland is what we can do within the powers that we have. We have seen with the game-changing Scottish child payment that the Scottish Government is determined to move forward with what it can do here, but, clearly, if we continue to have the vast majority of welfare powers and all the employment powers being held by the Tories at Westminster, we will consistently be held back in what we can do in Scotland.

House Building

4. **Sandesh Gulhane (Glasgow) (Con):** To ask the Scottish Government what action it is taking to encourage house building in Scotland. (S6O-02215)

The Minister for Housing (Paul McLennan): Over the course of this parliamentary session, we are making available £3.5 billion to support the delivery of more affordable homes. Within that £3.5 billion, we have published five-year local authority resource planning assumptions, totalling £3.221 billion. That has provided the confidence, certainty and assurance that the housing sector needs in order to deliver progress towards our ambitious 110,000 affordable homes target by 2032, and build on our achievement of having delivered more than 118,000 affordable homes since 2007, more than 83,000 of which were for social rent.

Sandesh Gulhane: Despite that, a £200 million project by Get Living, a build-to-rent specialist, which aimed to build 1,500 homes in Glasgow, was recently put on hold. A spokesperson for the group said:

“Rent controls have unintended consequences that only served to exacerbate the underlying problem.”

Will the minister admit that his Government’s rent freeze has negatively impacted house building? Will he support the Scottish Conservative’s call for a housing delivery agency?

Paul McLennan: Analysis of the rent freeze policy is still on-going, and I am sure that Mr Harvie will pick up on that in due course. However, context is key to the first question that the member asked. Only today, we saw interest rates rise for the 12th time in a row, to 4.5 per cent. Construction inflation is at 20 per cent. Regarding the member’s area, there has been a 17 per cent rise in funding from the previous parliamentary session for the Glasgow area and in South Lanarkshire, which he also represents, there has been a 30 per cent rise. I met Glasgow City Council yesterday to discuss how we take those programmes forward.

John Mason (Glasgow Shettleston) (SNP): Social rented and affordable housing is incredibly important for my constituents. Can the minister say any more about the £3.5 billion programme that he has already referred to and how it is being targeted?

Paul McLennan: I refer the member to my answer to Mr Gulhane in which I spoke about the work in Glasgow and pointed to the ambitious funding programme and the increased funding. As I mentioned, more than £3.5 billion has been directed towards delivering the strategic priorities of local authorities. I am planning to meet as many local authorities as I can, including Glasgow, where I met council representatives yesterday.

Seventy per cent of the affordable homes to be delivered need to be for social rent. From April 2021 to the end of December 2022, our affordable housing supply programme supported the delivery of 12,430 homes for social rent, which is 77 per cent of the total affordable homes that we delivered during that period. We are also supporting home ownership for people who need support through our low-cost initiative for first-time buyers—LIFT—shared equity scheme, which helps people who are on low to moderate incomes to buy their first home; 1,678 households benefited from that support in the same period.

Pam Duncan-Glancy (Glasgow) (Lab): I have been contacted by constituents who are concerned about the accessibility of their homes. Despite properties being advertised as wheelchair accessible, there are no fire evacuation

procedures for disabled tenants. If there were to be a fire, they would be stuck in their homes and unable to get out. What could the Scottish Government do to ensure that emergency escape routes for disabled people are designed in homes and implemented from the start when building properties?

Paul McLennan: Broadly, there is an assessment of the guidance on housing for varying needs that is being prepared at the moment, which looks at how we tackle that issue. I am happy to pick up the specific issue with the member and come back to her on that.

Scottish Welfare Fund

5. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government whether it will provide an update on the delivery of the Scottish welfare fund. (S6O-02216)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The Scottish welfare fund provides an essential source of crisis support and helps with independent living. Since it began in 2013, in excess of £380 million has been paid to more than 500,000 households. As our response to the recently published independent review sets out, we are working with local authorities and stakeholders to put in place an action plan with agreed improvements so that the fund continues to deliver for those who are in need.

Paul Sweeney: Last year, research into the cost of living crisis from the Poverty Alliance and the Scottish Women’s Budget Group recommended better promotion of the Scottish welfare fund. However, it has been put to me that Glasgow City Council feels that it cannot promote the fund because the fund is oversubscribed, which means that many low-income families in Glasgow cannot access this lifeline support. Given how much local authorities such as Glasgow rely on central Government for funding, will the cabinet secretary commit today to providing councils with the resources that they need to deliver the fund to families who desperately need it?

Shirley-Anne Somerville: Local authorities have an obligation to promote the fund to those who they think need its support. I take the member’s question in good faith, but this is my second set of social justice portfolio questions and the second time that a Labour member has asked me to spend more on something. That is all very welcome, and I will listen seriously to suggestions about how the Government can and should spend more money, but we must discuss how that could be paid for. I would be more than happy to discuss that with the member as we move forward.

The Deputy Presiding Officer: Miles Briggs has a supplementary question.

Miles Briggs (Lothian) (Con): I apologise for not being in the chamber at the start of portfolio question time, Deputy Presiding Officer.

Community care grants are part of the Scottish welfare fund. What plans does the Government have to reform the application process for families and individuals who are caring for someone who has been released from prison or a young offenders institution? Will such payments be able to be made before people leave such institutions?

Shirley-Anne Somerville: Mr Briggs raises an important point. We have had the Scottish welfare fund review and we are working out an action plan. If something can be done on the issue, I will be happy to update him in due course.

Marie McNair (Clydebank and Milngavie) (SNP): The cabinet secretary will be aware that a big hit on the Scottish welfare fund is from mitigation of UK benefit sanctions. Does she share my astonishment—and, I am sure, the astonishment of Mr Sweeney—that Labour has reneged on its pledge to scrap universal credit and has said that it will keep the sanctions regime? Is it not clear that change is not coming?

The Deputy Presiding Officer: I call the cabinet secretary to respond on matters that are her responsibility.

Shirley-Anne Somerville: It is a concern that the UK Labour Party is reneging on a number of pledges that it had made. That is important to the Scottish Government's powers and therefore the Scottish Parliament's responsibilities because of how challenging it is for the Scottish Government to continue to mitigate the effect of UK Government policies. It is deeply disappointing—but, unfortunately, not surprising—that there is very little difference between the UK Labour Party and the UK Conservatives on a number of benefit sanctions. That shows in particular that Scottish Labour continues to be a branch of the UK Labour Party.

Homelessness (South and East Ayrshire)

6. **Sharon Dowey (South Scotland) (Con):** To ask the Scottish Government what action it is taking to tackle homelessness in South and East Ayrshire. (S6O-02217)

The Minister for Housing (Paul McLennan): Our ending homelessness together plan sets out how we will prevent and tackle homelessness nationally through the implementation of rapid rehousing, scaling up the housing first approach and introducing new homelessness duties, which will ensure that all public bodies work together to prevent homelessness.

Since 2018, we have provided £1.94 million for local rapid rehousing plans in the local authority

areas that the member mentioned. Those authorities also receive more than £1.24 million annually for homelessness prevention. Over the parliamentary session, we are making available more than £132 million for affordable housing in the two authorities, which is an increase of 17 per cent on the previous session.

Sharon Dowey: Last year, the number of homelessness applications for July to September increased by 60 on the previous year in East Ayrshire and by 41 in South Ayrshire. What engagement has the minister had with those local authorities? What specific plans do ministers have to develop a solution to rural homelessness?

Paul McLennan: I have already met the City of Edinburgh Council and Glasgow City Council and I would be happy to meet the two local authorities that Ms Dowey talked about to discuss their plans and go into more detail. With regard to looking beyond, we talked about the rapid rehousing programme, and more work needs to be done on that, again, with the local authorities. I am happy to offer the member a meeting with the two local authorities to discuss that.

The Deputy Presiding Officer: Bill Kidd has requested a supplementary question, and I am happy to allow his question, but I remind him that it must relate to tackling homelessness in South and East Ayrshire.

Bill Kidd (Glasgow Anniesland) (SNP): Thank you very much, Presiding Officer—that reminder is very handy.

Can the minister explain how proposed powers to raise council tax in South Ayrshire on second and empty homes could help to tackle homelessness by maximising the use of existing housing stock across the country?

Paul McLennan: Our aim is for everyone to have a safe, secure and warm home. Local taxation is one measure that can influence ownership patterns and availability of homes to meet local needs. When we introduced powers in 2013 that enabled councils to vary or remove council tax discounts, the number of second homes reduced and the revenue that was generated was ring fenced for local affordable housing. Extending those powers—to enable councils to choose to charge a council tax premium—could further encourage behavioural change in how we use homes, and I look forward to seeing the responses to the current consultation on that proposal.

Child Poverty (Greenock and Inverclyde)

7. **Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government what steps it is taking to tackle child poverty in the

Greenock and Inverclyde constituency. (S6O-02218)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We are providing a range of support that will benefit families in Greenock and Inverclyde and across Scotland, including investment in the Scottish child payment, 1,140 hours of funded childcare, free bus travel for under-22s and the Scottish welfare fund. Our five family payments, including the Scottish child payment, could be worth more than £10,000 by the time that an eligible child turns six, and more than £20,000 by the time that an eligible child is 16 years old.

Stuart McMillan: The cabinet secretary will be very much aware of the Trussell Trust's end-of-year figures for 2022-23, which indicate that the number of food bank parcels that were distributed in my constituency rose by 36 per cent. The figures for the whole of Scotland showed that the Scottish child payment seems to have had an impact, because the rise in the number of households with children receiving food bank parcels was nowhere near the levels that were experienced elsewhere in the United Kingdom, but I am still concerned that the payment was not enough to protect every family from food insecurity. Does the cabinet secretary, therefore, agree that that shows that Scotland is taking a different approach to tackling child poverty and that, if the UK Government is not prepared to match progressive policies such as the Scottish child payment, it should devolve the necessary powers, so that we can go further to help low-income families in Greenock and Inverclyde and across Scotland?

Shirley-Anne Somerville: It is very easy to see the contrast between the approaches of the Scottish and UK Governments. The Scottish Government has not only introduced the Scottish payment but gone from the original campaign ask of £5 to the position that we are in at the moment. That is very important. At the same time, of course, the UK Government was cutting universal credit by £20, and that is the real challenge. For example, we are making £84 million available to local authorities to spend on discretionary housing payments to mitigate directly UK Government welfare policies. That is a frustration and it should be a frustration for everyone in the chamber.

Illegal Migration Bill (Impact on Asylum Seekers)

8. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government what discussions it has had with local authorities regarding any preparations for the potential impact of the proposed Illegal Migration Bill on asylum

seekers currently accommodated in hotels in Scotland. (S6O-02219)

The Minister for Equalities, Migration and Refugees (Emma Roddick): The Scottish Government is deeply concerned that the United Kingdom Government's Illegal Migration Bill will push people deeper into exploitation and destitution. We have urged the UK Government to stop the bill and focus on improving the asylum system to increase the quality and speed of decisions. That would reduce the number of people who are accommodated in hotels and the risk that they are left in prolonged limbo without the ability to work or access services.

The provision of accommodation for asylum seekers is entirely reserved to the UK Government but, of course, has an impact on our local authorities. I will discuss that with the Convention of Scottish Local Authorities spokesperson for community wellbeing when I meet her shortly.

Ariane Burgess: Moray Council and Health and Social Care Moray will be supporting people who are seeking asylum and arriving in my region over the coming weeks. How can the Scottish Government support the oversight group to ensure that our communities are fully involved in welcoming those residents and that we do not see a repeat of the short-notice changes to accommodation arrangements that have been seen in other areas?

Emma Roddick: The "New Scots Refugee Integration Strategy 2018-2022" provides a framework that can help planning to support people seeking asylum in line with our principle that integration should be supported from day 1 of arrival.

New Scots was developed in partnership by the Scottish Government, COSLA and the Scottish Refugee Council. Asylum accommodation is reserved to the Home Office, which should engage with local authorities as early as possible. We believe that the Home Office also needs to provide long-term funding for local authorities and services that recognises the true costs of asylum dispersal to local authorities and enables better support for people seeking asylum as well as those local communities.

Ivan McKee (Glasgow Provan) (SNP): As the minister has outlined, the Scottish Government, councils and the third sector have worked well to implement Scotland's new Scots strategy, which supports refugees and asylum seekers into our communities from day 1 of arrival. For Westminster to disrupt that good work would be unforgivable. What communications has the Scottish Government had with UK Government counterparts to express Scottish communities' opposition to the bill?

Emma Roddick: The Scottish Government has made our opposition to the bill very clear. The Cabinet Secretary for Constitution, External Affairs and Culture wrote to the UK Government in March to say that we condemned the bill's cruel and inhumane provisions and to urge it not to proceed with the bill.

On 25 April, the Cabinet Secretary for Social Justice again wrote to emphasise Scotland's significant concerns and our intention to lodge a legislative consent memorandum due to clauses that alter the executive competence of the Scottish ministers, and to point out the opposition of this Parliament to the bill following the passing of a recent motion.

The Deputy Presiding Officer: Thank you, minister. That concludes portfolio question time. There will be a short pause before we move on to the next item of business to allow front-bench teams to change position should they wish.

Charities (Regulation and Administration) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-08870, in the name of Shirley-Anne Somerville, on the Charities (Regulation and Administration) (Scotland) Bill at stage 1. I ask members who wish to speak in the debate to press their request-to-speak buttons.

14:57

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): I am pleased to open the debate on the general principles of the Charities (Regulation and Administration) (Scotland) Bill. The bill was delayed due to the pandemic, so I am glad that we are now able to progress it, here today.

I thank the Social Justice and Social Security Committee for its thoughtful consideration of the bill and for its stage 1 report, which expresses support for the bill's general principles. I also thank all the stakeholders who have taken the time to express their views, through oral and written evidence to the committee and through discussions with my officials. I am also grateful to the Office of the Scottish Charity Regulator—OSCR—for its valuable contributions on the bill.

As, I am sure, everyone in the chamber will agree, charities are crucial parts of our society and our communities. It is therefore imperative that we have in place the right regulatory framework to ensure that we can continue to support our charity sector and maintain public trust in how charities operate.

The Covid-19 pandemic brought into sharp relief the importance of charities across Scotland and the vital services that they provide on the ground. Charities are widely supported by the public: trust in them and in what they deliver is high, and we want to keep it that way.

The Charities and Trustee Investment (Scotland) Act 2005 is now more than 17 years old, and the charity sector has changed significantly in that time. That is why we are aiming to strengthen and improve charity regulation through updating the 2005 act. I am pleased that charities have voiced their support for the bill and its principles, which will increase transparency of charities and proportionately extend OSCR's powers.

It is encouraging to see that the committee supports all the provisions in the bill—in particular, provisions on information about charity trustees and provisions on charity accounts, both of which

will increase transparency and will, in turn, strengthen and enhance public trust and confidence in the Scottish charity sector. The stage 1 report sets out positive conclusions and constructive recommendations that my officials can take forward.

I will now talk about the specifics of the bill. The overall aim is to strengthen and update the existing framework rather than to revisit the fundamental principles of the 2005 act. The bill is built around proposals that were put forward by OSCAR, based on its operational experience since the 2005 act came into force.

Further to that, following engagement with OSCAR and the Law Society of Scotland, the record of charity mergers at section 12 is proposed, which will improve access to legacy income for many charities. A list of minor or technical amendments to the 2005 act has also been added.

The Scottish Government consulted in 2019 and 2021 on the proposals that OSCAR put forward, and more than 400 written responses were received, in total. Both consultations showed strong support for the proposals, and showed that stakeholders were keen to see changes being brought forward.

The bill covers a range of provisions that are designed to enhance the existing framework, each of which falls under one of the three primary aims. The first aim is to increase transparency and accountability in charities by improving public access to information on charities' operations. The bill requires OSCAR to publish the accounts of all charities and to include the names of charity trustees on the Scottish charity register. It will enable OSCAR to maintain a schedule of charity trustee details for its own internal use and to provide a publicly searchable record of the small number of individuals who have been removed from the office of trustee by the courts. The stage 1 report acknowledges the balance that the bill provides between the overarching need for transparency and safeguarding of individuals' safety and security.

The second aim is to provide stronger powers for OSCAR, including the power to issue positive directions to help charities to address regulatory issues.

Gordon MacDonald (Edinburgh Pentlands) (SNP): For the record, I am supportive of the general principles of the bill. We all want good regulation and improved openness, accountability and transparency in our charities. We also need to ensure that charities are well served by their regulator, OSCAR.

I ask the cabinet secretary this, however: who regulates the regulator? If a charity feels that it has

not been treated fairly or not been communicated with well, who can it go to for adjudication during the process of interacting with OSCAR?

Shirley-Anne Somerville: Gordon MacDonald has raised a very important point. There is a complaints procedure within OSCAR, and if an individual or charity remains dissatisfied after that process, they can make further moves through the Scottish Public Services Ombudsman. If there is concern about the role of the regulator, that can, if people desire it, be looked at as part of the wider reform work on charity law that will come.

I move on to the second aim, which is to give stronger powers to OSCAR. The bill gives OSCAR a new power to issue positive directions to charities, in addition to its existing powers to issue preventative directions. It will also allow OSCAR, where necessary, to conduct inquiries on former charities and their trustees. OSCAR's powers and duties will also be enhanced by enabling OSCAR to remove a charity from the register if it fails to provide accounts or to respond to communications.

The bill also contains a new provision that requires OSCAR to refuse to enter an applicant charity on the register if OSCAR considers that it would not be appropriate to regulate the applicant because it has no connection, or only a negligible connection, to Scotland.

The bill empowers OSCAR to appoint interim trustees to a charity in certain circumstances—for example, when the charity has no trustees or the existing trustees cannot be found.

Furthermore, the bill makes some adjustments to OSCAR's processes for gathering information in connection with inquiries, in order to make them more streamlined and efficient.

I am grateful to the committee for its support for the new powers and for the questions that it has posed about the practicalities of the appointment of interim trustees. I understand the committee's desire for more information on how OSCAR envisages that that new power will work, especially in the light of difficulties that are faced by many charities in recruitment and retention of trustees. I understand that OSCAR intends to write directly to the committee on that point and on other areas, including OSCAR's plans for communicating the changes to charities and providing guidance, as requested in the stage 1 report.

The third aim of the bill is to bring Scottish charity law up to date with some key aspects of charity regulation in England, Wales and Northern Ireland, in order to enhance public trust in charities and further protect charitable assets. That will be achieved through updates to the criteria for disqualification of charity trustees and through the

extension of disqualification to individuals who are employed in charities who exercise specified senior management functions. I am glad that the committee agreed that it is sensible for Scotland to align the trustee disqualification criteria with criteria in the rest of the United Kingdom to enhance the sector's ability to carry out due diligence.

I also appreciate the committee raising the important issue of trustee and senior management diversity in the charity sector. I share the committee's view that people who have lived experience can, and should, bring valuable and often unique contributions to charity boards.

The bill enhances protection for charitable assets through the creation of a record of charity mergers and the new provision on redirecting legacies when charities have merged. The stage 1 report asks the Scottish Government to consider whether other types of gifts to charities can be included in the record of charity mergers. The Government is assessing that possibility.

Miles Briggs (Lothian) (Con): One aspect of that that we have not necessarily had clarity on at stage 1 is what happens to lifetime gifts when a charity goes through a merger. What work is the Government doing ahead of stage 2 to provide that clarity?

Shirley-Anne Somerville: That is the type of work that I referred to in the remarks that I made just before that intervention. I am very keen to look at the matter and am happy to work with members of the committee and other members across the chamber to see what more can be done in advance of stage 2. I am happy to take that forward with Mr Briggs, should he wish to do so.

The bill makes practical improvements to and updates existing charity regulation and the role of OSCR. That is what we consulted on pre-pandemic and why we are taking it forward. I know that stakeholders want long-term changes to charity regulation, but I want to make it clear that that is not the purpose of the bill, which is intended to sustain effective and supportive regulation of charities during these challenging times.

However, as I mentioned in my response to Gordon MacDonald, I believe that there is a need for a broader review of the future of charity regulation, which is why I am pleased to recommit to a wider review following the passage of the bill. The stage 1 report helpfully sets out stakeholders' views on areas for consideration as part of that wider review, and we will ensure that we engage with the charity sector further on the scope of that review and how it could be shaped.

This is a technical and very focused bill that provides improvement for the charity sector by strengthening and enhancing the existing

regulatory framework. I hope, therefore, that Parliament will agree to it.

I hereby move,

That the Parliament agrees to the general principles of the Charities (Regulation and Administration) (Scotland) Bill.

The Deputy Presiding Officer: I call Collette Stevenson to speak on behalf of the Social Justice and Social Security Committee.

15:07

Collette Stevenson (East Kilbride) (SNP): I am delighted to speak on behalf of the Social Justice and Social Security Committee as its new convener. Before I get into the substance of the committee's scrutiny work, I thank the outgoing convener and deputy convener, Natalie Don and Emma Roddick, as well as the wider committee, for their diligent scrutiny of the Charities (Regulation and Administration) (Scotland) Bill. I note that, although the bill is small in size, that belies the technical complexities that the committee had to grapple with.

The bill aims to update and strengthen the Charities and Trustee Investment (Scotland) Act 2005 and provides an opportunity to improve the regulation of charities, as well as to reinforce public confidence in the sector as a whole. As Children's Hospices Across Scotland told us,

"Charities are in a privileged position with regard to handling donations from the public...Those are things in relation to which public accountability is important."—*[Official Report, Social Justice and Social Security Committee, 2 March 2023; c 30.]*

The committee sought a breadth of views including from the third sector and designated religious charities, as well as from law, accountancy and audit professionals. The committee is extremely grateful to all those who engaged with us.

One of the objectives of the bill is to bring Scottish charity legislation up to date with key aspects of regulation in England, Wales and Northern Ireland. Technical changes that the bill will bring about will help regulation in Scotland to keep pace with that of other jurisdictions.

However, evidence was gathered demonstrating that there is a desire to go further and for a wider review of charity law. We understand that the Scottish Government has provided a commitment on that, which we welcome. It has been almost two decades since the 2005 legislation was enacted, and the use of digital systems means that the world and the way in which we work have changed significantly.

Witnesses made it clear that it is essential that any review is independent and, crucially, carried

out in consultation with a wide range of people and organisations. We strongly advocate that the Scottish Government should engage directly and early with the third sector and should make specific efforts to reach those small and medium organisations.

In its evidence, the Charity Law Association explained that

“One of the joys of the Scottish charity system is that we have sometimes been slightly ahead of the game”,

but we are now

“slightly behind the curve”.—[*Official Report, Social Justice and Social Security Committee*, 9 March 2023; c 31-32.]

We hope that that wider review will help to return Scotland to the forefront.

Before turning to the detail of the provisions, I emphasise that, although the committee supports the general principles of the bill, we received a clear message from the charitable sector that more information is required. The Scottish Government and OSCR must work together to ensure that the sector is provided with that reassurance and support.

One area in need of clarification is the disqualification of potential trustees. It quickly became clear that there is significant confusion regarding undischarged bankruptcy as a criterion for disqualification. Several witnesses were specifically concerned that some individuals with relevant lived experience might be barred from becoming trustees and that that might become more of an issue because the cost of living crisis could increase instances of bankruptcy.

Although OSCR advised the committee that personal bankruptcy is an existing criterion for disqualification that has been in place since the 2005 act was passed, we felt that the regulator should clarify that position to the sector. The committee is concerned that it has taken the introduction of the bill for the lack of awareness regarding that regulation to come to light. Now that new legislation is coming, OSCR must ensure that all existing and new regulations governing charities are well understood by those who work in them. Full transparency and accountability can only be achieved if the individuals working in the sector know what is expected of them.

Although those who might be subject to disqualification can apply for a waiver, there is also uncertainty about how the waiver process would work. Default disqualification was a particular concern. It was thought that, in addition to the waiver process being potentially off-putting to prospective trustees, it could disproportionately affect those from marginalised backgrounds.

Charities deal with public money raised in good faith, so it is imperative that this element of the

legislation remains robust. However, organisations and potential trustees must have the information and support that they need to ensure that the waiver process is straightforward and that individuals are given the opportunity to be judged fairly. The Scottish Government and OSCR should ensure that the process is well understood and that any associated administration is straightforward.

John Mason (Glasgow Shettleston) (SNP): I am not a member of the committee, but I was interested to read the report. That issue was raised with the cabinet secretary and one of her answers was that most disqualifications are time limited. Was the committee satisfied with that answer?

Collette Stevenson: We could look at that at stage 2. I believe that the barring period is 12 months at the moment.

There were questions about the appointment by OSCR of interim trustees. Although the bill provides the regulator with the power to do that, the evidence highlighted challenges in trustee recruitment. We consider that it might not be easy for OSCR to find and appoint individuals who are willing to act on a temporary basis. Our report seeks further information about how OSCR expects to be able to recruit interim trustees and about how often it anticipates that power being used. For example, we would like to know if there would be a Scotland-wide panel of trustees for OSCR to draw from.

The final provision that I will discuss relates to the provision for OSCR to issue positive directions to charities following inquiries into those charities when concerns have been raised. Although that was broadly supported, our evidence showed that the sector needs greater clarity about how that will work in practice. For example, there was a spectrum of opinion regarding exemptions from positive directions for designated religious charities. The committee recommends that the Scottish Government covers that issue as part of the wider review.

It was clear throughout our scrutiny that charities need more information about what will be expected of them, and particularly about potential administrative and financial burdens. It is vital that any uncertainty is addressed. That is why we asked the Scottish Government to set out in advance of stage 2 its plans for commencement, in order to provide an assurance that the expected timeframe will allow enough time for communication with organisations to help them to prepare. The committee is pleased that the Scottish Government has since confirmed the expected timeframe in writing, and we thank the cabinet secretary for that. We also welcome the

Scottish Government's recognition of the importance of communication with the sector.

In order for charities to continue to add value, we must ensure that they are properly regulated and supported. Although the committee is pleased that a wider review is forthcoming, we recognise the need for the Charities (Regulation and Administration) (Scotland) Bill to update important regulatory elements of existing legislation now. The committee therefore supports the general principles of the bill and commends them to the Scottish Parliament.

15:16

Jeremy Balfour (Lothian) (Con): I welcome the Charities (Regulation and Administration) (Scotland) Bill and confirm that those of us on this side of the chamber will vote for it at decision time today. As the cabinet secretary mentioned, it is a fairly non-controversial bill, which is probably just as well because, since stage 1, we have had a new cabinet secretary, a new convener and a new deputy convener and we have lost five members of the committee. [*Laughter.*] If it had been controversial, heaven knows what would have happened. However, it is a welcome bill, and I hope that it will bring some clarity with regard to how charity law is developing.

Like others, I thank those who gave evidence to the committee at stage 1, including the third sector bodies and other bodies with an interest in the matter. Like the cabinet secretary, we all acknowledge, I am sure, the importance of the third sector and of charities in Scotland. In our local communities, many of us see charities providing care and help to the most vulnerable, and many of us are aware of the larger charities that work across Scotland.

As someone who worked in the third sector briefly and as someone who has been a trustee of a number of charities, I know how difficult it sometimes is to recruit people into such positions to ensure that there is good governance. I hope that the bill—or the act, in due course—will help in that regard.

To critique the bill slightly, I suppose that what is most disappointing is not what is in it, but what is not in it. That came through clearly in the evidence that we heard, particularly from the third sector. There was an opportunity to have a wide-ranging review of charity law rather than the technical bill that we have before us today, but that has not happened. There is disappointment in that regard.

I understand that the minister has said again today that there will be further consultation once the bill has become an act, but I ask her to put on the record in her closing remarks that there will be no further bill on the matter in the current session

of Parliament and that any change in charity law will happen in the next session.

Shirley-Anne Somerville: I am grateful to the member for giving me the opportunity to clarify that. There is no intention to have a further bill, so a piece of primary legislation is not possible, but there are a number of pieces of secondary legislation that could be changed. That is something that we are happy to look at in the scope of the wider review.

Jeremy Balfour: I thank the cabinet secretary for that clarification.

As our new convener mentioned—I welcome her to her role—another thing that came out in the evidence was the third sector's need for clarification of how charity law works. There seemed to be quite a lot of misunderstanding or concern about that, so that needs to be clarified, as does some of how the bill will work in practice. I welcome the letter that we have received from the cabinet secretary, and I look forward to receiving the correspondence from OSCR. I gently point out both to OSCR and to the Scottish Government that we are working to quite a tight timescale for stage 2 amendments. I understand that that stage will happen early next month, which means that the amendments will have to be lodged this month—and we are already nearly half way through this month. I therefore hope that we will receive early correspondence from those bodies so that appropriate discussions and amendments can be brought forward in order to improve the bill.

In the time that is left to me, I will pick up on three areas of the bill at which we may need to look in a wee bit more depth. Sections 4 and 7 deal with disqualification from being a trustee. Again, there seems to be a bit of a lack of understanding of what that means in practice. I hope that OSCR will seek to clarify that as soon as possible.

Interestingly, the Law Society of Scotland picked up that the regulations that will follow on from the act will be vitally important for how arrangements work in practice. Although I am sure that the Scottish Government will do this, I seek reassurance that there will be a full consultation with the third sector on those regulations before they are brought to the Parliament for approval.

Perhaps we also need to look at protected trust deeds, which some individuals use when they face bankruptcy. I understand that, if someone is declared bankrupt, that lasts for only one calendar year, but that there is a longer period for protected trust deeds. Some people may thus be barred from being a trustee for that longer period of time. In the evidence, it became clear that we need a wider group of individuals to become trustees—a wider range, from other parts of society, who have

perhaps not done so in the past—and that the possibility of disqualification may put people off.

The second area that I want to probe a little is interim trustees, which section 8 deals with. The question is, where will they come from? Certainly, the charities that I speak to in Lothian are desperate for people to become trustees. Again, maybe some clarification is needed. Will the Scottish Government or OSCR set up a panel of individuals that they can call on?

John Mason: Some people might not be able to commit to a long term with a charity but might be willing to help out for a few months.

Jeremy Balfour: That is an interesting concept. I would quite like it to be tested, to see if it is right, but it may well be something that we can look at.

There was a slight confusion—and perhaps it was my ignorance rather than anyone else’s—about what happens if a charity has an interim trustee appointed to it that it does not want. My reading of the bill is that there is no right of appeal for that, and that the only way forward would be for those trustees who may not have been functioning but who are still around to take the matter to judicial review. That seems to be very expensive and to take up a lot of resources and time. I wonder whether the Government would write to the committee to clarify why there is no right of appeal if the charity does not like the interim trustees who have been appointed. Such appointments are likely to happen fairly rarely, but, when they do, that will probably be because there has been some kind of conflict or because something has gone wrong.

Finally, and very briefly, I will pick up on a point that was made by my colleague Miles Briggs about lifetime gifts and legacies, which are covered by section 12 of the bill. According to what the Law Society of Scotland said about lifetime gifts in its submission, if I put a lifetime gift to a charity in my will and the charity merges with another charity, it would be for me, as the person who wrote the will, to have my will altered. If that did not happen, the money would not go to the new merged charity. That seems to put quite a lot of onus on people to keep up to date with what is happening in charity law. I welcome the cabinet secretary’s remarks that she will look at that. We need to make that a bit cleaner and tighter at stages 2 and 3.

I again welcome the bill and look forward to improving it over stages 2 and 3.

The Deputy Presiding Officer: I call Paul O’Kane for a generous six minutes.

15:25

Paul O’Kane (West Scotland) (Lab): I am pleased to lead this debate on behalf of the Scottish Labour Party. At the outset, I refer members to my entry in the register of members’ interests, as I currently serve as chair of the trustees of the Neilston War Memorial Association.

I take the opportunity to thank the Social Justice and Social Security Committee for its hard work in scrutinising the bill. I pay tribute to all the former members of the committee. As Jeremy Balfour rightly recognised, there are many newbies participating in the debate who have inherited this important piece of work, but we are nonetheless keen to make our contribution as the bill moves through its stages. I know that Pam Duncan-Glancy, a former member of the committee, worked very hard on the bill during stage 1, including through the stage 1 report process.

From the outset, I want to be clear in stating that Scottish Labour supports the bill and believes that it is critical that charities operate with transparency and accountability. We recognise that the bill will update Scottish charity legislation by aligning it with key tenets of the regulations that govern charities in England, Wales and Northern Ireland.

In common with what we have heard from other opening speakers, I note that it is evident that some aspects of the bill should be refined and clarified as we move to stages 2 and 3. In particular, we should consider how the new regulations will impact on and interact with different charities in different ways. For example, it is critical that we do not overburden charities with regulation to such a degree that it limits their resources and stifles their ability to perform their primary function of delivering support for the causes that they champion and that are supported widely by the public in a variety of ways.

On regulation, it is important that, at stage 2, there is greater focus on exploring the remit and resources of OSCR, the independent regulator and registrar for Scotland’s charities, to ensure that there is a proportionate increase in funding, if required, to allow OSCR to carry out its responsibilities effectively. I appreciate that we have already had the beginning of a discussion about the wider piece of work that is required in reviewing the charity sector in Scotland and the support for it.

It is clear that the wider context is important. I have highlighted in the chamber the significant financial pressures that third sector organisations across Scotland face. We know that the reality is that the majority of charities are small local organisations, with fewer than 10 per cent of registered charities in Scotland having more than 20 employees. Very often, those organisations are

firmly rooted in their community and are reliant on the tireless generosity and passion of volunteers to deliver vital support for those who need it.

In my contribution to the debate on the social isolation and loneliness strategy last week, I mentioned that, in the context of the cost of living crisis, third sector organisations are being asked to deliver more with less resource. Although this is a technical bill, we need to recognise that there is a wider debate about the third sector as a vital national resource. The expertise of those in the sector is unrivalled, and the work that they do is invaluable.

As part of that wider review, the Government will want to consider the continuing conversation about long-term funding and to move beyond year-to-year funding for the third sector. It will also want to look at the availability of more core funding and at supporting representative bodies such as the Scottish Council for Voluntary Organisations to drive forward a lot of the changes and to support charities in growing their capacity so that they can seamlessly move with those changes. Our third sector needs greater stability rather than being limited by continuous cycles of short-term funding and different interventions and regulation at different stages.

Indeed, during the consultation process on the bill, several third sector organisations highlighted that they were struggling to respond as they simply did not have the capacity to draft meaningful responses within the required timescales. That in itself tells the story of the current picture for many charities. Only a tiny fraction of the 25,000 registered charities in Scotland submitted responses. In those responses, questions were raised about the impact of the legislation. Such issues—for example, the creation of a register of trustees—have already been articulated in the debate. Many bodies, including the Faculty of Advocates, have highlighted that charities already struggle to recruit trustees with the requisite skills, passion and experience and who are prepared to give the necessary time commitment.

According to the bill, prospective trustees will be able to apply to OSCR to preserve their anonymity. Although that provision protects the accountability and transparency of charities, it is important to recognise that, for many people, it will create additional barriers to becoming trustees and engaging with charities. That is particularly the case for those who are going through a period of rehabilitation and rebuilding their lives after criminal convictions or prison sentences. We therefore need to be mindful of the balance between protecting charities, and the money that people donate to them, and giving everyone a fair crack of the whip.

John Mason: Does the member accept that, from the point of view of trusting a charity, for someone who is a potential donor or who just wants to find out about a charity, it is a bit strange to look at its report and find that no names of trustees are mentioned?

Paul O’Kane: Absolutely—I take John Mason’s point. We must find ways to share such information appropriately. The point that I am making is that there is a danger of creating too high a barrier for people who are going through the process of trying to improve their lives after a variety of situations. We need to strike that balance, because people will want to have confidence and to know who is in control of and governing a charity, but we need to be careful about how we go about that and what the thresholds are for a person to remain anonymous.

I reiterate Scottish Labour’s support for the bill. However, we call on the Government to adopt an open, positive approach and to work with all parties to strengthen the bill and iron out the concerns that charities have raised. Moreover, I urge the cabinet secretary to engage further with charities on the work to which she has committed, to ensure that the bill carries the confidence of the sector and, more widely, so that we can have a conversation about how we strengthen and support charities across Scotland.

The Deputy Presiding Officer: We move to the open debate. I advise members that there is quite a bit of time in hand, should they be inclined to take or make interventions or perhaps to expand on their original thoughts on the matter.

15:32

Gordon MacDonald (Edinburgh Pentlands) (SNP): I will not continue to speak this slowly, Deputy Presiding Officer. [*Laughter.*]

I should highlight that I am a relatively new member of the Social Justice and Social Security Committee, as Jeremy Balfour referred to earlier. I, too, take this opportunity to commend the committee’s clerks, its previous members who led on this work and, of course, the stakeholders who provided invaluable evidence.

The bill was introduced in November 2022 and has undergone two consultations, which attracted more than 400 written responses. It aims to

“strengthen and update the current legislative framework for charities registered in Scotland”.

It will do so by increasing transparency—for example, by creating a register of trustees and giving additional powers to the Office of the Scottish Charity Regulator, including the ability to investigate charities and their trustees.

I support the general principles of the bill, which I believe will ensure robust regulation as well as improved openness, accountability and transparency for our charities.

The charitable sector provides important and, in some cases, essential support across communities and to individuals. From local scout groups to training providers and local playgroups, its reach is far and varied, with every community in Scotland containing at least one of the 25,000 charities currently operating in this country.

In my Edinburgh Pentlands constituency, there are 263 registered charities, on which many people in my area depend for support. However, one in eight of the same charities fails to submit an annual return and is currently flagged as being in default. Therefore, it is right that we reconsider the legislation that was passed in 2005 in order to ensure that it is fit for purpose.

Submissions to the consultation recognised that the charity sector has changed and grown significantly since 2005, with many citing the change in the public's expectations of charities. In particular, there was a recognition that organisations that are funded by local government and national Government agencies are now subject to

“more checks and balances than ever before”.

A common theme among respondents was the need for greater transparency and accountability to maintain public trust in the sector. The pandemic had a profound impact on the sector—I am certain that members across the chamber will be all too aware of the pressure on such organisations throughout that time. Some of the respondents believe that the situation underlined the need for greater transparency as well as the need for wider reform, given the huge changes that happened in response to the challenges that the pandemic posed. Those who submitted evidence highlighted that, in the past three years following Covid-19, there has been more change in the sector than there has been since the 2005 act was implemented.

In addition, throughout the consultation process, which focused on potential improvements to the statutory charity regulation framework, there were calls for a more fundamental review of the charitable sector, and I am pleased that the cabinet secretary indicated her intention to consult further with the sector on that point following the passage of the bill.

The bill's general provisions reflect and, I believe, strengthen the proposals that OSCR made in 2018. As I indicated, the bill proposes to give OSCR wider powers to investigate charities and charity trustees; to amend the rules on who can be a charity trustee or a senior officer in a

charity; to increase the information that OSCR holds about charity trustees; to update the information that needs to be included on the Scottish charity register; and to create a record of charities that have merged.

It is clear from the majority of charitable organisations that responded that the proposed change to the legislation is a welcome move by the Scottish Government. Overall, there was agreement, in the evidence that was gathered, that the bill will lead to greater transparency in charity regulation.

Some concerns were raised that the proposal will be effective in increasing transparency and protecting the Scottish public only if OSCR is appropriately resourced and able to implement its new powers. I am pleased that the cabinet secretary has considered that point and given assurances that the additional obligations, while significant, will not be too burdensome and that the Government will work with OSCR to ensure that it is supported.

Many of the responses recognised that the increase in OSCR's powers to investigate current and former charities, as well as the broader coverage of the right to disqualify trustees, will have a positive impact on protecting the public. In addition, many respondents believed that strengthening OSCR's powers will act as a deterrent against maladministration, which will go some way in offering assurances to the general public about the management of funds.

Many respondents supported the creation of a publicly searchable record of trustees, which they believed would increase transparency and protect the public against “rogue trustees” who would previously have been able to avoid scrutiny.

Many smaller charities understandably had concerns about whether any changes to the legislation would result in additional costs to them, particularly as they are still in the throes of increases in the cost of living, which are undoubtedly having a significant impact on their ability to operate. I welcome the assurances from the Scottish Government, which are set out in the financial memorandum, that although the changes might result in some additional administrative time, there should not be any additional costs.

Finally, I welcome the cabinet secretary's earlier commitment to reviewing the regulation of OSCR in any future wider review of charitable law following the passage of the bill. That is fundamental and will go some way towards ensuring that charitable organisations are treated fairly in any dispute.

The Deputy Presiding Officer (Liam McArthur): I call Douglas Lumsden, for a generous six minutes.

15:39

Douglas Lumsden (North East Scotland)

(Con): I extend my thanks to the members and clerks of the Social Justice and Social Security Committee for producing the report, which is not only helpful but clearly shows the views of our third sector throughout its findings and recommendations.

We all agree that our third sector is the lifeblood of so many of our communities. They provide on-the-ground services that Governments struggle to provide, and they meet the needs of residents that large-scale organisations have difficulties in tackling. Whether through befriending programmes for the lonely, rehabilitation for people who are affected by addiction or warm hubs for those who are struggling with household bills, the small-scale local actions of our voluntary organisations are central to wellbeing and community cohesion throughout Scotland.

I want to take the opportunity to thank the incredible charities of the north-east. There are too many to name, but I highlight Camphill School Aberdeen, Big Noise Torry and the men's shed network. Those are three fantastic charities that, through their work with young people and adults in the north-east, provide a vital service and resource in our community. They deserve our thanks and our support.

Reform of charity legislation is long overdue, and I join colleagues in welcoming the Charities (Regulation and Administration) (Scotland) Bill. It goes some way to developing a clearer framework for charities and their trustees in Scotland, and seeks to encourage the use of technology and to build greater transparency into the system so that our third sector has greater accountability and access to support and help.

I also welcome the consultation that took place with the third sector in relation to the drafting of the bill. It has been well thought through and the third sector has engaged widely. Although only 12 of the 32 third sector interfaces responded to the consultation, I recognise that it took place during the pandemic, when many organisations had to put resources elsewhere.

I support the Social Justice and Social Security Committee's recommendation that the Scottish Government should look again at how it engages with the third sector, and I ask the cabinet secretary to produce a plan for how that might be done in future consultations.

I note that many of the organisations that responded to the consultation had concerns about the place of people with lived experience as trustees under the new legislation, and I welcome the committee's focus on that in its report. It is clear that the committee thought carefully about

the issue and considered the implications for boards and the recruitment of trustees.

The committee calls for much greater clarity to be provided on the disqualification criteria around bankruptcy and asks the Government to ensure that the waiver process is well understood by the sector. As the convener said, it is clear that OSCR will have some work to do to ensure that that is in place once the bill has been passed.

As anyone who is involved in charities in Scotland knows, the recruitment of trustees is challenging. Finding the right people to do the right jobs is difficult; the difficulty of doing so in our more rural communities, in particular, has been highlighted. Therefore, it is important that the bill does not dissuade anyone who is suitable from becoming a charity trustee and does not make the process cumbersome and, in so doing, put people off.

More clarity is also needed around the interim trustee process and what that will mean in practice, and I look forward to the committee considering that during the passage of the bill.

Among the charities that responded to the consultation, there was a great deal of concern about the level of additional administrative burden that the bill might place on small charities. As we know, the majority of charities are small, and most are wholly staffed by volunteers. It is vital that any additional administrative responsibilities do not negatively impact on their ability to deliver services in our communities. The committee's report refers to the important point that Alzheimer Scotland made about the administrative and financial burden. Any additional burdens that the bill imposes should not put anyone off becoming a volunteer treasurer or administrator for a charity.

That is a key concern that needs to be addressed as the bill progresses. The Government and OSCR need to provide clear guidance, and information technology solutions need to be put in place that make it easier rather than harder for charities to report.

Although this issue is not included in the bill, it is worth highlighting the section in annex A of the report around the auditing threshold for charities. I understand that the income threshold for charities in Scotland is slightly lower than that elsewhere in the UK, but I ask the cabinet secretary to listen to the calls from the third sector on the issue. I note that, according to the summary note on the informal consultation that was held on 1 March,

"Anecdotally there is a lack of availability of auditors."

I am sure that front-bench members of the Scottish National Party would agree with that, and have recent experience of it.

I support the principles of the bill, and I welcome the reform of charity legislation. More clarity is needed on some areas, and I echo the views of the third sector in its calls for clearer guidance in certain areas. I am genuinely pleased that the Scottish Government has listened to the concerns of the sector and has worked with it to develop the bill. I hope that that can be a model for future legislation.

15:45

Marie McNair (Clydebank and Milngavie) (SNP): Charities play a vital role in supporting all our communities, particularly those that are in greatest need. The pandemic and the cost of living crisis have continued to highlight how vital the support that charities provide truly is. I see that at first hand with the terrific charities in my Clydebank and Milngavie constituency. I put on record my thanks to all the hard-working charities that support those in need and work to improve our communities.

The bill is an important step that we must take to strengthen the third sector in Scotland. It has been 17 years since legislation concerning charity law in Scotland was passed. It is important that we have listened to charities that have called for the Scottish Government to update and strengthen the current regulations.

It is right that, as a starting point for updating the legislation, the bill is centred on the practical proposals that the Office of the Scottish Charity Regulator put forward. Scotland's charities raise over £14 billion each year, so it is essential that they are properly regulated. Charities cannot exist without the support of generous donors, and we know that those donors are more likely to support charities when they are confident that those in charge are the right people to ensure that their money is being used responsibly.

At its core, charity is about trust. When individuals become involved with a charity, they give more than just their time and money, and they deserve to know that those who manage their donations and run the charity can be trusted to act in its best interests. The bill will ensure that the public can trust the charities that are most important to them by enhancing transparency and accountability across the sector.

OSCR already does vital work in overseeing the third sector in Scotland. It grants charitable status, monitors compliance and investigates misconduct and much more. However, it is clear that it does not currently have the powers to fulfil its core aim of ensuring transparency. With OSCR's ability to issue positive directions, publish annual financial accounts for every charity, appoint interim trustees where required for a maximum of 12 months, and

ensure that individuals who are disqualified as trustees are known and unable to work in other senior management roles, the bill will ensure that OSCR has the enforcement powers that it needs to meet its core aim of increasing transparency in the sector.

Charities have often benefited from their trustees having lived experience of a specific issue. I am conscious that there will be certain areas in which, due to their nature, trustees must be afforded anonymity—in victim support organisations, for example. Therefore, I am glad that, as the Social Justice and Social Security Committee concluded, the bill's provisions strike a good balance between greater transparency and providing avenues to protect the identity of trustees where necessary.

What is most important about the proposals in the bill is that they in no way impact on charities' ability to support those in need. No decisions that we make will mean that any charity will have to sacrifice front-line resources. More than half of all charitable organisations in Scotland have an annual income of under £25,000. It would not take much additional regulatory burden for the vital work that those smaller charities do to be significantly hampered.

With that in mind, I am pleased that the analysis that the Scottish Government conducted found that charities are supportive of the proposals in the bill and that they do not foresee anything other than minor costs. That finding was supported by Citizens Advice Scotland.

It is important that we acknowledge the views of the experts who consulted on the bill. The Law Society of Scotland stated that the proposals are "sensible and proportionate" and that the register of trustees' names will directly increase transparency. The chair of OSCR believes that the bill will

"increase public trust in Scotland's 25,000 charities",

and Citizens Advice Scotland highlighted that the bill will help to improve public confidence in the third sector and ensure that the benefits that charities provide to society are therefore maximised. It is therefore clear to me that there is widespread support for the proposals from those who will be most impacted.

I believe that the bill is an important step that we must take to support the third sector. Charities will continue to receive the donations that they urgently require only if donors have full confidence that their donations are going to support those who need it most. The improvements that the bill will make to transparency in the sector will go a long way towards ensuring that donors continue to have confidence in the charities that they choose to support.

It is clear from the consultation that further work will be required as we continue to strengthen the Scottish charity sector. However, I am a firm supporter of the bill and I believe that it provides the best possible framework to begin comprehensively improving charity regulation in Scotland.

15:50

Foysoyl Choudhury (Lothian) (Lab): Before I begin, I would like to declare an interest: I am chair of the Edinburgh and Lothians Regional Equality Council—ELREC.

The Charities (Regulation and Administration) (Scotland) Bill aims to update the current charity law in Scotland, and Scottish Labour welcomes this much-needed update. As many of my colleagues have already mentioned, the bill will pass more power into the hands of the Scottish charity regulator, OSCR. It will hold charities more accountable for the appointment of trustees and the publication of accounts, and it will increase transparency and accountability in charities by improving public access to information about the daily running of charities.

Those are, of course, welcome improvements, but a more in-depth review is still required. As part of my role as a member of the Social Justice and Social Security Committee, I highlighted those issues to the then cabinet secretary, Shona Robison, who outlined that the implementation of the bill would help to guide a wider review of the charity sector in general. I hope that that is still the case.

I would like to highlight some key issues with the bill. The first concern is that the consultation and engagement process did not go far enough, and many thought that the engagement process was not well advertised.

Zero Tolerance Scotland and the Edinburgh Rape Crisis Centre are examples of organisations that did not have the capacity to interact with the consultation processes in 2019 and 2021. They have expressed the view that the latest and final consultation process was not advertised well enough for them to participate in it. As well as that, smaller charities and organisations were not given an opportunity to make a representation to the call for views. As its chair, I can confirm that ELREC was not made aware of any opportunity to participate in such consultations.

The Scottish Women's Convention and Children's Hospices Across Scotland also expressed concern about the publicity around engagement events. They said that it was not wide-reaching enough, and that not all third sector organisations had the opportunity to express their concerns and give feedback.

In addition, some charities felt that they had not had the chance to fully contribute to the bill and that its development was skewed towards the views of OSCR.

I sincerely hope that the wider review of the charity sector that has been promised will seek to avoid those issues.

With regard to smaller third sector organisations, I have been made aware of concerns about some of the bill provisions, specifically the provision on the publication of accounts and implementation of a register of trustees. We welcome the transparency and accountability that the bill will bring, but there is concern about whether it will disproportionately affect smaller third sector organisations.

Foundation Scotland has expressed concern that the administrative burden that will be placed on charities due to the provision may feel disproportionate for smaller charities. The Institute of Chartered Accountants of Scotland expressed concern that smaller charities and third sector organisations are also likely to feel daunted by the implementation of a register of trustees in complying with the requirements and securing disclosure exemptions on the grounds of safety and security.

If implementing the legislation looks as though it will place a greater burden on smaller charities—which were largely left out of the consultation process—I hope that an adjustment period can be introduced to assist the affected organisations. First and foremost, however, I hope that the Scottish Government will be able to provide assurances that the bill will not disproportionately affect smaller third sector organisations.

15:56

John Mason (Glasgow Shettleston) (SNP): I appreciate the opportunity to take part in the debate. As members will know, I am not currently and have not previously been a member of the Social Justice and Social Security Committee, which is the lead committee for the bill, so I have not been involved in taking evidence or preparing the committee's report. However, perhaps that has some advantages in that I come to it without many preconceived notions. I highlight that I am a trustee of the Fare Share Trust and have been involved in various charities over the years.

The issue of whether trustees' names should be in the public domain has been considered by the committee at some length, and it is argued that that requirement will increase transparency and accountability. I note that there has been some concern about that, including from the Faculty of Advocates. I fully accept that there needs to be some right to privacy and agree that home

addresses should not be shown. However, it seems to me that the right to privacy must have some limits and should be balanced against other rights and the public's expectations.

In preparation for the debate, my staff and I were looking at the published reports and accounts of a few Glasgow charities. One charity that I have some concerns about had all the trustees' names redacted. Apart from the fact that that looks very odd in comparison with a business or housing association report, for example, it presents a real problem for me or any member of the public. One of the reassurances that a concerned person or a potential donor can have when they are looking at a charity is seeing the names of its trustees and gaining reassurance that they are, to some extent, known and trustworthy. Becoming a charity trustee is not to be taken lightly; it carries certain responsibilities. Therefore, I believe that it is important that trustees' names are published, except in exceptional circumstances.

I will move on to the issue of disqualifying trustees because of bankruptcy. I presume that neither charities, potential donors nor the wider public want trustees to be managing charity finances if they cannot manage their own personal finances. At the same time, the point is correctly made that we want people with lived experience who can bring practical views to the way in which a charity operates. So, once again, there is a balance to be struck.

The then cabinet secretary's response on that issue to the committee was helpful in that many of the disqualifications are time limited. If someone has made mistakes in the past, or if they got into financial trouble through no fault of their own, they must be given the opportunity to turn their lives around and be afforded another chance. However, it does no harm to have bit of breathing space in that process. Another point that has been made is that someone can have a huge input to a charity without being a trustee. Being a trustee is a responsibility, not a reward. As OSCR says, public trust and confidence is very important.

There is a range of other issues that I will mention in passing. I note that the then cabinet secretary made the point that she felt that all trustees should be treated in the same way. However, I wonder whether that is the case. A trustee for a charity that has an income of £25,000 does not carry the same level of responsibility as a trustee for a charity that has an income of £25 million, surely.

On interim and temporary trustees, some people might be willing to take on such a role if it was time limited and if they would not be making the long-term commitment that comes with being a trustee in normal circumstances. I have to say that I might

consider an interim role but not a long-term one—however, that is not an invitation for people to contact me.

I did not really understand the point that information in accounts could be used maliciously against charities. I was not really clear what the committee meant by that.

The lack of availability of auditors was raised by the Institute of Chartered Accountants of Scotland, of which I am a member. Many charities have an income of less than £25,000 and it is worth considering whether any checks on them are needed. Independent examination is an important alternative for medium-sized charities.

The risk of misappropriation increases with income. I would have reservations if the threshold for an audit was raised from £500,000 to £1 million, as ICAS suggests, because a lot can go wrong with an income of £500,000. Risk should be the decisive factor.

To move on to what is not in the bill, I said in my brief submission to the consultation on charity law that we need a more fundamental review of charity law. I am glad to see that a number of organisations said the same thing, including the Law Society of Scotland. Annexe A to the committee's report touches on the issue.

We have at least three types of charities, which are all very different. First, there is the small local charity that works in the community or perhaps raises funds for a school overseas and is run entirely by volunteers. Secondly, there is a category of much larger charities that do the same kind of work but with many staff and possibly Government funding, such as Oxfam, Barnardo's and the Scottish Society for the Prevention of Cruelty to Animals.

Finally, there are big organisations such as Glasgow Life, housing associations and universities that are probably not charities in the traditional sense. I have no problem with such bodies getting tax breaks, which they do and which is an incentive to be a charity, and they fulfil charitable purposes—Glasgow Life claims to fulfil at least seven of those purposes. However, I wonder whether we should call a body such as Glasgow Life a charity. That is a bit misleading and it dilutes the positive feeling that many people have about charities. In the long term, maybe we need to look at a new definition of charity.

I am happy to support the bill at stage 1. I hope that it will be followed by more wide-ranging legislation.

The Deputy Presiding Officer: I call Maggie Chapman, who joins us remotely.

16:02

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Greens, I am pleased to contribute to the debate in support of the bill's general principles. I refer members to my entry in the register of members' interests—I was previously employed in different roles in the charitable sector and I am a member of some charities.

Charities and the third sector play a vital role in our communities. Such organisations often support us at some of the most difficult or challenging times in our lives. They provide crucial—sometimes life-saving—services for us as individuals, families and communities. They advocate on our behalf when we cannot or might not be able to speak for ourselves. They provide constructive challenge and critique for all levels of government on policy direction and decisions. They build resilience and provide protections across all our communities. Their hard work often goes unseen and is—sadly—often undervalued. Our society would not function without such services and supports and without the often selfless work that many contribute to our collective wellbeing.

It is therefore vital for the regulatory framework in which charities operate to be up to date and to serve charities and wider society as well as possible. As we have heard, charity law has not been significantly amended since the Charities and Trustee Investment (Scotland) Act 2005 was enacted. The bill that we are debating aims to update the charity regulation system by improving transparency and accountability; enhancing public trust by providing greater protection for charity assets and the charity brand through stronger enforcement powers; and improving the efficiency of OSCR's operations.

As the cabinet secretary has outlined, if passed, this technical bill will make a number of amendments to the 2005 act. The bill seeks to give OSCR, the charity regulator, wider powers to investigate charities and charity trustees. It amends the rules on who can be a trustee or senior office-holder in a charity—vital roles that must be properly supported—and increases the information that OSCR holds about charity trustees. The bill also updates the information that is required to be included on the Scottish charity register and to create a record of charities that have merged. Importantly, all of that seeks to make charities more accountable and transparent in their governance and operational arrangements.

I am very grateful to the Social Justice and Social Security Committee for its detailed scrutiny of the bill over recent months and for its stage 1 report, which was published last month. As someone who does not sit on that committee, I

found the report helped me to better understand the issues that are covered in this technical legislation. Other members have already highlighted specific issues or areas of concern, but I will reinforce the calls that have been made on the Scottish Government for early and direct engagement with the breadth of the charity sector, not only over the coming stages of the bill but for any and all future reviews of charity law in Scotland.

Similarly, we should all share the responsibility for the provision of clear information, to ensure that the sector as a whole is aware of the provisions in the bill and that there is shared understanding of the implications of the legislation for charities and regulators alike.

The bill is clearly not intended to be a complete review or reform of charity law but intended rather to enhance the measures that already exist. However, the various consultations that have led us to today, particularly the evidence that the Social Justice and Social Security Committee heard, are clear: a more comprehensive review of the 2005 legislation is required, and I am grateful to the cabinet secretary for her statements of intent around the wider reviews.

As others have said, there are things that the bill does not do but which we would like to see considered. Specifically, Greens would like to see charitable concessions for activities that are good in and of themselves, such as the generation of zero-carbon energy, in the same way that poverty alleviation or supporting vulnerable people are seen as legitimate and laudable charitable purposes. Charities should not have to go through the bureaucratic process of setting up trading subsidiaries just to do good.

We would also like to see the explicit inclusion in charity law of each of the protected characteristics that are currently covered in the Equality Act 2010. Religion is, rightly, already covered, but we consider there to be benefit to ensuring that all protected characteristics are treated similarly in charity legislation.

However, I appreciate that those are substantial proposals and, along with many of the other issues that have been raised by other groups and organisations, some of which have already been highlighted this afternoon, they would all be better considered as part of the wider review that is already planned for future years.

In closing, I thank all those charities, individuals, agencies and groups that have contributed to the consultations and committee evidence sessions so far. That input is invaluable to our scrutiny of any legislation but is perhaps especially important when dealing with such technical legislation about the organisations and the sector that support so

much of our lives. I know that there is still work to do and I look forward to following the progress of the bill through the forthcoming stages.

16:08

Pam Duncan-Glancy (Glasgow) (Lab): Charities and third sector organisations work tirelessly to deliver for communities across Scotland. They deliver services, develop policies, provide volunteering and paid work, contribute hugely to the economy and provide food, shelter and financial support directly to people in all our constituencies. Without them, many people in the Glasgow region and across Scotland would be left isolated, in poverty, alone and without the essential care and support that they need. Therefore, I thank all the third sector organisations—and the people who work in them—up and down our country.

My party and I welcome the bill, which aims to bring regulation in the sector up to date and in line with other areas of the UK. For the most part, it does so, but I want to use my contribution today to highlight some areas where we need the Government to be a bit clearer and to act. I will also reinforce the importance of supporting and resourcing third sector organisations to make sure that they are not left to implement changes on their own.

One of the key areas is communication. Communicating the changes that the bill makes will be key for the vast number of third sector organisations, and the Government must be prepared to take a full and active role in that. It cannot leave the already stretched sector to do it itself. We heard evidence in committee from counterparts across the UK—I thank everyone who gave evidence to us on the bill—of the importance of not underestimating the scale of communication that is needed. I hope that the Government will take on board their advice from experience as that progresses.

Clarity will also be important, particularly on the categories of people who can and cannot be trustees or senior members of charity staff. Recruitment is tough, and the committee heard that loud and clear. We have heard the same in the chamber this afternoon. Whatever processes are put in place to ensure due diligence, which is crucial, we must also be clear on processes to waive the obstruction to taking up those posts.

For some people, being involved in charity work can turn their life around. That is why I am keen to hear what specifically the Government can do to ensure that the impact of the rules on who can and cannot be involved at those levels is proportionate, promoted and understood, and that they do not undermine efforts to recruit or efforts on equality.

The committee heard that the bill is welcome but that it is also largely OSCR's bill. It told us that the current regulatory landscape is broader than this—and, in some ways, it is cluttered—and that the Government did not engage widely enough across the third sector to get that wider perspective early enough. For those reasons, I am pleased that the Government is committed to a wider review of charity law and regulation going forward. It is crucial that that review is independent and carried out with the third sector, and that the sector is supported to participate in it, not expected to carry out the engagement on its own.

The sector really is struggling; it is still waiting for multiyear funding and, with it, the ability to plan for future years and the certainty that that brings. Significant numbers of organisations fear that they could close, and volunteers and staff are stretched. Regardless, they are still powering on and acting as the last line of defence for people whom the state cannot help.

The sector needs that certainty of funding, and it needs to know that it will have the support and resources that it needs to engage in the implementation of the bill and the development of an independent review.

I take the opportunity to thank the sector, volunteers and staff again for all that they do, including those in the Glasgow region. I thank organisations such as Partick Thistle Charitable Trust, whose invaluable impact on its community I have seen at first hand and praised in the chamber; Healthy n Happy in Rutherglen, which supports and encourages our community to flourish; Glasgow Disability Alliance, which advocates tirelessly for the rights of disabled people; and Grow 73, which brings Ruglonians together to make a positive impact on the environment and transform the local community while building friendship in the process. Of course, I also pay tribute to the work of the SCVO, whose support and promotion of the sector enables it to develop and grow, and which never stops driving to push volunteer organisations to reach their full potential.

Paul O'Kane: Will the member take an intervention?

Pam Duncan-Glancy: I will.

Paul O'Kane: I am very grateful to my colleague for taking the intervention. She is speaking about the SCVO, and it is crucial that, in any process of reform of the sector, the SCVO is a strong partner and takes a leadership role because of its extensive work to represent charities across Scotland of different size and scale. Does Pam Duncan-Glancy agree that, when the cabinet secretary sets out a plan for the next

stage of engaging with charities, the SCVO very much needs to be at the heart of that?

Pam Duncan-Glancy: I thank my colleague for that intervention, and I whole-heartedly agree. My hesitancy about taking the intervention at that point was only because I wondered whether I was able to do so in the last seconds of my speech.

SCVO support and promotion of the sector enables it to develop, grow and support people. It never stops striving to push volunteer organisations to reach their full potential. Therefore, like my colleague, I hope that the SCVO will be involved in that further review. Its work is invaluable, and we should do all that we can to support it and the rest of the sector.

The Deputy Presiding Officer: Thank you, Ms Duncan-Glancy. The final speaker in the open debate is Fergus Ewing. Mr Ewing, you have a lavishly generous six minutes.

16:13

Fergus Ewing (Inverness and Nairn) (SNP): You are so kind, Presiding Officer. Thank you for that.

As Pam Duncan-Glancy so eloquently said, we—all of us—owe a debt to those who give their time freely, generously and copiously to support charitable efforts throughout the country. Scotland would not be what it is without the effort of such individuals.

I add my thanks to OSCR and to the people who work in OSCR. I had the privilege of being the minister with oversight responsibility for it between 2011 and 2016, and I particularly enjoyed working with the Very Rev Dr Graham Forbes, who chaired OSCR for, I think, eight years from 2011.

This debate is about regulation of charities; regulation is absolutely necessary and we have heard reasons for that. John Mason made a number of telling points about it. Incidentally, I think that he was right to say that the audit limit should not be increased to £1 million. He is absolutely spot on about that.

The debate is about regulation of charities. When we create regulations in Parliament, we must be mindful that we do so only when they are necessary and when they comply with certain overriding public policy objectives. Principles have been set out by the regulatory review group, which is the Scottish Government body that has policy responsibility for looking at regulation. As I recall, the principles are that regulations should be proportionate, that they should not be unduly burdensome, and that compliance with them should not result in excessive costs, taking account of the size and scale of the charity and so on. Those are sensible and desirable principles

with which I think we should all comply, and of which we should be mindful.

I want to talk about one particular regulatory impost that we would do well to look at again. Before I come to that, I note that recently the First Minister held an anti-poverty summit, at which he reaffirmed the objective of tackling—indeed, eradicating—poverty in Scotland. That objective is welcome and heartfelt and is of paramount importance to what we do in Parliament. Not many people, no matter what party they are in, would demur from that point of view. We also all know that charities play an absolutely pivotal role across Scotland in helping, in a host of ways, to alleviate poverty. People are passionate about that aim and it motivates them as volunteers in charities.

Perhaps the bulwark of that charitable effort is our churches. Certainly in my constituency, churches are behind a huge amount of the voluntary effort that goes into helping the people who most need help. That effort includes the efforts of Church of Scotland members whom I have met, who volunteer their time every week by going to help people at food banks. It includes people who simply organise coffee mornings, raffles and other events for the benefit of people who need help most. It includes the Salvation Army, whose work is truly magnificent in helping men who might have lost their way in life. The churches are behind so many things. I am talking not just about the Church of Scotland, of which I am a member, but about all churches and all faiths. Across Scotland, that effort is terrific.

One other piece of regulation—it is not in the bill, which I broadly welcome—that also regulates charities is the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021. Those regulations were created to pursue land reform policy objectives. Principally, landed estates that are held in trust or by limited companies are often secretive in the sense that the people who live in those parts of Scotland do not know who the owners are, which creates a number of very practical problems. I think that addressing that situation was the aim of the regulations, although I was not involved in making them.

However, to take as an example the Church of Scotland, which has 6,000 properties, it was never intended that the name of every official in every congregation in every church of the Church of Scotland would have to be entered on that register. In what sense is it in the public interest to require that that information be disclosed? Moreover, I presume that as office-bearers change—as they do frequently for all sorts of obvious reasons—the register would have to be updated with a ream of information in which

nobody is interested. It is not in the public interest that that information be required.

As the cabinet secretary pointed out at the beginning of the debate, in one section of the bill there is, rightly, a duty to provide the details of trustees; I think that Mr Mason referred to that as well.

Jeremy Balfour: Does Fergus Ewing agree that, with regard to the people who are regarded as trustees for church properties, it is actually the congregation that controls the properties and the trustees are simply names on a piece of paper, given that they cannot dispose of the property without the congregation's approval?

Fergus Ewing: That is absolutely spot on. Mr Balfour has made a relevant point with which I agree entirely.

Why have I mentioned the issue, Presiding Officer? I have mentioned it because at the moment much of the money that churches raise goes to alleviate poverty. However, the Church of Scotland pointed out in a letter that it sent in January—which, I imagine, other MSPs also received—that having to provide all that information for 6,000 properties will involve legal and administration costs of hundreds of thousands of pounds. Where will that money come from? It will come from money that would otherwise go to alleviating poverty and helping the poorest people in the country.

That issue was raised with the then Minister for Environment, Biodiversity and Land Reform, Màiri McAllan, and I think that it is now Mairi Gougeon's responsibility. I appreciate that the cabinet secretary does not have responsibility for the matter, but I raise it because it is part of the overarching regulation of charities. It is not in the bill, but the matter needs to be looked at again. Personally, I think that churches should be exempted because there is no land reform interest whatsoever. That could be done by amendment of the bill, or perhaps by secondary legislation, which is probably more appropriate.

Paul O'Kane: Fergus Ewing is making a very important point related to wider regulation of charities. My inbox has been filled by members of sessions of churches across Scotland who are very concerned. Given that the General Assembly of the Church of Scotland will meet from 25 May, would the member recognise that there might be an opportunity for the minister to re-engage with the General Assembly and the general trustees of the Church of Scotland to find some way forward?

Fergus Ewing: I know that ministers have met the church and made lots of efforts. Thus far, they have ruled out exempting churches, but I think that that exemption is justified. The reasons for their ruling it out just do not hold water. I understand

ministers' reluctance to amend regulations that have only recently been passed, but I hope that I have made the argument.

In closing, Presiding Officer, and having had this lavish generosity from your good self, I say that this is not in any way a political point. If other members feel that I have made the point in a reasonable fashion and that the matter is something that should be reopened, I would be very happy to work, as I try to do on many issues, cross-party with them to try to bring about a change that would achieve and continue the First Minister's aim of tackling poverty. It would do so in a small way, but hundreds of thousands of pounds can do a lot to help a few people and, as they used to say, monie a mickle maks a muckle.

The Deputy Presiding Officer: Thank you, Mr Ewing, for doing justice to my lavish generosity, which I now bestow upon Paul O'Kane, who will close for Labour.

16:22

Paul O'Kane: I am very grateful to you, Presiding Officer, for your lavish generosity. I will attempt to justify it with my closing speech.

We have had an important debate this afternoon in which we have heard what I think is a broad consensus in Parliament for the general principles of the bill. As the cabinet secretary outlined in her opening speech, it is a technical bill and we are agreed on the need for it in order to tidy up charities legislation and to make it stronger, to ensure that the public have confidence in charities across Scotland and to ensure that Scotland is in line with England, Wales and Northern Ireland.

What we have heard, across the piece, is that in the later stages of the bill there will be a requirement for refinement of and clarity on a number of points that have been raised by members across the chamber.

Collette Stevenson in her new role as convener—to which I welcome her—made important points on behalf of the committee. She pointed out that the wider review that the cabinet secretary has committed to will require engagement with the third sector not just on these but on wider issues that it has raised with the committee. She made an excellent point about the need to start that engagement early and to ensure that the third sector is approached from the very beginning. Smaller charities should be included in that.

We have heard a lot today about charities that many members know from their parts of Scotland. It is important that they have a strong voice in everything that we do, because they are the people who make changes in communities.

The importance of those charities was highlighted again by Jeremy Balfour in his opening speech. He made an excellent point about good governance being crucial to the functioning of charities. However, like many others, he highlighted that greater support and stability are required for charities to ensure that they can meet their obligations and continue to serve their communities so well.

On the challenges that charities face as they serve communities, Douglas Lumsden made an important point about the challenge of recruiting trustees, particularly in rural communities. Many members represent rural communities and know that charitable organisations are often the lifeblood of small towns and villages and of everything that happens there. They can be long-standing historical institutions, but it can be hard in the modern context, particularly in smaller communities, to enthuse people about taking on the trustee role or dealing with the finances and operation of a charity.

We must keep our eyes open to that challenge and must ensure that we are not putting unnecessary barriers in place for people who might want to become trustees. As I said in my opening remarks, the bill is about striking a balance between transparency so that there is public confidence, and ensuring that we do not make regulation overly cumbersome, which might put off people who would otherwise want to become engaged.

John Mason made some important points about that. Our exchange during his intervention was about trying to strike that important balance. He made important points about interim and temporary trustees. Charities might need a bit of bridging support; there are people who have professional expertise and might be willing to do that, but might not have the confidence or the legal knowledge to do so.

Mr Mason also made an important point about wider regulation of charities and the need for reporting. He asked whether we should look at how charities that have an income of less than £25,000 should report to OSCR and about the level of scrutiny of their accounts. I hope that we can look at some of those issues as part of our wider conversation.

The issue of communication was raised. I said in my opening speech that many charities had felt unable to contribute to the committee's consultation because of a lack of capacity. Foyso Choudhury rightly also highlighted that many charities were just not aware that there was a consultation. I hope that the Government will reflect on that.

Pam Duncan-Glancy made the excellent point that communication about the changes for charities will be vital after the bill has cleared the parliamentary process, so that everyone knows what is expected of them and what they need to do. Parliament should look at communication and I hope that the Government will reflect on that.

The Scottish Labour Party supports the principles of the bill. We all want charities in Scotland to be well-governed and transparent and to be charities that people can trust. We want to ensure that people who donate to a charity can do so with confidence and that people who volunteer do so knowing that the charity is reputable.

The debate has brought up wider issues about the health of the third sector in Scotland. There are multiple challenges, not the least of which are recovery from the pandemic, cost of living pressures and the demand for services. There is also no long-term strategy to fund and support charities. Parliament has been talking for a long time about three-year funding cycles; we need to look at that in the round in order to ensure that we are supporting charities.

Fergus Ewing made good points about the wider issues affecting faith-based charities and churches. We cannot get away from the fact that the bill interacts with other pieces of legislation. We should look at that, because there is cross-party concern about the issues that Mr Ewing raised. I would be happy to have further conversation with him—as, I am sure, would others.

I might now be going over the score regarding the generosity of the Presiding Officer, and I do not want to fall foul of the chair.

In concluding, I say that there is a real willingness, certainly on this side of the chamber, to work with the Government to get the bill right so that it does what it sets out to do and so that we take with us people from across Scotland's charity sector. We look forward to the wider work to which the cabinet secretary has committed.

The Deputy Presiding Officer: Thank you, Mr O'Kane. I am not sure that you were entirely reading my body language.

I call Miles Briggs. You have a generous seven minutes, Mr Briggs.

16:29

Miles Briggs (Lothian) (Con): I declare an interest as the chair of Heart Research UK's heart of Scotland appeal board.

As others have done, I thank the clerks to the Social Justice and Social Security Committee and those who gave evidence to the committee. I also

thank the charities across Scotland for the work that they do in our communities. As other speakers have said, we do not want anything in the bill to have a negative impact on any of them, and especially not on the smaller ones.

It is worth reflecting that my colleague Jeremy Balfour and I are the only current members of the committee who took evidence on the bill. Conservatives have said that we will be strong and stable, and we are definitely demonstrating that in this Parliament.

As members have mentioned, Scottish charities have a combined income of over £15 billion and employ 200,000 people, so it is important that they operate within a regulatory framework that safeguards that funding and those jobs. The charity law that they operate under has been in place for 17 years, and it is necessary to modernise it and provide more transparency. I do not think that any of us would disagree with that.

There are some very sensible things in the bill. It seeks to allow the provision of information about trustees and to update the law in relation to disqualification criteria. It also seeks to allow the appointment of emergency charity trustees. I pursued that in committee, but I still want more clarification from ministers as to who those individuals will be. Will there be a Scotland-wide group of individuals? I want Parliament to pursue that and seek clarification at stage 2.

As I said in my intervention on the cabinet secretary, I am concerned about lifetime gifts and charity mergers, which matter has been touched on previously. In the future, we will potentially see fewer charities, not necessarily because of the bill, but because of changes in the direction of travel. At present, many people very generously give lifetime gifts in their wills, but what happens to them if charities merge? I do not think that inheritance law has necessarily been taken into account in that regard. Again, I would like the Government to clarify the position on that at stage 2, because we need to make sure that we do not burden charities.

As a number of members, including Douglas Lumsden, Paul O’Kane and Foyso Choudhury, said, the bill must not become overly burdensome for charities, and especially not for small charities that are fully volunteer led. The fact that such charities are volunteer led may be a reason why many of them have not engaged in the process. They might not have been aware of it or they might not have had the capacity to input to the Parliament’s or the Government’s consultations. We need to take that on board.

The bill seeks to require charities to have a connection to Scotland. In committee, I asked about the definition of that, but I do not think that

we have necessarily worked out what impact it would have when, for example, a charity that is not registered in Scotland but is a UK-wide charity undertakes research in Scotland. As John Mason and Fergus Ewing said, we need to be mindful of possible unintended consequences as the bill moves forward.

John Mason made some interesting points that may be relevant—if not to the bill, then to future consultations and reforms. It seems unfair that a charity that operates in Scotland and has income of less than £25,000—that could be a church hall anywhere in Scotland—is under the same regulation. We need to look at that. I do not know whether there should be an income threshold or an employment threshold, because there are different criteria and costs around administration.

We have not had an opportunity to input on that. It is probably not something that the Government will open up at stage 2, but it is something that we need to be mindful of. I am keen to pursue it and consider whether we could have different criteria, and I hope that there may be a cross-party consensus in favour of taking that forward in the next session of Parliament. I believe that the Government has stated that it might consult before the end of the current session on what that should look like. I certainly think that there is an opportunity for us to do that.

My final point is about the recruitment of interim trustees. The Government has written to the committee—we discussed that this morning—with clarification of who those individuals would be. That is important, as is the appeals process for individuals who might not be considered suitable. I hope that we will have an opportunity for further clarification of that at stage 2, which is coming very quickly down the line.

Finally, I thank everyone who has contributed to the debate and to the work of the committee. If there is one thing that we, as a committee, have heard loud and clear, it is that charities want to make sure that every penny that they raise goes to the front line of the causes that they advance in Scotland. Certainly, I have been clear in our work on the committee that we do not want the legislation to be burdensome on them in any way.

I take the points that Fergus Ewing raised and have reached out to the Church of Scotland on them. We need to look again at registration of persons who hold a controlled interest in land. Charities that operate in very different circumstances have also made the point about privacy, which is fully understandable.

The Scottish Conservatives will support the bill as proposed at stage 1. However, as the committee’s new convener, Collette Stevenson, has stated, that support is for the general

principles of the bill. We now need ministers to provide detailed answers for the sector. Then, collectively, the Parliament will be able to approve the bill, I think, as it goes forward.

The Presiding Officer (Alison Johnstone): I call Shirley-Anne Somerville to wind up.

16:36

Shirley-Anne Somerville: I thank members from across parties for the constructive spirit in which the debate has been conducted, and I look forward to working with them as we work towards stage 2 and our further deliberations.

I am also pleased to welcome Collette Stevenson to her new role as the convener of the Social Justice and Social Security Committee, and I look forward to working with her and with the experienced and the new members of the committee. I was going to say “old” there, but I thought no—it is the experienced members and those who have just joined. I have been ably supported in my preparations for the debate by my two junior ministers, who were on the committee and who heard all the evidence that was put in front of it.

Today has been an important chance for all of us to reflect on the importance of charities and the important roles that trustees play. I have been a trustee in the past. Ironically enough, given my current portfolio, I was a trustee for Shelter Scotland, as it has carefully reminded me since I took on my role in social justice. Certainly, during my time with it, I absolutely recognised the important role that a trustee can play in a charity.

That is one of the reasons why the bill is so important. Yes, it is quite technical, and we have been through some of that today, but it is about ensuring that we have the best possible conditions for the charity sector to thrive in and to strengthen our communities. Public support for and trust in charities is strong, and we need to make sure that that continues. It is important that we reflect on the sheer breadth and depth of our charity sector in Scotland.

A number of contributions today were not technically to do with what is in the bill but were very important. I hope that, if people wish it, they will be among the aspects that we take forward in the wider review of the framework for charities. It was clear during the consultations and discussions with stakeholders that they support the principles behind the bill but are keen for more to be done. That is exactly why, as I said in my initial remarks, we are committed to a wider review of charity regulation following the passing of the bill.

That wider review can explore how regulation can help with and improve the situation for all

charities but especially the smaller charities, which have been mentioned by a number of contributors and which make up the majority of the Scottish charity sector.

I am also well aware of the pressures that smaller charities are under, and we are absolutely determined, as we move forward with any wider review, that we will work with the charity sector, from the largest to the smallest charities, so that we engage with everyone.

We will take the time to work with them to design the review and what needs to be taken account of in that. I am happy to confirm that organisations such as the SCVO, which has been mentioned, will play an important role in that.

A number of members mentioned a very important aspect that we all have a responsibility to encourage: the diversity of experience on charity boards. That is very important, particularly for charities that want those with lived experience to be part of their trustee boards.

The aspects around automatic disqualification and the extension of the criteria around that to match those in other parts of the UK are not designed to exclude those with lived experience from participation on charity boards. The measures are designed to address a comparative weakness in the regulatory system here, in Scotland, that could undermine public trust and confidence in the charity brand. The existing waiver system and its extension to the new criteria demonstrate that the law recognises that there will be cases in which a person who is disqualified can, and should, still hold a trustee or senior management position. It is important that we encourage charities to recognise that that is there and to take advantage of it, should they wish to do so.

Jeremy Balfour and others discussed the appointment of interim trustees. The power to appoint interim trustees is a targeted power. It is very much intended to be used only as an emergency measure to address situations in which, for example, there are no trustees to make decisions. It is a time-limited measure to safeguard charities and charitable assets and to get charities back up and running. In situations such as that, when there are no trustees about, I would contend that a dispute mechanism is not necessary. However, if Mr Balfour or other members believe that that should be looked at, I would be happy to meet them as we progress to stage 2, to see whether anything more needs to be done on that.

As many members have mentioned, charity trustees are responsible for managing money and property that is donated to the public in good faith. That is why current and proposed disqualification

criteria are based on behaviour or conduct that the Government considers makes a person unsuitable to hold office as a charity trustee, and it is why the Government considers that the criteria should be extended to those in senior management positions.

Disqualification on the ground of a specified offence or bankruptcy is time limited. Once the conviction is spent or the bankruptcy is discharged, that disqualification falls. In the interim, the individual can participate in the charity in alternative ways—for example, as a volunteer—or can apply to OSCR for a waiver.

I will spend a little bit more time on the challenges that are faced by smaller charities. We recognise the concerns about the administrative burdens that the bill will give to charities—particularly smaller charities. However, I would reassure members with the fact that the main administrative change that will impact charities following the bill's passing is the provision of trustee information to OSCR. That will take place using OSCR's existing online system, which charities will be well familiar with, and it will be done over time. The development, introduction and population of that internal schedule of charity trustees is likely to take place over two to three years, for example. Charities will therefore have significant time to prepare. That is important, and I reassure members that we will continue to work with charities as we go forward with the bill and its implementation to ensure that we are fully cognisant of any burdens that are being placed particularly on smaller charities.

In relation to that point, I also note that it is anticipated that there will be two commencement dates in regulations—one in spring 2024 and one in summer 2025. That will allow OSCR sufficient time not only to prepare and consult on new guidance but also—very importantly—to then communicate that to charities and ensure that they are well prepared for the changes. That point was raised by a number of members.

The message from today's debate is that there is broad agreement on the general principles of the bill. Yes, there is work to do, but I certainly hope that we can work together on that as we move to stage 2. It is very important to send out today a clear signal from the chamber about this Parliament's determination to support Scotland's charities. I look forward to the bill progressing to its next stage. I will end on the important point of, once again, thanking all those who work in our third sector for everything that they do, day in, day out, to support communities across not only Scotland but the world.

The Presiding Officer: That concludes the debate on the Charities (Regulation and Administration) (Scotland) Bill at stage 1.

Charities (Regulation and Administration) (Scotland) Bill: Financial Resolution

16:45

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-08683, on a financial resolution for the Charities (Regulation and Administration) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Charities (Regulation and Administration) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*Shirley-Anne Somerville*]

The Presiding Officer: The question on the motion will be put at decision time.

I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move such a motion.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time on Thursday 11 May be taken at 4.45 pm.—[*George Adam*]

Motion agreed to.

Decision Time

16:45

The Presiding Officer (Alison Johnstone):

The first question is, that motion S6M-08870, in the name of Shirley-Anne Somerville, on the Charities (Regulation and Administration) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Charities (Regulation and Administration) (Scotland) Bill.

The Presiding Officer: The final question is, that motion S6M-08683, in the name of Shona Robison, on a financial resolution for the Charities (Regulation and Administration) (Scotland) Bill, be agreed to.

Motion agreed to,

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

Meeting closed at 16:46.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
www.parliament.scot/chamber-and-committees/what-was-said-and-official-reports/official-reports

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447
Fax: 0131 348 5423

The deadline for corrections to this edition is:

Thursday 8 June 2023

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

