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Scottish Parliament

Wednesday 27 September 2023

[The Presiding Officer opened the meeting at 14:00]

Portfolio Question Time

Wellbeing Economy, Fair Work and Energy

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business is portfolio questions on the wellbeing economy, fair work and energy.

Members who seek to ask a supplementary question should press their request-to-speak button or, if they are online, should indicate as much in the chat function by entering “RTS” during the relevant question.

Employment Law Devolution (Impact on Wellbeing Economy)

1. **Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the Scottish Government what assessment it has made of the potential impact that any future devolution of employment law to the Scottish Parliament would have on the development of the wellbeing economy. (S6O-02552)

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Securing the full range of powers on employment law would enable the Scottish Parliament to implement the policies that would best meet Scotland’s distinct needs. Those powers would enable us to create fairer workplaces, enhance workers’ rights in Scotland, help to shift the curve on poverty and deliver on our shared ambition for a just transition to a net zero, nature-positive wellbeing economy that is fair, greener and growing.

In our paper “Building a new Scotland: a stronger economy with independence”, we propose a number of specific labour market measures, including a fair national minimum wage set at a rate that better reflects the cost of living and that applies to all ages, and better access to flexible working.

Keith Brown: Given that both the Scottish and United Kingdom trade union congresses have come out in support of the devolution of employment law, and that a number of Labour Party MSPs have spoken previously in the Scottish Parliament in support of that policy, does the minister have any explanation as to why not a

single Labour member of this Parliament signed the motion that the Parliament considered last night in support of the devolution of employment law? The motion did not mention independence; it mentioned only devolution, which is meant to be the settled policy of the Labour Party. Is he aware whether the UK Labour Party still supports the policy of devolving employment policy to the Scottish Parliament?

The Deputy Presiding Officer: I suggest to the minister that he answer the question with reference to matters that fall within his jurisdiction.

Richard Lochhead: The Scottish Government supports the devolution of employment law, and it asks all parties in the chamber—in particular, the Labour Party, given its members’ past comments on the matter—to support the Scottish Government’s position. Given what Keith Brown has highlighted, it appears that Labour’s enthusiasm for the devolution of employment law is waning—and it seems to be waning because a Westminster election is approaching, which should worry us all in Scotland. I urge the Labour Party to clarify its position and to get whole-heartedly behind the Scottish Government position that the devolution of employment law should happen as soon as possible in the event of a Labour Government at Westminster.

Gender Pay Gap

2. **Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government whether it will provide an update on what it is doing to tackle the gender pay gap and promote equal pay. (S6O-02553)

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Our 2023 programme for government outlines the direct action that the Scottish Government is taking to tackle gender pay gaps and to promote equal pay in Scotland’s labour markets. That includes action in sectors with historically low pay and job insecurity, where women are disproportionately represented.

From April 2024, adult social care workers who deliver direct care in commissioned services will see their pay increase to a minimum of £12 per hour. Alongside that, we will provide funding to uplift pay in the private, voluntary and independent sector to £12 an hour for those delivering early learning and childcare.

Marie McNair: I welcome the Scottish Government’s efforts to close the gender pay gap with a real determination to make progress. It is clear that the United Kingdom Government is holding progress back, and the Labour Party’s appalling record on equal pay is a concern, too. Does the minister agree that, if we aspire to end

the gender pay gap using all the tools that are available, it is essential that employment law be devolved to this Parliament?

Richard Lochhead: The member gives yet another reason why employment law should be devolved to the Scottish Parliament and why that should happen as soon as possible. The fact that, at 12.2 per cent versus 14.9 per cent, the median gender pay gap for all employees is lower in Scotland than in the UK as a whole—and has been for many years—as well as the fact that the median gender pay gap for full-time employees, too, is lower in Scotland than in the UK as a whole, shows that in areas where we, as a Parliament, have influence, we are making a real difference to people in Scotland who are affected by this issue. Therefore, the more powers that we have, the more positive a difference that we can make.

Hydrogen Technology

3. Kevin Stewart (Aberdeen Central) (SNP): To ask the Scottish Government what action it is taking to help businesses take full advantage of Scotland's hydrogen potential. (S6O-02554)

The Minister for Energy and the Environment (Gillian Martin): The “Hydrogen Action Plan”, which was published in 2022, is supported by a programme of capital funding that is designed to accelerate the production of renewable hydrogen in Scotland. Funding to date includes more than £7 million in grants offered to projects via the hydrogen innovation scheme. Those projects will drive innovation in renewable hydrogen production, storage and distribution.

The next tranche of the hydrogen investment programme, the green hydrogen fund, will launch later this year. The fund will be open to projects that support renewable hydrogen production from Scotland's abundant renewable energy resources.

Kevin Stewart: I look forward to those announcements in the future.

How can we build on the successful work on hydrogen-powered transport in Aberdeen, and what can we do to increase the amount of hydrogen refuelling sites throughout Scotland?

Gillian Martin: Early on in my tenure as minister, I visited the very impressive Aberdeen hydrogen hub. We have invested more than £15 million from our energy transition fund in developing the hub, which aims to accelerate the hydrogen economy in Aberdeen. Indeed, it is leading the way on that, and I know from my visit that local authorities from throughout the United Kingdom have been visiting the model with the aim of establishing it in their areas.

We will continue to work with partners in the public and private sectors to understand and stimulate the demand and the infrastructure needed for hydrogen vehicles. The zero-emission truck task force, which includes Transport Scotland, is exploring the energy infrastructure that is required for heavy goods vehicles, including the consideration of hydrogen refuelling, and we will also be publishing an HGV decarbonisation pathway next year.

The Deputy Presiding Officer: I have a number of requests for supplementaries. I intend to take each of them, so I hope that everyone will be reasonably brief.

Brian Whittle (South Scotland) (Con): I think that we will all agree that Scotland is uniquely placed to capitalise on the green hydrogen market. I know that the minister was at an event last night on the supply chain. At a business meeting yesterday morning, I was told that it was really important for the approach going forward to be demand led. What is the Scottish Government doing to create a marketplace for the green hydrogen companies that are now coming to fruition?

Gillian Martin: There are two markets for hydrogen: the domestic market and the export market. This morning, I was pleased to have a meeting with Graham Stuart of the UK Government, and in answer to my question on injecting hydrogen into the gas grid to make up 20 per cent of the total gas—something that we have been calling for for quite a while—I was told that the UK Government is actively looking at that. That is a use for hydrogen. The distillery sector, which is massive, is also using hydrogen to decarbonise.

The question gives me the opportunity to say that Neil Gray is in Germany at the moment to promote and further Scotland's hydrogen interests and to support Scottish companies to participate in and benefit from the development of the international hydrogen market. As Mr Whittle will know, Germany has already started work on decarbonising its industry using hydrogen, so that is a great market for us.

Sarah Boyack (Lothian) (Lab): I welcome the minister's reference to renewable hydrogen, as it is critical that we produce green hydrogen in Scotland. Does she acknowledge the importance of linking to renewable electricity production and creating jobs and opportunities not just in the north-east, as she outlined, but in Grangemouth?

Gillian Martin: Absolutely—we have a commitment to that. Quite a lot of hydrogen innovation is happening throughout the country. For example, Ms Boyack will be aware of the European Marine Energy Centre in Orkney; when

it could not get its tidal energy into the grid, it made hydrogen with it instead. Quite a lot of micro hydrogen production is happening throughout Scotland.

I have been having conversations with the Grangemouth facility about the hydrogen that it intends to produce and, more recently, there have been positive noises about green hydrogen, in particular.

Beatrice Wishart (Shetland Islands) (LD): Shetland is well placed as an energy hub at the centre of the energy-rich North Sea, with the local Orion project aiming to produce wind-powered green hydrogen by 2025. What engagement has the Scottish Government had with that project?

Gillian Martin: I have not had the pleasure of going up to Shetland yet, mainly because the cabinet secretary went to the Northern Isles in the summer and it did not make sense for us both to go. However, I look forward to engaging with the project—perhaps Ms Wishart would like to invite me.

Claire Baker (Mid Scotland and Fife) (Lab): The empty Longannet site in Kincardine, in my region, has huge potential for green jobs. What recent discussions has the minister had with Scottish Power, which owns the site, about its plans for the site and how it can help advance the Government's hydrogen ambitions?

Gillian Martin: I will have to look back at all the engagement that I have had with the owners of the site, and it is entirely possible that Mr Gray has engaged with them, too. I will get back to Ms Baker to let her know what engagement there has been.

Export Statistics (Publication)

4. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on when the next set of export statistics will be published. (S6O-02555)

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): "Export statistics Scotland" provides the official estimates of the value of Scotland's exports, and it covers Scotland's exports of goods and services—excluding oil and gas—internationally and to the rest of the United Kingdom. The next set of statistics will be published on 29 November 2023 and will include data up to 2021. That was pre-announced by the chief statistician in August.

His Majesty's Revenue and Customs regional trade in goods statistics, which include figures for Scotland, are released quarterly, with the next update, for the third quarter of 2023, due to be released on 14 December. The Scottish Government publishes quarterly manufacturing

export statistics for Scotland, with the most recent data covering the period up to quarter 2 in 2023.

Murdo Fraser: The latest set of export statistics were published in December 2021, so there has been a long gap since then. Those statistics showed that Scottish exports to the European Union accounted for 19 per cent of total exports and that we exported three times more—60 per cent of the total—to the rest of the UK. Does that not demonstrate the folly of seeking to align ourselves with the EU at the expense of aligning with the rest of the UK, which is by far the largest market for Scottish exporters?

Richard Lochhead: For the sake of jobs in Scotland and of the Scottish economy, the Scottish Government should be increasing our exports to the rest of the UK and to the rest of the world, including the European Union. Exports to the European Union have, of course, suffered as a result of Brexit, which we did not vote for and which was imposed on Scotland by the rest of the UK. Brexit has led to a decline in many key exports to the European Union. If Scotland were to be a member of the European Union in its own right, that would open up lots of export opportunities for Scotland.

Our exports are performing extremely well. We should congratulate our businesses on that and be proud of it.

The Deputy Presiding Officer: Again, I have received a number of requests for supplementary questions. I intend to take all of them.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Will the minister provide an update on the continued impact that export barriers caused by Brexit are having on business costs?

Richard Lochhead: The latest business insights and conditions survey, which was published in September, shows that, of the businesses in Scotland that face exporting challenges, more than a third—36.1 per cent, to be precise—named Brexit as the main cause. The survey found that more than a quarter of Scottish businesses face extra costs as a result of Brexit, with 16.2 per cent facing higher transportation costs and 12.5 per cent facing increased red tape.

Furthermore, the latest small business survey, which was conducted between November 2022 and April 2023, reported that half of the small and medium-sized employers in Scotland that predicted a decrease in turnover next year highlighted Brexit as a contributing factor.

The additional barriers and costs of Brexit continue to weigh on the economy as a whole. The Office for Budget Responsibility estimates that UK gross domestic product will be 4 per cent lower

in the long run due to Brexit. In Scotland, we have experienced a 38 per cent decline in exports of fruit and veg to Europe and a 45 per cent fall in exports of animal feed to Europe.

Willie Rennie (North East Fife) (LD): One side talks down trade with the United Kingdom and the other side talks down trade with Europe. Instead of revelling in the prospect of new trade opportunities, why do both Governments not work together to break down trade barriers?

Richard Lochhead: We will, of course, continue to do our best to break down trade barriers. That is why we oppose Brexit. I believe that Mr Rennie's party also opposed Brexit, although, unfortunately, it appears to have changed its mind because of views in the rest of the UK, irrespective of the damage to Scotland.

As I said before, our strategy is to increase exports to the rest of the UK—we do a lot of work in London, for instance, to promote Scottish exports—the European Union and the rest of the world, and that is the best outcome for Scotland's economy.

Ivan McKee (Glasgow Provan) (SNP): The minister will be aware that, in the period since Brexit, Scottish exports, excluding oil and gas, have grown at around twice the rate of exports from the rest of the UK but that UK export growth as a whole has been lagging behind international competitors. Does the minister agree that that demonstrates the folly of Brexit but also confirms the approach of the Scottish Government, which has a coherent strategy to boost exports that was agreed with industry and is delivering results?

Richard Lochhead: I absolutely agree with Ivan McKee, and I thank him for his efforts in his previous role to build up Scotland's fantastic track record in exports. The value of Scotland's international goods exports increased by 13.2 per cent in the year ending in June 2023, compared with the previous year, which is greater in percentage terms than the 12 per cent increase experienced by the UK. Therefore, the Parliament should celebrate and be proud of the fact that Scotland is outperforming the rest of the UK on exports and, indeed, inward investment. That is really good news for the Scottish Government's approach, which involves working in partnership with our business community and enterprise agencies, and it is good news for jobs in Scotland.

Programme for Government (North Ayrshire Economy)

5. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what impact the measures in its programme for government 2023-24 will have on the growth of the economy in North Ayrshire. (S6O-02556)

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Our programme for government will increase equality, create a fairer society and drive opportunity for the people and businesses of North Ayrshire. It will promote inclusion and reduce inequality in the area, benefiting in part from our £70 million investment in community-led regeneration. It will also support the delivery of the Ayrshire growth deal, in which we are investing £103 million to transform North Ayrshire and the wider regional economy.

Ruth Maguire: A quality job that pays well is one of the primary routes out of poverty. Will the minister outline what action the Scottish Government and partners are taking to ensure that all sizes of companies in my constituency are able to contribute to tackling inequality while growing their businesses?

Richard Lochhead: As Ruth Maguire will be aware, the Government's policy is that business is vital to creating a wellbeing economy, and it has a key role to play in Cunninghame South and beyond. That is why we support businesses to be a force for good, putting purpose and fair work at their heart, noting that that benefits productivity and profits as well as people.

As part of our £11.5 million investment in the Ayrshire growth deal, community wealth building and the regional skills and inclusion programmes, we will be supporting local businesses to put fair work first, while supporting local people to ensure that they have the skills that businesses require. We are also working with other organisations, such as Developing the Young Workforce in Ayrshire. The issue that Ruth Maguire raises is central to our economic strategy for the whole of Scotland, including Ayrshire.

Seasonal Agricultural Workers (Fair Work)

6. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government whether it will provide an update on its work to ensure that seasonal agricultural workers have access to effective worker voice under its fair work commitments. (S6O-02557)

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): The Scottish Government is committed to ensuring that agricultural workers have access to effective worker voice under its fair work commitments. In March 2023, we provided funding of £123,000 to support the reopening of the Worker Support Centre. The WSC assists all seasonal agricultural and horticultural workers in Scotland, irrespective of nationality, to access free impartial and confidential information on workplace rights.

Maggie Chapman: Migrant workers, particularly those with the seasonal worker visa for horticulture, including in the north-east region, are known to be at risk of exploitation and trafficking. They are not unionised, and they face significant language barriers, are often housed in poor, unregulated housing and struggle to access healthcare. They are at the mercy of their employers, who might, without notice, say that there is no work for them, leaving them stranded without money or options.

What further actions will the Scottish Government take to reduce the risks of trafficking and exploitation and ensure that all workers have access to individual and collective workplace representation?

Richard Lochhead: As I said in response to the very important issue that was raised by Maggie Chapman, the Scottish Government has funded the Worker Support Centre to assist all migrant seasonal agricultural workers in Scotland. We have produced seasonal workers' rights information leaflets that include guidance on human trafficking and exploitation, and we have outreach arrangements in place to support workers who speak Ukrainian, Romanian, Russian, Polish or English. Outreach staff are available at a range of times to talk to workers and provide information or support.

Where it is appropriate, the centre can refer workers to legal charities, the Scottish Government's agricultural wages enforcement teams and other advisers for further support with a range of issues that they might face.

Maggie Chapman might also be aware that recently published independent research made recommendations to be pursued by both the Scottish and United Kingdom Governments, so a lot of work is under way to ensure that we treat the issue seriously.

Small Modular Nuclear Reactors (Economic Benefits)

7. Sandesh Gulhane (Glasgow) (Con): To ask the Scottish Government whether it has undertaken any evaluation of the relative economic benefits of small modular nuclear reactors compared with other forms of energy provision. (S6O-02558)

The Minister for Energy and the Environment (Gillian Martin): The Scottish Government does not support the building of new nuclear fission power stations in Scotland under current technologies. Although SMRs are innovative in their size and construction technique, they use the same method of electricity generation as traditional nuclear fission. That means that they carry the same environmental concerns as

traditional nuclear power plants, while their economic competitiveness is still to be proven in practice. New nuclear power could take decades to become operational. It would be expensive and so would push up household bills.

As we have set out in our draft energy strategy and just transition plan, significant growth in renewables, storage, hydrogen and carbon capture provide the best pathway to net zero and will offer a climate-friendly energy system that delivers affordable, resilient and clean energy for Scotland.

Sandesh Gulhane: France delivers 70 per cent of its electricity from nuclear energy, which gives it a great base load, and it is now the world's largest net exporter of electricity. Has the Scottish Government made any estimate of the opportunity cost of Scotland's not pursuing a similar strategy?

Gillian Martin: The fact is that existing nuclear power systems are expensive. For example, under the current contract awarded by the United Kingdom Government for the Hinkley Point C station, the electricity that will be generated will be priced at £92.50 per megawatt hour. That is in comparison with electricity generated from offshore wind, which we have in abundance in Scotland and on which we are planning to do an awful lot more. Such electricity is currently priced at £37.35 per megawatt hour.

The member mentioned France. *[Interruption.]* However, let us look at a list of all the European countries—

The Deputy Presiding Officer: Minister, please resume your seat

Gillian Martin: —that have decided to ditch nuclear power.

The Deputy Presiding Officer: Minister, please resume your seat for a second. I do not need to hear a running commentary from members in a sedentary position while the minister seeks to respond to the question.

Minister, please resume your answer.

Gillian Martin: I can list those countries. In April, Germany shut down the last of its three nuclear power plants, joining other member states that have no nuclear power stations and that remain opposed to nuclear power. They are Austria, Denmark, Ireland, Italy, Estonia, Latvia, Luxembourg, Malta and Portugal.

Energy Strategy and Just Transition Plan (Publication)

8. Mercedes Villalba (North East Scotland) (Lab): To ask the Scottish Government when it will publish its final energy strategy and just transition plan. (S6O-02559)

The Minister for Energy and the Environment (Gillian Martin): The 2023 programme for government confirmed our commitment to publish and start implementing a new energy strategy and just transition plan. We are fully considering the views that were expressed in the consultation that took place earlier this year, and we will provide further details on that shortly.

Mercedes Villalba: When the Scottish Government published its draft strategy, the Scottish Trades Union Congress said that workers had “little faith” in the Government’s plan. In the light of the STUC’s submission to the Government’s consultation, will the minister set out precisely what policy changes have been incorporated into the final strategy since then?

Gillian Martin: As I have said, the final strategy has not yet been published. However, I recommend that Mercedes Villalba come to the chamber tomorrow to listen to my statement on the vision for Scotland’s future energy, which will give more information about when the energy strategy will be published. She will understand that she is asking for details of a final strategy that has not been published yet.

The Deputy Presiding Officer: Kevin Stewart has a supplementary question.

Kevin Stewart (Aberdeen Central) (SNP): As is outlined in the draft energy strategy and just transition plan, all the evidence tells us that we can protect and create jobs in Scotland if we get our energy transition right. How will the recent Tory net zero U-turns impact on that transition in the future? Does the minister agree that the Tory backtracking, and the uncertainty that it has caused, could hold back growth in renewable energy jobs and harm our economic future?

Gillian Martin: Kevin Stewart will be aware of the recent report, “Powering up the Workforce: The future of the UK offshore energy workforce”, from Robert Gordon University, which shows that Scotland has enormous energy potential and that we have the natural resources and skills that are required to lead the global energy transition.

However, Kevin Stewart is right: the UK Government’s backtracking is putting green jobs, inward investment and economic growth at risk. I also highlight the failure to secure any offshore wind projects in the recent allocation round 5. We have made representations, and I believe that the sector has made a great deal of representations, to the UK Government on improvements that we want to see ahead of allocation round 6.

Finance and Parliamentary Business

The Deputy Presiding Officer: We move to the second portfolio, which is finance and

parliamentary business. Again, if a member wishes to request a supplementary, they should press their request-to-speak button during the relevant question or enter the letters RTS in the chat function if they are online.

Fiscal Framework

1. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the fiscal framework. (S6O-02560)

The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison): I am pleased to say that the first review of the Scottish fiscal framework concluded on 2 August, with a joint agreement reached between the Scottish and United Kingdom Governments on changes to the 2016 agreement.

That review has yielded a fair and pragmatic set of changes, providing a sensible and proportionate set of improvements to the fiscal framework. That furnishes the Scottish Government with more effective levers with which to manage the Scottish budget. I welcome the opportunity for a full debate in the chamber in the coming months, in addition to a dedicated committee evidence session.

Liam Kerr: In her letter of 2 August to the Finance and Public Administration Committee, the cabinet secretary made it clear, as she has done in her answer just now, that she was signing up to the new deal because the arrangements work in Scotland’s favour and the changes that have been made are—as she just said—

“fair and pragmatic and will strengthen the financial management levers available to the Scottish Government”.

Does the cabinet secretary agree that that is exactly the sort of joint working between the Westminster and Holyrood Administrations that the public both wants and deserves, rather than the endless constitutional bickering that so often characterises our politics?

Shona Robison: John Glen, who is the Chief Secretary to the Treasury, is a bit of an anomaly in the Westminster Tory UK Government, as he actually sits down in a sensible, pragmatic and co-operative way. However, he is the exception to the rule. It is because of that arrangement that we have managed to secure those pragmatic changes to the fiscal framework. Again, I had a very co-operative meeting with the Chief Secretary to the Treasury just last week. It is a shame that the rest of the UK Government does not operate in that manner.

John Mason (Glasgow Shettleston) (SNP): There was some concern under the previous fiscal framework that we were competing with London and the south-east of England, which puts us in a

difficult position. Does the cabinet secretary have any concerns that that will continue to be the case?

Shona Robison: I am confident that we are well placed to build our fairer, greener economy. Per person, our economy has outperformed the UK's economy since 2018. The latest data shows that our income tax performance per capita is improving, and is outperforming the rest of the UK in 2022-23.

However, it is clear that the UK economic model is disproportionately weighted towards London, which has an impact on Scotland. I am sure that John Mason would agree that, with the full powers of independence, we would be able to tailor our economic approach to Scotland's needs and emulate the success of our near European neighbours, who all perform more strongly economically than the UK.

Taxation Policy (Oxfam Report)

2. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government what its response is to the recommendations regarding taxation policy in Oxfam GB's analysis, "Payment Overdue: Fair ways to make polluters across the UK pay for climate justice". (S6O-02561)

The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison): As Oxfam's "Payment Overdue" report recognises, the regulation of fossil fuel industries and the majority of tax powers remain reserved to Westminster. We will keep pressing the United Kingdom Government to take the urgent action that is needed, especially after its recent backsliding on net zero ambitions.

In Scotland, we are committed to using the powers that we have to meet our world-leading climate targets. We will continue with our progressive approach to tax and working to ensure that we achieve a just transition, which will help us to meet our climate goals, safeguard jobs and protect those on the lowest incomes.

Mark Ruskell: Transport remains Scotland's most polluting and highest-emitting sector. An investigation by *The Scotsman* revealed that more than 1,500 empty or nearly empty commercial passenger flights, which are also known as ghost flights, passed through Scottish airports last year. That must change.

Does the cabinet secretary agree with the Oxfam report's recommendations on the use of taxation to reduce air travel demand? What is her view on implementing a higher tax for more polluting aircraft, such as private jets?

Shona Robison: We very much recognise the impact of transport on overall carbon emissions,

and we are committed to reducing emissions across all modes of transport, including air travel.

We remain committed to introducing the air departure tax, once a solution for the Highlands and Islands exemption has been identified, which, of course, is not an easy process. In doing so, we will carry out a review of the rates and bands of the tax to ensure that they are aligned with our world-leading climate ambitions.

Income Tax Policy (Economic Growth and Job Creation)

3. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government what its assessment is of the effectiveness of its current income tax policies in stimulating economic growth and job creation. (S6O-02562)

The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison): We have the most progressive tax system in the United Kingdom, which raises additional revenue to invest in public services and Scotland's economy. Since our five-band system was introduced, in 2018, our economy has outperformed that of the UK. Taking into account population growth, gross domestic product per person has grown by 0.2 per cent in Scotland compared with a fall of 0.8 per cent in the UK, while more than 45,000 working-age people moved from the rest of the UK to Scotland in 2021, with a net in-migration of 5,000 people. That is consistent with findings from our policy evaluation of the 2018-19 income tax reforms, which showed no evidence that they were having a negative impact on the economy.

Jamie Halcro Johnston: When he appeared in front of the Finance and Public Administration Committee on 19 September, David Bell, professor of economics at the University of Stirling, told my colleague Liz Smith that

"where you have differential tax rates between jurisdictions, you will set up incentives that will cause either capital or labour to move. That move might not be instantaneous, but if two distinct tax systems sit close by each other, incentives are created over time."—[*Official Report, Finance and Public Administration Committee*, 19 September 2023; c 16.]

Given that, under the Scottish National Party-Green coalition, Scotland is now the highest taxed part of the United Kingdom, how is the Scottish Government monitoring for the long term any movements of that nature?

Shona Robison: As I set out in my first answer, there is no evidence of such movement. People move to Scotland and stay in Scotland because of a range of factors, not least the social contract and the various policies and supports that are available here that are not available elsewhere. In addition, I remind Jamie Halcro Johnston that, based on the

Scottish Fiscal Commission's figures, the Scottish Government calculates that more than 52 per cent of taxpayers in Scotland pay less than they would if they lived elsewhere in the UK.

Those matters will be kept under review. I have set up the expert group on taxation to inform me in relation to current and future tax policy. The Tories cannot get away from the fact that they want tax cuts, but they still come to the chamber to ask for more public expenditure. There is no system in the world that supports that type of economic model.

The Deputy Presiding Officer: I have received requests from a number of members who wish to ask a supplementary. I intend to accede to each request.

Kenneth Gibson (Cunninghame North) (SNP): Can the Deputy First Minister quantify the damage that UK Tory tax policies announced in last September's mini-budget and since have done to Scotland's economic growth and job creation?

Shona Robison: The disastrous mini-budget is indicative of the on-going economic mismanagement of the Tory Government, which has given us the highest inflation in the G7. That is causing real hardship to families in Scotland. The UK's high inflation is part of the reason that the Office for Budget Responsibility is forecasting the largest fall in living standards on record, with real incomes expected to fall by £1,200 by the end of this year.

Michael Marra (North East Scotland) (Lab): Speaking to the Finance and Public Administration Committee last week, Professor David Heald warned:

"We will get into a position whereby national health service consultants ... will start negotiating with their employers for net pay."—[*Official Report, Finance and Public Administration Committee*, 19 September 2023; c 4.]

and stressed the need to be "very careful".

When we are in a situation in which we need to attract key talent, such as, in the case of Dundee, breast cancer oncologists, what assessment has the Scottish Government made of the impact of income tax policies on the recruitment challenges in our NHS workforce?

Shona Robison: These days, it is hard to work out who is Labour and who are the Tories in this chamber. I will say two things to Michael Marra. First, NHS consultants in Scotland are not on strike, as those down south are. Secondly, junior doctors get paid more here in Scotland than they do down south. When doctors come here to Scotland, they will take into account a range of factors, not least the pay and conditions that they get, as well as all the services that they get and the additional elements of the social contract that I

explained earlier. What a strange line of questioning for a Labour member in this chamber.

Willie Rennie (North East Fife) (LD): When John Swinney was the long-standing wise and cautious finance secretary, he knew about the careful balance needed to avoid behavioural change. The finance secretary and Deputy First Minister seems very bullish about the tax rises. I thought that the last set of tax rises was an emergency rise, but now the Government is talking about further rises. Is she sure that she is getting the balance right?

Shona Robison: Let me say clearly to Willie Rennie that no decisions have been made about taxation in any form and they will not be until we get into the budget process. I was describing the set of tax decisions that have already been taken, which have led Scotland to be the most progressive part of the United Kingdom, with five tax bands, which take account of what people earn in terms of the tax that they pay.

We will, of course, very carefully consider all the issues that we should do in concluding what is the right balance between tax and the funding of public services, and making sure that we are able to sustain those public services. Although it seems that Labour members come to the chamber wanting us not to make any additional revenues through taxation or anything else, that poses the question of where the money comes from to pay for the public services and the demands that members across—

The Deputy Presiding Officer: Thank you, cabinet secretary. We will now turn to the next question.

Shona Robison: —the chamber make on a regular basis.

John Swinney (Perthshire North) (SNP): From my careful and long-serving perspective, I will ask whether the Deputy First Minister agrees that it is somewhat rich for Jamie Halcro Johnston, as a Scottish Conservative, to come here and complain about differential taxation when his colleagues supported the concept of this Parliament having the powers to vary those taxes and responsibilities in accordance with the needs of people in Scotland. Does she agree that the judgments that individuals will make through the careful behaviour analysis that is undertaken on all those questions will take into account all the benefits of living in Scotland in terms of the availability of public services, lower council tax, access to a range of free services—

The Deputy Presiding Officer: Thank you, Mr Swinney. We will now turn to the cabinet secretary's response.

John Swinney: —and the ability to send their children to school?

Shona Robison: I agree with every word of that. The important thing is to look at the evidence. As John Swinney absolutely correctly pointed out, the evidence in the round shows that people in Scotland get a range of services that are not available anywhere else in these islands. Actually, those on lower incomes are supported in a way that they are not supported anywhere else in these islands. According to the Scottish Fiscal Commission, 52 per cent of taxpayers in Scotland still pay less than they would elsewhere in these islands.

We have to look at these things in the round and make careful consideration. What we will not do is follow the economic catastrophe and the policies that led to that, which seem to be being articulated and replicated in the chamber. We will certainly not do that, because we know the damage that it does to households and businesses.

Glasgow (Metropolitan Status)

4. Kaukab Stewart (Glasgow Kelvin) (SNP): To ask the Scottish Government, in light of the ongoing local governance review, what discussions the Minister for Community Wealth and Public Finance has had with ministerial colleagues regarding any potential benefits to public services and assets of granting Glasgow metropolitan status. (S6O-02563)

The Minister for Community Wealth and Public Finance (Tom Arthur): The local governance review is a key element of the Verity house agreement and an important opportunity to strengthen local decision making. We are equally committed to delivering regional economic development and will continue to work with regional partnerships as we take forward the recommendations that stem from the regional economic policy review.

We will also continue to work with the Glasgow city region on its ambitions, and I will engage with ministerial colleagues on how work in that space can be expanded to further empower all of Scotland's regions.

Kaukab Stewart: Metropolitan status is given to city regions in other parts of the United Kingdom and in many European nations. Like Glasgow, many of those cities are home to nationally significant infrastructure. In the next two years, Glasgow City Council is investing £3 million in the Clyde tunnel and the upkeep of Glasgow Botanic Gardens, while the Royal Botanic Garden Edinburgh is directly funded by the Scottish Government. Does the minister share my view that there is room for a healthy discussion on the long-

term funding settlement regarding national assets in Scotland's largest city?

Tom Arthur: There is no doubt that the Glasgow city region is a key engine of the Scottish economy. Capitalising on progress made by the Glasgow city region, we will continue to work in partnership with Glasgow City Council and the other local authorities in the region. We support the region in attracting inward investment to support the regional economic strategy, which will help to create a sustainable wellbeing economy and tackle inequality.

The published regional economic policy review contains a recommendation to explore the aggregation of budgets to increase capacity within regions. Officials are scoping out options for delivery.

The Clyde tunnel is on the local road network, and all local authorities are responsible for their road networks. The Royal Botanic Garden Edinburgh operates a total of four gardens and has a statutory responsibility to safeguard Scotland's national living plant collection and herbarium. It also has a global presence and status in the world of plant-based scientific research and education, which is a very different model from the Glasgow Botanic Gardens.

Pam Gosal (West Scotland) (Con): Local authorities across the country face a combined two-year shortfall of £1 billion. Much of the remainder will be dedicated to immediate needs, essential statutory services and workforce shortages. Does the Scottish Government believe that granting metropolitan status to Glasgow city region offers a solution for service and infrastructure challenges?

Tom Arthur: We have no plans to pursue a mayoral or metropolitan model in the style of elsewhere in the UK, but, in many respects, the Glasgow region already functions as a metropolitan area. We are committed to working with all local partners, local authorities and communities to capitalise on Glasgow's status and look for opportunities through partnership working to generate efficiencies and better, more person-centred delivery of public services.

Programme for Government (Community Wealth Building)

5. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government how the measures set out in its programme for government 2023-24 will support community wealth building. (S6O-02564)

The Minister for Community Wealth and Public Finance (Tom Arthur): Employment of the community wealth-building model of economic development has the potential to improve the

impacts of a wide range of measures that are set out in the new programme for government. Specifically, in the year ahead, we will work to ensure that procurement activity continues to contribute to community wealth building in the form of stronger businesses and high-quality jobs. The programme for government also confirms that we will collaborate with our partners in the public, private, third and community sectors on legislative proposals informed by the recent community wealth building public consultation.

Colin Beattie: It is clear that the community wealth building approach is one of our most effective tools in building a sustainable wellbeing economy in which everybody in Scotland can thrive. Does the minister agree that measures taken this year to support our local economies and supply chains will help to lay the groundwork for a comprehensive community wealth-building bill later in the parliamentary session?

Tom Arthur: I agree that the community wealth-building approach is one of the most effective tools that we have to create a sustainable wellbeing economy, support business growth and create fair jobs. We will continue to build on the excellent progress that has been made to date by local authorities working in partnership with communities, businesses, the third sector and wider public sector organisations to support the implementation of the approach.

We will publish the findings of the recent consultation on community wealth-building legislation later in the autumn. The consultation has provided a rich source of ideas and evidence that will help to frame the development of legislative proposals to advance community wealth building in Scotland.

Swimming Pool Support Fund

6. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government whether the finance secretary plans to allocate to local authorities any funding from the block grant that has arisen as a result of Barnett consequential funding from the United Kingdom Government's swimming pool support fund. (S6O-02565)

The Minister for Local Government Empowerment and Planning (Joe FitzPatrick): Local sport and leisure facilities, including swimming pools, are vital in supporting the physical and mental health of the nation.

Compared to the less than £6 million of consequentials that the Scottish Government received for swimming pools following the UK budget, the Scottish Government allocated £100 million of additional funding to local government at stage 3 of the budget bill, which was funded in part by those consequentials.

Douglas Lumsden: It is immoral of the Government to get funding for swimming pools from the UK Treasury and not pass it on for its intended purpose. In Aberdeen, Bucksburn swimming pool was closed and has been stripped back to the walls by the local Scottish National Party council, which is being taken to court by its own citizens over the closure. Is the minister happy that swimming pools in our communities are being forced to close?

Joe FitzPatrick: The member was a local councillor, so he knows that councillors are democratically elected to make decisions on the priorities in their local communities. It is really important that, as elected members, we respect the democratic mandate of councillors across Scotland.

The money has all been allocated, and the difference is clearly that Mr Lumsden is coming to the chamber and asking the Scottish—

The Deputy Presiding Officer: Minister, please resume your seat. There are members shouting across the chamber; that is not acceptable. The minister has been asked a question and we must listen to his response.

Joe FitzPatrick: As I said, the money has been allocated. It was allocated to budgets as part of £100 million of additional funding that went to local government at stage 3 of the budget bill.

Mr Lumsden has come here to say that that money should have been ring fenced. I encourage him to speak to his local government colleagues, because I know that they are looking for more flexibility. They are not asking us to ring fence more pots of money. In fact, they are asking for exactly the opposite—more flexibility, so that they can use their democratic mandates to determine what is best for their local communities.

Nuclear Weapons (Removal from Scotland)

7. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government whether it plans to propose a parliamentary debate on the removal of nuclear weapons from Scotland, as proposed in its paper "Creating a modern constitution for an independent Scotland". (S6O-02566)

The Minister for Parliamentary Business (George Adam): As Mr Kidd knows, any proposals for Government business in Parliament are agreed by the Scottish cabinet, subject to consideration by the Parliamentary Bureau and, in turn, approval by the Parliament.

The Scottish Government's fourth paper in the "Building a New Scotland" series, "Creating a modern constitution for an independent Scotland" was published on 19 June. The Cabinet Secretary

for Constitution, External Affairs and Culture then led a debate on that paper on 27 June.

Bill Kidd: I know that time is precious, and I might lodge a members' motion on that issue, which I hope members from across the chamber will support.

When war is raging on Europe's borders and the spectre of nuclear escalation is ever present, does the minister agree that it is not only time to have that debate here but across Europe and to start the journey to a nuclear weapons-free Europe, as has happened in areas across the globe? Would he be happy to support Scotland taking a lead on that journey?

George Adam: Mr Kidd has been at the forefront of that debate for many years, and of course I agree that a nuclear-free world would be most welcome. It is entirely up to the member if he wishes to lodge a members' motion. Our Parliament is made all the richer by the varied debate and discussion that we have during members' business debates and what they bring to the Parliament.

The Deputy Presiding Officer: That concludes portfolio questions on finance and parliamentary business. There will be a short pause before we move on to the next item of business.

Business Motion

14:50

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-10622, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Patient Safety Commissioner for Scotland Bill. I ask any member who wishes to speak against the motion to press their request-to-speak button now, and I invite the minister to move the motion.

The Minister for Parliamentary Business (George Adam): Thank you, Deputy Presiding Officer—I have been waiting in anticipation for 50 minutes for this.

Motion moved,

That the Parliament agrees that, during stage 3 of the Patient Safety Commissioner for Scotland Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 40 minutes

Groups 4 to 6: 1 hour 20 minutes

Groups 7 to 9: 2 hours

Groups 10 and 11: 2 hours 15 minutes.—[George Adam]

Motion agreed to.

Patient Safety Commissioner for Scotland Bill: Stage 3

14:50

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Patient Safety Commissioner for Scotland Bill. In dealing with the amendments, members should have the bill as amended at stage 2—SP bill 19A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds; thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button, or enter “RTS” in the chat function if they are joining us online, as soon as possible after the group is called.

Members should now refer to the marshalled list of amendments.

Jackie Dunbar (Aberdeen Donside) (SNP): On a point of order, Deputy Presiding Officer. I am finding it very difficult to hear you from up here. I do not know whether there is anything that can be done.

The Deputy Presiding Officer: Well, I could probably speak louder, Ms Dunbar. Thank you very much indeed. That is what I will endeavour to do.

Section 2—Functions

The Deputy Presiding Officer: Group 1 is on major incidents. Amendment 9, in the name of Jackie Baillie, is grouped with amendments 10, 17, 18, 20 and 21.

Jackie Baillie (Dumbarton) (Lab): I will speak to amendment 9 and all other amendments in the group. The six amendments are all related and, taken together, they will strengthen the rights of bereaved families in the bill. The amendments seek to ensure that patients who have been seriously injured or harmed in a healthcare setting are never again left struggling to get answers and justice.

This suite of amendments and the ones that follow in group 3 are the basis for putting Milly’s law into effect. Taken together, the amendments will deliver a duty to advocate for those affected by a major incident in a healthcare setting; a patient safety charter for the benefit of patients and their families—which we will come on to—a duty to ensure that patients who are affected by a major

incident are aware of the commissioner’s role; a duty to provide affected patients with information and details that will support them; and a duty to provide information to whistleblowers on how to disclose information relating to a major incident.

I remind members why this is so important. Milly Main was 10 years old and in remission from leukaemia when she tragically lost her life to an infection that was believed to have been caused by the water supply in the Queen Elizabeth university hospital. Her mum, Kimberly, has had to battle to get answers, compounding her pain at what was an unimaginably difficult time. She is not the only family member who has had to fight alone for answers in a situation like that. Louise Slorance, a grieving widow who lost her husband in the Queen Elizabeth university hospital infection scandal and whom Greater Glasgow and Clyde NHS Board chose to pay a private company to spy on, is still waiting for a meeting with the health board that was promised by the former First Minister. Both Louise and Kimberly are still awaiting the outcome of the Queen Elizabeth public inquiry. For those of us with even longer memories, I also want to mention the C diff scandal that happened at the Vale of Leven hospital. Those are illustrations of where having a patient safety commissioner with robust powers would have been so important.

Let me address the amendments in turn. Amendment 9 would add to the duties of the patient safety commissioner for Scotland, meaning that they would be required

“to advocate for those affected by a major incident”,

while amendment 20 defines the term “major incident”.

Amendment 17 would introduce a new section to the bill relating to the commissioner’s role once they are made aware of a major incident. That would include making patients affected by major incidents and the families of patients who died as a result of them aware of the commissioner’s role and providing relevant information including sources of support, information on accessing legal advice and representation; details of any investigations or inquiries relating to the incident; and, of course, advice to whistleblowers. Significantly, amendment 17 would also require the commissioner to consider initiating a formal investigation into an incident within one year of becoming aware of it.

My amendments do not seek to hinder the work of the commissioner and, indeed, amendment 17 requires the commissioner to consider initiating a formal investigation but does not require them to carry out that investigation. We are trying to be proportionate.

Amendment 21 defines the term “family member” for the purposes of identifying who should be contacted by the commissioner in the event of a major incident.

Under amendment 18, when the commissioner completed a formal investigation, they would be required to provide a copy of their report into the incident to the police and the Crown Office and Procurator Fiscal Service. That amendment also confirms that the report could be used in legal proceedings.

Under the bill as it stands, the patient safety commissioner does not have the power to make redress or assist those seeking redress, nor do they have power to opine on actions that should be taken in relation to individuals. However, amendment 10 would ensure that major incidents are exempt from that element of the bill.

My amendments would empower the patient safety commissioner to advocate for people who have been failed by the healthcare system. They would ensure that those who are affected by such incidents are supported in knowing their rights and in getting the appropriate help. By empowering the role of the commissioner, we can begin to reset the balance between families and powerful public bodies.

I move amendment 9.

Tess White (North East Scotland) (Con): I rise to support Jackie Baillie’s amendments in group 1. The Queen Elizabeth university hospital scandal has haunted families for years—families who are desperately seeking answers from a health board that has pulled down the shutters and said, “Nothing to see here.” We saw the same thing happen in NHS Tayside in the Sam Eljamel case. His medical negligence has had devastating consequences for his patients. Patients and their families should not have to go up against a large public body in order to find out the truth. That is in no way a fair fight.

In 2019, the Scottish Government announced the Scottish hospitals inquiry to look into the QEUH campus and, earlier this month, it announced that there would be a public inquiry into Dr Eljamel. Those inquiries are welcome, but they can take years and leave families in limbo. Against that background, it makes sense for the patient safety commissioner to advocate for those who have been affected by a major incident in a healthcare setting, where they believe that it is appropriate to do so. Jackie Baillie’s amendments are, however, a significant expansion of the patient safety commissioner’s remit, with implications for resourcing. If the amendments are successful—and I hope that they will be, after the Scottish National Party and Greens rejected them at stage 2—the commissioner will need to be able

to deliver on them. I hope that the minister and Jackie Baillie will be able to address that point.

The Minister for Public Health and Women’s Health (Jenni Minto): I begin by acknowledging the voices of patients who have been harmed while in the care of the NHS or any other healthcare provider, as well as those of their families and loved ones. I can only begin to imagine the grief of those families who have been bereaved, and my heart goes out to them for the devastating loss that they have suffered. Families have spoken clearly and powerfully about how the healthcare system has let them down. In Jackie Baillie’s words, they have had to battle. The best thing that any of us can do now—in fact, the only thing that we can do—is to take every step that is possible to make sure that other families do not suffer the same thing in the future. I record my thanks to Jackie Baillie for her continued support and advocacy for those patients and their families and for working with us towards our common aim of making the bill and the patient safety commissioner as strong as possible.

In these discussions, none of us will ever forget that we all want to make healthcare safer. That has been at the forefront of my mind since I started working on the bill and I know that the same is true for all members in the chamber.

As I noted at stage 2, the patient safety commissioner’s role is to amplify the voice of patients and to drive improvements in safety, however they see fit. The commissioner will have powers to investigate any healthcare safety issue, and listening to patients and their families is a fundamental element of their role. I know from my discussions with her that Jackie Baillie’s amendments seek to strengthen the commissioner even further, to ensure that the voices of those harmed in major healthcare incidents and families who have lost loved ones are heard.

15:00

The patient safety commissioner will undoubtedly wish to hear the voices of bereaved families as well as affected patients when they wish to raise an issue relating to patient safety that stems from the sort of incident that Jackie Baillie has described. That is already provided for in the bill. Indeed, as a Government, our key consideration when developing the bill has been to give the patient safety commissioner as much independence as possible, so that they have the most freedom possible to examine any healthcare issue that affects patients and their families.

The most important thing that we can do now is to do our best to ensure that no families see loved ones harmed while in the care of the healthcare system. That is why it is so important that the bill

improves patient safety by encouraging openness, learning and co-operation within the healthcare system, so that, when things go wrong, lessons are learned and families do not go through the same things again.

Although I understand the intent behind amendment 10, it is likely to detract from the vital function that I have just described, which is to encourage openness, to ensure that lessons are learned and to prevent the same harms from happening again. Adding to the commissioner's role a function of providing or assisting with redress for patients and bereaved families, and giving their opinions on the actions that others should take in light of past incidents, risks putting the commissioner into an adversarial role and may encourage healthcare providers to believe that they have to be defensive, as opposed to open, in their dealings with the commissioner.

Focusing the commissioner on openness and learning rather than on redress for past incidents will be the best way of ensuring that, when they look into any healthcare safety issues that are connected to a major incident in which many patients are harmed, lessons are learned and those harms are not repeated.

Similarly, amendment 21 provides an extensive list of definitions of what constitutes family, which I know Jackie Baillie has drafted with the sole intention of ensuring that no family member is excluded from being able to speak to the commissioner or to receive support. However, family means different things to different people, and the family connections that are important to one person will not necessarily be the same as to the next. In addition, some of the language in the amendment on whole-blood and half-blood relationships is outdated. It is more effective not to tie the commissioner up with lengthy definitions of who they should or should not consider in the context of their work. That is a matter for the commissioner's discretion.

We all share the desire for the patient safety commissioner to be able to look into healthcare safety issues arising from major incidents in which multiple patients are harmed. I have considered carefully how best to achieve that. My view remains that it is more effective to allow the commissioner to be guided by patients on the issues that they look into and the actions that they take. I do not wish to inadvertently tie the commissioner's hands with regard to the circumstances that they can look into, and I worry that this group of amendments, by adding very specific steps for the commissioner to take in relation to a certain group of incidents, would unintentionally undermine the commissioner's vital ability to set their own agenda and to look into the issues of most concern to patients.

It remains the case that, following a major incident relating to healthcare safety, the commissioner would have an important role in hearing from those who are affected and considering whether a systemic problem has caused it. I must emphasise again, as this point is very important, that there is nothing in the powers and functions that are already in the bill preventing the commissioner from doing that. I therefore urge members not to support the amendments.

Jackie Baillie: Well, there you go, Presiding Officer. I listened very carefully to the minister's response, and there is much on which we agree, but the warm words are not a substitute for action. It is one thing to acknowledge the voices of families, but it is another not to listen to them when they describe the action that is required to give the commissioner the powers that the families say are necessary. Therefore, I am genuinely disappointed. I thank Tess White and the Conservatives for their support. I point out to the minister that the First Minister said that he supported Milly's law, but his Government does not appear to do so. How can he have changed his mind so quickly? Or is he not actually in control of the legislation?

I spent a considerable amount of time engaging with the minister and her officials—time that I thought was well spent but, unfortunately, that does not appear to have been the case. I have listened to her very carefully and I will withdraw amendment 21, because the minister has confirmed on the record that the widest definition of family will be considered, and I am content with that.

However, if the minister thinks that the provision in amendment 9 will make healthcare providers more defensive than they already are, I am astonished. We need only to look at the evidence and the attitude of healthcare providers and managers at the Queen Elizabeth university hospital and at NHS Tayside in relation to Eljamel to understand that healthcare providers are already defensive, and we need to change the balance. We need to get things back to the patient being at the centre of everything that we do. The Parliament should give effect to Milly's law and, in closing, I will reflect on the words of Milly's mum, Kimberly Darroch:

"Right now, the system is stacked against those who have questions about what happened to their loved ones—that can't be right. We are looking to our parliament to put measures in place so that nobody has to go through what we went through ever again."

I hope that members will reflect on her words and reject the minister's approach and support the amendments.

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the stage 3 proceedings, I will suspend Parliament for around five minutes, to allow members to get on to the digital voting platform.

15:07

Meeting suspended.

15:12

On resuming—

The Deputy Presiding Officer: We will proceed with the division on amendment 9. Members should cast their votes now.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
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 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 58, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 moved—[Jackie Baillie].

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

15:15

The Deputy Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

The result of the division is—

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. I have had issues. There are all sorts of problems with my app. It is now telling me that the vote is closed, but it did not let me vote. I would have voted no.

The Deputy Presiding Officer: Mr Kidd, we can record that, but I encourage members who have an issue to let us know as soon as possible.

Bill Kidd: I am sorry. I did not know when to speak up.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
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 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
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 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 59, Abstentions 0.

Amendment 10 disagreed to.

Section 3—Principles

The Deputy Presiding Officer: Group 2 is on principles. Amendment 11, in the name of Tess White, is the only amendment in the group.

Tess White: Amendment 11 requires that the “statement of principles” must consider ways of engaging with NHS staff to seek “their views on patient safety concerns”.

A similar amendment that, as the minister will remember, I lodged at stage 2 sought to place a duty on the commissioner to “seek the views” of NHS staff in relation to patient safety. In her response at the time, the minister raised concerns that the commissioner is

“already empowered to do so”—[*Official Report, Health, Social Care and Sport Committee*, 13 June 2023; c 16.]

and that such an approach could detract from “patients’ voices”. As such, I have softened the approach of the amendment at stage 3 to focus it on how the commissioner can engage with NHS staff, instead of creating a requirement for them to do so.

I am revisiting the amendment, because, in the period between stages 2 and 3, the trial of former neonatal nurse Lucy Letby reached its horrifying conclusion. That deeply distressing case has shocked the public and has shaken the foundations of the healthcare system. Lessons can and must be learned by healthcare providers, especially given that other NHS staff raised the alarm but were overruled by their managers. I know that recourse exists for NHS staff to raise red flags about safety, but, as the Royal College of Nursing has argued, staff do not always feel that their concerns are heard or addressed, as in Lucy Letby’s case.

The minister suggested that the commissioner’s hearing from NHS staff could cut across patients’ voices, but I would counter that, in many cases, such processes could be concurrent and complementary. It would, of course, be at the commissioner’s discretion how to amplify the voice of patients while engaging with NHS staff, but the amendment is designed to facilitate that process.

I move amendment 11.

Jenni Minto: As I laid out during my discussion with Tess White at stage 2, and further when we met in September, I do not support her amendment. I agree that, as part of investigating and monitoring potential patient safety issues, the commissioner will wish to hear from staff, but there is nothing in the bill that precludes the commissioner from doing so.

Placing a requirement on the commissioner by way of a principle that the commissioner seeks the views of staff risks cutting across the focus on

hearing and amplifying the patient voice. Separate channels and procedures are already in place through which NHS staff can raise concerns about patient safety, including whistleblowing, and I wish to avoid the commissioner cutting across them, too.

The Deputy Presiding Officer: I call Tess White to wind up the debate and say whether she wishes to press or withdraw amendment 11.

Tess White: I will press the amendment. I am deeply disappointed that the minister has not considered the case of Lucy Letby or the recommendations by the RCN.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Bill Kidd: On a point of order, Presiding Officer—this time as last time. The app is not working, and I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Kidd. I will make sure that that vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
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 Villalba, Mercedes (North East Scotland) (Lab)
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 Wishart, Beatrice (Shetland Islands) (LD)

Against

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 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 58, Abstentions 0.

Amendment 11 disagreed to.

After section 7

The Deputy Presiding Officer: Group 3 is on the charter. Amendment 3, in the name of Jackie Baillie, is grouped with amendments 3A and 4.

Jackie Baillie: I will speak to and move amendments 3, 3A and 4, which are all in my name. I will first cover amendments 3A and 3. Amendment 3 sets out in the bill a requirement for the commissioner to produce a charter for the benefit of patients and their representatives, and to ensure that there is consultation on the charter, including with patients, and that it takes their views into account. I am grateful to Ms Minto and the Government for carefully considering the issues that I raised at stages 1 and 2, and for working with me to ensure that provision for a charter is included in the bill.

Amendment 3 will place on the commissioner a duty to produce a charter that would set out what the commissioner considers to be best practice and appropriate standards that are expected of all healthcare providers, particularly in relation to the importance of engaging with patients and families. The commissioner would be required to take the expectations that are set out in the charter into account when considering a healthcare provider's handling of any incident.

Critically, the charter will send an important signal to patients and families and to healthcare providers that the requirement to act is on NHS boards and other healthcare providers, and not on patients and families. Those who have been harmed or bereaved should not have to push for answers from healthcare providers, and nor is it acceptable that, in times of pain or grief, patients, families and loved ones should have to struggle to have their experiences acknowledged and their voices heard. That is why it is so important that the amendment makes particular reference to engagement with patients and families.

Engagement means more than simply passing on information, important though that is. It is vital to me—as, I know, it is to all of us in the Parliament—that providers of healthcare listen to and engage meaningfully with families and their representatives about their experiences; that they engage in two-way dialogue with patients and families rather than simply deliver information; and that they use the insights gained from that engagement to strengthen patient safety and

continuously improve their services, so that mistakes are not repeated and harm is prevented.

I turn to amendment 3A, which is in addition to amendment 3. Amendment 3A was not agreed with the minister, but, on reflection, I thought that it would be sensible to add it, because it is important that the commissioner has available to them powers of accountability to ensure that private companies that supply medicines and medical devices are captured in the category of person required to provide information in an investigation.

Amendment 3A would allow the commissioner to

“prepare and publish a report on the compliance of a health care provider with the”

patient safety

“charter insofar as such compliance impacts on the safety of health care.”

The amendment is a further attempt to ensure that transparency and accountability are hardwired into the bill. It does not seek to instruct or bind the commissioner, but it would provide them with the option to produce a report if they felt that that was necessary. I therefore urge members to support amendment 3A.

Let me touch briefly on amendment 4. The reasons for the amendment have already been set out, so I urge members to vote for amendments 3, 3A and 4, which will ensure that the commissioner consults on the charter with patients, members of the advisory group and others in the same way as they consult on the principles and the strategic plan.

I move amendment 3.

Amendment 3A moved—[Jackie Baillie].

Jenni Minto: I thank Jackie Baillie for lodging amendments 3 and 4. She is deeply committed to patient safety and has campaigned on the issue for many years. I am grateful for her continued work within and outwith the Parliament to ensure that those who have suffered harm and their loved ones remain at the heart of the bill.

I am delighted that Jackie Baillie and I have been able to work together to find common ground and bring those important amendments to stage 3. Together, amendments 3 and 4 will place on the commissioner a duty to produce a charter that will set out what the commissioner considers to be best practice and appropriate standards expected of all healthcare providers. The commissioner will be required to take into account the expectations that are set out in the charter when considering a healthcare provider’s handling of an incident. The charter will send a powerful signal to healthcare providers that the requirement to act is on them, and not on patients and families. I share Jackie

Baillie’s determination that those who have been harmed or bereaved should not have to push for answers from healthcare providers.

Amendments 3 and 4 will underscore the need for meaningful engagement with patients and families. That means much more than just the passing on of information, although that in itself is important. The commissioner will be able to use the charter to set out what is expected of healthcare providers when they engage with patients and families. That emphasises the importance of healthcare providers listening carefully to what patients and families say and of using the insights that are gained from that dialogue to strengthen patient safety and continuously improve their services.

Jackie Baillie has spoken powerfully, and we have heard her. I know that we share the same goal, and I am very grateful that we have been able to work together to get here. I urge members to support amendments 3 and 4.

However, I cannot support amendment 3A, because, after careful consideration, I believe that Jackie Baillie’s amendment 3, which I fully support, will be more effective without further amendment. Amendment 3 already provides that the commissioner is required to look at a healthcare provider’s actions against the expectations that are set out in the charter when considering how the provider has handled an incident, and it does so in stronger terms, setting out that the commissioner

“must take the expectations set out in the charter into account when considering a health care provider’s handling of an incident.”

We can expect that the commissioner will consider the extent to which healthcare providers have met the expectations of standards and good practice, and they can cover that in their reports on an investigation.

Amendment 3A is weaker by comparison, stating only that the commissioner

“may prepare and publish a report on the compliance of a health care provider with the charter insofar as such compliance impacts on the safety of health care.”

15:30

The second reason why I cannot support amendment 3A is more closely connected with our shared aim of ensuring that healthcare providers engage meaningfully with patients and their representatives. The amendment states that reports could cover compliance with the charter only

“insofar as such compliance impacts on the safety of health care.”

Arguably, that would include scrutiny of the quality of a healthcare provider's engagement with patients and families in the report. That is because engagement is a step removed from the actual provision of healthcare where safety issues might arise. That is covered by amendment 3, and Jackie Baillie and I both recognise it as an important element of the commissioner's role. I do not see the merit of a further amendment that cannot be relied on to allow the commissioner to report on issues of poor communication and inadequate engagement. Therefore, I urge members not to support amendment 3A on the basis that its broad aims are achieved more effectively in Jackie Baillie's amendment 3.

The Deputy Presiding Officer: Thank you, minister. I call Jackie Baillie to wind up and to press or withdraw amendment 3A.

Jackie Baillie: I look forward to being spoken about again in such terms as the minister has used—very warm they were, indeed. I welcome the engagement. You would think that, if she thought so highly of me, she would think highly of my amendments, too, but I live for that possibility another day.

I join the minister in warmly welcoming the support for amendments 3 and 4, but I cannot help but say that, without the previous amendments, the provision is a watered-down version of Milly's law. Although it is absolutely a move in the right direction, it will not, on its own, reset the balance between patients, their families and health administrators. I have seen health administrators—not all but many—who are already defensive and already in denial. I have seen health board administrators who dissemble rather than admit fault to patients. Simply passing the bill will not resolve that overnight.

On amendment 3A, many of us in the chamber—I am looking at Jackson Carlaw, in particular—witnessed the transvaginal mesh scandal and campaigned for women who were caught up in that. Very few of us will forget some of the stories that we were told.

The Patient Safety Commissioner for Scotland Bill has its origins in the fact that a United Kingdom Government decided that patients' voices need to be better heard, and it cited cases of women who have transvaginal mesh. The makers of that transvaginal mesh have not really been held to account, so the purpose of the amendment is to ensure that they are included in any consideration. Although I hear what the minister said, amendment 3A would put the ability to hold them to account beyond doubt—it would not be optional but baked into the bill.

Therefore, although I welcome the SNP's support for amendments 3 and 4, I regret that that

does not go far enough in terms of the overall package, and I hope that members across the chamber will pause to reflect on our experience of the women who have suffered as a result of mesh complications and pass amendment 3A.

The Deputy Presiding Officer: Thank you, Ms Baillie. The question is, that amendment 3A, in the name of Jackie Baillie, which seeks to amend amendment 3, in the name of Jackie Baillie, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
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 Boyack, Sarah (Lothian) (Lab)
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Against

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 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 58, Abstentions 0.

Amendment 3A disagreed to.

The Deputy Presiding Officer: I call Jackie Baillie to say whether she wishes to press or withdraw amendment 3.

Jackie Baillie: I press amendment 3.

Amendment 3 agreed to.

Section 7A—Duty to consult on principles and strategic plan

The Deputy Presiding Officer: Group 4 is on the duty to consult. Amendment 12, in the name of Tess White, is grouped with amendment 13.

Tess White: Amendment 12 would create a duty for the commissioner to consult the Health, Social Care and Sport Committee, or whichever parliamentary committee is concerned with patient safety, on the principles and on the strategic plan.

Amendment 12 is another amendment that I lodged at stage 2 and have brought back at stage 3. I thank the minister for the opportunity to discuss it with her earlier this month. At the time, the minister shared with me her concerns that amendment 12 would compromise the independence of the commissioner by specifying that they must consult parliamentary committees. She added that the role is first and foremost for patients and their representatives, as she said earlier in the debate.

The commissioner must have the freedom to define their own principles. However, I do not believe that the independence of the commissioner should preclude their consulting parliamentary committees, especially when committees can—and do—act as a bridge between the public and policy makers. The Health, Social Care and Sport Committee is uniquely placed to understand the healthcare system in Scotland and so can support the work of the commissioner.

More widely, members of the Scottish Parliament regularly advocate at health boards on behalf of patients, and provide assistance in complex cases in which a patient's safety might have been jeopardised. The cases of patients who have experienced use of surgical mesh are cases in point.

The Scottish Conservatives will support Paul Sweeney's amendment 13, which he has brought forward from stage 2. The Health, Social Care and Sport Committee's stage 1 report called for the principles to include

“an explicit commitment to listening to and supporting under-represented voices”,

especially in the context of women having been badly let down by the healthcare system. The Cumberlege report made for difficult and distressing reading in that regard.

I move amendment 12.

The Deputy Presiding Officer: I call Paul Sweeney to speak to amendment 13 and the other amendment in the group.

Paul Sweeney (Glasgow) (Lab): Amendment 13 is in my name. I thank Ms White for indicating that her party will support it.

At stage 2, I was keen to ensure that the work of the commissioner took into account the voices and concerns of groups of people who have perhaps not always been listened to by the healthcare establishment in the way that they should have been.

As I highlighted at stage 2, the evidence that the committee heard at stage 1 about the valproate and mesh patient safety issues that disproportionately affected women was particularly striking. Dr Arun Chopra of the Mental Welfare Commission for Scotland gave evidence suggesting that despite marginalised groups being predominantly affected by patient safety events, people from groups or communities including ethnic minorities are not well represented in patient safety data.

I am grateful to the minister for offering to work with me on amendment 13 to address those concerns at stage 3. The amendment reflects that collaborative work and would, in order to redress that clear imbalance, require the commissioner to give

“particular consideration to groups whose needs are, in the Commissioner’s opinion, under-represented or given insufficient weight in discourses around health care”

when consulting on formulation of the principles that are to inform how the commissioner carries out their functions, and the strategic plan that sets the course and focus of the commissioner’s work.

Jenni Minto: As Tess White mentioned, she and I discussed the intention behind amendment 12 when we met on 4 September. I explained then that I do not believe that it adds value to the role of the commissioner. The commissioner’s role is, first and foremost, for patients and their representatives.

The current wording of the bill already provides for the commissioner to consult and engage widely on the draft statement of principles and the strategic plan. In doing so, the commissioner is to have

“regard to the importance of”

those documents

“reflecting patients’ concerns”.

If it is considered “appropriate”, consultees “may” include committees of the Scottish Parliament.

Of course, I recognise that health committee members have a deep understanding of the

healthcare system and that, as representatives of their constituents, they might hear of experiences relating to safety from patients and families, both of which could be helpful to the commissioner’s work. However, the commissioner’s consultation powers are already set out and are broad enough to enable consultation of those whom the commissioner deems to be “appropriate”.

It is also worth noting that a duty to consult a relevant committee is not placed on other commissioners in Scotland. I remain strongly committed to the independence of the commissioner: that they should be independent was the clear message during the consultation on the bill, and I do not want to compromise that independence by specifying that the commissioner must, in the course of their work, consult specific parliamentary committees. For those reasons I do not support amendment 12.

However, I support Paul Sweeney’s amendment 13, which is on ensuring that underrepresented groups are heard. A similar amendment was lodged at stage 2, which I supported in principle, so I am pleased to have been able to work with Paul Sweeney since then on the wording of the amendment. I am content that it will now have the intended effect, on which we all agree, of ensuring that the commissioner gives particular consideration to groups whose perspectives are often less heard or not given sufficient weight in discourse on healthcare.

The Deputy Presiding Officer: I call Tess White to wind up and to say whether she wishes to press or seek to withdraw amendment 12.

Tess White: I will press amendment 12. I am deeply disappointed that the minister has not heard what I have said. The parliamentary committees have huge resources at their disposal for research and holding inquiries. I think that the minister’s decision is a big mistake, and I hope that, if the amendment is rejected, the commissioner, when he or she is in post, will use that facility to his or her advantage for patient safety. I press amendment 12.

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
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 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
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 Stevenson, Collette (East Kilbride) (SNP)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 58, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Paul Sweeney]—and agreed to.

Amendment 4 moved—[Jackie Baillie]—and agreed to.

After section 11

The Deputy Presiding Officer: Group 5 is entitled “Special report”. Amendment 14, in the name of Paul Sweeney, is the only amendment in the group.

Paul Sweeney: Amendment 14 would give the commissioner the power to create a special report in the event that it appears that recommendations that were made in the initial formal investigation report

“have not been, or will not be, implemented”.

A special report would be sent to the persons or organisations to which the formal investigation report was sent in the first instance, and a copy would be laid before the Scottish Parliament. Furthermore, the report could be made public, if the commissioner considered that to be appropriate.

15:45

Bodies cannot be left to mark their own homework on patient safety. There must be an option to escalate matters if recommendations are dismissed or ignored. That seems to be obvious to me and to other members in the chamber. All that we need to do is listen to people with experience. Marie Lyon, from the Association for Children Damaged by Hormone Pregnancy Tests, told the Health, Social Care and Sport Committee that

“Up to now ... people have tended to get away with it. There has never been accountability and there have never been consequences.”—[*Official Report, Health, Social Care and Sport Committee*, 7 February 2023; c 22.]

At stage 2, the minister suggested that the amendment that was lodged then was superfluous, because the bill as drafted allows for the commissioner to publish information on implementation. However, I argue that publication of information and production of a special report are two different things.

Amendment 14 is not a radical amendment. It seeks to bring the powers of the patient safety commissioner broadly into line with those of the Scottish Public Services Ombudsman, who, under section 16 of the Scottish Public Services Ombudsman Act 2002, can lay a special report before Parliament if, following the making of a formal report,

“it appears to the Ombudsman that the injustice or hardship has not been, or will not be, remedied”.

At stage 2, the minister also cited her concern that the commissioner could be at risk of defamation claims, should a special report be created about recommendations that they believed would not be implemented. However, the language of amendment 14 is in line with that of the 2002 act.

Furthermore, I note that section 18 of the bill includes a number of protections from defamation actions. It states that

“any statement in the Commissioner’s report on an investigation has absolute privilege,”

and that

“any other statement made by the Commissioner has qualified privilege.”

In committee evidence, patient safety groups were absolutely clear that there must be accountability and the option to escalate. In moving amendment 14, I urge all members, including the minister, to support it, please, in order to give the commissioner the necessary teeth and capacity to ensure that recommendations are implemented.

I move amendment 14.

Jenni Minto: I do not support amendment 14, which would allow the commissioner to make a special report on any recommendations from a previous report that they felt

“have not been, or will not be, implemented”.

As I said at stage 2, the bill expressly gives the commissioner power to publish information on a person’s response to recommendations that the commissioner has made in an investigation report or, indeed, on any failure to respond. Amendment 14 is therefore unnecessary.

At stage 2, I noted my concern that requiring the commissioner to lay before Parliament a report about actions that

“it appears to the Commissioner ... will not be ... implemented”

could leave them open to defamation actions, because it anticipates or speculates about wrongdoing by others. Therefore, I ask members not to vote for amendment 14.

Paul Sweeney: It is very disappointing that the minister, having listened to the points that I made to clarify the purpose of amendment 14, is not minded to accept it.

It is clear that allowing only the commissioner to publish information on implementation is insufficient. That has been broadly recognised. I hear the point that the minister has sought to make. I have considered her position, but I do not think that what is currently in the bill is sufficient, and other stakeholders and groups who have communicated with us during the bill’s progress through Parliament agree. That is why I have brought my amendment back at stage 3.

I press amendment 14.

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Doney, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
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 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
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 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
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 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
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 Harvie, Patrick (Glasgow) (Green)
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 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 58, Abstentions 0.

Amendment 14 disagreed to.

Section 12—Power to require information

The Deputy Presiding Officer: Group 6 is on information gathering and use. Amendment 15, in the name of Paul Sweeney, is grouped with amendments 5, 6 and 8.

Paul Sweeney: Amendment 15 seeks a solution to the lack of clarity in section 12 around whether the powers of the commissioner to compel persons or healthcare providers to provide information will also apply to private companies. At stage 2, I lodged a similar amendment, which the minister was not able to support because of concerns about the broader regulation of medicines and medical devices being a reserved matter, despite agreeing with me that manufacturers and suppliers of such items should be included. With the minister's concerns in mind, I lodged a revised amendment, which would allow the Scottish ministers to add people to or modify the description of people on the list of those from whom the commissioner can require information under section 12.

Further, the proposed section 12(3C) in amendment 15 expressly draws attention to providers of medicine or medical devices in the text. That would allow the Scottish Government time to consider how best, within devolved competence, to include manufacturers and suppliers in the remit of the commissioner's information compelling powers.

Labour members will support Ms Mochan's amendment 6, which seeks to add the professional regulator and the Health and Safety Executive to the list of bodies that the commissioner can compel to share information. I

can also confirm that Labour will support the technical changes that are set out in amendments 5 and 8, in the minister's name.

I hope that the revisions made to amendment 15 provide the minister with ample assurance about devolved competence, and I would welcome the support of the Government and members across the chamber for the amendment.

I move amendment 15.

Jenni Minto: Amendments 5 and 8, in my name, relate to wording that was inserted into the bill at stage 2 by Carol Mochan. Following stage 2, the provision in section 12A sits among provisions about investigations by the commissioner. The provision relates instead to amending the Health and Care (Staffing) (Scotland) Act 2019 to require health boards and the Common Services Agency—or, as it is more widely known, NHS National Services Scotland—to provide information to the patient safety commissioner as well as to the Scottish ministers, about the steps that they have taken to comply with the guiding principles for health and care staffing.

Amendment 5 removes the provision in section 12A from the bill, and amendment 8 inserts it into schedule 2, which deals with similar modifications to other legislation. The substantive effect of the wording inserted by Carol Mochan's amendment at stage 2 is unchanged by that. Amendments 5 and 8 simply move the provision to a more appropriate part of the bill, for the benefit of those using the legislation. I have advised Carol Mochan of those changes, and I thank her for her contribution to the bill. I urge members to support amendments 5 and 8.

I turn to amendment 15, in Paul Sweeney's name. At stage 2, I was unable to support a similar amendment that Paul Sweeney lodged. As I indicated then, medicines and medical devices are a reserved matter, and the situation is complex. The reservation includes matters relating to the regulation and control of medicines, such as their manufacture, distribution, importation, licensing and marketing. I undertook that my officials would look into that further, and we have carefully reconsidered the information gathering powers in the bill.

Our conclusion is that amendment 15 is not required. Section 12 of the bill contains a general power to seek information, and section 13 contains a wider power for more focused inquiries as part of a formal investigation. The general power to seek information from healthcare providers that is allowed by section 12 is appropriate, because the role of the patient safety commissioner is fundamentally about the safety of healthcare being provided to patients by those providers.

The healthcare providers are the direct interface with patients. Pharmaceutical companies and a range of others are one step removed from that, so it is appropriate that they are covered by the power in section 13, so that information can be compelled from them if and when it becomes necessary during the course of an investigation. If, for example, the commissioner were to instigate a formal investigation into hernia mesh—a subject that I know is of particular interest to Katy Clark—she or he would be able to require information from manufacturers and suppliers of hernia mesh if that information would be relevant to the investigation. Amendment to section 12 is not required.

The commissioner's power under section 13 to require information that might be relevant to a formal investigation extends to any person, including manufacturers and suppliers of medicines or medical devices, subject to the general limitations contained in the reservation of medicines and medical supplies. We consider that, as part of a formal investigation, the power in section 13 is the appropriate context in which to empower the commissioner to require information that might be relevant to a formal investigation from such manufacturers and suppliers. The bill already provides that, so the amendment is not required. I therefore urge members not to support amendment 15.

I am also unable to support amendment 6, in the name of Carol Mochan. As my predecessor, Maree Todd, said in her evidence to the committee, professional regulators such as the General Medical Council do not have the same purpose as the patient safety commissioner. It upholds professional standards and will, when needed, take action against individuals, rather than focusing primarily on promoting learning and systemic improvement. I do not want to create a situation in which the bill might impede the willingness of healthcare professionals to be frank and open with the commissioner, and I believe that amendment 6 risks doing just that. It is also important to note that nothing in the bill prevents the commissioner from working with regulators for the benefit of patient safety. I urge members not to support amendment 6.

Carol Mochan (South Scotland) (Lab): Amendment 6 adds two additional bodies to the information-sharing requirements. I understand that the minister was not in favour of the amendment at stage 2, but, again, similar to my other amendments, I believe that it merely attempts to improve relationships and co-operation in the sharing of information.

At the evidence-taking stage and in the stage 1 report, although they understood that it might not always be appropriate, professional regulators

were of the view that the lists as outlined in section 15(2)(d) could have been extended to include professional regulators to allow information sharing in situations

“where there is a concern that would be suitable for us to follow through on and investigate.”

Regulators recognise that it should be only when appropriate. As I said at stage 2, I found that suggestion to be reasonable, and I maintain that position. I urge the minister to think about that suggestion, because it would allow a broader scope of the provision of the information sharing that we want to be included in the amendment.

As we know, the Scottish Public Services Ombudsman stated that the current list is fairly narrow. I have said previously that it is not our intention to extend the list beyond manageable levels, nor to extend it in a way that might impede healthcare professionals' willingness to be frank and open with the commissioner. As the minister suggested, that is her difficulty with the amendment.

The amendment takes solid steps towards ensuring information sharing and duty of co-operation. I had hoped that the minister would accept the amendment in the way that it was offered, as an enhancement of information sharing.

Tess White: I also suggest that the minister reconsiders that point. The Scottish Conservatives lodged an amendment on information sharing at stage 2 with input from the GMC, which the minister said she would not support since it was unsuccessful. I understand that the minister has provided assurances to the GMC on how the commissioner and regulatory bodies will work in practice and share information. As the minister will not support Carol Mochan's amendment 6, I seek clarity and assurances from the minister on that point. The Scottish Conservatives will support all the amendments in the group.

16:00

Paul Sweeney: Although Labour is minded to support the Government's amendments in the group, it is disappointing that the Government is not minded to reciprocate on what I think are very reasonable, rational and logical adjustments to the bill that would make it clear and provide reassurance to a number of stakeholders who are deeply concerned about the potential for their genuinely held sense of injustice to be addressed.

Members of the Health, Social Care and Sport Committee, and those members of the Citizen Participation and Public Petitions Committee who are in the chamber, will be alive to those concerns, certainly in the case of mesh implants. The very nature of the concerning complaint is about the

manufacture and testing of the product by the manufacturer. Therefore, putting that in the bill would provide great reassurance to those individuals who are affected that there will be capacity to look at that.

Although the minister seems to have stood back from her points about devolved competence and has provided some degree of reassurance that there will be scope to draw in individual organisations during the course of investigations when the primary focus of them will pertain to manufacturers, in the instance of mesh manufacture, for example, it seems obvious and logical to have that in the bill. Similarly, where there are clear interfaces with regulatory bodies, such as the General Medical Council, to have that stated explicitly in the bill would be reasonable.

I press amendment 15.

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
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 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
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 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
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 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
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 Dornan, James (Glasgow Cathcart) (SNP)
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 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
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 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 58, Abstentions 0.

Amendment 15 disagreed to.

Section 12A—Information under the Health and Care (Staffing) (Scotland) Act 2019

Amendment 5 moved—[Jenni Minto]—and agreed to.

Section 15—Confidentiality of information

Amendment 6 moved—[Carol Mochan].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
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 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
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 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
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 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
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 Mason, John (Glasgow Shettleston) (SNP)
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 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 58, Abstentions 0.

Amendment 6 disagreed to.

After section 15

The Deputy Presiding Officer: Group 7 is on co-operation with other bodies. Amendment 7, in the name of Carol Mochan, is grouped with amendment 16.

Carol Mochan: I am pleased to speak to amendments 7 and 16, in my name. It is important to note that the amendments are intended to achieve a common goal, which I think the minister and I share, of ensuring that there is strong co-operation between the patient safety commissioner for Scotland and other bodies. I have lodged amendment 7 to express my view, as I did at stage 2, that the extent of that co-operation between the patient safety commissioner for Scotland and other bodies must be far reaching and to ensure that duties exist both ways.

Having said that, I understand that the minister had concerns at stage 2. To allow further protections to be put in place, in the event that those concerns are still held, I have lodged amendment 16 to help to allay any fears about amendment 7. I believe that amendment 16 separates the Scottish bodies from section 15(2)(d) and applies the duty to co-operate only to them. I hope that that may allay any fears surrounding competence.

As I did at stage 2, I refer the minister to the stage 1 report, which highlighted the Scottish Public Services Ombudsman's comments with regard to the clarity in the bill on the relationship between the patient safety commissioner for Scotland and the broader landscape. I think that the amendments that I have lodged today assist the bill in addressing such concerns. I repeat my point that amendment 16, in particular, has been drafted to overcome the minister's concerns at stage 2, while maintaining the same spirit of ensuring strong co-operation in the exercise of functions that I know we both hope to achieve.

I move amendment 7.

Jenni Minto: Amendments 7 and 16 from Carol Mochan seek to add a duty on certain organisations to co-operate with the commissioner in the exercise of their functions and for the commissioner to reciprocate.

As I explained during the bill's stage 2 debate, this Parliament does not have legislative competence to impose a statutory duty on the Patient Safety Commissioner for England, and that is still the case. When viewed in conjunction with Ms Mochan's amendment 6 in group 6, amendment 7 also poses a legislative competence risk, since the Health and Safety Executive is reserved and we cannot impose a duty on it. For that reason I cannot support amendment 7.

With regard to amendment 16, which appears to be an evolution of amendment 7—I thank Carol Mochan for explaining that—I consider that specifying certain bodies carries a risk of limiting the current intentionally broad expectation that all public authorities with responsibilities and functions relating to the delivery of healthcare in Scotland will co-operate in the exercise of the commissioner's functions. I believe that amendment 16 risks creating confusion rather than clarity.

Therefore, I ask members not to support the amendments.

The Presiding Officer (Alison Johnstone): I call Carol Mochan to wind up and to press or withdraw amendment 7.

Carol Mochan: It is disappointing that the minister will not accept amendment 16, which was lodged to allay fears about competency. We have been assured that that could be the position, should the minister choose to accept the amendment. With that in mind, I choose to press amendment 7.

The Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
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 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
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 Burgess, Ariane (Highlands and Islands) (Green)
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 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
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 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 46, Against 62, Abstentions 0.

Amendment 7 disagreed to.

Amendment 16 moved—[Carol Mochan.]

The Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 Carlaw, Jackson (Eastwood) (Con)
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 Mochan, Carol (South Scotland) (Lab)
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 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
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Against

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 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division is: For 49, Against 58, Abstentions 0.

Amendment 16 disagreed to.

Amendment 17 moved—[Jackie Baillie.]

The Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is now closed.

The Minister for Energy and the Environment (Gillian Martin): On a point of order, Presiding Officer. My app did not reload. I would have voted no.

The Presiding Officer: Thank you, Ms Martin. We will make sure that that is recorded.

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): On a point of order, Presiding Officer. My app did not work. I would have voted no.

The Presiding Officer: Thank you. We will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rusnell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division is: For 50, Against 58, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 moved—[Jackie Baillie.]

The Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
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 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division is: For 50, Against 58, Abstentions 0.

Amendment 18 disagreed to.

Section 21—Interpretation

16:15

The Presiding Officer: We move to group 8, which is on the meaning of healthcare. Amendment 19, in the name of Paul Sweeney, is the only amendment in the group.

Paul Sweeney: Amendment 19 seeks to include social care services in the definition of healthcare under section 21.

When I lodged a similar amendment at stage 2, I made it clear that it would not widen the commissioner's remit to include social care in its

entirety but would instead enable the commissioner to consider social care in their investigations only when those services intersect with the elements of healthcare that fall within the commissioner's remit.

The minister could not support my amendment at stage 2. Instead, she confirmed on the record that there is nothing in the bill that would prevent the commissioner from dealing with healthcare provided in a social care context. I welcomed that clarification and withdrew my amendment. However, on reflection and having consulted with stakeholders, I think it important, for the avoidance of any doubt, that the clarification be in the bill.

As the minister previously suggested that my earlier amendment might cause doubt as to whether the bill's reference to healthcare included healthcare provided in contexts other than social care, I have worked on this amendment to address her validly raised concerns. In the light of that effort, I would welcome the Government's support in clarifying the remit of the commissioner in the bill.

I move amendment 19.

Jenni Minto: I am not able to support amendment 19. Members will recall that, in its stage 1 report, the Health, Social Care and Sport Committee called on the Scottish Government to confirm that the commissioner would be able to address matters arising at the intersection of health and social care. At stage 2, I was very happy to confirm that the commissioner could look at patient safety issues wherever healthcare was being provided, including in social care settings.

I reiterate that in the chamber today. The commissioner's role is about safety in healthcare. I make it absolutely clear that there is nothing in the bill that would prevent the commissioner from dealing with healthcare provided in a social care setting or any other setting. I therefore urge members not to support amendment 19, which, rather than clarifying that point, risks creating doubt over whether the reference to healthcare includes healthcare that is provided in contexts other than social care, such as schools, prisons or, indeed, anywhere.

The Presiding Officer: I call Paul Sweeney to wind up, and to press or withdraw amendment 19.

Paul Sweeney: I am not persuaded at all by the minister's point. For example, we, in this Parliament, named the committee the Health, Social Care and Sport Committee for good reason: to reflect the span of the activities that are carried out and to have a particular focus on those interfaces, which are critical to patient safety.

I cite from my casework the recent example of an elderly patient who was subject to delayed

discharge from an acute hospital into a social care setting, which jeopardised their safety to the point where, unfortunately, a hospital-acquired infection caused premature death. Such examples highlight an issue of patient safety that pertains to the interface of acute hospitals and social care settings, and it should be clarified in the bill.

The amendment is benign in its intent. The idea behind it is to clarify the definition. As a result, I do not think that it confuses things—it clarifies them.

I will therefore press the amendment, and I hope that members will support it.

The Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Swinney, John (Perthshire North) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division is: For 49, Against 58, Abstentions 0.

Amendment 19 disagreed to.

Amendment 20 moved—[Jackie Baillie].

The Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

The Minister for Energy and the Environment (Gillian Martin): On a point of order, Presiding Officer. My voting app did not refresh. I would have voted no.

The Presiding Officer: I confirm that your vote was recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Con)
Bibby, Neil (West Lothian) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Lab)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Smyth, Colin (South Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division is: For 50, Against 58, Abstentions 0.

Amendment 20 disagreed to.

After section 21

Amendment 21 not moved.

Schedule 1—The office of Patient Safety Commissioner for Scotland

The Presiding Officer: Amendment 1, in the name of Emma Harper, is grouped with amendment 2.

Emma Harper (South Scotland) (SNP): I am pleased to speak to amendments 1 and 2, which are grouped together and which concern the appointment of the patient safety commissioner.

From the outset, I want to make it clear that it is crucial, particularly given the reasons that have led to the creation of the commissioner post, that patients and their families have trust in the commissioner. That trust might be undermined if the office were held by someone with a strong—and I emphasise “strong”—financial interest in healthcare. That includes those who are currently or have very recently been employed in healthcare or who have a controlling interest in or influence over, for example, a pharmaceutical company.

That said, I think that paragraph 5 of schedule 1 to the bill might, as currently worded, go too far. The current wording would disqualify those with

“a financial interest in a health care provider”

from being appointed as commissioner, but that would also exclude someone who, for example, had a smaller number of shares in a pharmaceutical company. It seems like a very blanket approach, and such fixed, strict wording could exclude an otherwise very suitable, competent and qualified candidate. I am grateful to the minister for working with me on the amendments that I have lodged, which would remove the current disqualification criteria and replace them with a more nuanced approach.

Amendment 1 would require Parliament to inquire whether a person who was to be nominated for appointment as commissioner had a relevant financial interest. It would then be for Parliament to exercise its judgment about candidates, which would enhance the Parliament’s role and its accountability over the appointment of a commissioner. It would mean that good candidates would not be excluded from the outset on account of a minimal and/or indirect financial interest, including those who were part of a pension scheme that happened to have shares in a pharmaceutical company, something that appears to be relatively common in practice. It is my view that the amendment would increase the pool and diversity of candidates applying for the position of patient safety commissioner, which, in turn, would deliver the best possible outcome for patients.

Amendment 2 would simply leave out subparagraph 5(d) of schedule 1, for the reasons

explained in relation to amendment 1, and I urge members to support amendments 1 and 2.

I move amendment 1.

Jackie Baillie: Although I broadly support the intention behind amendments 1 and 2, I have a couple of reservations that they would pave the way to allowing past cabinet secretaries and ministers to be appointed as patient safety commissioner. I would be grateful if the minister and Emma Harper could confirm, in summing up, whether it is their intention to exclude former health ministers and cabinet secretaries from the patient safety commissioner role. In many cases, decisions that have been made in office in the past might have an impact on matters relating to patient safety now, which would constitute a clear conflict of interest. Clarity on that point would be most welcome.

On a related point, the Nolan principles of public life specify a period of two years from leaving office to taking up a public appointment. Why has that been reduced in amendment 1 to one year?

Jenni Minto: First, on Jackie Baillie's point, paragraph 5 of schedule 1 still excludes the persons to whom Ms Baillie referred.

I thank Emma Harper for working with me on the amendments. As she has said, it is critical that we do not, in haste, disqualify any otherwise suitable individual based on a minimal financial interest, such as shares in a pension plan. The amendments put forward a more sensible approach and would not lead to an individual's automatic exclusion; instead, they would, importantly and rightly, allow the Parliament to exercise its judgment on suitable candidates. I fully support the amendments, and I urge members to do the same.

Emma Harper: To be clear, I welcome the Parliament's being able to exercise judgment about the candidates that are chosen. I am not seeking to amend the bill in relation to the disqualification of members of Parliament or the Scottish Parliament, as set out in the bill.

I urge members to support my amendments, and I press amendment 1.

Amendment 1 agreed to.

Amendment 2 moved—[Emma Harper]—and agreed to.

16:30

The Presiding Officer: Group 10 is on resource sharing. Amendment 22, in the name of Tess White, is the only amendment in the group.

Tess White: I will speak briefly on amendment 22. It is a probing amendment to facilitate debate

on the resources that the commissioner will require to carry out their work, and to enable Parliament to consider whether those resources could be shared with other commissioners.

The SNP convener of the Finance and Public Administration Committee, Kenneth Gibson, wrote to the Health, Social Care and Sport Committee in January to express concerns about

"the increasing number of commissioners with their associated costs".

For 2023-24, those costs amount to £16.6 million, which is £1.2 million more than was budgeted for in the previous year and 5.4 per cent more than was forecast. The finance committee convener added that a

"more strategic approach to the ... resourcing"

of the commissioner system

"might be considered in future."

Amendment 22 suggests a way in which such a strategic approach could be implemented.

Although I will withdraw my amendment, I urge the Scottish Government and the Scottish Parliamentary Corporate Body to consider value for money for the taxpayer if the commissioner system continues to expand and the number of commissioners increases from seven to 14. Commissioners can be very valuable, especially as they are operationally independent of the Scottish Government. However, the system cannot keep growing so significantly without formal review or evaluation of its effectiveness.

I move amendment 22.

Jackie Baillie: I very much welcome Tess White's comments. I understand that the SPCB considers resources for commissioners as a matter of course each year, and those decisions are also subject to scrutiny by the Parliament's Finance and Public Administration Committee. Although I have sympathy with amendment 22, I do not believe that it is necessary to have such a provision in the bill. For that reason, we will not support it. Tess White intends to withdraw it, but our comments on it will be on the record. I understand the wider point that she is making.

Jenni Minto: I have discussed with Tess White the basis for the Scottish Government's opposition to amendment 22. It seeks to create a duty for the patient safety commissioner to consider whether it would be effective for resources to be shared with other parliamentary commissioners. I hope that members will agree that requiring the commissioner to proactively consider resource sharing in that way would not be an effective use of their time.

I am strongly of the view that the commissioner should be focused solely on patient safety. Resourcing for parliamentary commissioners is, as has been pointed out, a matter for the Scottish Parliamentary Corporate Body. Section 19 provides that

“The Commissioner must comply with any direction given to the Commissioner by the Parliamentary corporation in relation to ... the sharing of premises, staff, services or other resources.”

The amendment is therefore unnecessary and it would create a distraction. I appreciate Tess White’s intention to withdraw it.

John Mason (Glasgow Shettleston) (SNP): Will the minister give way?

The Presiding Officer: I believe that the minister has completed her contribution.

I understand from Tess White’s contribution that she wishes to withdraw her amendment.

Amendment 22, by agreement, withdrawn.

The Presiding Officer: Group 11 is on reviewing the commissioner’s work. Amendment 23, in the name of Tess White, is the only amendment in the group.

Tess White: I lodged amendment 23 as an alternative approach to the stage 2 amendment that would have required the Health, Social Care and Sport Committee, or the committee concerned with patient safety, to propose a debate in Parliament on the commissioner’s annual report. Amendment 23 softens that requirement such that the committee must instead “consider” that report once it has been laid before the Scottish Parliament.

The minister’s predecessor and her official told the Health, Social Care and Sport Committee at stage 1 that

“There will be a strong role for Parliament in scrutinising what the commissioner does.”—[*Official Report, Health, Social Care and Sport Committee*, 14 March 2023; c 3.]

However, at stage 3, we still have questions about what that role will look like. I appreciate that the relevant committee may propose a debate about the commissioner’s work at any time. The minister has raised that point with me. I also appreciate that the committee has the autonomy to decide on its work programme. However, the reality is that, in politics, the protagonists change and priorities become refocused.

Martin Whitfield (South Scotland) (Lab): This is really just a point of clarification. I am sure that I am correct in thinking that the amendment contains no implicit criticism about the committee system not pursuing commissioners’ annual reports and that it merely represents helpful

guidance to remind the commissioner of what will happen with their annual report.

Tess White: That is what the amendment says—it is just a reminder, and an important one. It would create an opportunity to ensure that scrutiny does not fall through the net and that the work of the patient safety commissioner has adequate oversight. I encourage members to support it.

I move amendment 23.

Jenni Minto: I have discussed with Tess White why the Scottish Government will not support amendment 23, and I thank her for her engagement. The amendment seeks to create a duty for the parliamentary committee that has patient safety in its remit—currently, that is the Health, Social Care and Sport Committee—to consider the commissioner’s annual report, once it has been laid before Parliament. As is set out in part 5 of schedule 1, annual reports on the commissioner’s activity will be produced and made publicly available. It will therefore be open to any parliamentary committee, or indeed anyone, to consider those annual reports.

It is not the bill’s role to legislate for how future parliamentary committees and, by extension, Parliament as a whole spend their time. I strongly believe that attempting to do so would create an unwelcome precedent. I do not see that the amendment would make Parliament’s ability to consider or scrutinise the commissioner’s activities any more effective. Indeed, I believe that, in seeking to dictate how a committee may spend its time in the future, the amendment would risk inadvertently hindering Parliament’s vital scrutiny functions. I therefore urge members not to support amendment 23.

The Presiding Officer: I invite Tess White to wind up and say whether she wishes to press or withdraw amendment 23.

Tess White: I will press the amendment; I will not withdraw it, because it is important as a check-in point. The amendment is just a guidance note. I sit on the Health, Social Care and Sport Committee, and, if the amendment is not agreed to, I will ensure that we address the commissioner’s report in the first year. However, I will be disappointed if the provision is not included in the bill.

The Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Transport, Net Zero and Just Transition (Màiri McAllan): On a point of order, Presiding Officer. My phone would not connect. I would have voted no.

The Presiding Officer: Thank you, Ms McAllan. We will ensure that that is recorded.

Bill Kidd: On a point of order, Presiding Officer. I have issues with my machine—it is not working. I would have voted no.

The Presiding Officer: Thank you, Mr Kidd. We will ensure that that is recorded.

Alexander Stewart (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. My phone seems to have stalled. I would have voted yes.

The Presiding Officer: Thank you, Mr Stewart. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Presiding Officer: The result of the division on amendment 23, in the name of Tess White, is: For 48, Against 59, Abstentions 0.

Amendment 23 disagreed to.

Schedule 2—Public authorities legislation

Amendment 8 moved—[Jenni Minto]—and agreed to.

The Presiding Officer: That ends consideration of amendments.

As members will be aware, at this point in the proceedings, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Patient Safety Commissioner for Scotland Bill relates to a protected matter, so it does not require a supermajority to be passed at stage 3.

Patient Safety Commissioner for Scotland Bill: Stage 3

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-10594, in the name of Jenni Minto, on the Patient Safety Commissioner for Scotland Bill.

16:40

The Minister for Public Health and Women's Health (Jenni Minto): I stand to speak conscious that there is nothing that I can say about why the bill is important that some people, sadly, do not already know—those who have been harmed and those who have lost loved ones, even a child.

Our responsibility now is to do all that we can to make sure that healthcare is made as safe as possible and that, in the future, when patients and their families have concerns about the safety of care, they will not have to struggle to make their voices heard. Colleagues across the chamber have worked hard on the bill for that very purpose—to make healthcare safer and to ensure that patients and their families are heard—and I am grateful to them all. Colleagues reached out to us with suggestions to make the bill stronger, and we have worked with them. I believe that the measures that we are proposing will make significant changes for the better.

When the concerns of patients and families are not listened to, it can lead to serious harm that could have been prevented. Crucially, it can also mean that the healthcare system misses opportunities to identify and learn from past mistakes, running the risk of repeating them and causing further harm to patients, instead of ensuring that such mistakes do not happen again.

In Scotland's patient safety commissioner, patients and their families will, for the first time, have a powerful independent figure to amplify their voice and ensure that it is heard throughout the healthcare system in Scotland. The commissioner will support organisations throughout the healthcare system to identify systemic safety issues, and they will work collaboratively to make improvements.

The bill is the culmination of years of campaigning by patients and their families on the issue of patient safety, and I recognise that that tireless campaigning has been vital in getting us to where we are today. Throughout the bill's development, we have listened to the stories of patients and their families and have taken them on board in designing the patient safety commissioner role.

The many stories that were shared in Baroness Cumberlege's report, "First Do No Harm: The

report of the Independent Medicines and Medical Devices Safety Review”, demonstrate powerfully how important it is that, when patients raise concerns about their care, they have confidence that they will be listened to. I take this opportunity once again to pay tribute to Baroness Cumberlege and her team, in whose work the creation of the patient safety commissioner role originates; the many patients who shared their experiences with her; and the patients, families and organisations that gave evidence on the bill and advocated the creation of the patient safety commissioner role.

I thank Clare Haughey, the convener of the Health, Social Care and Sport Committee, her predecessor, Gillian Martin, and the committee’s current and past members for their scrutiny of the bill and their thoughtful consideration of the complex issues that are involved. The evidence that they gathered during their scrutiny was powerful.

I was pleased that members unanimously supported the general principles of the bill at stage 1. However, the Health, Social Care and Sport Committee made a number of detailed recommendations in its stage 1 report as to how the bill could be strengthened to make the patient safety commissioner as effective as possible. The engagement that I have had subsequently, during stages 2 and 3, with members across the chamber has been open and constructive, and I very much welcome that.

Although we might not all agree on every detail of the final bill, as Paul Sweeney rightly said during the stage 1 debate,

“We are all looking for the same outcome here: to improve the voices of patients and to ensure that the systemic issues that many have experienced and have been adversely affected by do not come to pass ever again.”—
[*Official Report*, 10 May 2023; c 35.]

During the bill’s development, the engagement and co-operation of all members and the level of debate have been consistent with that shared desire to achieve the best for patients, and it is my belief that the bill and the creation of the patient safety commissioner will go a considerable way towards making healthcare safer for us all.

I will briefly remind members of the key points of the bill. It will create a patient safety commissioner for Scotland with statutory powers who is entirely independent of Government and the national health service. The patient safety commissioner will be a parliamentary commissioner who is accountable to this Parliament and, thereby, the people of Scotland. The commissioner will champion the value of listening to patients and others about the safety of healthcare.

Although the Cumberlege report focused primarily on the significant harm caused to women

by three particular medicines and medical devices—Primodos, sodium valproate and pelvic mesh—those we heard from during the development of the bill made it clear that it is important that the scope of the role is as broad as possible: no patient must be denied the chance to have their concerns heard. Therefore, the patient safety commissioner will be completely free to consider any issue that relates to the safety of healthcare in Scotland, whether that care is provided by the NHS or privately.

Crucially, the patient safety commissioner will be directly accessible to patients, their families and the wider public to listen to their stories and concerns. Patients have made it clear that that is of the utmost importance. The commissioner will work collaboratively with other organisations to take a system-wide view of patient safety. They will have a role to identify systemic safety issues and work with others to achieve positive change. They will be supported by robust statutory powers to allow them to access the information that they need when they wish to find out more about an issue that patients raise with them. They will be able to undertake formal investigations when they consider that to be necessary, and, where they uncover areas where improvements can be made, they will be able to make recommendations to which organisations are required to respond.

As we rightly continue to focus on supporting the NHS’s recovery from the Covid-19 pandemic, it is more important than ever that we ensure that the views and safety of patients are paramount. Patients must have confidence that the care that they receive is person centred, effective and safe. They must be sure that, when they have concerns, their voices will be heard and their experiences recognised so that the same mistakes are not repeated and safety is improved for everyone.

If the bill is passed, we will have a patient safety commissioner who will amplify the voices of those who, for too long, have not been listened to, working collaboratively across Scotland’s healthcare system to ensure that the patient voice is at its heart. The commission will act solely for safe healthcare, guided by the views of patients themselves to look impartially and thoroughly into patient safety concerns.

Once again, I thank members for their constructive engagement, which has enabled us to get to this stage.

I move,

That the Parliament agrees that the Patient Safety Commissioner for Scotland Bill be passed.

16:47

Tess White (North East Scotland) (Con):
Three years on from the recommendation of the

Cumberlege review to appoint a patient safety commissioner, I can confirm that the Scottish Conservatives will support the bill at stage 3.

Most medical interventions are safe, but things can and do go wrong. Diagnostic and medication errors, unsafe surgical procedures and infections in healthcare settings can all result in preventable harm. It is how the healthcare system responds to those cases that is so critical. However, for women affected by Primodos, sodium valproate and pelvic mesh implants, the system failed to respond for far too long and, when it did, it was defensive and doubtful.

For two years, the Cumberlege review shone a light on the horrendous experiences of the women who were affected as they tried to get help. Sadly, their stories will ring true for so many women who are trying to access healthcare. They described being “fobbed off” and “gaslighted” by clinicians. They were told, “It’s all in your head,” and that they were experiencing “women’s issues”. Their pain was normalised, and they felt that their concerns were belittled by the healthcare professionals whom they trusted to treat them.

I want to pay tribute to those women and their families. Their long-standing campaigns have highlighted the injustices of a healthcare system in which the patient is not always listened to or believed. Their bravery and tenacity have brought us to this point today, and I know that many feel that the creation of a patient safety commissioner for Scotland is long overdue.

More generally, we need a sea change in the way in which women are treated by the healthcare system. I sincerely hope that that will be the wider outcome of the Cumberlege review.

Patient safety is not just about the way in which the healthcare system works; it is about the culture of that system. Culture change is one of the three priority areas for the Patient Safety Commissioner for England, Dr Henrietta Hughes.

In the shocking cases of the disgraced brain surgeon Sam Eljamel, who left dozens of patients in NHS Tayside with life-changing injuries, and the Queen Elizabeth university hospital scandal in Glasgow, in which two children died of waterborne infections and many more fell ill, the health boards doubled down and prioritised public relations over protecting patient safety. Warning signs were ignored and opportunities to intervene were overlooked. In such cases, who guards the guards? That question is all too familiar in the context of puberty blockers for children, which have been banned in England following the interim Cass report but are still prescribed in Scotland. The Scottish National Party-Green Government keeps saying that it will review the report’s

findings, but what about the potential harm to children in the meantime?

At stages 2 and 3 of the bill’s progress, members have tried to improve it on the basis of valuable input from witnesses and the Health, Social Care and Sport Committee’s recommendations at stage 1. I appreciated the opportunity to discuss my amendments with the minister prior to stage 3, but I regret that she was unwilling to support them.

As I said earlier, the commissioner system in Scotland continues to expand from seven commissioners to as many as 14, but very little evaluation or research has been carried out on them. It is said that we cannot manage what we do not measure. That is why the Scottish Conservative amendments at stages 2 and 3 attempted to strengthen the oversight and accountability of the commissioner to Parliament. I urge the Scottish Parliamentary Corporate Body to reflect on that point for the future.

Early detection of patient safety concerns and action to address them could be life changing and, in some cases, life saving. At a time when the national health service is in crisis under the SNP-Green Government and capacity is at breaking point, the establishment of an independent patient safety advocate is particularly welcome. That is why the commissioner’s appointment needs to be made at pace. We cannot have a repeat of the process surrounding the recruitment of a women’s health champion, which was repeatedly promised but belatedly delivered by the minister and her predecessor.

The role of the commissioner comes with sky-high expectations, finite resources and a much wider remit than that of the equivalent commissioner in England. The independence of the role does not mean the absence of accountability. It will be up to the Parliament to monitor the commissioner’s work and the outcomes for patients. In that regard, I wish the commissioner every success.

16:53

Jackie Baillie (Dumbarton) (Lab): I thank the minister, the Scottish Government bill team, the Scottish Parliament legislation team and the Health, Social Care and Sport Committee and its clerks for all their work on the bill.

Scottish Labour has long supported the establishment of a patient safety commissioner to champion the rights of patients and to defend their interests. However, we have been clear that we want the bill to be as robust as possible when it comes to defending those rights and interests, and that the rights of bereaved families must be clearly stated in it. Recent patient scandals on the

Scottish Government's watch have, in many instances, eroded confidence in the operation and accountability of our NHS. That is bad for patients and for clinicians and staff, and, ultimately, it reduces trust in health board governance structures.

The amendments that Scottish Labour members lodged presented an opportunity to reset the balance between patients, whistleblowers, families and powerful public bodies. I am therefore genuinely dismayed that the Scottish Government has not adopted the full package of amendments that make up Milly's law. Those amendments could have ensured that bereaved families were very much at the heart of the response to disasters and public scandals in the bill.

Although I am grateful for the Scottish Government's co-operation on two of my nine amendments regarding the provision of a patient safety charter in the bill, I am sorely disappointed that the SNP and the Greens have once again voted down amendments that would have delivered Milly's law in full. That is a betrayal of the very people to whom this bill was supposed to give voice. That includes people such as Louise Slorance, a grieving widow who lost her husband in the Queen Elizabeth hospital infection scandal, and whom Greater Glasgow and Clyde health board paid a private company to spy on. It includes people such as the families who lost their loved ones in the Clostridium difficile scandal at the Vale of Leven hospital, and who had to fight tooth and nail for years to get justice out of this Government. It includes people such as Professor John Cuddihy, whose daughter Molly nearly died after she fell ill at the Queen Elizabeth university hospital and went into septic shock. It includes the patients in NHS Tayside who were operated on by Sam Eljamel, and the women who were affected by the problems with mesh. The minister could have done more.

The NHS in Scotland is in crisis. The Scottish Government is routinely failing patients and staff alike. The state of crisis and the lack of resource that the NHS is facing have an undeniable effect on patient safety. My amendments sought to ensure that the patient safety commissioner for Scotland would have a duty to advocate for those who are affected by a major incident in relation to the safety of healthcare. The amendments would have provided patients and family members with information relating to sources of support, including information on accessing legal support and details of any investigations or inquiries, placing them at the heart of the fight for justice and ensuring that they were never left in the dark again. However, the Government did not accept those amendments.

I have said this before, but it is worth repeating. Milly Main's mother, Kimberly Darroch, said:

"Right now, the system is stacked against those who have questions about what happened to their loved ones—that can't be right ... We are looking to our parliament to put measures in place so that nobody has to go through what we went through ever again."

I fear that, when Kimberly, Louise, John and others look at what was voted on in the chamber tonight, they will feel that the system still remains stacked against families, and whistleblowers, who have to fight to be heard. The bill was an opportunity to reset the balance and to put the interests of patients and families first—what a shame that the SNP has turned its back on doing that.

In addition, it is inexplicable that, although the First Minister would express his support for Milly's law in public, on the record, his Government simply does not vote for it, given the opportunity. Was he even voting today, or has he run away?

Although Scottish Labour will vote for the Patient Safety Commissioner for Scotland Bill, because it is a step in the right direction, we do so with regret that the SNP has chosen not to truly champion the rights and defend the interests of patients—shame on it.

16:58

Alex Cole-Hamilton (Edinburgh Western) (LD): It is my pleasure to speak, on behalf of the Scottish Liberal Democrats, in favour of the bill that is before us. We are rightly incredibly proud of our national health service. The United Kingdom's decision to create a system of universal healthcare free at the point of need was perhaps the brightest light to emerge from the ashes of two world wars. The doctors, nurses and healthcare professionals who staff our nation's hospitals, general practices and a range of other settings do an incredible job, often under incredibly difficult circumstances, and they all deserve our utmost thanks.

However, we can always improve it, and sometimes issues, and very occasionally bad actors, in the system can result in significant and often life-changing harm to patients, and even, in some cases—as we have heard today—loss of life. We should all give our thanks, as many members have done, for the colossal amount of work that went into the Cumberlege review, and for the work of the Health, Social Care and Sport Committee in bringing forward the bill.

It has been more than four years since we learned of the serious safety and cleanliness issues at the Queen Elizabeth university hospital, which, in large part, fed into the inquiry. Those problems ranged from the grime-damaged facilities to contaminated supplies, and they had a

catastrophic impact on the health of some patients.

We have heard the stories of some of the victims of the scandal at that hospital. Andrew Slorance was a father of five and a dedicated public servant. Andrew's widow, Louise, has had to campaign to find out the full, unvarnished facts about her husband's death. Of course, Milly Main was just 10 years old when she passed away in the paediatric hospital.

I have spoken in several debates about the injuries caused by the use of transvaginal mesh, which is a subject that has brought together members across the chamber. Transvaginal mesh is a product that has caused significant harm and injury to many patients, many of whom have—as we have heard—had to fight even to be believed. The Parliament rightly legislated to have those patients compensated for costs related to the removal of that mesh, but that provides cold comfort for the thousands of women who have had their lives devastated, many of whom are still struggling to obtain financial recompense.

Those harms should never have been inflicted in the first place. As members of this Parliament, it is our duty to ensure that we do everything in our power to prevent unnecessary tragedy. It is of vital importance that people who put their trust in our healthcare system—sometimes at the most vulnerable moments of their life—are confident that that trust is well placed.

Scottish Liberal Democrats believe that the bill before us represents an important and necessary milestone in ensuring that everyone who accesses healthcare in Scotland does so safely and has confidence in the champion that we create today. My party also believes that the role of patient safety commissioner is necessary in promoting the views and concerns of patients and the general public and in addressing issues in the system before they can result in harm.

I thank my friend Jackie Baillie for her attempts to include provisions for a patient safety charter in the bill and thereby strengthen it. I do not think that we have fully met the test that was set to us by those who have campaigned tirelessly for Milly's law. There will be disappointment about the amendments that have been rejected today.

Far too many families have faced barriers in their search for the truth about what happened when tragedy occurred at the QEUH. Those families needed answers but, all too often, doors were closed in their faces. The people who were meant to serve them in their time of need acted, instead, as a barrier to the truth and justice that they rightly deserve. Families who find themselves in the most distressing and vulnerable situations imaginable are entitled to complete transparency,

right from the beginning and at every stage of investigation. With the Patient Safety Commissioner for Scotland Bill, I fervently hope that we are able to fully recognise and address the systemic problems in our institutions and prevent further tragedies from occurring. It will have our support tonight.

The Deputy Presiding Officer (Annabelle Ewing): We move to the open debate.

17:02

Emma Harper (South Scotland) (SNP): As a member of the Health, Social Care and Sport Committee and as a nurse with a current registration, I am pleased to speak in today's stage 3 debate on the Patient Safety Commissioner for Scotland Bill.

The bill was introduced in response to the recommendation of the Cumberlege review and in direct response to patient-led campaigns on the use of the hormone pregnancy test Primodos, sodium valproate in pregnancy and transvaginal surgical mesh. Each of those products was associated with significant patient harms and injury, and one of the main findings of the Cumberlege review was that patients were not listened to. As I said when I moved amendments 1 and 2, it is crucial that we ensure that we get the bill right, so that the public can have trust in the commissioner.

The bill proposes the creation of a patient safety commissioner who will be nominated by, and accountable to, the Scottish Parliament. That is important, as parliamentary commissioners are perceived to be more independent of Government.

The bill proposes that the PSC would have two key functions:

"to advocate for systemic improvement in the safety of health care"—

I will touch on that again later—

"and ... to promote the importance of the views of patients".

Working alongside healthcare providers such as NHS Education for Scotland and Healthcare Improvement Scotland, the patient safety commissioner will be an independent champion for everyone who receives healthcare. The Scottish Government places high importance on the patient voice and the patient experience.

During the stage 1 scrutiny process and in the stage 1 debate, a lot of my interest was on the remit of the Scottish PSC. The remit of the commissioner will include bringing together patient feedback and safety data shared by NHS boards and Healthcare Improvement Scotland to identify concerns and recommend actions. The commissioner will also, when necessary, lead

formal investigations into potential systemic safety issues and will have powers to require information to be shared to ensure that every investigation is fully informed.

I believe that the remit of the patient safety commissioner is directly relevant to the constituency work that I have been raising in Dumfries and Galloway, in my South Scotland region. The specific areas involved are cancer treatment, pathways and travel reimbursement.

As colleagues will know, Dumfries and Galloway is geographically located in the south-west of Scotland, but it is aligned with the South East Scotland Cancer Network. Nowhere in D and G is closer to Edinburgh than it is to Glasgow. In many cases, particularly in Stranraer and Wigtownshire, that means a 260-mile round trip for treatment, including radiotherapy. Constituents have been campaigning for that unnecessary travel to be addressed for more than 20 years now. I hear from constituents that the trip can often exacerbate poor health and cause anxiety and additional stress at the very time when people with a diagnosis of cancer should be supported most.

In D and G, patients are currently means tested to be reimbursed for journeys for medical appointments that are more than 30 miles, despite the fact that people living in other rural parts of Scotland are not means tested. Other travel reimbursement schemes exist, such as in the Highlands and Islands. Wigtownshire Women and Cancer and my constituents report that means testing and the journeys travelled lead to worse health outcomes and potentially impact on people's safety.

I have raised those matters with the Scottish Government on numerous occasions, and I welcome the fact that the language in the bill on the functions of the PSC, under section 2, will allow the commissioner to pick up on those issues.

I welcome the fact that we are moving forward with the Patient Safety Commissioner for Scotland Bill. I also welcome the minister's commitment to continue to work with me on those issues, and I look forward to hearing more about how we can address cancer pathways in Galloway. The bill is a crucial move that will improve patient safety as we recover from the Covid pandemic. I welcome the fact that we are moving at pace to ensure that we get the bill right for everyone in Scotland.

17:06

Jackson Carlaw (Eastwood) (Con): I would like to make two points. The first is that I think that I have not felt the loss of my former colleagues Alex Neil and Neil Findlay more than I do this afternoon. Those of us who, over three parliamentary sessions, were involved in

highlighting the torturous and disgraceful way in which women were harmed in the mesh scandal will feel today that we have fallen short. I say that with enormous regret.

Many of those women might even be in tears this afternoon, because they gave so much to the inquiry that was led by Professor Alison Britton—whom we have not mentioned this afternoon, and who expressed frustration about being unable to get information or to hold people to account during her inquiry—and the inquiry that resulted in the recommendations in the Cumberlege report. They might feel that, when we got to the high-wire act today and had to fall either on the side of cynical gritty caution or on the side of slightly more well-wishing hope, we fell on the well-wishing hope side of the argument rather than the gritty caution side.

That is a missed opportunity, and I hope that it does not come back to haunt Parliament at a later date. If it does, many members will be quite ashamed that, when the opportunity to give the commissioner the strongest possible teeth was right before us, and after everything that we had learned over the previous decade, we just did not do it. I am very sorry about that.

I welcome the fact that there will be a commissioner. That is progress, as Jackie Baillie said. Amendments from Tess White, Carol Mochan, Paul Sweeney and Jackie Baillie all advocated for things that we had agreed to in previous debates in the chamber. I do not understand why, having got to the journey's end and having the chance to vote for what we all agreed to, we did not do so. There we go.

The second point that I want to make is that, although I am a member of the Scottish Parliamentary Corporate Body, I am not speaking on its behalf. When I was in my first session in Parliament, from 2007 to 2011, I was put on a committee that was looking at the principle of commissioners and the extent and growth of their numbers. That cohort of MSPs was concerned because there were five commissioners and they wanted to see that number being reduced. We made recommendations that were supported by MSPs until the recommendations went out to public consultation. The voice of the public in saying, "We want to keep that commissioner," was so strong that we abandoned, as a Parliament, the courage of our convictions.

The moral of that for me is that, when we create a commissioner, there is no going back. Therefore, I am concerned not about the principle of the patient safety commissioner, which I wholly support, but that we, as parliamentarians, are embracing commissioners loosely and not as part of a coherent plan. In moving from seven to 14 commissioners—or 15, potentially—we would be

creating by stealth a new level of Government in Scotland. In a way, we are devolving responsibilities away from ourselves as parliamentarians—responsibilities that I thought the Parliament was, in the first place, established for us to pursue and have responsibility for. We should be very cautious about the overall effect of that.

John Mason (Glasgow Shettleston) (SNP): I agree with Mr Carlaw. Although I hope that we can all support the patient safety commissioner as a one-off, there is a wider issue. How does he think the matter should be taken forward? The Finance and Public Administration Committee has been looking at it. Should that committee be considering the matter, or do we need another way of looking at the bigger question?

Jackson Carlaw: I can speak only personally, but I think that there needs to be a point at which Parliament holistically debates the principle of what we do. I do not want to single out by exception, and I do not want to stray away from the debate, Presiding Officer; I am conscious of that. I am sure that everything that I am saying is a consequence of the creation of the patient safety commissioner, but I think that there is a danger that we will find it difficult not to agree to creating a raft of other commissioners after this, because there will be parallels with those that we have approved. That is a concern.

The SPCB has a responsibility for funding the Parliament's decisions on commissioners but not for deciding whether they are a good thing. Our responsibility is to fund the commissioners that Parliament decides it wants. The commissioners that we have were previously estimated to cost around £3.5 million; they now cost more than £10 million. The total budget for officeholders in the past year was 8.1 per cent of our overall budget. Were we to double the number of commissioners, a thumping big piece of the Parliament's budget would be going towards that purpose. Therefore, we have to consider not just the financial costs but the fact that, in my experience, no commissioner has ever downsized their office; they have all expanded their offices considerably.

I come back to the purpose of commissioners and my first point. If we are going to create commissioners, they must be given the greatest degree of latitude and power that we can give them. If we are going to create them, let them do what we said they would do. That is why I regret that the patient safety commissioner's responsibility and authority has been slightly truncated from what I had thought that it would be.

17:12

Carol Mochan (South Scotland) (Lab): I thank my colleagues on the Health, Social Care and Sport Committee for their work on the bill, and I express my equal gratitude to the committee clerks and the legislation team for their on-going assistance.

We must thank the families and patients who engaged closely with us in what were often very difficult times for them. Jackson Carlaw put that important point eloquently. Those families and patients rightly expect much from us, and they deserve every bit of the time that we have put into getting maximum effect from the bill.

My party supports the bill. We are long-standing advocates of the general principles of the bill and we view reform in the area as a top priority. Patient safety is of paramount importance for the future of our NHS, and we are long overdue tangible changes that reflect that.

We all know of a great many examples across Scotland in which a failure to consider the overall state of patient safety has led to loss of life and incalculable damage to families. The bill is a step forward in giving the issue the attention that it deserves, but it is only a step: it is by no means a fix-all, but it provides formal recognition of a change in the direction of travel, which we can all welcome.

Others have made this point: if the Government truly wished to continue along that path, it would have had to give proper status to all aspects of Milly's law, which would have given bereaved families much-needed new rights. It is unfortunate that, at stage 2, the SNP and the Greens voted down my party's reasonable attempts to introduce such measures. They should have taken the opportunity today to deliver those much-needed amendments and to back Scottish Labour's proposals. Their doing so would have given the bill a long-term legacy that could have been a touchstone for serious reform across our health service in respect of how patients interact with powers in the NHS, as a public body.

We must also reflect on the overwhelming pressure that is being placed on staff, which, in turn, hinders patient safety. The two things are entirely linked, so there has to be much greater openness to allow staff to raise serious patient safety issues, including their views when wards are seriously understaffed.

At this juncture, I thank the minister for accepting my stage 2 amendment, which improved co-ordination between safe staffing legislation and patient safety legislation. I thank the minister for acknowledging that in today's debate. Patient safety and staff safety go hand in hand; we cannot have one without the other, so as

we debate the bill this evening, I urge members to be aware that we still await the implementation of safe staffing legislation. Patient safety cannot be fully secured until such issues in our healthcare settings are recognised and addressed.

We cannot suggest for a moment that a patient safety commissioner alone will produce significant improvements to patient safety. As we have seen in recent times, confidence has been eroded due to scandals, and our NHS continues to be seriously underfunded. As we have noted, those scandals are often linked to women's health—including use of mesh, and more recently, provision of endometriosis care. Although I will not focus over much on that point, it must be made and we must continue to address the issue.

We need to redress the balance of power. Some of my amendments sought to do that, so it is disappointing that the Government seemed to be scared to accept them.

The bill is welcome, but it is a stepping stone. We must never forget that this is the beginning, and we must always strive to do more.

17:16

Gillian Mackay (Central Scotland) (Green): As other members are, I am very pleased that the bill has reached stage 3, so I follow others by thanking all those who have put work into the bill.

The Scottish Greens have supported the appointment of a patient safety commissioner throughout the process because we believe that that will lead to an improvement in patient care. It will also help to rebuild relationships between patients and the health service, where there has been a breakdown of trust. Patients must have confidence in our health system, its safety and its ability to respond quickly when problems arise. They need to know that, if they raise concerns, they will be heard and that they will not be left with sometimes life-changing injuries with no means of redress.

The patient safety commissioner will have oversight of the entire system and will be able to promote system-wide improvements while amplifying the voices of patients and their families. That will mean that trends and patterns will be identified more quickly and that widespread issues will be addressed.

There has been discussion about whether the commissioner should look at individual complaints. I support the commissioner taking a systematic approach to identifying trends and areas for improvement, although that process should be based on clear evidence, with protection of vulnerable people being prioritised.

There might be some confusion among members of the public about the specific role of the commissioner—especially in the first few years after they have been appointed. We need to ensure that the role of the commissioner is well understood and that any materials that explain the role use inclusive and accessible language. The Health and Social Care Alliance Scotland has called for inclusive communication processes to be incorporated into the functions of the commissioner at the earliest opportunity, in order to ensure that communication and information provision is inclusive for all. I second that call. That cannot be seen as separate or as an add-on to the appointment of the commissioner; it should be embedded from day 1 so that people do not feel disheartened when they attempt to contact the commissioner only to be informed later that their individual complaint will not be considered.

Alongside excellent communication about the role and responsibilities of the commissioner, there must be an early focus on building relationships. The public should see the commissioner as someone who is on their side and who is working to make health services safer, rather than as an official who serves to protect the NHS and make problems go away.

It is vital that human rights are at the heart of the patient safety commissioner's work, and that the commissioner fulfils their functions while upholding equalities legislation. As I mentioned during my stage 1 speech, the commissioner must be aware that not all complaints are treated equally and that existing inequalities such as those related to gender, race and economic status will impact on the experience of patients when things go wrong. As I said then, I fully support the commissioner adopting a focus on addressing and mitigating existing health inequalities and on how they can compound system-wide problems.

Following on from the point about equalities, I say that the appointment of the commissioner must be fully transparent, with people who have lived and living experience of patient safety issues playing a meaningful role in the recruitment process. Consulting people with lived experience should be an on-going process, not a one-off event, so I welcome the requirement that half of the advisory group be made up of people who are representative of patients.

I agree with the Health and Social Care Alliance Scotland's statement that the commissioner's strategic plan should be explicitly co-produced with people with lived experience of patient safety issues, and with unpaid carers. That will ensure that engagement with lived experience is not tokenistic but is embedded in the work of the commissioner from the beginning.

The appointment of a patient safety commissioner is a vital step towards improving patient safety and demonstrating that, when mistakes are made, patients will be listened to and complaints will be taken seriously. The Greens will therefore support the bill at stage 3.

17:21

Evelyn Tweed (Stirling) (SNP): I am very pleased to speak in the stage 3 debate, as I did at stage 2, as a member of the Health, Social Care and Sport Committee. I believe that this legislation is much needed. As we have heard from the minister, the role of patient safety commissioner was recommended by the Independent Medicines and Medical Devices Safety Review. I shared this quote at stage 2, and I will share it again now because it gets to the heart of why the legislation is needed.

Speaking of the issues highlighted by that review, Baroness Cumberlege said:

“we have never encountered anything like this, the intensity of suffering, the fact that it has lasted for decades. And the sheer scale. This is not a story of a few isolated incidents. No one knows the exact numbers affected ... but it is in the thousands. Tens of thousands.”

The Cumberlege review focused on three patient safety issues—transvaginal mesh, sodium valproate in pregnancy, and Primodos. Those all have something in common: their adverse effects impact women, a group who are often not listened to in medical settings.

Patient safety issues range from those resulting from active intervention, such as transvaginal mesh, to those that come about from small, cumulative errors. To illustrate the other end of the scale, there is an issue that has recently been highlighted to the Patient Safety Commissioner for England. Research has found that time-sensitive medicines are being administered late.

For people with diabetes, Parkinson’s disease or HIV, late medication can cause deterioration that is sometimes irreversible. It is estimated that, each year in Scotland’s hospitals, more than 100,000 Parkinson’s medications are given more than 30 minutes outside their prescribed time, or are missed. Only a handful of incidents and complaints are reported, despite the harm that those errors can cause.

In the past, tens of thousands of people were dismissed, ignored and left to suffer. That cannot continue. It is of the utmost importance that the social context is acknowledged. I welcome the agreement today to amendment 13 from Paul Sweeney, which sets out the need for the commissioner to give particular consideration to underrepresented groups. As the Patient Safety

Commissioner for England, Dr Henrietta Hughes, told us:

“If we get it right for those who are most vulnerable, we make it better for everybody.”—[*Official Report, Health, Social Care and Sport Committee*, 21 February 2023; c 28.]

If we create a culture of openness, patients can share not only what has gone well but also where things could have gone better. Patients should have confidence that not only will they receive the best treatment without fear of harm, but any concerns that they raise will be listened to and acted upon.

The bill ensures that the commissioner will be independent of Government and the NHS and will be accountable to the Scottish Parliament and the people of Scotland, and that the commissioner will have complete freedom to consider or investigate any issue that they believe has a significant bearing on patient safety in health care.

As England’s PSC says:

“There are pockets of excellent practice from which we must learn.”

We can learn from her work. Already, she is working with stakeholders internationally, forging connections with those who are leading towards positive change on a global level.

I look forward to seeing our Scottish patient safety commissioner be a voice for patients who, too often, go unheard.

17:25

Kenneth Gibson (Cunninghame North) (SNP): I am pleased to contribute to the debate on behalf of the Finance and Public Administration Committee. As Jackson Carlaw pointed out, should the Parliament pass the bill, the patient safety commissioner will join seven other commissioners that the Parliament has established since 1999, with more being proposed. The Finance and Public Administration Committee has a responsibility to scrutinise the Scottish Parliamentary Corporate Body’s budget each year, an increasing proportion of which supports the functioning of commissioners. The set-up costs for the patient safety commissioner are expected to be around £150,000 this and next financial year, with annual running costs thereafter estimated to be around £645,000 at this year’s prices.

As Tess White pointed out in relation to her amendment 22, those costs will add to the £16.6 million that the SPCB required for the seven existing commissioners in 2023-24. That is an 8.1 per cent increase on the previous year, and, as Jackson Carlaw pointed out, the total budget for officeholders is 8.1 per cent of the SPCB’s budget. It alarmed the committee that this year, one

commissioner was hiring 7.4 additional members of staff on an average salary of £57,000 at a time when front-line services were under real pressure.

The Finance and Public Administration Committee did not receive any submissions to our call for views on the Patient Safety Commissioner for Scotland Bill, but, in view of the number of commissioners, both current and planned, we wrote to the Health, Social Care and Sport Committee asking it to explore with the Scottish Government the financial impact of establishing the body on the SPCB's officeholder responsibilities. We are also keen to know whether a more strategic approach to the establishment and resourcing of future potential officeholders might be considered in the future. We otherwise expressed no views as to the merits of the patient safety commissioner, and thank the lead committee for acknowledging our concerns in its stage 1 report.

We note that, in her response, the minister said:

"While it would not be right for me to make funding commitments now, based on hypothetical developments in the future, I can commit that the Scottish Government will engage constructively with the SPCB to ensure that all parliamentary commissioners are funded appropriately, including the Patient Safety Commissioner."

Although that may be welcome, it somewhat misses the point. As the SPCB told us during budget scrutiny,

"we could be looking at having 14 commissioners"—[*Official Report, Finance and Public Administration Committee*, 10 January 2023; c 20.]

That is based on current proposals for Government and members bills, as well as recent consultations.

The SPCB said:

"the process is complicated, but we are moving into a period in which it is becoming regarded as a casual thing to suggest and implement the establishment of another commissioner, despite its being an expensive extension to our public sector."—[*Official Report, Finance and Public Administration Committee*, 10 January 2023; c 20.]

Indeed, at the most recent convener's group meeting, I commented on the plethora of organisations that we already have in the public sector and how crowded it is.

The patient safety commissioner is of particular concern to the Finance and Public Administration Committee in the context of our work on the sustainability of Scotland's finances now and in the years to come, as well as the Government's public service reform programme. It also raises important questions about how, collectively, the roles and governance of commissioners function alongside the roles and accountability of public bodies and the Government. The committee considers that it is now time for a more strategic

approach to establishing and financing commissioners.

John Mason: Does the committee have a view on who should take that work forward and who should be leading on it?

Kenneth Gibson: The Scottish Government should be looking at that, to be perfectly honest. I think that the SPCB and the Finance and Public Administration Committee have a role, but the Scottish Government will have to grasp the nettle on it.

We need a fundamental look at how the overall landscape of commissioners has continued to develop since devolution. Watch this space: the committee will be looking at some of those issues in the months ahead. That will include something that I have raised and other colleagues have commented on, which is the possibility that some commissioners, after they have achieved the mission that they were originally set up to achieve, can become self-perpetuating. We should perhaps look at a sunset clause for some commissioners, otherwise we will simply have more and more as years pass by.

We will continue to draw our concerns to the attention of the relevant lead committee, where appropriate, when considering future financial memoranda for bills that propose new officeholders, and continue our scrutiny of the SPCB budget, including that for commissioners.

In closing, Presiding Officer—and I thank you for your indulgence—subject to the Parliament's decision tonight, I hope that the new patient safety commissioner will make a valuable contribution and be a source of support for patients across the country.

17:30

Paul Sweeney (Glasgow) (Lab): I am pleased to close the debate on the Patient Safety Commissioner for Scotland Bill on behalf of Scottish Labour. During the Health, Social Care and Sport Committee's evidence on the bill, colleagues and I heard accounts of where patient safety had failed—quite egregiously in some cases, including in the cases of women who were impacted by transvaginal mesh and hormone pregnancy tests. Such cases dent public confidence in critical healthcare services, and the establishment of a patient safety commissioner is, therefore, an essential opportunity to ensure that people have a champion when patient safety has failed and who seeks to prevent further failure in the system.

Some of the more high-profile cases of patient safety failings disproportionately impact women, and I am therefore grateful to the minister for

working with me to bring back my stage 2 amendment to ensure that underrepresented voices are consulted on the development of the commissioner's principles, strategic plan and charter.

However, I am disappointed that the Government has chosen not to support my other amendments, particularly amendment 14, which would have given the commissioner the power to make a special report in line with the powers of the Scottish Public Services Ombudsman. That was a critical juncture in the legislative process and the Government has been found wanting. I thought that the member for Eastwood in particular spoke powerfully on that point. We should be giving the commissioner the ultimate power of recourse to highlight where implementation has not taken place or is not being taken seriously. We need to think carefully about the commissioner's capacity to exercise their power appropriately.

We have heard, powerfully, through the convener of the Citizen Participation and Public Petitions Committee, how critical the patient voice was through that committee. That voice should not be stymied when a commissioner is able to undertake such investigations. I hope that the minister will give some comfort to those who are concerned by that lack of support for amendment 14. Patient safety groups were clear to me that there must be accountability, and opposing amendment 14 is a missed opportunity to empower the commissioner with an escalation route.

I understand that the minister had concerns about my stage 2 amendments that sought to give the commissioner the power to compel private medical providers to share information and to clarify the remit on social care. I took those amendments away and worked on the drafting to address the minister's concerns, which led me to lodge amendments 15 and 19. I am disappointed that her position has not changed in that regard.

I pay tribute to my colleagues on the Health, Social Care and Sport Committee, the clerks, and the legislation team for its constructive and collaborative approach throughout in helping to try to get the bill in the best place possible to serve the people of our country.

My colleague the member for Dumbarton, in particular, has spoken very powerfully to her amendments today, which sought to reset the balance between public bodies and bereaved families, particularly in memory of Milly Main, who died after contracting an infection at the Queen Elizabeth university hospital in Glasgow while recovering from leukaemia.

Although Government support for some of those amendments is welcome and will go some way

toward giving bereaved families such as Milly's a voice when patient safety is not upheld, it is, indeed, regrettable that the Government was not able to fully support all those amendments to give full effect to a Milly's law. That remains unfinished business, sadly. We will continue to advocate persistently to fully address the intent of Milly's law in this Parliament.

Labour supports the legislation. We have sought to engage constructively with the Government throughout the legislative process to strengthen the power of the commissioner through our amendments, although we note the important point that a number of members made in the debate this afternoon about the general planning of this Parliament with regard to the scope and remit of commissioners in the round.

Although Labour is supportive of the establishment of a patient safety commissioner, it is regrettable that the minister has not supported some of our key proposals to improve the bill. However, we will continue in our efforts to ensure that bereaved families are never an afterthought in the medical establishment.

17:34

Sandesh Gulhane (Glasgow) (Con): I draw members' attention to my entry in the register of members' interests: I am a practising NHS GP.

The Scottish Conservative and Unionist Party members are highly supportive of the bill, which will introduce a patient safety commissioner for Scotland, three years on from the Cumberlege report and its key recommendations.

For years, we have debated long and hard the SNP's poor stewardship of our NHS, highlighted concerns about patient safety and advocated for systemic improvements. The bill should help to address injustices in our healthcare system and deliver the improvement in patient safety that Scotland desperately needs.

My colleague, Jackson Carlaw, made strong representation in favour of giving our commissioners real teeth to allow them to deliver, but we fell short of doing so. Jackie Baillie spoke of two awful cases of tainted water supply and *Clostridioides difficile*. Those are just two of the reasons why I believe that a patient safety commissioner is required, but we must be cognisant of what Tess White said, in relation to some amendments, about the potential for the number of commissioner roles to expand.

Despite that, I genuinely do not understand why the minister would not back Tess White's amendment 11. The patient safety commissioner will be involved because something has gone wrong. For something to go wrong, staff—clinical,

clerical or managerial—must be involved, so surely it is common sense for us to enshrine into law a provision for the views of NHS staff to be heard.

Although Tess White did not move amendment 22, we are concerned about the cost of our commissioners, which was £10 million-plus for last year alone. We do not object to or oppose our individual commissioners, and each group that asks for a commissioner is perfectly valid in doing so and worthy of having one, but it is taxpayers' money, so we must be able to get value for that money. If we can combine back-room work for duties such as human resources or for lawyers, we might be able to save money overall. We must not continue to create commissioners in such a way and in such numbers that, as Jackson Carlaw said, we end up creating another level of government. I urge careful consideration of costs and that we should try to save as much as we can through as much innovation as possible. I feel that we have cross-party support for that.

I agree with Baroness Cumberlege that the role of the patient safety commissioner is to find the “golden thread” that runs through the story of harm. I hope that our patient safety commissioner is able to do that, and I look forward to their first report, through which they can start making healthcare safer.

Independence from the Scottish Government is important and, on this side of the chamber, we support that position, because it will allow for an agile commissioner who, I hope, will follow data and stories and the “golden thread” that I spoke about.

Before I end my remarks, I will touch on a point that Tess White made. I say to everyone who interacts with our fantastic staff and fantastic NHS that the vast majority of interaction is safe. I want patients to feel reassured, but culture is an issue and we need to make sure that, if something does go wrong, we have someone who is able to look carefully at that and make healthcare safer.

We support the motion and wish our future commissioner well.

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

17:38

Jenni Minto: I am grateful to members for their contributions to this afternoon's debate, which has been thoughtful and constructive, and I am pleased that there is support for the bill across the chamber. It has been clear that the bill's overall purpose—the establishment of a patient safety commissioner for Scotland—has enjoyed strong cross-party support from the start. Members on all

sides of the chamber share the common goal of making Scotland's healthcare system as safe for patients as it can be. That is only right, given the challenges that the NHS has faced in recent times, and it will continue to be of the utmost importance as we continue to recover from the pandemic.

We have had a useful debate today, and it has explored a range of issues. I would like to reflect on a couple of visits and events that I have attended in the past 24 hours. One was today at Children's Hospice Association Scotland's Rachel house, in Kinross, and the other was the neuroblastoma event last night in Parliament.

There are important issues for us to consider when we are in this chamber. I have met—we have all met—brave parents and families who have shared their experiences. We all draw on such occasions to put the people of Scotland at the heart of what we do and to work together to improve healthcare in Scotland. I believe that, as a number of members have said, the introduction of the patient safety commissioner is a key part of that.

I note that a number of members used the words “trust” and “confidence”. That is absolutely the nub of where we have to get to, so I appreciate those comments. With the fantastic role of commissioner, we also need to achieve openness, learning and co-operation.

Jackson Carlaw commented on the latitude and power to make decisions. I believe that the commissioner will have that under the statutory powers in the bill. Carol Mochan said that patient safety is paramount to the survival of the NHS, and I agree. She recognised that the bill is a step on the path and she also recognised the importance of staff being involved.

Gillian Mackay commented on system-wide improvements, and she mentioned the importance of our being clear about the commissioner's role. I agree that we need to ensure that the people of Scotland understand the roles and responsibilities of the commissioner.

Evelyn Tweed commented that if we get it right for the most vulnerable, we get it right for us all. That is why I reflected back to the neuroblastoma event that I was at last night.

Kenneth Gibson raised the importance of the strategic approach. From the Scottish Government's perspective, we would always be willing to talk to the corporate body, and I think that he raised some important points.

John Mason: I note that the minister refers to talking to the corporate body. Does she agree with Mr Gibson that the Government needs to lead on that, or should it be Parliament that leads on that?

Jenni Minto: I think that the corporate body and the Scottish Government need to talk about that. That is important, because it is a strategic approach.

Paul Sweeney talked about the patient safety commissioner being a champion for underrepresented voices. I was pleased to work with him to ensure that we got the amendment worded correctly.

I point out to Sandesh Gulhane and Tess White that there is nothing to preclude the commissioner hearing from staff. It is important to reflect on that.

I am grateful to the many members who have contributed to the progress of the bill in the weeks and months leading up to today. A number of people have raised specific matters. For example, Emma Harper raised the issue of the care of cancer patients in her constituency. Katy Clark also spoke to me about hernia mesh, and I am pleased to be able to meet her and some of her constituents shortly.

As I have said previously, I welcome the clear support for the bill across the chamber. It will create a new and independent patient safety commissioner who will gather feedback on the safety of healthcare in Scotland, make recommendations for systemic improvements and work collaboratively with other bodies to achieve those improvements and make healthcare safer.

Although the patient safety commissioner will report to Parliament, they will hear the stories of patients, their families and the wider public directly—the lived experience that has been noted by a number of members—and their priorities will be informed by the importance of patient views and safe healthcare. They will be a commissioner for patients and the public, not politicians. I know that the Parliament wants to ensure that the bill builds on the rights that enable patients to give feedback, raise concerns and make complaints in Scotland. We must continue to listen to patients and learn from their experiences. I trust that members are satisfied that the bill strengthens our commitment to doing that.

The wording of the bill will allow the commissioner to consult widely on their statement of principles and strategic plan and, as was agreed to today, the charter, ensuring that the views of patients can be built into the way in which the commissioner functions from the outset of the role.

As I mentioned earlier, although the bill arose out of the specific issues outlined in the Cumberlege report, I believe that it is right that the scope of the commissioner has been kept intentionally broad. That is crucial to ensuring that no voice in Scotland is left unheard. I cannot stress enough the importance of that. Members do

not need me to remind them that the patient safety landscape is complex. The patient safety commissioner will collaborate instead of duplicate, and they will leverage their influence to work with other organisations to track trends, identify problems and make positive improvements.

I thank all those members who, I know, have worked hard on making the bill as effective as possible in achieving its aims of improving patient safety. A moment ago, I mentioned some of the earlier work that has gone into the bill, but I particularly thank Jackie Baillie, Paul Sweeney and Tess White. As I alluded to earlier, even if there has not always been complete agreement on every intricacy in this piece of legislation, I recognise and am grateful for the fact that every single amendment has been proposed with the constructive aim in mind of making the patient safety commissioner as effective as possible to achieve the maximum benefit for the safety of patients. I hope that Opposition members recognise that same spirit in the way that the Scottish Government has engaged in the process.

I thank again the Health, Social Care and Sport Committee for its effective scrutiny of the bill, as well as all those who gave evidence—often powerfully. I also thank the bill team for its diligence, and my predecessor, Maree Todd.

The title of Baroness Cumberlege's report, which first recommended the creation of a patient safety commissioner, was "First Do No Harm". I believe that, by listening to the voices of patients and their families, investigating further without fear or favour, and working with others to achieve positive change, Scotland's patient safety commissioner will reinforce the foundation of trust in our healthcare system that it does no harm to those in its care. Indeed, I believe that in creating the patient safety commissioner for Scotland, Parliament will be doing right by Scotland's patients and their families. I commend the motion in my name, and I very much hope that members will vote for it unanimously.

The Presiding Officer: That concludes the stage 3 debate on the Patient Safety Commissioner for Scotland Bill.

Business Motions

17:46

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-10623, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

The Minister for Parliamentary Business (George Adam): Thank you, Presiding Officer. You nearly caught me out there.

I move,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 3 October 2023

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Scotland's Prison Population

followed by Scottish Government Debate: Protection of Scottish Parliament Powers

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 4 October 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Rural Affairs, Land Reform and Islands; NHS Recovery, Health and Social Care

followed by Scottish Government Debate: Reversal of the UK Government's Two-child Benefit Cap

followed by Legislative Consent Motion: Energy Bill - UK Legislation

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.30 pm Decision Time

followed by Members' Business

Thursday 5 October 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Social Justice

followed by Scottish Government Debate: Support for the Veterans and Armed Forces Community

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 24 October 2023

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 25 October 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Constitution, External Affairs and Culture; Justice and Home Affairs

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 26 October 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Education and Skills

followed by Citizen Participation and Public Petitions Committee Debate: Public Participation Inquiry

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 2 October 2023, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S6M-10624, in the name of George Adam, on behalf of the Parliamentary Bureau, on stage 1 timetabling of a bill.

Motion moved,

That the Parliament agrees that consideration of the Wildlife Management and Muirburn (Scotland) Bill at stage 1 be extended to 1 December 2023.—[George Adam]

Motion agreed to.

Parliamentary Bureau Motion

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-10625, on annulment of a Scottish statutory instrument. I call Alexander Burnett, on behalf of the Parliamentary Bureau, to move the motion.

Alexander Burnett (Aberdeenshire West) (Con): I offer my apologies for my tardiness, and I refer members to my entry in the register of members' interests regarding deer management.

I move,

That the Parliament agrees that nothing further be done under the Deer (Close Seasons) (Scotland) Amendment Order 2023 (SSI 2023/184).

The Presiding Officer: I call Edward Mountain.

17:48

Edward Mountain (Highlands and Islands) (Con): Thank you, Presiding Officer. It is always nice to know that one can make the whip short of breath just by making him get here on time.

Deer management is a complex issue. Reducing deer numbers is not about culling males—it is about culling breeding females. The breeding imperative of females means that female deer will always find a male, and thus targeting males is futile.

The question that I posed to the committee was whether we need this regulation. The Deer (Scotland) Act 1996 already allows for the control of deer out of season by regulation. We can control them to prevent damage to agricultural land, timber and natural heritage and for public safety. The legislation is already there—we can already do that.

What is more, every year, the minister grants an automatic general authorisation to control deer on improved agricultural land and enclosed woodland. No one has to apply for a licence—the authorisation is there already. The minister does it. I should also remind members that not a single licence has been refused.

What will this statutory instrument mean? It will basically mean that every male deer will be a target from the day that they are born to the day that they die. The instrument will not reduce the deer population by much and it will mean that deer are harried all year round. What will happen to the deer that are killed late in the season when they are not fit for human consumption? Does the Parliament really forget the 86 stags that were left rotting in Knoydart? Is that where we want to be?

My question to the Parliament is—

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the member take an intervention?

Edward Mountain: I am sorry, but I have only three minutes. If the Presiding Officer gives me more time, I will take it. Am I allowed more time, Presiding Officer?

The Presiding Officer: We certainly have some time in hand.

Edward Mountain: I will give way to the member.

Alasdair Allan: The member raises animal welfare issues. Does he not concede that there are animal welfare issues associated with the current overpopulation of deer, which this measure seeks to address?

Edward Mountain: I absolutely take that point, but it is not the welfare of those stags that I am worried about; I am worried about the stags that we are talking about shooting. Overpopulation can be controlled by good management, and that is what deer managers should be doing. It will not be deer managers who use the statutory instrument; it will be other people who are not interested in the deer and who will use the measure to protect flora and fauna, which in many cases probably means eradicating deer.

Let us talk about welfare. We are talking about shooting stags or male deer all day, every day. It will be random killing, with no selection. If the stags are not selected, juveniles will often mate with their mothers or, indeed, their sisters. The dichotomy that the Parliament faces is that we try to protect things such as rabbits, blue hares and beavers, all of which eat trees, but then, in the same breath, we declare all-out war on stags and male deer. I am afraid that that is just not balanced.

Do we need a motion to annul? I do believe that we do. There is already sufficient scope in the legislation for proper deer management, and no licence for killing male deer out of season has ever been refused. Just so that the Parliament is aware, I should point out that I had a petition on the issue that, in a matter of weeks, was signed by 1,686 people, saying that they thought that the measure was outrageous.

I ask the Parliament to join me in supporting good deer management instead of approving an all-out war on them. I do not think that that does the Parliament any good.

The Presiding Officer: I call Beatrice Wishart—

Edward Mountain: On a point of order, Presiding Officer. I am sorry, but, at the beginning of my speech, I failed to declare an interest in that I own land with deer on it. In accordance with the Standards, Procedures and Public Appointments

Committee recommendation, I want to be completely clear, so I will say that I have more than 40 years of deer management experience across a quarter of a million acres of Scotland. I have seen more than 30,000 deer killed in trying to protect trees and woodland. I believe that I know what management plans are—I have written them for private and public bodies—and I think that I have an understanding of deer, too.

I stress that we need to manage deer and not cull them through all-out war.

The Presiding Officer: Thank you, Mr Mountain. That is not a point of order, but your declaration is now on the record.

17:53

Beatrice Wishart (Shetland Islands) (LD): When this topic came up at the Rural Affairs and Islands Committee, I questioned the statistics on the growing population of deer, and I now understand that the population is estimated to be at more than a million. I also took the view, given the debate in committee about annulling the SSI, that the culling of male deer outwith the current close seasons required wider scrutiny.

I have listened carefully to those with knowledge about deer management and have considered closely the issues that have been raised. Some suggest that it would be an unnecessary change, as general authorisations enable male deer to be culled year round on agricultural land and in enclosed woodland. I have heard of the impact that increasing numbers of deer are having on the environment and on native woodland trees and peatland.

There is also the view that the change could raise animal welfare concerns. The Scottish Animal Welfare Commission considered the change and found that there would be no associated animal welfare risks, providing that normal—

Edward Mountain: Will the member give way on that point?

Beatrice Wishart: I would like to finish what I was saying.

The Scottish Animal Welfare Commission considered the change and found that there would be no associated animal welfare risks,

“Providing the normal requirements for high standards of public safety and animal welfare are adhered to”.

In those circumstances, and having taken on board all the different views, Scottish Liberal Democrats will vote against the motion to annul and will support the SSI.

17:55

Ariane Burgess (Highlands and Islands) (Green): While I speak, we are accelerating even faster into a climate and nature emergency. We must stay focused on that challenge, unlike the Westminster Tory Government, which, today, has unbelievably approved development of the largest untapped oilfield in United Kingdom waters—Rosebank.

The focus of this debate is improved deer management, which is a critical piece of the puzzle for tackling the climate and nature crises. In Scotland, the number of red deer has risen from 155,000 in 1959 to about a million in 2020. It is not natural to have that many deer, and it is not sustainable.

Deer love to graze young tree shoots, which seriously inhibits the growth of new woodland, and we need that woodland to capture carbon emissions in order to meet our net zero commitments. Too many deer also cause damage to farmland and to other critical natural habitats in Scotland—habitats that we need in order to allow other species to survive and nature to recover.

If we do not get the number of deer back down to a sustainable level, we have no hope of reversing the climate and nature emergencies. Labour knows that, which is why, in its manifesto, it pledged to support the implementation of the deer working group's recommendations, including removing the close seasons for male deer. *[Interruption.]*

The Presiding Officer: Ms Burgess, I ask you to pause for a moment. I would be grateful if conversations could cease.

Ariane Burgess: I appreciate that, Presiding Officer.

The Tories raised concerns about animal welfare. Nobody wants to kill healthy animals, but, if we do not rebalance our ecosystem, far more animals will suffer and many more species will become extinct. That is the fact of the matter, and it is why the deer working group proposed the change, which major animal welfare organisations support.

Deer stalkers have a very tough job—a key green job—that requires skill and care. Those jobs are valued and will continue to be of the utmost importance long into the future. Scottish Environment LINK asserts that achieving and maintaining lower deer numbers will lead to increased demand, not less demand, for stalkers. Further jobs and community wealth can be created by supporting more local processing units and shared larders for venison in rural communities.

Stalkers already cull almost half of all male deer that are culled out of season. The order will not

require anyone to start doing that. It will simply remove barriers for those who wish to continue culling deer in more months of the year, as happens in England and Wales, and in line with our Government's essential focus on tackling the climate and nature emergencies, including meeting the climate targets that the Parliament brought into law.

I urge members to vote against the motion to annul the Deer (Close Seasons) (Scotland) Amendment Order 2023.

17:58

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): We are in a climate and biodiversity crisis. The evidence is clear that, if we are serious about protecting our environment and restoring Scotland's forests, we must reduce the devastating damage that is caused by deer. The only effective way to do that is to bring down the deer population and reduce deer density. Over the past 50 years, we have tried a range of methods, but the population is now double what it was 30 years ago.

Kenneth Gibson (Cunninghame North) (SNP): Will the minister take an intervention?

Lorna Slater: No. I am sorry, but I have only three minutes.

The growth in deer numbers is unsustainable, so action must be taken. The removal of male close seasons was one of the recommendations that was made by the deer working group in 2020. As I set out to the Rural Affairs and Islands Committee a fortnight ago, the proposed change is just one part of a wider package of changes to modernise deer management in Scotland.

Rhoda Grant (Highlands and Islands) (Lab): I am concerned that, with or without this legislation, stags will be shot out of season at a time when they are unfit for human consumption. That is incredibly wasteful when people are suffering from malnutrition and depending on food banks. Will the minister take steps to ensure that that wasteful practice stops and develop a long-term strategy to keep deer numbers at sustainable levels while ensuring that shot deer become part of the human food chain?

Lorna Slater: I am grateful for that intervention. We absolutely support the increased use of that venison and the growth in that market. How we get more of that venison—more of those deer that we, unfortunately, need to cull for environmental reasons—into the food chain to tackle hunger is something that we can all work together on.

The legislation that we are looking at tonight not only increases the tools that are available to land

managers and supports deer management across the year but provides more efficient and effective processes for the control of deer by removing the administrative burden. It will allow land managers who wish to continue to have a close season for male deer on their land to do so.

As others have said on animal welfare, over the past three years, we have taken the time to review the evidence, consult stakeholders and seek expert advice. These measures are part of a wider package of deer reforms that will deliver many benefits, including native woodland expansion, protection and enhancement of peatlands and the reduction of human health and safety concerns.

Since the deer working group made its recommendations, the climate and biodiversity crisis has only deepened, and the evidence of the need for urgent action to manage our deer population has grown. I ask members to stand by their commitments, reject the motion and support our efforts to restore nature.

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

The next item of business is consideration of Parliamentary Bureau motion S6M-10626, on approval of a Scottish statutory instrument. I ask George Adam, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Deer (Firearms etc.) (Scotland) Amendment Order 2023 [draft] be approved.—
[George Adam]

18:01

Finlay Carson (Galloway and West Dumfries) (Con): Part of the purpose of this instrument is to permit the use of night sights for the taking or killing of deer. The objective is to increase the tools that are available to land managers when undertaking deer management by supporting the use of a wider range of firearms that might be more readily available to those who are managing land for a range of purposes and to support culling efforts at all times of the day and night.

There is no doubt that deer control is essential if Scotland is to reach its biodiversity and nature goals, and this legislation will assist in adding an additional tool to the toolbox of those who control deer at night. However, I have significant concerns that the legislation lacks safeguards in relation to animal welfare and public safety.

Practitioners who are responsible for managing our deer population felt that they had little time to respond to the consultation, and their overall response was generally negative. The Scottish Gamekeepers Association does not support the

measures which, in its view, would lead to night shooting becoming more of the norm in Scotland.

In relation to animal welfare concerns, research by the Royal (Dick) school of veterinary studies found that culling by rifle at night was the least effective method of placing a shot that would quickly kill a deer. This legislation would mean that a single authorisation from NatureScot would cover lamping and the use of night sights. It would require people to have experience and to be on the fit and competent register, but there is no differentiation between the experience required for lamping and that required for using night sights, which requires different skill sets, training and equipment. Operators who are not experienced in night sights could be prevented from obtaining authorisation to undertake other forms of culling at night, including lamping, that they are currently authorised to do.

NatureScot did not recommend a requirement for further training or an additional assessment of an operator's ability to competently cull using night sights. The legislation and guidance fail to stipulate or specify a minimum standard of scope to ensure the highest standard of animal welfare and public safety. That is why I joined stakeholders to express fears that the legislation does not require appropriate and proportionate licensing or even mandatory training.

Finally, I do not accept that these provisions have no animal welfare implications. Laws are regularly passed in this place to enhance the protection of wildlife, and it is bizarre that Lorna Slater wants to remove safeguards, which could result in deer being harried and hunted 24 hours a day, 365 days a year, without there being additional training or licensing requirements. Surely that is not a good look and goes against all of this Parliament's efforts to improve animal welfare.

After many years of inadequate intervention, the Government's approach appears to be to declare all-out war against our iconic deer population, with very little regard for animal welfare. That is not a position that I am willing to support. The Government needs to rethink this unfortunate and potentially dangerous approach to deer control.

18:05

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): Permitting the use of night sights and increasing access to non-lead ammunition by reducing the minimum ammunition weight for shooting deer will support land managers in managing them better. Since 1990, Scotland's deer population has doubled. That has caused significant environmental damage and must be addressed

urgently if we are to tackle the climate and nature emergencies.

As we have set out previously, the measures that are provided for in the instrument are part of a wider programme that aims to do just that. They also fulfil the recommendations that the independent deer working group made in 2020, which most parties represented in the chamber have endorsed. We have fully considered the potential implications prior to proposing the recommended changes. NatureScot has completed trials on both recommendations and published reports on its findings, which were that there were no additional adverse impacts on deer welfare.

Edward Mountain: I thank the minister for confirming that NatureScot carried out trials. Will she clarify whether they were done by shooting at night, with thermal imagers and lighter-weight bullets, or during the daytime?

Lorna Slater: NatureScot carried out trials on both the pieces of legislation that we are proposing—on both the night sights and the lighter-weight ammunition—because those tackle slightly different issues. No welfare issues were shown.

With regard to night sights, the current practice is to use lamps to see the deer and manage them at night. The new technologies allow that practice to continue, and no additional welfare concerns were raised through the use of those technologies. We also sought the views of animal welfare experts through the Scottish Animal Welfare Commission, which found no issue with the proposals.

Shooting deer at night is a widely used and essential part of deer management. As we look to step up our deer management efforts, it is vital that deer managers who are authorised to shoot at night have the best available technology at their disposal. The use of night sights will allow for longer deer shooting hours, especially in the winter months, and more effective culling operations.

Deer can be shot at night only under strict authorisation from NatureScot, and deer managers must prove that they are fit and competent to do so. That means that they must undertake training and achieve a recognised qualification. They must also meet all the usual requirements to carry firearms and comply with the night shooting code of practice.

NatureScot's report was clear that there need be no additional training requirements, above those that are already in place, for deer managers who wish to use such sights rather than the traditional use of lamps for night shooting. The proposal to reduce the minimum ammunition

weight to shoot deer will make non-lead ammunition more accessible. That will remove a significant barrier that currently exists for deer managers and will reduce the amount of toxic lead in our environment.

Furthermore, many venison retailers now insist on having a supply of lead-free venison products, and we want to maximise the venison that makes its way into the food chain. When that is taken in combination with NatureScot's review, which found that the changes to bullet weights would have no detrimental effect on deer welfare, there is no reason for that barrier to remain.

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

The next item of business is consideration of Parliamentary Bureau motion S6M-10627, on approval of an SSI. I ask George Adam, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Land and Buildings Transaction Tax (Green Freeports Relief) (Scotland) Order 2023 [draft] be approved.—[*George Adam*]

18:08

Ross Greer (West Scotland) (Green): Scottish Greens oppose the instrument and the tax breaks that it would give to businesses that purchase land or property within the two Scottish freeport areas.

When the Scottish Greens were negotiating the Bute house agreement two years ago, our party and the Scottish National Party recognised that freeports were one of the small number of areas for which compromise probably was not possible. Just as our SNP colleagues were not expected to support all Green amendments to the Hunting with Dogs (Scotland) Bill due to the differences in our positions on blood sports, Green members are now exercising our right to agree to disagree with our Government partners on freeports.

In saying that, I wish to give credit to Tom Arthur, and to Ivan McKee before him, for the work that the Scottish Government has clearly done to try to inject fair work criteria into a freeport model that was forced on it by the United Kingdom Government. The issue here is the ideology that underpins freeports, and, in particular, the corporate tax breaks that they provide. It represents trickle-down economics, to which the Scottish Greens cannot subscribe.

The key selling point for the freeports is the impressive-sounding number of jobs that they would create, but studies show that, when the United Kingdom tried this approach in the 1980s, four in 10 of those jobs were simply displaced from elsewhere, increasing regional inequality. As a West Scotland MSP, I am concerned that the

Forth freeport, in particular, will only worsen the challenges of depopulation and sluggish growth in wages that we face across the west coast while the east sees substantial growth in both population and wages.

Most of what is involved in setting up the freeports is reserved, but there are levers in the Scottish Government's power that have not been used here, including the power to exclude any entity that is based in an offshore tax haven from accessing land and buildings transaction tax relief. We legislated for that previously in the Parliament, with Covid business relief, so what would have prevented a ban on tax dodgers accessing this tax break? It is within devolved competence.

We know from the experience with freeports elsewhere in Europe that businesses that operate from tax havens are attracted to this type of operating model. After all, what are freeports other than mini tax havens? There is a significant reputational risk to Scotland here, particularly considering the findings in the European Parliament's report on "Money laundering and tax evasion risks in free ports".

The European Union is cracking down on freeports, given what it has described as a

"high incidence of corruption, tax evasion, and criminal activity",

but Brexit Britain is taking the opposite approach, setting up new freeports all over the UK.

I recognise the Scottish Government's commitment to fair work, but in the case of free ports, it is just language, encouragement and guidance—there are no binding commitments to ensure that the companies adhere to fair work principles, or clear consequences if they do not.

I recognise that the Government is in a difficult position because the policy is ultimately being driven by the UK Government. However, devolution exists for the purpose of creating divergence where we believe that that is necessary, and I do not think that the opportunity to do that has been taken in this instance.

For all the reasons that I have outlined, as well as the objections that have been raised by trade unions, environmental groups and communities, the Scottish Greens oppose the instrument.

18:11

The Minister for Community Wealth and Public Finance (Tom Arthur): During my appearance at the Finance and Public Administration Committee earlier this month, I set out the rationale for this particular tax relief in relation to supporting the wider green freeport programme by encouraging investment in, and regeneration of, underdeveloped areas.

LBTT relief is a targeted relief that will apply in tightly drawn locations, and only to those businesses that meet the relief conditions. Together with significant capital investment, the relief aims to help to facilitate the creation of a large number of high-quality, fair green jobs; support the development of our renewables sector; and help to accelerate Scotland's transition—a just transition—to net zero.

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

Motion without Notice

18:12

The Presiding Officer (Alison Johnstone): 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 the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 6.12 pm.—[George Adam]

Motion agreed to.

Decision Time

18:12

The Presiding Officer (Alison Johnstone): There are four questions to be put as a result of today's business. Before I put the first question, I ask all members to please refresh their digital voting app.

The first question is, that motion S6M-10594, in the name of Jenni Minto, on the Patient Safety Commissioner for Scotland Bill, be agreed to. Members should cast their votes now.

The vote is closed.

The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison): On a point of order, Presiding Officer. I did not manage to get on to the system. I would have voted yes.

The Presiding Officer: Thank you, Ms Robison. We will ensure that that is recorded.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): On a point of order, Presiding Officer. Likewise, I could not log on. I would have voted yes.

The Presiding Officer: Thank you, Ms Somerville. We will ensure that that is recorded.

Mercedes Villalba (North East Scotland) (Lab): On a point of order, Presiding Officer. I was not able to connect. I would have voted yes.

The Presiding Officer: Thank you, Ms Villalba. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S6M-10594, in the name of Jenni Minto, is: For 114, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Patient Safety Commissioner for Scotland Bill be passed.

The Presiding Officer: The motion is agreed to and the Patient Safety Commissioner for Scotland Bill is passed. [*Applause.*]

The next question is, that motion S6M-10625, in the name of Alexander Burnett, on behalf of the Parliamentary Bureau, on annulment of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)

(SNP)

Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division on motion S6M-10625, in the name of Alexander Burnett, is: For 29, Against 70, Abstentions 16.

Motion disagreed to.

The Presiding Officer: The next question is, that motion S6M-10626, in the name of George Adam, on behalf of the Parliamentary Bureau, on approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 85, Against 29, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Deer (Firearms etc.) (Scotland) Amendment Order 2023 [draft] be approved.

The Presiding Officer: The final question is, that motion S6M-10627, in the name of George Adam, on approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

The Minister for Housing (Paul McLennan): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr McLennan.

Clare Adamson (Motherwell and Wishaw) (SNP): On a point of order, Presiding Officer. My app would not refresh. I would have voted yes.

The Presiding Officer: I can confirm that your vote has been recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)

Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dorman, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division is: For 105, Against 7, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Land and Buildings Transaction Tax (Green Freeports Relief) (Scotland) Order 2023 [draft] be approved.

The Presiding Officer: That concludes decision time.

Rural Visa Pilot Scheme

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-10392, in the name of Kate Forbes, on a rural visa pilot scheme. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises what it sees as the vital importance of seasonal and migrant workers to Scotland's £15 billion food and drink industry and the wider rural economy; appreciates the need for businesses to have access to the workforce that they require to carry out what it sees as their invaluable work in providing world-class produce; recognises the view expressed by NFU Scotland that, "The labour shortages encountered across the whole chain in 2021—on farm, haulage, processing and packing—coupled with the Government's late delivery of the seasonal worker pilot scheme led to significant crop losses and millions of pounds of wastage"; understands that employers in the UK have found it difficult to source domestic labour to take up seasonal employment on farms, and that, in 2020, despite the widely publicised Pick for Britain campaign, UK residents made up only 11 per cent of this workforce, and domestic recruitment in 2021 was at 5 per cent for Scotland; notes previous reports that the East of Scotland Growers, the UK's biggest brassica producer, incurred losses of 3.5 million heads of broccoli and 1.5 million heads of cauliflower due to labour shortages; further notes that Seafood Scotland has stated that, within seafood processing, there was a considerable reliance on a predominantly Eastern European workforce; understands that these workers comprised 52 per cent of the rural workforce across Scotland, 69 per cent in the north east, and up to 92 per cent in certain processing facilities; notes the recent reports of businesses in Fort William, Portree and elsewhere in Highlands struggling to find staff; welcomes what it sees as the invaluable contribution that seasonal and migrant workers make to Scotland's society and economy, and notes the calls for the UK Government to urgently review its position on the Scottish Government's proposal for a Rural Visa Pilot Scheme, and for an urgent reassessment of immigration policy to increase access to the labour that it considers Scotland needs for its economy and communities to prosper.

18:24

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): It is a year to the day since the Scottish Government published a groundbreaking proposal for a rural visa pilot in Scotland. In that time, the need for the initiative has only increased, but the United Kingdom Government's silence on the matter has been deafening. When Mairi Gougeon gave evidence to the Rural Affairs and Islands Committee this morning, I asked her whether she had had a reply from the UK Government on the matter. She said that she had not.

It is rare to find an issue that unites businesses across rural Scotland, political parties in the Parliament and organisations across the public, private and third sectors. However, the proposal for a rural visa pilot does exactly that. Such is the

pressure on the labour market, and such are the stark warnings about rural depopulation, that it is hardly a surprise that the proposal commands widespread support.

The visa would allow for bespoke immigration that would meet the needs of particular sectors and geographies and enrich our communities and our society. It is modelled on the successful Canadian Atlantic immigration programme, which proves that it could work even in a devolved context and be transformational for local economies. However, despite widespread support, the obvious benefits for rural Scotland and the comprehensive work that has gone into developing the proposal, it has not progressed for one reason: the UK Government has blocked it.

I reissue the call to the UK Government to change its stance and think again. We need a rural visa pilot. Our businesses, communities and public sector services need a rural visa pilot. It is the only sensible solution, but, not least yesterday, we see the Tories pursue an increasingly damaging, ruthless and despicable immigration policy that pulls up the drawbridge and inflicts devastation on our rural communities.

For rural Scotland, there are three reasons why it is imperative that there be a rural visa pilot. First, we need immigration after decades of emigration; secondly, the population forecasts for rural Scotland are stark; and, thirdly, the impact will be deeply felt across all rural communities.

Scotland is a country of emigrants with a long history of people leaving our shores. That is perhaps most stark in rural areas. For decades—indeed, for centuries—we have haemorrhaged people who sought new opportunities across the world. That memory is in our national DNA. We, of all people, should have compassion for people who want to make Scotland their home and should recognise the unique economic and social opportunities that that affords those of us who are already in Scotland.

Many businesses in rural Scotland have great ambitions and aspirations but cite a lack of skilled staff as the primary reason why they do not grow and develop. Farms and fishing boats try but are unable to meet the ever-growing demand for sustainably caught and grown food because of the lack of people. At a time when costs are increasing, inflation has eaten into margins and the economy is stagnating, the last thing that organisations need is a staffing shortage.

The magnitude of the impact is difficult to quantify, but, just this week, NFU Scotland said that, in 2022, as much as £60 million-worth of food was wasted on farms because of labour shortages. Fruit and vegetable produce was especially impacted. That £60 million-worth of food

was wasted at a time when our children are hungry, our economy is stagnating and key sectors such as agriculture have much to offer.

I mentioned population. We need only look at last week's initial findings from the census to see confirmation of research that we previously knew about from the Scottish Fiscal Commission and National Records of Scotland. They demonstrated that rural Scotland faces sustained and substantial depopulation. The Western Isles, Argyll and Bute, Dumfries and Galloway, the Shetland Islands, Angus, Moray, the Orkney Islands and the Highlands could all experience population declines of up to 16 per cent between 2018 and 2043. Those figures are in stark contrast to some of the growth in urban centres, which demonstrates why the visa should initially be bespoke.

Population decline is not just a question of numbers and percentages. It will directly increase poverty, it will shrink the economy and it will hamstring public services, because, if the rural population decreases and gets older, as forecasts suggest that it will, there will be fewer workers in our national health service, our care homes and our grocery stores; there will be fewer children in our schools, enriching our communities; and our older people will struggle to get basic services.

Therefore, I come back to the fact that, tonight, we are not just complaining about the situation that our people face; we are proposing a workable, groundbreaking proposal that will reverse depopulation and ensure that there is a viable future for rural Scotland. The proposal outlined by the Government, with support from Shetland Islands Council and Scottish Rural Action, involves a community-based approach that allows rural communities to attract workers in line with their distinct needs. In agricultural areas, the demand might be for farm workers and, in urban centres, there might be more interest in attracting bespoke skills. Employers can advertise vacancies within designated geographic areas and then assess prospective candidates before recommending the chosen candidates to the Home Office for final approval and security checks. At that point—critically and, perhaps, most interestingly—there would then be a package of support to allow newcomers to settle.

I hope that the Parliament can once again unite, irrespective of party, constitutional lines or sectoral boundaries, and call on the UK Government to grant this opportunity for rural Scotland to reverse population decline and ensure that there is a viable future that enriches our communities and ensures that our economy can grow.

18:32

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I begin by thanking Kate Forbes for bringing to the chamber a debate that has a striking relevance to my constituency. As she mentioned, the census figures show a population drop of 5.5 per cent in the Western Isles in the space of a decade, and I note the future figures that she referred to. Those figures might be stark, but they are not surprising. We are now at a crossroads. The very existence of some communities as places where children grow up and people work is now in question.

I will take Harris as an example. Last week saw the phenomenal and much-awaited launch of the Hearach—the first whisky from the Isle of Harris Distillery. In passing, I note that the work and vision that have gone into that island enterprise are now quite rightly being celebrated. However, of course, all businesses need a workforce, and nearly every local business that I speak to is struggling to find staff. The local authority is having real difficulty in providing care for elderly residents. Harris—whose population has halved since the 1960s—simply needs more people, and, as I have mentioned in the chamber before, the on-going challenge across the Western Isles to the traditional concept of a house as a year-round dwelling is a major part of the problem.

There is no single answer, but, with fewer than one birth for every two deaths in my constituency, there is no solution that does not involve bringing more people to live and work on the islands. To illustrate the scale of the challenge, I draw members' attention to the fact that the Outer Hebrides community planning partnership identified the need for inward migration of 1,000 working-age and child-bearing families to keep the islands' workforce anything like sustainable.

In such a situation, we should not shy away from any available avenue. Immigration has the power to keep public services, industries and communities sustainable. I can think of local businesses that successfully attracted workers from eastern Europe. Those workers put down roots and, in many cases, their children have grown up speaking three languages. However, since Brexit, the UK Government's approach to immigration is simply not working for Scotland—certainly not for rural Scotland.

We know from the Migration Advisory Committee that rates of international inward migration to islands and remote rural areas are less than a fifth of what they are to our larger cities. Communities are crying out for a bespoke rural visa scheme to encourage inward migration to those areas. We know that that works successfully in other countries, such as Canada, with its Atlantic immigration programme. The proposal has been endorsed by Scotland's local

authorities, business groups and Parliament. I remember putting the proposal to the UK Government when I was Minister for International Development and Europe. However, if the UK Government had any appreciation of Scotland's distinctive demographic needs at that time, it did a good job of being undemonstrative about it.

Unfortunately, the necessary powers lie not with this Parliament but with another—one with an obsession with net migration and hostile rhetoric. If we are to create a wealthier Scotland—a Scotland that can meet the needs of its industry and public services and properly tackle depopulation—we need a tailored migration system. Communities in the Highlands and Islands need one sooner rather than later. Therefore, I hope that all parties will commit themselves either to providing rural visas to Scotland or to devolving the necessary powers so that Scotland can provide them herself.

18:36

Brian Whittle (South Scotland) (Con): I genuinely thank Kate Forbes for bringing this debate to the chamber. I know that we always say that, but I think that this is an extremely important debate to have, and I hope that, by debating the issue under the auspices of members' business, which usually provides a less heated forum, we can be more open and discuss pragmatic solutions to a rural economy issue that, as she quite rightly highlights, needs to be solved.

However, I think that the member's motion focuses only on a solution based around seasonal and migrant workers and does not delve into the more complex issues around the rural economy.

Here is a fact: last year, we had record migration into the United Kingdom. So, the question has to be, why can Scotland not attract its share of that inward migration?

Ben Macpherson (Edinburgh Northern and Leith) (SNP): As far as I am aware, Scotland has the same percentages of inward migration, generally, as many other regions of the UK. It is specifically in the south-east of England that a lot of immigration is concentrated. Is the consideration for all of us not how we can get a less homogeneous migration system that better serves all of the UK, so that those who come to the UK can work and live in different parts of the UK more easily? It is about changing the system.

Brian Whittle: The whole ethos of what we are discussing is about how we attract people to Scotland. Why are we not attracting these people to Scotland already? I say to Ben Macpherson and Kate Forbes that one of the biggest issues is migration from rural areas to urban areas. Quite frankly, that is due to a lack of infrastructure, be that road or rail links. Anyone who wants an

example of that can look at the south-west of Scotland, where the busiest port in Scotland, Cairnryan, is connected to central Scotland by the A77 and to England and the south by the A75.

Alasdair Allan: I do not dispute the importance of infrastructure, although, as I have mentioned, housing is also important and is an issue that people in some of the other parties are less keen to engage with.

However, is the member not overlooking something major? Does he agree that one of the major reasons why people used to come from many European countries to live in rural Scotland was the freedom of movement that we used to have? If we are not going to have freedom of movement across Europe in the way that we did as a member of the European Union, we will have to create something else that works, but there is currently nothing that is attracting people from other European countries to live in rural Scotland in the way that they once did.

Brian Whittle: I respectfully disagree with the member. I agree that we are perhaps not looking at the whole picture, and that is what we must do. I feel that Kate Forbes's motion is very narrow.

I return to the example of Cairnryan. There is no rail link to the port, so it has to be served by those arterial roads, which are completely inappropriate for the type of heavy goods vehicles that are used. Half of all goods going in and out of Ireland pass through Cairnryan, so all the communities along those routes have to deal with convoys of 44-tonne lorries throughout the day, which is hardly appealing in terms of country living.

On top of that, there is a lack of infrastructure investment in rural Scotland, and there is an increasing lack of childcare and adequate schooling, especially when it comes to specialist learning.

I have already mentioned affordable housing. Where are we going to house all those workers? We would have to look at matters such as highly protected marine areas—how do they encourage the rural economy? We also need to consider support for people at rural colleges going into farming communities.

There are also the cost issues with food production, and we should recognise the need for workers in food production. I wonder whether the Scottish Government and Kate Forbes have an answer to the question of comparative costs across the world. We import food into Scotland and into the rest of the UK, but we also grow food here. I note that some fruit producers in Spain, for example, use seasonal migrant workers. They bus them in, pay them poorly and house them in shanty towns. That might give us cheaper food, but we would definitely not want to go down that

route. The only solution to that issue is to provide proper pay and to accept that food will cost more if we are to support our local food producers and the rural economy.

There is a moral issue here. Is it right that we suck migrant workers out of countries where they are needed? Before we get to the point of pushing our responsibility elsewhere, the Scottish Government needs to look at its support for our rural communities. There has been a lack of support in Scotland over the past 16 years.

The issue that we are trying to address is complex, and it is not just about migration from other countries—we will have to look at the issue in a much more pragmatic way if we are to find a solution.

18:42

Alex Rowley (Mid Scotland and Fife) (Lab): I apologise to members as I will need to leave early. Thank you, Presiding Officer, for agreeing to that.

I thank Kate Forbes for raising the issue and for lodging the motion for debate. I signed the motion when I saw it because we cannot run away from the issue. It is one that we, as a Parliament, must tackle. We can all agree that, after Brexit, there is a real issue with worker shortages across most parts of the Scottish economy. I want to be clear that both the UK and Scottish Governments have a responsibility to the people of Scotland to work together to find a way forward on immigration that works for Scotland. We know that Governments in other parts of the world have been able to achieve that. I think that Canada was mentioned, and there are other examples, so it can be done.

However, in the interests of transparency, we must also be clear that, even if we can achieve a tailored approach to migration policy for Scotland that addresses some of the restrictions in the current policy, on its own, that will not fix the problems of labour shortages and depopulation.

In the report “Scotland’s Migration Futures: Challenges, opportunities, options”, Dr Heather Rolfe and Sunder Katwala state:

“Despite its restrictions, the new system offers opportunities for a Scottish migration strategy”.

Scotland has a shrinking population and it sees migration as a means to ensure future stability and growth. It cannot wait until it has control over immigration policy to replace the restrictive points-based system, but there are ways in which the current immigration system can be used to help to ensure that Scotland can attract and retain the new citizens that it needs. Those could include encouraging European Union migrants who are concentrated in lower-skilled work to stay in Scotland through opportunities to move into skilled

roles; attracting skilled migrants to growth sectors, including by reducing the cost to migrants by paying visa and health surcharge fees; building on the existing success in attracting students by raising awareness of the graduate visa, which gives permission to stay for at least two years; and supporting progression so that graduate visa holders work at or progress to skilled levels so that they can score points that are required for a work visa.

My point is that there are things that we can be doing now—and we should be doing those things, not simply sticking with that one tool. I accept that we need it, but that in itself will not solve all the problems.

I would add to the actions that we could take in addressing Scotland’s housing shortage, which, for me, is the greatest problem leading to depopulation in much of rural Scotland. If we add to that the lack of public infrastructure, public services and well-paid quality jobs, is it any wonder that we have this problem?

If we are to encourage more people to make Scotland their home, we need to be able to offer them a home. Given the housing waiting lists across Scotland, right now we are not able to offer people who were born here a home, never mind telling people to come and make Scotland their home. That is the reality of the here and now.

I would also say that migrant labour cannot be seen as cheap labour. I welcome the fact that, in the proposals that Scottish ministers have set out, it would be a requirement for all employers to comply with all relevant employment legislation and the Scottish Government’s fair work framework.

In conclusion, if the current UK immigration policy is not delivering for Scotland, the UK Government must listen to and work with this Parliament and Government to find better ways forward. However, at the same time, there is much that we must address that sits within our powers and our remit in this Parliament. It is not good enough simply to point the finger at Westminster when many of the solutions sit with us in the Scottish Parliament and Government.

18:46

Ariane Burgess (Highlands and Islands) (Green): I, too, thank Kate Forbes for securing this very important debate.

Our rural communities recognise the need for migration to address the economic challenges that they face, but migration is about much more than work. Research released earlier this month showed that 74 per cent of people in Scotland believe that diversity is good for Scotland and 61

per cent believe that a mix of different people makes an area more enjoyable to live in. That makes the continued Westminster blocking of rural visa proposals put forward by the Scottish Government all the more frustrating.

The positive contribution that migrant workers can make to the local economy has been highlighted by members across the chamber, but I want to speak about the advocacy and support that we must offer to migrant workers.

Workers who come to the UK on the current seasonal worker visa are almost all housed in employer-provided accommodation on farm sites, in caravans or in Portakabins. More than half of workers on a seasonal worker visa do not consider their accommodation to be clean and comfortable. It can also be expensive. For example, six workers sharing a caravan could collectively have £1,600 a month deducted from their wages to pay for the roof over their heads.

If workers are to come and contribute to Scotland, we must treat them with dignity and respect. Far too often, their housing, pay and conditions are overlooked. A review of regulations and powers carried out by the Worker Support Centre Scotland indicates that it is unclear where responsibility for that sits in legislation. David Neal, the Independent Chief Inspector of Borders and Immigration, stated that

“the Home Office has not demonstrated that it has the mechanisms or capabilities in place to assure itself that scheme operators are meeting compliance requirements. When serious concerns have been raised by workers themselves, it did not act promptly or seriously.”

That is damning criticism for an official report and further strengthens the Scottish Greens’ position that the Home Office is not fit for purpose and that control over immigration must be devolved to Scotland.

Rural and island areas have been quick to recognise the positive impact that an influx of young, often skilled and motivated families can have on their communities in boosting school rolls, establishing new businesses and filling staff shortages. However, migrants also face specific challenges when settling in the countryside. They speak of loneliness and social isolation, poor and expensive rural public transport and a lack of community spaces in which to meet.

Migrant workers must have access to an effective worker voice under the Scottish Government’s fair work commitments. We must provide suitable and flexible English as a second language provision, with embedded support for building social relationships, learning about the local area and sharing customs and practices.

Rural visas in the pilot scheme should set the language requirement at an appropriate level,

recognising the views of groups, such as the Shetland Fishermen’s Association, that hands-on skills and experience in fishing and in other sectors such as farming or horticulture might be more important than advanced English.

Rural Scotland urgently needs tailored migration solutions, but we must not forget that it is people who are at the heart of driving our rural economies. The Government and sector can do much more to attract Scottish residents to seasonal farm worker roles and sectors in which many jobs are highly skilled and a core part of our green transition.

Wherever they come from, all workers should be confident that, in Scotland, they can expect fair pay, good housing and a warm welcome.

18:50

Emma Harper (South Scotland) (SNP): I congratulate my colleague Kate Forbes on securing this important debate. She outlined the issues in support of a rural visa pilot for Scotland scheme very well.

As a member of the Scottish Parliament whose region covers a vast rural area in the south-west of Scotland, I am acutely aware of the real challenges that our agriculture sector faces when it comes to recruitment. Although those challenges are faced across many parts of Scotland, such as the Highlands and Islands, as described by Kate Forbes, they are also faced in the south-west, and I will focus my contribution there.

The Scottish Government is clear that inward migration enriches our society, and migrants make a net contribution to our economy, public services and public finances. Scotland’s demography, our ageing population and the depopulation of some remote and rural areas mean that inward migration is crucial to Scotland’s future prosperity. In the past decade, an estimated 45 per cent of overseas migrants to Scotland have come from the EU, but analysis has shown that there is a reduction of around 30 to 50 per cent in net overseas migration into Scotland as a result of the ending of the free movement of people. That is significant in the context of the latest NRS projections, which were published in January 2022 and which show that immigration is the only factor maintaining Scotland’s current population growth.

The decline in labour from the EU is particularly acute in Scotland’s agricultural sector, and it is important to say why that is concerning. It concerns me because our farmers are our producers. They put the food on our tables, they are the custodians of our land and they are the future of our food security. Indeed, agriculture is the linchpin of rural Scotland, as it directly employs 65,000 people in production, while also indirectly

supporting Scotland's food and drink industry, which employs 360,000.

Brian Whittle: Will the member take an intervention?

Emma Harper: I will, but please be quick.

Brian Whittle: Thank you. I appreciate the member giving way to me. As Ariane Burgess said, we have to pay and house people properly and we have to make sure that they have services. There is a cost associated with that that will inevitably have to be paid by the consumer, and we have to accept that our food prices will have to go up if we are going to compete with the rest of the world. Does the member accept that?

Emma Harper: I thank Brian Whittle for that. I realise that our food prices have gone up because of decisions that were made by Tory Governments. When Sajid Javid was Home Secretary, in 2019, he agreed with the recommendations of the Migration Advisory Committee that we should have a rural pilot scheme in Scotland. I therefore respond to the member by asking what is the reason for that dither and delay from the UK Government?

I will focus on what I hear from south-west Scotland dairy farmers, who are saying that dairy farming is not seasonal—it requires work all year round—and south-west Scotland has 48 per cent of Scotland's dairy herd.

I have previously focused on encouraging our own young people to consider rural and agricultural careers. In fact, last week, I was at the Royal Highland Education Trust event in Parliament, which was about supporting young people into agriculture. However, we require migrant workers. They are essential for farm operations, for the supply of dairy produce and for animal welfare. Many agricultural tasks do not have viable or affordable mechanical alternatives, and the availability and capability of local people is limited.

I reiterate that the UK Government needs to support Scotland by allowing the implementation of a rural visa pilot scheme so that we can have the workforce in Scotland, encourage immigration to our area and support our rural economies.

18:55

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I pay tribute to my colleague Kate Forbes for her motion and for bringing the debate to the chamber.

Some members might be wondering why the constituency MSP for the most densely populated urban part of Scotland is speaking in a debate on a rural visa pilot scheme, but I had the privilege of

engaging in the issues in Kate Forbes's motion, and the issues more widely, for some time as a minister, first working with Fiona Hyslop and then with Kate Forbes as minister with responsibility for migration.

It is important that the motion that we are debating is fact based. The warnings about the position that we are in are stark. Other facts are important, many of which are in the Scottish Government's population strategy, which is an extremely important document. It is arguably the most important document in relation to our collective concerns about the future of our country, because our people are what matter most.

It is also a fact that, contrary to what was said earlier, Scotland has been an attractive place for migrants from the rest of the UK, from where—as far as I am aware—net migration is still positive, and for international migrants. However, there has been a dip in recent years since Brexit and we face real population challenges across Scotland, particularly rural Scotland, which are due to a number of factors.

That is the position that we are in. I was migration minister through the Brexit process and, although the pandemic exacerbated the situation that we find ourselves in, it was predicted through various engagements. There was a collective concern among all different types of stakeholders across the business community, the third sector and the public sector about the impact of a tightening of the immigration system as a result of Brexit. That concern remains. However, I was keen to look for solutions, which is what the motion proposing a rural visa pilot scheme is about.

In February 2020, when the Scottish Government published its paper "Migration: Helping Scotland Prosper", there was determination among stakeholders across all Scotland to look for solutions, work with the UK Government and to work collaboratively to achieve tailored policy for Scotland. When that paper and those proposals were compiled, analysed and proposed, there was a focus on considering different options about what could be devolved, how it would work with the Home Office and what the practicalities would be. A suite of proposals was put on the table. They were not just Scottish Government proposals; they were backed by a huge number of stakeholders with huge credibility in Scotland.

Brian Whittle: I am trying to be pragmatic and have a proper debate on the matter. It is about tailored solutions. What would Ben Macpherson say to the parents who are leaving Dunlop because there is no childcare? Seventeen or 18 of them came to me, and I now have to organise a meeting with the local council. We have to widen

the debate and understand exactly what is happening in our rural communities around services.

Ben Macpherson: Considerations around the population strategy, which relates to the issue that Mr Whittle raised, are important. We need to be focused on those challenges, too, and the Government is.

Immigration is not a panacea for our population challenge, but it is part of the solution. Everyone understands that—well, not everyone does, but a huge number of people and stakeholders understand that and have inputted into the proposed solutions. The rural visa pilot scheme is one important solution but, collectively, we should also look again at the wider considerations about how the UK could have a less homogeneous immigration system and, in particular, what the Scottish Parliament could do to make a meaningful difference. We should use the debate to build momentum on those matters again and apply ourselves in a solution-focused way.

19:00

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I was not going to speak in the debate, but I am here, so I will. I say to Brian Whittle that my understanding is that the rural visa pilot scheme is tailored—it addresses community, employer and third sector needs—because one size does not fit all across Scotland.

I agree with Ariane Burgess that there is exploitation of some migrant workers. Without spilling the beans, I will say that I am working on something in my constituency, where I know that people are crowded in a place where their employer is charging them at least rent, if not for their board, so they are really trapped. They might not think that they are but, from our perspective, they are.

With the Deputy Presiding Officer's leave, I will move beyond the seasonal to the all-year-round impact of Brexit in my constituency on three sectors—the care sector, hospitality and commercial driving by people such as bus drivers and lorry drivers.

There is no doubt that Brexit has had a substantial impact on the care sector in the Borders. People have left, never to return. In rural areas—I am speaking generally; I cannot say that this applies all the time—people are welcomed and become part of the community. In hospitality, that is even more the case. Hotels that I know well have cut their services because they do not have enough people to work there. The people who left were skilled, but their roles are not on the shortage-of-skills list.

The same thing happened with bus services across the Borders. Firms did not have enough drivers, so people lost services and timetables went all askew. *[Interruption.]* Does Mr Whittle want to intervene? I can tell that he is an athlete, because it is almost as if he is at the starting blocks—he has half raised himself.

Brian Whittle: I thank Christine Grahame for her fulsome introduction. She is right that we have a shortage of HGV drivers. A friend of mine who owns a haulage company said that we used to bring across a lot of Polish drivers but, because there is a shortage of drivers in Poland, Polish drivers are now being paid more in their country. There is a struggle to bring those people across, which means that we have to pay even more to bring them here. The morality of that worries me.

Christine Grahame: It is so good to hear a Conservative wanting to give people decent pay. I wish that the Conservatives would devolve employment law to Scotland so that we could work together.

There is a bit of both, but there is no doubt that some people left and could not return. Covid exacerbated that. People from Poland who used to work in hospitality in the Parliament have left and not come back. Brexit has had a big impact on people who were skilled in hospitality.

I go back to the big impact on commercial drivers. That is easing off a little, but not enough.

I will make my final point on immigration. One of my sons has gone the other way—he has just migrated to Canada. He is welcome there, but we have lost a family. The good thing about migrants coming here is that they are generally young—they are not my age—and, when they come here, they have a family. I do not think that we have to rely on that, but they help the demographics as well as contributing to the economy.

Migration is a two-way thing. We do not just receive—we lose at the same time. Brexit has had a substantial impact on the mobility of employment in this country, and it has in particular hit the sectors that I referred to. That has not yet been sorted.

I thank the Deputy Presiding Officer for her tolerance and I thank Mr Whittle for his interesting intervention.

19:04

The Minister for Equalities, Migration and Refugees (Emma Roddick): I always used to feel bad for the folk who had to follow Christine Grahame, and here I am.

I thank my Highland colleague Kate Forbes for raising an important issue in her motion, with

which I whole-heartedly agree. I warmly welcome the opportunity to state once again that the UK Government needs to do more to enable these vital sectors to be supported to thrive in our communities.

The sustainability of rural Highland communities is vital to Scotland's future, and it is no coincidence that many of the members who have spoken in the debate represent parts or all of the Highlands and Islands region. We all want to see a Scotland in which everyone can play a full part in society, with empowered communities that are able to shape their individual and collective futures.

I was surprised to hear that Brian Whittle does not feel able to be open and honest in normal parliamentary debate. However, I am grateful for his bigger-picture comment, because it allows me to talk about one of my favourite policy areas. I am genuinely excited by the engagement that we continue to carry out across Scotland as part of designing our forthcoming action plan to address depopulation. We know that there is no quick fix for the challenges that lead to depopulation and that the challenges vary substantially from one area to another. That is why we have engaged with a wide range of local, regional and national stakeholders to ensure that the final plan is place based and will best support communities to thrive.

Over the summer, I heard from people in the Western Isles about Syrian refugees learning Gaelic. In Inverness, I heard how migrants are keeping businesses and schools going. Along with Emma Harper, in Dumfries, I heard how business owners are begging for more migrants to come and work with them. In Bute, I heard how experienced and knowledgeable matching in various resettlement schemes, including for people from Ukraine and Syria, has brought home caring, economically active and loved members of their communities.

Brian Whittle: I am grateful to the minister for giving way, and I say to her that I always tell the truth.

There have been a lot of good speeches in the debate. Ariane Burgess talked about the fact that we must ensure that people are properly recompensed. I think that we all recognise the importance of migration, but, in doing so, we have to recognise and at least try to understand why we cannot get our indigenous population to work in those areas. We really have to home in on that.

As I said before, if we pay people properly, house them properly and give them proper services, there is a cost associated with that and, inevitably, that has to be paid for somehow, whether through prices being increased or the

Government intervening to ensure that prices do not go up.

Emma Roddick: Core to our approach is fair work and a wellbeing economy. It goes back to what Christine Grahame was saying: there is give and take. There is a large Scottish diaspora around the world, and it is about sharing skills and expertise and ensuring that people who want to travel around and do seasonal work have the ability to do so and that those who want to come and live in, work in and contribute to Scotland can do that long term.

This summer, I also heard from people about housing, transport and connectivity solutions that are driven by the community and supported by national Government. We are committed to supporting locally tailored solutions across all policy areas.

We cannot ignore the important role of migration. We have just seen, with the publication of the early census data, that Scotland is in a different position from other countries in the UK. We are looking at a potential population decrease in the next decade. All of Scotland's future population growth is projected to come from migration, so any reduction in migration will impact on the size of the working population. We need a solution that meets Scotland's needs and allows our communities and economy to flourish.

Recently published research from Migration Policy Scotland has found positive public attitudes towards immigration. Nearly four in 10 people want immigration to be increased, and nearly six in 10 people see the impacts of immigration as positive at national level. Although there are negative attitudes towards migration, it is our job as politicians and leaders to discuss the issues responsibly and explain clearly why migration is necessary, positive and welcome—a good thing for communities. We must not join the likes of the UK Government in making the dangerous and disgusting comments about asylum seekers and refugees that we have heard over the past few days, which only seek to create a hostile environment that impacts not only migrants but the wider LGBTQ community and people of colour.

Even if we cannot agree on that, we certainly should be able to agree that the current UK Government immigration policy does not reflect the needs of Scotland's communities, including those in rural and island areas. The UK Government continues to blatantly ignore calls from businesses to open appropriate migration routes for vital workers to come to Scotland.

The UK's immigration fees are some of the most expensive in the world. The Scottish ministers have called several times for them to be reduced, because they create an insurmountable barrier for

workers and employers. The position is not sustainable.

We recognise the valuable contribution that is provided by Scotland's soft fruit and seasonal vegetable sectors, the challenges that they face and the importance of non-UK citizens to the economy. However, the food and drink sector in Scotland and across the UK has recently borne the brunt of significant shocks, including from Brexit, which have disrupted supply chains, created new barriers to trade and helped to drive up food prices. Labour shortages have impacted on both sectoral performance and the wider economy. The Cabinet Secretary for Rural Affairs, Land Reform and Islands has written repeatedly to the UK Government to urge it to provide more support to the sector and address the cumulative impacts.

On the important point that a few members have raised about long-term integration, I note that our rural visa pilot proposal importantly includes a route towards long-term eventual settlement for migrants.

That leads me to reflect on Kate Forbes's comment earlier in the debate that we are not just complaining: the Scottish Government is going above and beyond to try to help the UK Government to be a bit more sensible on the issue. It is one year to the day since the Scottish Government published its rural visa pilot proposal, which gained overwhelmingly majority support in the Scottish Parliament.

Ben Macpherson was absolutely right to say that inward migration to Scotland is positive and broadly similar to other areas in the UK, with the south-east of England being an exception in drawing a higher level. That is why the Welsh Government and the UK Government's independent migration advisory committee have voiced their support for our proposal, with the MAC stating that it is

"in the interest of the UK Government"

to trial the scheme. They are not alone in their support: many partners, businesses, leaders and even those who are not typically known as friends of the Scottish Government have backed our calls and been clear that a rural visa pilot holds the potential to support their local efforts in addressing challenges.

Despite that support, and despite the letter of a year ago from then Cabinet Secretary for Rural Affairs and Islands, we are yet to see substantial engagement from the Home Office on the issue.

Once again, I urge the UK Government to engage meaningfully with us and agree to deliver a pilot scheme in collaboration with the Scottish Government, key local partners and communities.

Let it run, properly evaluate it and we will see whether the approach works for communities and their needs. However, regardless of whether the UK Government agrees to implement the proposal, we will continue to engage with a range of stakeholders, in Scotland and across the rest of the UK, to build the case for and widen the coalition of support around a rural visa pilot.

Meeting closed at 19:12.

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