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Scottish Parliament

Thursday 7 December 2023

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

General Question Time

The Deputy Presiding Officer (Liam McArthur): Good morning. The first item of business is general question time. Members seeking to ask a supplementary question should press their request-to-speak button during the relevant question. As ever, I make the usual appeal for brevity in questions and answers.

Long Covid (Support)

1. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government whether it will provide an update on what support is in place for people with long Covid. (S6O-02854)

The Minister for Public Health and Women's Health (Jenni Minto): National health service boards are providing support for people with long Covid across local primary care teams and community-based rehabilitation centres and through referral for investigation in secondary care settings, where clinically appropriate. We are making £3 million available from our £10 million long Covid support fund in the course of this financial year.

Within the member's constituency, that funding stream is supporting the operation of NHS Lanarkshire's long Covid rehabilitation pathway. People can access the pathway following referral by their health or care professional, and it is supported by a specialist team of professionals including dietitians, occupational therapists, physiotherapists, speech and language therapists and psychological practitioners.

Fulton MacGregor: I have raised the plight of my constituent Jonathan McMullen in the chamber on a couple of occasions. Jonathan has been suffering from long Covid since he contracted the virus at the age of 14 in March 2020. His mother Tracy has worked tirelessly for her son, but the family has recently resorted to seeking private healthcare for his chronic fatigue and postural tachycardia syndrome, which he was diagnosed with post infection. It feels as though we need to do more to help patients who have long Covid. What more can the Scottish Government do to understand long Covid and ensure that people who develop conditions such as Jonathan's are effectively diagnosed and treated in the NHS?

Jenni Minto: I pass on my sympathies to the member's constituent for the difficulties that her family are experiencing. I understand that my officials wrote to Ms McMullen earlier this week about Jonathan's case.

The national long Covid strategic network has developed a recommended pathway for the assessment and management of PoTS for use by NHS boards, as well as an educational webinar for healthcare staff across Scotland who are supporting people living with long Covid. We are working hard to implement our neurological care and support framework for 2020-25, with its vision of ensuring that everyone with a neurological condition, including people with ME, or chronic fatigue syndrome, can access the care and support that they need.

Jackie Baillie (Dumbarton) (Lab): As we have heard, the Scottish Government has promised £10 million over the course of three years for the treatment of long Covid. In contrast, however, NHS England has dedicated £224 million to support the assessment, treatment and rehabilitation of people with the condition, £90 million of which was allocated last year. That would have produced £21.7 million in Barnett consequential for Scotland. Will the minister tell us where the missing money that her Government has received has gone? Will she allocate any additional funding to long Covid services in the upcoming budget?

Jenni Minto: There is no missing money. The Scottish Government allocates NHS funding as appropriate to the needs of Scotland. Given that no single service model would fit all areas of Scotland, we are giving NHS boards the flexibility to design and deliver the best models of care tailored to the specific needs of their local populations.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Increasingly, there is evidence of links between long Covid and ME, a disease that a number of my constituents and others feel has been neglected for decades. On behalf of my constituents with ME and long Covid-related ME, I ask the minister to provide an update on specific actions that the Government plans to take to implement the 2021 National Institute for Health and Care Excellence—or NICE—guidelines on ME in Scotland, including specialist services. When will that happen?

Jenni Minto: I recognise the importance of supporting people with ME/CFS. We inserted the key recommendations from the 2021 NICE guidelines on the condition into the Scottish good practice statement on ME/CFS, which was published on the Scottish Government's website in February.

National Health Service (Missed Appointments)

2. Liam Kerr (North East Scotland) (Con): To ask the Scottish Government what it is doing to reduce the number of missed appointments in the NHS. (S6O-02855)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): A range of initiatives is being undertaken to minimise missed appointments. For example, the centre for sustainable delivery is supporting boards to implement high-impact programmes in planned care, including active clinical referral triage and patient-initiated reviews, which help to reduce unnecessary appointments and eliminate waste. Patients with a preference for digital communication receive a reminder text or email about their vaccine appointment. NHS National Services Scotland analyses patients' booking behaviours and habits to request non-attending patient groups to book directly, as opposed to being given timed appointments.

Liam Kerr: Last week, Caroline Hiscox, the chief executive officer of NHS Grampian, told me that a digital appointment system would be a solution in preference to the letters that the board sends. However, the Government's failure to properly resource the board makes it impossible for it to implement such a system. What steps is the Government taking to allow NHS Grampian to implement proper modern systems, and when can patients expect to see progress?

Michael Matheson: We are providing record funding to our NHS boards to make sure that they can deliver the best possible services to patients as close to home as possible. As for communication with patients, Liam Kerr might be aware that we have just published new NHS Scotland waiting times guidance; it sets out a range of actions that boards have to take, and it provides for a standard package of communications that all boards should use. He will be aware that there are boards that use digital services; we encourage other boards to do likewise, and I certainly encourage NHS Grampian to do so, too.

Carol Mochan (South Scotland) (Lab): The cabinet secretary mentioned having appointments close to home. Given the countless stories of patients being asked to travel long distances for appointments—particularly in rural health board areas, where the necessary transport infrastructure is often not there—what is the Scottish Government doing to ensure that appointments are offered in communities, close to home, to reduce the number of missed appointments?

Michael Matheson: Boards try to provide appointments as close to home as possible.

However, as Carol Mochan might be aware, there are difficulties in doing that for some clinical specialties, so patients have to travel to centres to access services.

We want boards to continue to do what they can to deliver services as close to home as possible, when that is clinically safe. Where travel is involved, there are schemes to reimburse patients for the costs associated with that travel.

Woodland Creation

3. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government how it plans to accelerate new woodland creation in order to meet its targets. (S6O-02856)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Over the past five years, Scotland has delivered 76 per cent of the tree planting across the United Kingdom, and we are committed to doing more. In June, I announced an action plan aimed at ramping up tree planting levels, and I am actively taking forward a comprehensive package of measures that will help to boost woodland creation rates. Earlier this week, I introduced the most significant enhancements to the forestry grant scheme since it was established in 2015.

Finlay Carson: Since the 1940s, Galloway has been subjected to indiscriminate and damaging planting of huge areas of monoculture conifers, which has been to the detriment of our communities, our rivers and our natural environment. In what seems to be another mad rush to plant more trees, tens of thousands of hectares will be planted in the south of Scotland next year. Only this week, despite assurances that issues would be addressed before approval, Scottish Forestry approved the Mackilston scheme without any satisfactory arrangement having been reached with the residents at Kendoon and Blackwater. How will the Government address cumulative impacts on local jobs, biodiversity and culture? Will the cabinet secretary meet me and my constituents to hear their concerns?

Mairi Gougeon: I am glad that Finlay Carson has raised that point. We have always been clear that, as with most things and most areas, this is about getting the balance right. We are listening to communities; indeed, that is part of the package of improvements that I have announced in relation to the guidance on community engagement.

We have always been clear that this is ultimately about having the right tree in the right place. It is important to remember how vital our forestry sector is; it supports 25,000 jobs and is worth £1 billion to our economy. Our agriculture is important, too.

It all comes back to balance. If Finlay Carson wants to raise particular points, I will be more than happy to follow them up with him and discuss them further.

Autumn Statement (National Health Service Funding)

4. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what analysis it has undertaken of the impact of the United Kingdom Government's autumn statement on NHS funding in Scotland. (S6O-02857)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): The autumn statement provided a real-terms cut to NHS England and no funding whatsoever in 2024-25 to cover the costs of this year's pay deals or the 2024-25 increases. That equates to a less than 0.06 per cent increase against the current Scottish health budget and means that there is at least £260 million of pay pressures on NHS Scotland for 2024-25.

The UK Government must face up to the pressures across health and care and provide adequate funding to address the cost crisis that is hampering service recovery from Covid, and also make sure that we can support fair pay for our health and social care staff.

Bill Kidd: Given the recent calls from Labour's shadow health secretary for further privatisation and the continuing Tory zeal for more austerity, does the minister agree that the only party that can guarantee that our national health service will remain in public hands is the Scottish National Party, and that only the full powers of independence will get rid—for good—of Westminster Governments and the threat that they pose to our public services?

Michael Matheson: Health spending per head in Scotland is already higher than it is in Wales and England. My view is that, rather than channelling precious public sector money out of our NHS and into the hands of private healthcare companies for profit, we should invest in our health service to ensure that we provide first-class public services through NHS Scotland.

I assure Bill Kidd and other members in the chamber that, under an SNP Government, Scotland's NHS will always remain in the hands of the public and will be free at the point of use.

Jamie Halcro Johnston (Highlands and Islands) (Con): The Rural GP Association of Scotland has highlighted the impact of changes that were made in 2018 to the Scottish workload allocation formula, which it says

"fails to reflect the workload and services provided by rural GPs and their teams"

and has meant that general practitioners in rural areas, many of whom are in my region, are losing money.

Will the Scottish Government use its forthcoming budget to do anything to reverse those SNP cuts to rural GP funding?

Michael Matheson: Jamie Halcro Johnston might be aware that the health consequentials from the autumn statement for Scotland were £10.9 million, which is equivalent to five hours of NHS funding. I assure him that we have provided the commitment that was set out in the Doctors and Dentists Review Body report for the uplift for general practice, both for GPs and their staff groups.

We will continue to do what we can to help to support rural GPs through programmes such as the Scottish graduate entry medicine programme, for example. I assure the member that we will continue to do what we can to make sure that we invest in our NHS at both primary and secondary care levels.

Beatrice Wishart (Shetland Islands) (LD): The blame for NHS deficits cannot be attributed solely to the UK Government autumn statement. The Scottish Government has mismanaged the situation for years now. Scottish NHS health boards are facing a forecast deficit of £395 million. Will the Scottish Government take responsibility and address the situation before patients and staff pay the price?

Michael Matheson: We have already provided an extra £200 million to support our NHS boards in meeting their financial challenges. Beatrice Wishart will be aware that our boards are having to manage significant increases in costs because of capital pressures and energy costs, for example, which are putting pressure on budgets. The additional £200 million that we have provided is to help to manage some of those things. That is why we are also engaging with boards to provide them with tailored support to help to address financial challenges.

Medical Records (Access)

5. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government what progress it has made on enabling patients to access all of their primary and secondary care medical records, from one source. (S6O-02858)

The Minister for Public Health and Women's Health (Jenni Minto): I recognise that some people can currently access certain parts of their medical records and, although everyone has the legal right to access information that is held about them, that is not consistently available on a national level. We are determined to resolve that, and the cabinet secretary and First Minister have

committed to addressing that in the policy prospectus.

We have now commissioned NHS Education for Scotland to develop a digital front door that will begin to provide access over time. I expect the first version of that to be available by 2026.

Edward Mountain: We are moving painfully slowly. Since early last year, I have been trying to find a simple process for giving patients access to their primary and secondary healthcare records. Currently, as I have found out to my cost, in order to get their records, patients are required to submit a subject access request—individually—to GPs and all secondary care doctors who are involved in their treatment.

Does the minister agree that there should be a one-stop shop to allow patients to access their medical records? What action will the Government take to ensure that patients, who already face the trauma of treatment, do not have the additional stress of hurdles in the way of accessing their medical records?

Jenni Minto: I know the hard work that Edward Mountain has been doing in this specific field of health, especially the work that he has done on the “Let’s talk health” summit in Highland. I am very happy to meet Edward Mountain to further discuss the matter and to see how we can move it on.

Post-mastectomy Breast Reconstructive Surgery (Waiting Times)

6. **Pam Gosal (West Scotland) (Con):** To ask the Scottish Government what action it has taken to reduce waiting times for post-mastectomy breast reconstructive surgery. (S6O-02859)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): I am aware there are some extensively long waits for post-mastectomy breast reconstructive surgery, and I recognise the impact that that has on women’s health and wellbeing. Boards are currently prioritising patients with trauma and/or active cancer, and delays have, of course, been exacerbated by the pandemic.

We remain committed to reducing long waits and seeing a year-on-year reduction in waiting times. We are taking the issue seriously and are working with stakeholders to take the next steps to address it.

Pam Gosal: After almost four years, my constituent has finally been given a date for her post-cancer breast reconstruction surgery. That is good news, but raising individual cases in Parliament should not be the only route open to women to receive a date for that crucial surgery. Part of the problem stems from Scottish

Government directives on priority cases and the decision to cut surgery theatres at the Canniesburn unit from six to two. There are many more women on the waiting list, and there still will be unless the Scottish Government tackles the problems with plastic surgery. Will the cabinet secretary commit to producing a concrete plan to reduce waiting times so that women are not forced to endure that trauma for years?

Michael Matheson: I recognise the concern that the member raises on behalf of her constituent, and I apologise for the extended delay that she has had in accessing the treatment that she requires. I can assure her that we are working to reduce long waits. The member might be aware that we have committed to investing an extra £100 million in each of the next three years to drive down our waiting lists. That will help us to increase our capacity to tackle waiting lists and to reduce numbers by 100,000 during that three-year period, on top of the action that we are taking at the moment.

Alongside that, the member might be aware that NHS Greater Glasgow and Clyde is working closely with the Golden Jubilee university national hospital to look at additional capacity provision, which will allow it to make provision for additional plastic surgery capacity to address some of the extended waiting times that its patients are experiencing.

Cumrae Ferry (Ticketing)

7. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government how it is addressing the ticketing issues raised by the Cumrae ferry committee and Cumrae community council. (S6O-02860)

The Minister for Transport (Fiona Hyslop): I recently met the member to discuss this issue, and I have also written directly to the Cumrae ferry committee.

Transport Scotland has previously noted the issue of season tickets, which is being reviewed, as well as wider issues on ferry fares. Options for an interim product are being considered, including multijourney tickets; however, the Ar Turas booking platform needs to be stabilised prior to further product introduction being considered. It is anticipated that CalMac Ferries’ stabilisation work on the booking platform will be completed later this month at the earliest.

Ross Greer: I thank the minister for her engagement with me and with residents on Cumrae. I wish that I could say that there had been the same quality of engagement from CalMac.

The removal of the season ticket has resulted in a significant increase in cost for Cumrae island

residents, most of whom travel to the mainland every day of the working week, and for whom this is a lifeline service. Island residents want to know more about the options that are being considered for interim ticketing in particular, but CalMac has been unable or unwilling to provide any additional information on that or on any of the other issues that island residents have raised, which they were led to expect from CalMac. Will the minister instruct CalMac to engage with the community directly on the issue of interim ticketing and to provide further information on the options being considered?

Fiona Hyslop: As I said in my first answer, I have already engaged directly with the Cumbrae ferry committee on a number of the issues that it has raised. Clearly, the community has previously been given assurances that the issue will be addressed, and I am keen that that happens. Transport Scotland officials will continue to consider the options for doing so with CalMac.

The Deputy Presiding Officer: That concludes general question time.

First Minister's Question Time

11:59

Programme for International Student Assessment (Results)

1. Douglas Ross (Highlands and Islands) (Con): I begin by putting on record my party's condolences to the family and friends of the late Alistair Darling. The former Chancellor of the Exchequer played an essential role in steering the country through the financial crash and the better together campaign. He was a true titan of Scottish and United Kingdom politics, and the warm responses from across the political spectrum are testament to the high regard in which he was held. Our thoughts are with his wife, Margaret; his children, Calum and Anna; and his many friends across politics, particularly in Scottish Labour, at this difficult time. [*Applause.*]

The Organisation for Economic Co-operation and Development's programme for international student assessment—PISA—publication is one of the most respected international studies of education systems. This week, it reported that Scotland's results have declined to record lows. The 2023 study shows the worst-ever performance in maths, science and reading. What does Humza Yousaf have to say to the generation of young Scots who have been failed by the Scottish National Party?

The First Minister (Humza Yousaf): As this is the first opportunity for me to do so in the chamber, I, too, pay tribute to Lord Darling. Alistair Darling was a dedicated public servant and a giant of Scottish and UK politics.

In my last interaction with Alistair Darling, just a couple of months ago, we ran into each other at Edinburgh airport. He took the opportunity to seek me out and congratulate me on the role that I am in. He said that, if I ever wanted a brief and even discreet conversation or advice, he was always on the other end of a telephone. I think that, for someone who is in a different political party, that shows the mark and the integrity of the individual. He will be hugely missed from our public life.

I know that my thoughts and the thoughts of the entire chamber are with his wife, Margaret; his children; his family; and our Labour colleagues. Indeed, anybody who had any association with Alistair Darling undoubtedly will be missing him. I hope that all those who grieve his loss can take some comfort from the many tributes that have poured in over the past week.

On the substance of Douglas Ross's question, let me put on record—and be absolutely explicit about it—that I do not dismiss or take lightly the

PISA results that have been released this week. We are reflecting on a poor set of results, and the Cabinet Secretary for Education and Skills will make a statement next week on the issues of literacy and numeracy and on what our response is to improve those outcomes.

There is no doubt, as the OECD makes clear in the publication, that Covid has had an impact. The OECD described it as its Covid edition, and that is why 30 out of the 40 countries saw their results go down in maths. That is why, across all three categories—reading, maths and science—every nation in the UK, including Scotland, saw reductions in its scores.

The results will be carefully considered. They are a poor set of results. However, some of the commentary on Scottish education from this one set of results is, I think, unfair. Let us look at the holistic picture, not just one data set. We see that investment in education per pupil is higher in Scotland than it is in England and Wales. As a result of that investment, 94.3 per cent of 16 to 19-year-olds in Scotland are in employment, education or training. That is a record number. The suggestion that Douglas Ross is making on the basis of one set of results, that the education system is failing, is simply not true. Frankly, that is an insult to the brilliant job that our teachers do.

Douglas Ross: It is an insult for the First Minister to say that he is reflecting on this poor set of results when the PISA figures have been going down throughout the SNP's time in office. Scores in maths and science have fallen, year on year, since the SNP took over, and reading scores are at a record low.

I believe that there is no surprise in this chamber or anywhere else at hearing the First Minister reach for Covid as the excuse. It was a global pandemic, and we know that the education systems of countries in east Asia, where the pandemic began, are outperforming Scotland's education system. Professor Lindsay Paterson of the University of Edinburgh said:

"Covid isn't solely responsible for this crisis—although ministers and education chiefs are determined to scapegoat it."

Let us be very clear: the Scottish education system was once among the best in the world, but, after 16 years of the SNP being in power, Scotland now ranks below Latvia for science, behind Estonia in reading and behind Lithuania in maths. Will Humza Yousaf finally admit that the SNP's record on schools is a national disgrace?

The First Minister: I do not accept that. Douglas Ross deliberately did not listen to my previous response. I accept that the PISA results were not good enough, even considering the impact of the pandemic. I am not using the impact

of the pandemic as an excuse. Despite the results, the OECD described the results as its "Covid edition". That came from the OECD, not from the Scottish Government.

The Cabinet Secretary for Education and Skills will stand here next week and give details of what we are doing to improve literacy and numeracy. However, the suggestion that our entire education system is completely failing is simply untrue. Let us look at the holistic picture. Douglas Ross and the Conservatives do not want to listen, because it is an inconvenient truth for them.

Last year's achievement of curriculum for excellence levels results showed the biggest single-year reduction in the attainment gap in primary schools in numeracy and literacy. This summer, we had the highest-ever number of national 5 passes in an exam year since the qualification was introduced, in 2014. The Conservatives really do not want to listen to this, because it goes against their narrative about Scottish education. Higher and advanced higher pass rates were above those seen pre-pandemic, in 2019. We now have a record number of young people aged 19 and under who have secured a university place this year, and there are more from areas of higher deprivation. As I have said, 94.3 per cent of 16 to 19-year-olds are participating in employment, education or training. That data and those facts tell us about an education system and its record under the SNP that support our young people.

The Deputy Presiding Officer (Liam McArthur): I will need shorter answers and shorter questions.

Douglas Ross: The First Minister keeps going back to Covid. Let us see what the director of the PISA study said. He said that the OECD made it clear that attainment was declining long before Covid, and PISA studies throughout the year show that here, in Scotland. Humza Yousaf needs to accept the extent of his Government's failure and examine why that has happened.

"Many factors will have contributed to this decline but it cannot be a coincidence that it has taken place during the disastrous implementation of Curriculum for Excellence and its aftermath."

Those are not my words; they are the words of Dr Keir Bloomer, who was one of the architects of curriculum for excellence.

The SNP's flawed plans have cost Scotland its international reputation for excellence in education. They have made schools less about learning. The SNP's curriculum does not value knowledge. The SNP tried to save it with mountains of bureaucracy and only made it worse. Is it not time to accept that, after the worst ever

school results, the SNP's curriculum needs to be scrapped?

The First Minister: I remind Douglas Ross that some of the challenges that we saw predate curriculum for excellence. As I said, we are taking the PISA results extremely seriously. That is why the Cabinet Secretary for Education and Skills has committed to giving a ministerial statement in the chamber next week to give details of the action that we will take on numeracy and literacy.

I remind Douglas Ross that Liz Smith, who is on his front bench, said when she was the Tory education spokesperson:

"I start the Scottish Conservatives' contribution to the debate with an unequivocal declaration of support for the curriculum for excellence."—[*Official Report*, 19 March 2008; c 7066.]

She said more recently, in 2018:

"Throughout all the interviews and consultations we undertook, there was general agreement that the principles which underpin Curriculum for Excellence—and which were agreed unanimously by Scotland's political parties—are sound."

Again recently, in March 2020, the then Tory education spokesman, Jamie Greene, said:

"The Conservatives will support the Scottish Government—especially in the current climate—in delivering curriculum for excellence and improving outcomes for Scotland's young people."—[*Official Report*, 17 March 2020; c 43.]

The Conservatives have supported curriculum for excellence because of the statistics that I have read, which show that curriculum for excellence is working for young people.

I say to Douglas Ross that we will continue to invest in education. It is an investment that, per pupil, is higher than in England and Wales. We will make sure that we have an education system that supports good outcomes for our young people, as opposed to knee-jerk reactions from the Conservatives and a cut to our public services by the United Kingdom Conservative Government.

The Deputy Presiding Officer: I require briefer responses as well as briefer questions.

Douglas Ross: I cannot believe that the First Minister is standing here defending Scottish education in a week when the results have shown standards to be at their worst ever level. He has quoted what the Scottish Conservatives have said in the past about curriculum for excellence, but what he has not quoted are the problems with its implementation, which are on the SNP's watch. That is why Dr Keir Bloomer has said that the problem is

"the disastrous implementation of Curriculum for Excellence"

that is at the hand of the SNP.

John Jerrim, who is a professor of education at University College London, said this week:

"I think that parents probably should be worried. Clearly things have not been going well in Scotland."

Since the most recent PISA results, the SNP has launched reports, independent reviews, national discussions, reform boards and consultations on education, and the one thing that it has not done is fix its mess. The SNP Government's own international council of educational advisers has said that

"the time for commissioning reviews is now over. There is a strong consensus about the need for action".

A generation of Scots has already been failed, and another generation is being let down by the lack of leadership from Humza Yousaf and the SNP. Scottish schools have plummeted down international league tables on the SNP's watch. What urgent action is Humza Yousaf going to take now, or are parents right to be worried about the future of Scotland's schools?

The First Minister: The people of Scotland can take comfort in the fact that we have an exceptionally good reputation and record in Scottish education, which has seen 94.3 per cent of 16 to 19-year-olds in education, employment or training. That is a record high.

As not just a First Minister but somebody whose child is in the local secondary school, I completely understand parents' concerns about the recent PISA results. I am not, by any stretch of the imagination, dismissing those results or taking them lightly. That is why the Cabinet Secretary for Education and Skills will stand up next week and give detail on what we are doing to improve literacy and numeracy.

Throughout my responses, I have accepted that we need to improve our PISA score. As for our record on education, we are the party that abolished tuition fees. That is in stark contrast to England, where students have to pay up to £9,000 a year. More young people in Scotland from areas of deprivation are going to university than ever before. The Conservatives want to heckle down those young people from deprived areas, but let me tell Douglas Ross more about our record. We have record numbers of young people going to positive destinations. We have seen the biggest single-year fall in the poverty-related attainment gap in primary in both numeracy and literacy, and we have done all that while having a Tory UK Government that has taken a hatchet to our public services and inflicted more than 13 years of austerity on us.

2. Anas Sarwar (Glasgow) (Lab): Alistair Darling was a giant of the Labour movement. He was a force for good and a man whom I was proud to consider a friend and mentor. Our thoughts are

with his wonderful wife, Maggie, his two children and all those who knew and loved him. Alistair was dedicated to public service and to improving the lives of less fortunate people. His own life was spent in the service of the people of Scotland and the UK. The Labour family and our country are sorely mourning his passing.

This week's PISA results demonstrate 16 years of Scottish National Party Government failure. They show standards declining in maths, science and reading, and our international position falling. That has serious consequences for Scottish children. Our education system was once the envy of the world. Now, because of this Government, we lag behind.

In 2012, Scotland had the highest-attaining students from poorer backgrounds of all four parts of the United Kingdom. In 2022, the most deprived students in Scotland were the lowest attaining in the UK. How has the SNP allowed that to happen?

The First Minister: I say to Anas Sarwar, as I already said in all my responses to Douglas Ross, that we take the PISA results very seriously, which is why the Cabinet Secretary for Education and Skills will make a ministerial statement on what practical action we will take to improve numeracy and literacy.

Let us look at the point about literacy that Anas Sarwar made. As it was in 2018, Scotland's score in reading in 2022 was higher than the Organisation for Economic Co-operation and Development average. Anas Sarwar is right, as was Douglas Ross, that we have to ensure that we are not on a trajectory of decline but on an improving trajectory.

Let us look at literacy in more detail. We saw that 9.6 per cent of students in Scotland performed at PISA level 5 or better in reading; they are defined by the OECD as "top performers". That is above the OECD average of 7.2 per cent. Scotland's performance in reading among boys was also higher than the OECD average and higher than the performance of 26 other countries, including Norway, France and Wales.

In 2023, Scottish Qualifications Authority pass rates in higher and advanced higher English were above those for 2019, and the achievement of curriculum for excellence levels—ACEL—data for 2021-22 showed a record increase in the proportion of primary school pupils achieving the expected levels of literacy.

Anas Sarwar, Douglas Ross or any other member of the Parliament has every right to question the challenging, difficult and poor PISA results, but let us not suddenly dismiss the entirety of Scottish education based on one set of data. That would be unfair on the excellent job that our

hard-working teachers do and the hard work that our pupils do, day in and day out.

The Deputy Presiding Officer: We need briefer responses.

Anas Sarwar: Our pupils and teachers are doing a great job; they are just being failed by the pathetic SNP Government. That is the problem.

If we look at the bar charts in the PISA study, we can see the trajectory of decline. I mentioned statistics for 2012 and 2022. Those were from an analysis of the PISA results by a professor of education at the University of Edinburgh, Lindsay Paterson. Somehow, Humza Yousaf thinks that he knows better than a professor of education.

Professor Paterson went on to say that, when it comes to maths and reading, the

"gaps are growing. So despite the Scottish policy attention on narrowing inequality, the actual gap is getting worse."

Across Scotland, our children and teachers are working flat out, but they are being failed by the SNP Government. Vital support for pupils is absent, and the situation is getting worse. To close the attainment gap and improve the PISA rankings, we must give every student and every pupil the support that they need. Has the number of teachers for children with additional support needs increased or decreased?

The First Minister: I do not have that figure to hand. However, when I look at the investment that we have made in teachers, even in the face of more than a decade of UK austerity, I see that we in Scotland have the most teachers per pupil in the UK. We have 7,573 teachers per 100,000 pupils in Scotland, which is more than the 5,684 in Labour-run Wales and the 5,723 in Conservative-run England.

We not only have that high number of teachers per 100,000 pupils, but our teachers are the best-paid teachers anywhere in the UK. This is a Government that absolutely values our teaching profession and has chosen to invest in our teachers.

When I compare our scores with those of the Welsh Government, it shows that the issues affect every single Government across the UK and around the world. That is why the pandemic it was called a global pandemic. We are investing in our teachers and in our education system, all against the backdrop of 13 years of austerity.

Anas Sarwar: I asked a really simple question about additional support needs. The number of children who are identified as having additional support needs has risen from just over 36,500 in 2007 to more than 240,000 now. However, in the same period, the number of ASN teachers has fallen by more than 200, which is leaving many

children without the level of support that they need.

The SNP Government's record on education is a litany of broken promises: closing the attainment gap—promise broken; guaranteeing class sizes of 18 and under—promise broken; free school meals for all primary school pupils—promise broken; and a digital device for every pupil—promise broken.

Year after year, the SNP makes promises to Scotland's children, but, year after year, it fails to deliver. After 16 years, there is no one else to blame. Will the First Minister apologise to the people of Scotland for destroying our once world-leading education system?

The First Minister: That is exactly the type of hyperbole that I warned members about. We have one set of data that is—I accept the Opposition's point—concerning, but Anas Sarwar asked whether I will apologise. No—I will not apologise for ACEL results that show the biggest single-year fall in the attainment gap in primary schools in both numeracy and literacy. No—I will not apologise for the fact that we have more young people from areas of deprivation going to university. No—I will not apologise for the fact that a record number of young people aged 19 have secured a university place this year. No—I will not apologise for the fact that 94.3 per cent of 16 to 19-year-olds have participated in employment, education or training over the past year.

Yes, there are challenges, and yes, the PISA results are serious. We will reflect on that, consider the results and come forward next week with more detail on the action that we will take. However, because of this Scottish National Party Government's actions, we have more young people going on to positive destinations than we did before, and that is not something that I am going to apologise for.

Cabinet (Meetings)

3. Alex Cole-Hamilton (Edinburgh Western) (LD): On behalf of the Scottish Liberal Democrats, I express our profound regret at the loss of Alistair Darling, a giant of Edinburgh politics, who was feared and respected by politicians of all parties. I pass on our condolences to his family and to the Labour Party.

I also wish all those who are celebrating it a happy Hanukkah, and I remind the chamber that my wife is a serving primary school teacher.

To ask the First Minister when the Cabinet will next meet. (S6F-02622)

The First Minister (Humza Yousaf): It is great to see Alex Cole-Hamilton in the Holyrood chamber. *[Laughter.]*

The Cabinet will meet later today.

Alex Cole-Hamilton: Scotland's place in this week's international education rankings is the worst on record, and the Scottish National Party is squandering the proud global advantage that Scotland once held in education. That means that the high-wage, high-skilled jobs of the future will go elsewhere if we get left behind.

Education is half of what councils do, but this Government is pushing them towards the brink of bankruptcy. We have just heard that the SNP has broken every promise that it has made on class sizes, laptops, the attainment gap—you name it—and there are young people who will leave school this year who have only ever lived under the SNP.

Here is a maths problem for the First Minister that will reveal the full extent of the trajectory of decline that he describes. In the education rankings the year before the SNP came to power, Scotland was awarded 506 points. This year, it was awarded 407. Which is better?

The First Minister: To be lectured on education by the political party that broke its promise to abolish tuition fees is quite something. If Alex Cole-Hamilton wants some maths, that might be the reason why he has a rump of MSPs sitting behind him. People in Scotland have not forgotten the broken promises of the Liberal Democrats on education. Their disastrous decision to line up with, to get into bed with and to stand side by side with the Conservatives is what ushered in more than 13 years of austerity.

Despite those 13 years of austerity, we have more young people going on to positive destinations and more young people, including more young people from areas of higher deprivation, going to university. We have made progress in the face of 13 and a half years of austerity—no thanks to the Conservatives, and certainly no thanks to the Liberal Democrats.

Crohn's Disease and Colitis (Awareness Campaign)

4. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the First Minister what action the Scottish Government is taking to ensure that its recent Crohn's and colitis awareness campaign is reaching deprived and marginalised communities, in light of Crohn's and colitis awareness week this week. (S6F-02609)

The First Minister (Humza Yousaf): The Scottish Government is absolutely committed to supporting people throughout Scotland who live with Crohn's and colitis to receive the healthcare that they need. At the end of March, we ran an awareness campaign to complement Crohn's and Colitis UK's early diagnosis campaign, but we understand the importance of ensuring that people

from deprived and marginalised communities can access the support and care that they need.

Our campaign placed posters in community buildings and pharmacies across Scotland in order to reach as many people as possible who might not have access to Government communication channels such as NHS Inform.

We also shared with Crohn's and Colitis UK what we had learned about reaching marginalised and seldom-heard groups from our Covid-19 vaccination programme in order to help it to reach those groups with its own campaign.

Clare Adamson: Delays to diagnosis affect people's ability to continue in education and work, limit their treatment options and increase their risk of being hospitalised or needing emergency surgery. Recognising the symptoms of lower gastrointestinal conditions, which are stigmatised and widely misunderstood, is crucial. What action will the Scottish Government take to improve awareness of the symptoms of Crohn's and colitis and to reduce stigma, so that people feel confident in seeking advice and treatment when they have symptoms?

The First Minister: I thank Clare Adamson for getting to the nub of the issues that those who suffer from Crohn's and colitis often report. Early diagnosis of Crohn's and colitis is vital, and raising awareness and reducing stigma are vital in helping people to feel confident about seeking advice and treatment.

In addition to the awareness campaign that we ran earlier this year, of which I gave detail in my response to Clare Adamson's first question, we have worked with Crohn's and Colitis UK and clinicians to update the Crohn's disease and ulcerative colitis pages of NHS Inform. We have provided funding to improve care for patients across Scotland with inflammatory bowel disease, in partnership with people who have lived experience and with our colleagues in the third sector. We will continue to support Crohn's and Colitis UK to raise awareness of those conditions, and we are very grateful to the charity for its continued work in that area.

Obesity (Impacts on Economy and National Health Service)

5. Brian Whittle (South Scotland) (Con): To ask the First Minister what action the Scottish Government is taking to address the impacts of obesity and excess weight on the Scottish economy and NHS. (S6F-02619)

The First Minister (Humza Yousaf): Preventing obesity and supporting individuals to have a healthy weight remain public health priorities. This financial year, we have provided

core funding of more than £8 million to health boards to deliver adult, children's and young people's weight management services. That is in addition to providing annual funding to health boards for obesity reduction and for risk management for type 2 diabetes through effective prevention and weight management interventions. Our diet and healthy weight delivery plan focuses on prevention and includes our commitment to legislate to restrict the promotion of less healthy food and drink. Engagement is currently under way and we will consult on the details of the proposed regulations in early 2024.

Good health is essential to productive work and to our economy. As part of that, we are currently reviewing our health and work strategy.

Brian Whittle: Scotland has long had a reputation as one of the most obese and unhealthy nations in Europe. Numerous studies, including one by Henry Dimbleby that was released this week, have shown that obesity, excess weight and the related conditions have profound costs for both our economy and our health service. Billions of pounds are lost in productivity and money spent treating the preventable conditions that are associated with excess weight.

At the same time, we are seeing sports facilities across Scotland, from local swimming pools and ice rinks to athletics facilities and hockey pitches, falling victim to closures and cost cutting. Moreover, access to school sport and activity continues to decline. Does the First Minister agree that, because of failures to invest in community sports facilities and to increase access to those facilities, our economy and national health service face paying a high price? Will he commit to doing more to protect those vital assets?

The First Minister: That is a very important question indeed and I recognise that it is an issue that Brian Whittle has raised repeatedly during his time as a member of the Scottish Parliament. He is right about the various issues affecting obesity. Those include physical activity, but we should say that social determinants, such as poverty, also play a key role. I will ensure that the health secretary writes to Brian Whittle with details of the actions that we are taking.

I make the final point that we had an autumn statement from the United Kingdom Government last week in which it chose to prioritise tax cuts for the likes of politicians and the wealthy, as opposed to giving money to public services. If Brian Whittle can have any influence whatsoever on his UK Government colleagues, I would suggest that they should put money towards our public services, as opposed to giving tax cuts to the wealthy.

Carol Mochan (South Scotland) (Lab): Midwives are telling me that obesity and the closely linked diabetes trends are creating a more complex workload and demanding greater expertise to ensure that mothers are provided with the best possible care. Does the First Minister agree that any action that the Scottish Government is taking to address the impact of obesity on the national health service must include the experience and expertise of front-line workers such as midwives, who will be able to contribute to the development of strategy and its subsequent delivery?

The First Minister: Yes. I agree with that whole-heartedly. Carol Mochan makes some incredibly important points and I do not disagree with any of them. That is why I mentioned in my initial response that we have provided core funding of £8.25 million to health boards in 2023-24 to deliver weight management services for adults, children and young people in line with our national standards and the type 2 diabetes prevention framework.

We want to continue that investment in the national health service. The finance secretary will stand up later this month to give details of our budget. I will not give away the detail of that, but the member will be aware that, for next year, we have received less than £11 million in consequential from the UK Government, because it has chosen to prioritise tax cuts for the likes of Douglas Ross and others. I say to Carol Mochan that we will have to make very difficult choices in our budget, but I give her an absolute guarantee that funding the NHS will be our top priority.

Freedom of Information (Reform)

6. **Katy Clark (West Scotland) (Lab):** To ask the First Minister whether the Scottish Government will outline any plans it has for freedom of information reform in the current parliamentary session. (S6F-02615)

The First Minister (Humza Yousaf): We do have plans. The Scottish Government announced plans last week to consult on extending freedom of information laws to private and third sector social care providers once the National Care Service (Scotland) Bill has been completed. That highly significant extension of freedom of information rights, which would bring hundreds more organisations within the scope of the legislation, follows our consultation on access to information rights in Scotland earlier this year. Working with the Scottish Information Commissioner, we will also update the statutory guidance that ministers have issued on best practice for Scottish public authorities.

Scotland has rigorous FOI legislation. It is more robust than the legislation that exists in the rest of

Great Britain and it ensures accountability and transparency around decision-making processes. So far this year alone, around 4,500 FOI requests have been answered by this Government.

Katy Clark: This morning, I lodged my final proposal for a member's bill to reform the freedom of information legislation and extend its coverage to private companies and others who deliver public services, and not just those in the care sector. The Scottish Information Commissioner, previous Scottish Information Commissioners and this Parliament's Public Audit Committee have all called for such legislative reform. Will the First Minister look at the issue again? Does he agree that public information rights should follow the public pound?

The First Minister: I absolutely agree with the premise of Katy Clark's points. I note that she has published the detail of her bill today. I will take a look at that and, of course, we will look at it with an open mind.

On our performance on FOI, we absolutely accepted the former commissioner's recommendations and the update on our FOI performance. We welcome the former commissioner's view that the Scottish Government is on track and is close to concluding a period of heightened focus on FOI performance. The average response rate of 97 per cent comes despite the number of requests increasing by 60 per cent since 2019, to almost 5,000 a year. That significantly exceeds the performance of the UK Government, which responded to only 83 per cent of requests within 20 days. We have a good record on the response rate to FOIs. We will, of course, look closely at Katy Clark's bill.

John Mason (Glasgow Shettleston) (SNP): The First Minister mentioned the increase in the number of requests. Can he tell us the actual number of requests at the introduction of the legislation, the number now and any comparable costs? Does he think that any abuse of the system is going on?

The First Minister: I am not able to provide figures since the introduction of the legislation, but I can confirm that, in the first full year for which we have figures, which is 2018, we handled 3,300 requests, and in 2022 we responded to over 4,600 requests. There is no doubt that that places a significant demand on resources, but we are fully committed to complying with our obligations under the act. I reference again the point that our average response rate of 97 per cent comes despite the number of requests increasing. That represents a considerable, significant improvement and it is in stark contrast to the UK Government's record of responding to 83 per cent of requests within 20 days.

The Deputy Presiding Officer: We move to constituency and general supplementaries.

Immigration (United Kingdom Government Policies)

Clare Haughey (Rutherglen) (SNP): This week, the Home Secretary unveiled a raft of right-wing policies aimed at driving down immigration statistics. Under the plans, people on health and care visas will no longer be able to bring their families to the United Kingdom, and the salary threshold for skilled workers will be hiked to £38,700. Shockingly, Labour has made no objection to the Tory proposals. It has failed to commit to reversing them, despite the impact that they would have on the Scottish economy and the national health service and social care sectors. Does the First Minister agree that, unlike Labour and the Tories, the Scottish Government will never shy away from welcoming immigrants and valuing their contributions to Scotland?

The First Minister (Humza Yousaf): I agree strongly with Clare Haughey. This is a really dark day for the UK—a country that once welcomed many immigrants, including my grandfather. In fact, it begged them to come here to work in factories and to drive buses due to the labour shortages that were seen at that time. Bit by bit, successive UK Governments—both Labour and Conservative—have dismantled our immigration and asylum processes since then.

On immigration, the latest announcements mean that the UK Government is asking migrants to come here to look after our family members, but in doing so to abandon their own family members back home. On asylum, the UK Government has virtually eliminated any practical legal route for people who are fleeing war and persecution. Its policies in that respect are not only morally repugnant but economically illiterate.

We, the Scottish Government, value migration and its importance to our social fabric and our economy. Let me say unequivocally that the Scottish Government—and the Scottish National Party—will always say that we are proud of the benefits that migrants bring to this country and that they have chosen Scotland to be their home.

Lorn and Islands Hospital (Haematology Services)

Donald Cameron (Highlands and Islands) (Con): The First Minister might be aware of today's reports that Lorn and Islands hospital in Oban is set to lose its only visiting consultant haematologist. That will mean that its patients, who in the main are elderly, will be forced to travel hundreds of miles to Glasgow. The charity Blood Cancer UK has said that the loss of that service could put patients at risk. What action will the First

Minister take to urge NHS Greater Glasgow and Clyde to reverse its short-sighted decision?

The First Minister (Humza Yousaf): We will look into the detail of that. I understand from the Cabinet Secretary for NHS Recovery, Health and Social Care that officials are already engaging with the health board. We have a number of policies in place that help not only to attract important health workers to our remote, rural and island communities but to retain them there. I will ensure that the health secretary writes to Donald Cameron with details of the actions that we are able to take.

Police Scotland (Voluntary Redundancy Scheme)

Pauline McNeill (Glasgow) (Lab): This week, in a bid to save money, Police Scotland announced a voluntary redundancy scheme for civilian staff. It came after the force warned that 3,000 jobs would be at risk unless it received an additional £128 million in funding and that officer numbers could drop by almost 1,500. That means that Police Scotland is saying that it might have to move to a reduced attendance model nationwide. Unison has objected to the scheme because it had warned that similar action a decade ago forced police officers to fill the roles that had been vacated by civilian staff. That is not the way in which we should want to run our police service. How does the First Minister intend to address the concerns that Unison and Police Scotland have raised over the budget cuts? It is concerning that they could lead to a reduced policing service being provided to the public.

The First Minister (Humza Yousaf): I might have misheard Pauline McNeill, but I thought that she used the phrase “budget cuts” in relation to the police. If she did, that would be wholly incorrect. We are investing £1.45 billion in policing in 2023-24. We have also increased the resource budget by 6.3 per cent, which is an additional £80 million. Despite the United Kingdom Government's cut to our capital budget, we have more than doubled the Scottish Police Authority's capital budget since 2017-18.

It is important to say that the voluntary redundancy scheme applies to police staff and not to police officers. It will be targeted to release 189 posts to balance the policing workforce. My understanding is that the restrictions on police staff recruitment were introduced from August 2023, with the exception of C3 staff—that is, those in contact, command and control, custody and other business-critical roles.

I say to Pauline McNeill that those are, of course, operational matters for the chief constable. For us in the Scottish Government, it is important to ensure that Police Scotland is funded. That is

why we have more police officers than when this Government took office, and why—crucially, for the public—Scotland is a safer place, with recorded crime at one of its lowest levels in almost 50 years.

Ardrossan Harbour (Redevelopment)

Kenneth Gibson (Cunninghame North) (SNP): In June last year, Ardrossan harbour task force was advised that, after years of negotiation with Peel Ports, redevelopment would go out to tender on agreed designs this past summer. Now, however, improvements that were apparently not previously deemed essential have been included, which has added to interminable delays in the commencement of works.

The First Minister restated his commitment to the Ardrossan to Brodick ferry route while visiting Arran on 23 August. Can he therefore advise when it is now anticipated that work will begin and conclude on the redevelopment of Ardrossan harbour?

The First Minister (Humza Yousaf): I thank Kenny Gibson, who has raised that issue on a number of occasions, most recently when I visited Arran with him.

First, I give an assurance that the Scottish Government remains committed to ensuring that the Arran ferry service is fit for the future, and that we will continue to engage closely with the community as that work very much progresses.

The business case and cost review for the Ardrossan harbour project are currently being progressed. The Minister for Transport wrote to the Ardrossan task force recently to advise that that work is being expanded in order to help determine the scope more definitively, with reporting expected by February next year.

I fully appreciate that that will be disappointing news. However, it is essential that the scope of the work is clearly defined in order to provide greater certainty on the project costs and the financial package that is required for each of the funding partners to deliver an improved service for the Arran community. I know that the transport minister will be happy to meet Kenny Gibson to give him further details.

Forth Valley Royal Hospital

Alexander Stewart (Mid Scotland and Fife) (Con): The 30-bed ward at Forth Valley royal hospital, which is part of the new national treatment centre that is aimed at increasing capacity for operations, has been delayed after national health service troubleshooters found problems with the construction project that could compromise patient safety.

The review of NHS Scotland assure found ventilation, fire safety and flooding concerns with the project. Have no lessons been learned following problems at other facilities? What action is the Scottish Government taking to rectify the situation?

The First Minister (Humza Yousaf): Alexander Stewart has the right to raise those issues of concern for the local community, but the entire purpose of setting up NHS Scotland assure was to ensure that we identified those issues and the health board was then able to take remedial action.

I understand that the Forth Valley NHS Board is now taking that action. I am pleased that NHS Scotland assure was able to identify those issues at that stage, and NHS Forth Valley is working with the contractor in order to make the improvements that are required.

Rape Crisis (Funding)

Monica Lennon (Central Scotland) (Lab): Rape crisis centres are trusted emergency services and should be funded as such. However, more than 800 survivors of rape and sexual assault are stuck on waiting lists. If that is not shocking enough, 28 rape crisis workers face redundancy in the new year unless the Scottish Government extends emergency waiting-list funding beyond March 2024.

Survivors cannot wait, so will the First Minister agree to take immediate action to save those jobs, reduce waiting times and commit to long-term sustainable funding for rape crisis centres across Scotland?

The First Minister (Humza Yousaf): I thank Monica Lennon for raising such an important issue. I hope that she will take it as read that this Government, and I in particular, value the excellent work that Rape Crisis Scotland does and has done over many years. The front-line services that it provides are absolutely crucial, which is why we are investing record levels of funding to support them. That includes more than £5 million for the rape crisis network through our annual £19 million delivering equally safe fund.

I am aware of, and acknowledge, the concerns about the 100 days money ending in March 2024 and the potential impact that that will have on services. We are currently considering our budget for the next financial year, during a particularly challenging financial time in the context of a really damaging United Kingdom Government autumn statement. However, I give Monica Lennon and those at Rape Crisis Scotland an assurance—a reassurance, I hope—that we are considering the issues for Rape Crisis Scotland in relation to the budget.

Coul Links (Planning Consent)

Ariane Burgess (Highlands and Islands)

(Green): Yesterday, Highland Council granted planning consent for a golf course on Coul Links—an internationally recognised Ramsar site and a site of special scientific interest—despite an objection from NatureScot and a recommendation from planning officials of refusal on the basis of conflict with policies 3, 4 and 10 of national planning framework 4. Will the First Minister confirm that that decision will be called in to ministers, and will he reaffirm the Scottish Government's commitment to respecting all international treaty obligations, including the Ramsar convention?

The First Minister (Humza Yousaf): Such planning decisions are made locally, and I will not comment on whether ministers will call in a live application or on what a decision might be. However, the issues that Ariane Burgess raises in relation to the environmental impact of any planning application are incredibly important. Considering the impact that any planning application could have on our nature and natural environment is of the utmost importance. I expect local authorities to take account of those matters and ensure that they meet their statutory obligations. However, Ariane Burgess will forgive me for not being able to comment any further on a live application.

Child Poverty

Fulton MacGregor (Coatbridge and Chryston) (SNP): The First Minister will have seen the UNICEF report that places the United Kingdom at the bottom of the international league table on child poverty. The Tory two-child cap is one of the biggest drivers of child poverty. What measures must the UK Government take to change that woeful record and lift children out of poverty?

The First Minister (Humza Yousaf): The findings of that UNICEF report make for sobering reading, given that they mark the UK as being among the worst of the world's richest countries in relation to reducing child poverty. That is a shocking indictment of consecutive Westminster Governments that have presided over a decade of austerity.

A Scottish Government analysis estimated that reversing key UK Government welfare changes that have taken place since 2015 could lift out of poverty an estimated 70,000 people in Scotland this year, including 30,000 children.

I expect the Conservative Party to be cruel and inhumane when it comes to welfare policy, but the fact that Labour is signed up to continued austerity and has ruled out scrapping the two-child cap and

the rape clause simply beggars belief. It shows exactly why Scotland needs independence, as set out yesterday in the latest paper in our "Building a New Scotland" series, so that we can have the full levers, make urgent changes to a broken welfare system and build a social security system that is based on fairness, dignity and respect.

Union Connectivity Review

Finlay Carson (Galloway and West Dumfries)

(Con): Will the First Minister join me in recognising the fantastic work that has been done between the Scottish Government and the United Kingdom Government, and in welcoming the announcement that, as a result of the union connectivity review, the UK Government is providing £8 million to kick-start the development of options to improve the A75—in effect, giving the green light for bypasses at Crocketford and Springholm, for which I have campaigned for decades? That is in addition to the commitment of funding to deliver targeted improvements, given the Scottish Government's identification of preferred options. Will the First Minister ensure that progress is made at pace on those projects?

The First Minister (Humza Yousaf): My understanding is that the UK Government has committed funding to the review. What would really help is if the UK Government did not cut our capital budget by 10 per cent over five years. That would allow us to invest in our capital projects. If Finlay Carson had even a little bit of influence with his UK Government Tory colleagues—which, I think, he has not—it would be most useful for him to make the case that the UK Government should stop taking a hatchet to our public services and our capital budget.

The Deputy Presiding Officer: That concludes First Minister's question time.

Points of Order

12:48

Russell Findlay (West Scotland) (Con): On a point of order, Presiding Officer. A woman who entered the Parliament yesterday morning was stopped by security staff, who confiscated her small pin badge, which was in the shape of a circle with a downward-facing cross denoting the female sex—within the circle were two Xs, denoting female chromosomes. The Parliament told the press that that was

“in line”

with its

“Visitor Behaviour Policy”,

which bans

“the display of banners, flags or political slogans, including on clothing and accessories”.

Last year, security staff ordered the same woman to leave a committee room because she was wearing a purple, white and green scarf. The Presiding Officer then said that that had been an error and issued a public apology to the woman.

I cannot work out whether the badge seizure was simply petty, was plain stupidity or was perhaps something more sinister. However, many people have since pointed out that MSPs regularly wear or display a wide range of political items, including badges, lanyards and stickers. If the Parliament chooses to define the confiscated badge as political, it surely needs to be consistent. There cannot be double standards, with one rule for MSPs and another for those who pay our wages. Therefore, I seek your guidance on the matter.

The Deputy Presiding Officer (Liam McArthur): Thank you for that point of order. However, that is not a matter for standing orders and, therefore, it is not a matter for me to rule on from the chair. If you wish, you may take up the matter with the Scottish Parliamentary Corporate Body.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. I wish to correct the *Official Report*. In my question to the First Minister earlier, I inadvertently said that Scotland’s programme for international student assessment—PISA—ranking score for this year is 407 when, in fact, it is 471.

The Deputy Presiding Officer: Thank you. That is on the record.

12:50

Meeting suspended.

12:52

On resuming—

Katharine Stewart-Murray

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members’ business debate on motion S6M-09401, in the name of John Swinney, on celebrating the 100th anniversary of the election to the United Kingdom Parliament of Katharine Stewart-Murray, Duchess of Atholl. The debate will be concluded without any question being put, and I invite those members who wish to speak in the debate to press their request-to-speak buttons now.

Motion debated,

That the Parliament acknowledges what it sees as the significant historical milestone of the 100th anniversary of the election of Katharine Stewart-Murray, Duchess of Atholl, to the UK Parliament on 6 December 1923, as the MP for Kinross and West Perthshire; recognises her as the first female MP from Scotland, who, it believes, broke barriers and paved the way for women’s representation in politics; commends her unwavering commitment to opposing authoritarian regimes throughout her career, and her consistent stance against Hitler and Nazi Germany, evident in what it sees as her brave resignation from the Conservative whip in 1938, which triggered a by-election; believes that the Unionist Party’s decision to de-select her as its candidate in the by-election undermined women’s representation in politics, and applauds what it considers to be her pioneering work in health and education, including her remarkable 36-year tenure as vice president of the Girls’ Day School Trust, which, it believes, serves as an inspiration for future leaders and reinforces what it sees as the importance of expanding educational opportunities to girls.

12:52

John Swinney (Perthshire North) (SNP): I am grateful to members who signed the motion to commemorate the centenary yesterday of the election to the House of Commons of Katharine Stewart-Murray, the Duchess of Atholl, as the MP for Kinross and West Perthshire, which made her the first woman to be elected to Westminster from a Scottish constituency.

It is not unreasonable for members to wonder why on earth a lifelong Scottish nationalist has lodged a motion and is leading a members’ business debate in the Scottish Parliament to mark the centenary of the election of a member of the Conservative and Unionist Party to the House of Commons, and I feel that the Parliament requires a bit of an explanation. First, I do so because I believe that it is vital in our politics that we look at people for who they are and what they do, rather than simply judging them from their party affiliation. I have always believed that, and I believe it ever more in today’s rather toxic political climate.

The second reason is that Katharine Stewart-Murray led an extraordinary and, in many ways, enigmatic political life that merits greater understanding and appreciation, because she did not act as we might at first sight have expected a Conservative MP who was also the Duchess of Atholl to act.

The third reason is that, as one of her parliamentary successors in the House of Commons and as a member of the Scottish Parliament, it is incumbent on me to make sure that some parliamentary acknowledgement is given.

No political life is straightforward or without question or challenge. I am sure that there will be parts of the political life of Katharine Stewart-Murray with which we will not all agree, but I believe that this centenary gives us the opportunity to ensure that there is greater awareness of a fascinating individual who made a contribution to our politics and whose work raises important questions of real validity for us today.

The very election of Katharine Stewart-Murray in the 1923 Westminster general election was remarkable in at least two respects. First, just a decade earlier, she had been a vehement opponent of the right of women to vote, yet, 10 years later, her mind had been changed and she was elected to Westminster.

Secondly, the election was a bit of a local cliffhanger. She won the seat from the Liberals with a majority of just 150 in a two-horse race. One of our Conservative colleagues, Liz Smith, was involved in a cliffhanger election in a Perthshire seat during the 2001 Westminster election. Mercifully, the majority of 48 on that occasion was in favour of my party and not hers, and our Deputy Presiding Officer might have had more than a passing interest in the outcome.

Katharine Murray was one of only eight female MPs out of the 615 who were elected to the House of Commons in 1923 and she went on to make a significant contribution to business at Westminster. She took a close interest in how people were treated in the then British empire and was shouted down by male MPs for sharing with the House of Commons the horrific details of female genital mutilation all those years ago. She believed that, if women in India were living under the umbrella of the British empire, they should be protected from practices that were not approved of by the British Government.

Her talent and industriousness were recognised, and she went on to become the first female Conservative education minister. She championed the power of education to safeguard the future of children, and the wellbeing of children became a central feature of her political contribution. When

the Conservatives went into opposition, she went to the back benches and her political outlook began to take a new course. She took a keen interest in matters of international policy and became increasingly alarmed by the rise of fascism in Europe. There were strands of people in the British establishment in the 1930s who were entirely relaxed about the growing spectre of fascism in Europe and did not believe that the United Kingdom needed to address the threat. Katharine Murray railed against that sentiment, which she saw as a direct threat to democracy and human rights. She travelled extensively in Europe to understand the events that were taking place and to try to comprehend the fear and the alarm that were spreading in a growing number of countries as the threat from fascism materialised. She warned of the dangers, but was increasingly marginalised and dismissed in the domestic debate.

As the Spanish civil war took its ferocious course, she was horrified by what she witnessed. She was especially alarmed by the dangers that were faced by children and the effects of the warfare on them. With others, she worked at speed to arrange for 4,000 children to be brought to the safety of the United Kingdom to avoid the horror of the Spanish civil war. Her actions were necessary in the 1930s, but they contain important lessons for us today.

Donald Cameron (Highlands and Islands) (Con): I thank John Swinney for securing the debate in the Parliament and for hosting the event that I attended last night. A huge array of different perspectives were shared about the life of Katharine Murray. She was a Scottish unionist and had a difficult relationship with the Conservative Party as time went on. She represented an important theme in my party's tradition of patriotic, liberal unionism, which was shared by people such as Walter Elliot and John Buchan. On the wellbeing of children, at last night's event, John Swinney will have heard the fascinating evidence from one of the speakers about the experience of coming to the UK from Spain. Does he have any further observations on that?

John Swinney: Donald Cameron's timely intervention brings me to the event last night that I hosted in the Parliament, to which we welcomed some of the children of the children who were brought out of the turmoil of the Spanish civil war to the safety of the United Kingdom by the Duchess of Atholl. They told the stories of their parents' survival and wanted to say one thing to the family members of the Duchess of Atholl, who were present last night. They wanted to express their thanks for her actions, because, quite simply, without them, those children would not be here today. Those lessons are vital for us as we wrestle with the current challenges in our society.

The Duchess of Atholl's acute interest in the rise of fascism led her to closely study the contents of Hitler's words in "Mein Kampf". She read the original text in German—she was a German speaker—and felt that the English translation that was originally on offer did not properly convey the contents of Hitler's full plan. Therefore, she arranged for a full English translation and agitated to get the United Kingdom Government of the time to take the emerging threat seriously.

She became increasingly frustrated that she could not convince the British Government to act, so she tried to force its hand. To address the issue, she triggered a by-election in Kinross and West Perthshire, which took place on 21 December 1938—a very cold winter's night, apparently. The huge might of the Conservative Party was deployed against her and she lost the by-election, but only narrowly. She might have lost the by-election, but events proved that her concerns were valid and legitimate.

I suspect that, if people were asked in the street, few would know who the first female MP to be elected in Scotland was. I think that it would surprise them to find that that individual was married to an aristocrat, was opposed to suffrage for women, was a Conservative and Unionist who campaigned for educational opportunities for all, helped refugee children to safety from the Spanish civil war and ended her political career to press the alarm about the rise of fascism. That, however, was the enigmatic life of the Duchess of Atholl, the MP for Kinross and West Perthshire, Katharine Murray, the red duchess.

13:01

Keith Brown (Clackmannanshire and Dunblane) (SNP): I congratulate John Swinney on bringing this interesting debate to the Parliament, and I offer my apologies for having been unable to attend last night's event. Like John Swinney, I think that SNP members question themselves when a debate has such a subject and we are talking about a duchess. As Robert Browning might have said, this will be my last duchess debate in the Parliament, but it is a worthwhile subject for debate.

My connection is a bit more personal, and I will try not to repeat the points that John Swinney spoke about from his position of far greater authority. After the 2011 election, the current Minister for Culture, Europe and International Development and I went to Pitlochry for a break, when we visited Blair Atholl and found out about the red duchess. We were blown away by the history; we were completely unaware of the background before then.

My grandfather is from Pitlochry. He gave my father the name Atholl, which I gave my son as a second name—as it is for my brother. I have a family connection with Blair Atholl.

During the visit to Pitlochry in 2011, I learned about the importance of the immense historical figure that is Katharine Stewart-Murray and about her contribution to Scottish life. It is important to refer to that, even if it is just because she was the first woman to be elected to the House of Commons from Scotland. That was an immense achievement, when we consider that the franchise had been expanded to include only some women just five years before and would not be expanded to all women for another five years subsequent to the duchess's election.

During Katharine Stewart-Murray's time in Parliament, she embarked on a trailblazing political journey that was marked by a distinctively feminist outlook, although that feminism might be of a different brand from that which some feminists today would recognise. Her position was all the more difficult for that reason. As we have heard, her feminism did not stop at Gretna or Dover; it was explicitly international.

During the Spanish civil war, which is intimately tied to Scotland's history, Katharine Stewart-Murray saw the impact of the conflict on women and girls in particular and made that the focus of her book "Searchlight on Spain", which was instrumental in persuading the British Government to accept child refugees from the Spanish civil war, as has been mentioned.

Katharine Stewart-Murray sits within the tradition of strong women who have broken the status quo of Scottish politics. We can look to many such women, including her contemporaries, such as Lavinia Malcolm, who was the first woman councillor and first woman provost in Scotland—in my constituency and in the village of Dollar, where I live. After my election in 2007, I lodged a motion about her.

There is also Florence Marian McNeill, who was a leading Scottish suffragist, a leading light of the Scottish literary renaissance of the 20th century and a founding member of the Scottish National Party. We all know of Elsie Inglis, the well-known doctor, surgeon, teacher and Scottish suffragist, and Mary Barbour, the Glasgow councillor who famously organised the rent strikes.

There are those who came after Katharine Stewart-Murray's time, such as Winnie Ewing and Margo MacDonald, who both won stunning by-election victories against significant odds and who for the rest of their lives championed difficult causes that needed a champion, much as Katharine Stewart-Murray did. We also have our first female First Minister, Nicola Sturgeon, among

many more—far too many to mention in this short speech.

Katharine Stewart-Murray sits firmly within that tradition of strong Scottish women of independent mind who achieved against all the odds. That is a phrase that we use now, but the realities of electoral politics 100 years ago were that it was difficult to break the mould as a woman or as an independent, as she might subsequently have been seen.

No instance shows that resilience more than her stance against authoritarian regimes, especially her opposition to Franco's Spain, Mussolini's Italy, the Soviet Union and, lastly, Hitler and Nazi Germany, which, as we have heard, led to her deselection from what was then the Scottish Unionist Party, because her stance was out of step with the then Prime Minister Chamberlain's policy of appeasement.

Of course, appeasing Hitler is now widely regarded to have been a strategic mistake in the build-up to the second world war, and even that is, to a large extent, understating it. However, it is a timely reminder that, even when something might not be popular at the time, it might also be the right thing to do.

Today, the Parliament and our Government are among the most representative in the world for women. I am pleased that my party has more female MSPs than males. That has contributed to a more balanced Scottish Parliament, which has one of the highest levels of female representatives in the world.

Let us see whether today's debate is an opportunity to celebrate how far we have come in the 100 years since Katharine Stewart-Murray's election as our first woman MP, as well as how much further we have to go. We should also use today's debate to reaffirm our commitment to continue to work towards true gender equality, not just nationally or at UK level, but internationally.

The Deputy Presiding Officer: I call Murdo Fraser, who joins us remotely.

13:06

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate John Swinney on securing today's debate and thank him for his overview of the life of the Duchess of Atholl. I am sorry that I am not able to be there in person in the chamber today and that I was not able to join last night's event, for which we must blame black ice on the Edinburgh pavements.

We should also recognise the efforts of Jane Anderson, the former archivist at Blair Castle; Paul Ramsay of Bamff—[*Inaudible.*—]—for keeping the duchess's memory alive; and, of course, Elizabeth

Quigley, who presented a very good BBC report on the duchess's life.

This is an important date to mark, both in the context of Perthshire and Scottish politics as a whole. Today, we commemorate the life of a true pioneer in Scottish politics—the first female MP in Scotland. Elected to the Kinross and Western Perthshire seat in 1923 as a member of the Unionist Party, Katharine Stewart-Murray retained her seat until the 1938 general election. As we have heard, she was a complex and controversial character in her time. She was a rare independent thinker at a period when the existing order of the international system was both turbulent and volatile. Her views were often out of step with the consensus of the day, not least in her party.

Katharine Marjory Ramsay was born in 1874 and, in 1899, married John Stewart-Murray, who was the Marquess of Tullibardine and, later, the 8th Duke of Atholl. At that point, he was the Unionist MP for West Perthshire but had to surrender his seat in 1917 on inheriting the dukedom. At that point, the seat was won by the Liberals, but Katharine won the seat in 1923. She went on to serve in Government as Parliamentary Secretary to the Board of Education and was the first woman, other than a mistress of the robes, to serve in a British Conservative Government as a minister.

As John Swinney has reminded us, the duchess had been a vigorous opponent of female suffrage—in fact, one of the leading campaigners against it in Scotland—but that did not stop her standing for Parliament when the opportunity arose. That was one of a number of controversial positions that she held. Famously, she aligned herself with a number of causes that did not endear her to the Conservative leadership of the time. She was an active supporter of the republicans in the Spanish civil war, which earned her the nickname “the red duchess”. She was closely involved in humanitarian efforts and became chairwoman of the National Joint Committee for Spanish Relief. In that capacity, she was successful in persuading the British Government to admit child refugees from Spain.

The duchess was also very concerned about the rise of fascism in Italy and Germany. Her willingness to go against the prevailing view adopted by the appeasement wing of her party in relation to recognising the threat posed by Nazi Germany proved not only commendable but right. However, it was the decision to side with the likes of Winston Churchill and Anthony Eden that would later cost her her seat in the House of Commons. She faced a deselection process, orchestrated from the top of her party, and subsequently stood as an independent candidate. She faced an exceptionally nasty campaign, in which her former

party threw everything at ensuring that she was defeated.

Despite numerous accounts of irregularities, including threatening behaviour within the constituency, she was only narrowly defeated by 5.8 percentage points. Some have argued that, had the election been held just a few weeks later, or had the confirmation of Hitler's intent in Europe been projected to the world earlier, that would very likely have resulted in the opposite outcome. What the duchess had long argued then became indisputable—that Nazi Germany presented an existential threat to Britain, to stability in Europe and to the existing world order. Like Churchill, she was proven right.

As Scotland's first female MP, she was certainly a trailblazer. However, the duchess was not someone who was loved by party managers; she was someone who knew her own mind and was prepared to be outspoken for the causes that she believed in. We could do with a few more cast in her mould today.

She was a woman with a remarkable story, and it is right that we remember the anniversary of her first election, and join to pay tribute to her legacy.

13:11

Richard Leonard (Central Scotland) (Lab): I thank John Swinney for bringing this motion on Katharine Stewart-Murray before us. I do not think that it would be breaching a confidence if I recall a conversation that I had with John Swinney just after he stepped down as Deputy First Minister.

"I will spend all my time on the back benches",

he told me,

"attacking the Tories",

and yet, here we are, in only his second members' business debate from the back benches, and he is asking us to praise one of them. However, I think that what he said earlier on about that is quite important.

I also have to make a confession—the Duchess of Atholl does not figure very prominently on my bookshelves, so my reading and my speech might be a little selective. Of course, the firebrand MP Jennie Lee was a contemporary who was first elected to Parliament for Northern Lanark in 1929 at the age of 24, at a time when there were still very few women in the House of Commons. Jennie Lee's biographer, Patricia Hollis, records that, although Katharine Stewart-Murray had actively opposed women's suffrage, she

"found herself radicalised by her time in the House."

Tom Johnston also recalls the duchess in a footnote in his 1952 publication, "Memories", but his rather more polemical, notorious and, so,

memorable book, "Our Scots Noble Families", nearly half a century earlier, made a rather different point. He said:

"The history of the Stewart-Murrays reads like an Arabian romance of successful crime".

His chapter on the family begins with the Edward Carpenter couplet:

"A robber band has seized the land,
And we are exiles here."

Johnston goes on to declare:

"the most virulent critic of our hereditary rent-drawers and land-grabbers could never honestly deny that the Atholl family motto of 'Furth, fortune and fill the fetters' had been scrupulously acted up to".

He continued:

"the only unfortunate thing being that it was always other people who filled the fetters".

On a brighter note, the duchess also appears, as a footnote, in Hugh Thomas's seminal work on the Spanish civil war. Hugh Thomas concludes that the red duchess's "Searchlight on Spain", published in 1938 and selling more than 100,000 copies,

"was the most successful of all the propaganda books on the Spanish war."

She chaired the National Joint Committee for Spanish Relief and it was in that role, helping to rescue 4,000 refugee children from the Basque Country, that the duchess made a real, practical, humanitarian difference.

I agree with respected writers such as Daniel Gray in that, in truth, I do not think that the ennobled, upper-class, blue-blooded Katharine Stewart-Murray was red at all, but she certainly distinguished herself as a member of Parliament who was anti-Franco, anti-fascist and anti-appeasement—a stance that made her unpopular among the British political establishment in the 1930s. Patricia Hollis also describes how

"The culture of the Commons was of course exaggeratedly masculine—rowdy, boozy, assertive, and quarrelsome".

It is a culture still too prevalent in politics today.

Going into that, the first woman MP elected in Scotland had to fight to be heard, but in so doing she became the first woman ever to hold office in a Conservative Government. She resigned the Conservative whip in 1935, in part over its position on constitutional reform in India. When she fell out with her party for the last time in 1938 over—let us remember—the Munich agreement, she possessed the political principles to resign her seat and fight a by-election. Were only those same principles applied today.

I thank John Swinney for lodging the motion. I hope that, in return, he and other MSPs will sign up to motions that I have submitted in the past few

days on last week's centenary of the death of the great red Clydeside socialist John Maclean, and on the 25th anniversary of the passing of the heroic miners leader and political visionary Mick McGahey. It is important that Parliament marks the lives of those noble leaders of the working class, and it is right that we find a place in Parliament for not just history that is made by those from selected stock, but history which is made by the masses.

13:16

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): It is my great pleasure to take part in today's debate. I heartily congratulate John Swinney not only on bringing the debate to the chamber but on hosting the fabulous event that I attended last night, which has already been referenced. Hearing from Katharine Stewart-Murray's great-nephew, Paul Ramsay, as well as the children of the youngsters she brought to the UK, truly was a mesmerising experience.

More importantly, I must thank John Swinney for bringing the said lady to my attention. Like many, I have to say to my great shame that I had no idea who she was, despite her relevance to my Perthshire South and Kinross-shire constituency, and, most importantly of all, what she accomplished in a quite remarkable life.

As John Swinney said, the fact that she became a member of Parliament is all the more remarkable given that her initial stance was against women's suffrage. Even after her election, she voted against lowering the age at which women had the right to vote, so to say that she was complex is a bit of an understatement.

There is also the dichotomy between her privilege and upbringing and the causes that she chose to pursue, but, for me, that demonstrates her humanity rather than her heritage. None of us chooses the family or the lifestyle that we are born into, and the important thing is what we do with our lives and how we shape our circumstances.

As a nation, we laud the great men of entrepreneurial spirit who have helped to shape our country, especially the self-made ones, and yet I did not even know who she was. That is a societal problem that we have to challenge to this day.

Kitty Murray might well have been born into privilege, but she used that privilege to great effect in helping others, as colleagues have stated, despite the fact that she got herself into considerable problems in the process. She lost the election that she forced, but she had considerable public support. In "The 'Red Duchess'—Katharine, Duchess of Atholl", a book by a gentleman called Mike Levy, he quotes her response to the local

Conservative and Unionist CA leader asking her to tone down her support for the Spanish revolutionaries. She said:

"I am sorry that you hear of objections from constituents about my visit to Spain but I hope these will gradually lessen ... I think public opinion down here is turning a good deal since the destruction of Guernica, and I hope that my letters to the newspapers will help to enlighten opinion a little".

The fracture with her local party would become unbridgeable the following year.

However, she clearly had support, because during the election campaign that she forced and was fighting, the following was written in *The Scotsman* by John Dick of Glasgow:

"Defy the Fascist hordes
With challenge strong and clear
Though loud their drums and bright their swords
they're sick at heart with fear.
Scorn Hitler's blatant nose
And Mussolini's fray
And when they hear a manly voice
The cads will slink away.

The listen on the air
in Berlin, London, Rome;
Then tell the rogues that these mountains bare
Are still the freeman's home.
The world is on the rack
O Scottish hearts be true
And send the noble lady back
Or—endless shame on you!"

History has shown that she was absolutely correct.

The author Amy Gray is currently writing a book that is due to be published in 2025. I do not normally look forward that length of time for the release of a book, but that is one that I will definitely pre-order so that I can learn even more about the remarkable Kitty Murray, the Duchess of Atholl.

13:20

Stephen Kerr (Central Scotland) (Con): I congratulate John Swinney not only on bringing the motion to the chamber for debate but on his speech. I could agree with what he said.

It was very interesting to hear Richard Leonard make known to members the revelation that what motivates John Swinney today is attacking the Tories from the back benches. That makes the motion even more remarkable. I pay tribute to John Swinney for organising the event last night, and I give belated apologies for my absence.

Katharine Stewart-Murray, the Duchess of Atholl, stands as a figure of rare courage and principle. Her legacy is etched not only in her groundbreaking political milestones, which have been referenced in the speeches that we have heard, but in the unwavering stance that she took

against the tide of popular opinion in her own party.

Donald Cameron was quite right to identify the fundamental tension that sometimes existed between Scottish unionist members of Parliament and the Conservative Party. It is Katharine Stewart-Murray's commitment and convictions, at such a steep price—her seat in Parliament—that draw my admiration. Those outlast the constraints of time.

In 1923, Katharine Stewart-Murray engraved her name in history by becoming Scotland's first female member of Parliament, as we have heard. She did not rely on quotas or all-women shortlists. She did so on the basis of her sheer force of personality, dedication, hard work and prowess. It was a testament to her talent.

The 1930s were difficult times for the world and for Scotland. We have heard all about that. There was support for totalitarianism around the world, and that was manifest in the United Kingdom. Perhaps we should approach that period of history from the point of view that the people who were involved at the time might not have known the full extent of the horrors that were to be unleashed on the world by the forces of fascism and communism. However, we must learn from those mistakes.

It is absolutely right to say, as a couple of members have, that the British establishment had somewhat nuanced views on fascism and Nazism. The SNP has an interesting and colourful period in its history when leading figures within its ranks were known to have sympathies for fascism and, indeed, Hitler. Katharine Stewart-Murray saw through the forces of totalitarianism. She knew by instinct and principle that she was against them. She was a vocal critic of regimes such as Stalin's Soviet Union, and she abhorred the very notion of a state dictating the private lives of its citizens. Her belief in individual freedoms and the right to self-determination was unwavering, and it manifested itself in vocal condemnation of the Italian invasion of Ethiopia, for example.

As has been mentioned, she went to Spain in 1937 with other parliamentarians from the House of Commons. She registered her open dissent against the non-intervention policies of the then British Government in the Spanish civil war, and that led her to chair the National Joint Committee for Spanish Relief. Her book "Searchlight on Spain", which Richard Leonard referenced and which was a best seller, was a bold critique of the conflict. It flew in the face of the Conservative Party's then prevailing sentiments and drew considerable opposition from the leadership of the party. That is what eventually led, sadly, to her political demise.

Katharine Stewart-Murray was no stranger to conflict with the Conservative Party. Her resignation over the India bill, her opposition to the Government's domestic policies in 1935 and her opposition to the policy of appeasement in relation to Nazi Germany in 1938 highlight her unyielding commitment to her beliefs. As has been mentioned, her unwavering stance against prevailing party lines led to her eventual ousting. She resigned. There was an orchestrated campaign against her before she resigned and an orchestrated campaign to unseat her when she stood as an independent candidate in the by-election that has been referenced.

Katharine Stewart-Murray's political life speaks volumes. Her message transcends historical context. The truth is that, in our Parliament—in many a Parliament—at times, the weight of party machines and whips stifles authentic debate. As we commemorate a century since the election of Katharine Stewart-Murray, the Duchess of Atholl, the lesson that I take to heart is that it is imperative that we, as individual parliamentarians, stand firm for what we believe in and have a right as individuals to believe in, even if it means diverging from the prevailing consensus in the chamber, popular opinion, establishments and even our parties.

13:25

The Minister for Equalities, Migration and Refugees (Emma Roddick): I am grateful to John Swinney for lodging the motion and giving us the opportunity to mark the centenary of Katharine Stewart-Murray's election. As we have heard, she was an unusual character. I doubt that she and I have a great deal in common, but I feel a connection with her journey from initially campaigning against women's suffrage to standing for election. I have never been opposed to women having the vote, but, back in 2014, I argued against the vote being given to me and other 16 and 17-year-olds in the independence referendum. I genuinely and strongly believed that I should not be given the vote.

Going from that standpoint to becoming the youngest member of the Parliament and the Government and now being a firm supporter of the right of 16 and 17-year-olds to vote, I understand Katharine Stewart-Murray's journey. It shows the impact that enfranchising people can have and how the best of us can internalise misogyny and inequalities, including those of us who are victims of that. I am sure that Katharine Stewart-Murray was genuine in her opposition to women's suffrage in the beginning, but the context in which she lived, in which it was accepted that women were not equal, and then the vote being extended

clearly had an impact on her belief system and perhaps on her view of herself.

I enjoyed Richard Leonard's suggestion of radicalisation by exposure to men in politics. Many women and feminists in politics nowadays can sympathise with that. That leads me to the other reason why I welcome the motion: it gives us an opportunity to reflect more widely on how women's experiences and representation in politics have evolved in the past century. It is easy for us to see that things are better 100 years later, but that is a considerable time frame and change has been slow.

We often hear from people who do not want to talk about or accept the problem of underrepresentation of any groups that we need to have the best person for the job, as if it is possible that that is who we can get every time when inequalities are baked into the system. If we are to get the best person for the job, there needs to be equal footing for all genders, for disabled, able-bodied and neurotypical people, and for all ethnicities and sexual orientations. We are likely to get only the best white male for the job while that does not exist.

In 2021, a historic high of 58 women were elected as MSPs, which is 45 per cent of the chamber. However, it was not until 2021 that any women of colour were elected to Holyrood and that we had our first permanent wheelchair user. We now know what the impact of women in government is. The Scottish Government has introduced a number of important policies, which likely would not have been possible without strong representation of women in government. Those include free period products for all, 1,140 hours of funded early learning and childcare for all eligible children and our ambitious women's health plan to reduce inequality in health outcomes for women and to improve information and services for women.

We also have a number of initiatives to support more women into politics. Engender's equal representation project works with political parties to increase diverse representation of women. It has produced a toolkit to enable political parties to assess their diversity and policies on inclusion and to receive an individualised action plan to improve the participation of underrepresented groups. That project, importantly, brings together stakeholders working for the representation of racialised minorities, disabled people and the LGBTQI+ community, recognising that intersectional representation is needed.

Elect Her supports and equips women to stand for political office through hands-on workshops and peer support circles. Fifty-four women were supported by Elect Her in the 2022 Scottish local

authority elections, with 27 of those women winning.

However, to accurately understand the situation, it is important that we look not just at the number of women who are elected each time but at how many stay on and are retained for a full term or more than one term.

We see that issue across politics. Only 35 per cent of Scottish councillors are women. We have just had First Minister's questions: out of five party leaders here, only one is a woman and she is a co-leader in a position that cannot be filled by a man. That is not necessarily a problem in itself. We have some excellent men in this Parliament who do what they can for women's issues. I note that John Swinney, Keith Brown, Richard Leonard and Jim Fairlie are all wearing white ribbons today. We have a male First Minister who is committed to tackling all inequalities with an understanding of intersectional issues. However, everyone but me who has spoken in the debate today has been a man.

When a pattern begins to emerge of women citing similar reasons for stepping back from public life and the impact of equalities mechanisms disappears when the mechanisms do, rather than having a long-term impact, that shows that there is a problem to solve.

Stephen Kerr: [*Inaudible.*]

The Deputy Presiding Officer: Can we have Mr Kerr's microphone on, please?

Stephen Kerr: I beg your pardon. That is my fault—I had not planned to intervene. I am doing so because, thus far, the minister has not really referenced the primary topic of the motion, which is the life of this remarkable lady, the Duchess of Atholl. I wonder whether she can draw inspiration from the fact that this lady showed great tenacity, self-belief and principle as the first Scots woman to sit in the House of Commons representing a Scottish constituency? Does she draw anything from that political life that could inform us in the chamber and make us all better parliamentarians?

Emma Roddick: Yes, absolutely. That is what I am discussing here. We see a remarkable woman who fought and fought and fought. She should not have had to. The problem is that many women are still having to fight the party system and the Parliament system to contribute to public life, as she did.

Women who get elected find barriers that they did not expect once they get here, whether that is misogyny and harassment or a struggle to access childcare or healthcare, such as menopause support, away from home. At the end of every session, we see successful women citing family or caring responsibilities when they step down. They

have discovered the incompatibility of those responsibilities and their role here, and that is why they are not seeking re-election.

The Parliament's gender-sensitive audit made more than 30 recommendations on how to improve the Parliament's rules, practices and culture. It is important that we keep the progress going internally to improve the experience of women and other underrepresented groups. We know that the problem is wide and deep, and that the need for societal change remains. If we are listening to the stories of a woman who sat in the United Kingdom Parliament 100 years ago and are able to connect them to the lived experience of women who sit in this modern Scottish Parliament today, that shows us just how far we need to go.

We might be able to say confidently that our parties would not act in the same way towards women who dare to think for themselves, as happened to Katherine Stewart-Murray, but much of that attitude remains and is still visible.

We will not make effective societal change without women who understand both the equalities at play and how being part of the process impacts them. Women are being removed from the process due to our structures and attitudes. I thank all the men in the room who are engaging with the likes of White Ribbon Scotland and listening to female colleagues, because all those issues are connected. I encourage everyone to take notice of the remaining inequalities at play and to do whatever is in their power to tackle them.

13:33

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Education and Skills

The Deputy Presiding Officer (Liam McArthur): The first item of business this afternoon is portfolio question time and the portfolio on this occasion is education and skills. As usual, members wishing to ask a supplementary question should press their request-to-speak button during the relevant question.

Scottish Qualifications Authority (Discussions)

1. **Stuart McMillan:** To ask the Scottish Government what discussions it has had with the SQA in relation to the consistency of national 4 and national 5 prelim examination papers. (S6O-02846)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Although prelims can be valuable preparation for final national 5 exams and a useful guide to pupil progress, they are not compulsory, and the decision on whether to set prelims rests with individual schools and colleges. As they are not a formal part of the process for awarding Scottish Qualifications Authority qualifications, the SQA does not have any role in the delivery of prelim exams.

National 4 qualifications are made up of units, including an added-value unit, with no final external examination. They are internally assessed as pass or fail and are externally quality assured by the SQA. Therefore, prelims are not commonly used at that level.

Stuart McMillan: The quality and consistency of prelim exam papers become important to students who find themselves in need of an appeal, and they are particularly likely to go through that process if they are unable to sit the SQA final exam. That has been the situation for one of my constituents, who got an A in their prelim but, on appeal, got a B. The SQA said that the marking criteria had not been consistently applied and that the level of demand of the assessment that generated the evidence was less than the course assessment.

Would the cabinet secretary consider it to be better for students if they all sat the same prelim exam or one that the SQA agreed was equal to the level of the course assessment?

Jenny Gilruth: It is worth reiterating that the SQA does not have any role in the delivery of prelim exams. It is also worth saying that, since

the introduction of the national qualifications back in 2013-14, prelims and any alternative evidence have not formed part of the appeals process, apart from during the temporary pandemic arrangements. I am of the view that the appropriate evidence to inform the appeals process is a matter for the new qualifications body and that it should keep that under review.

Of course, the SQA looks at alternative evidence for exceptional circumstances such as pupils who might have been unable to sit their exam or whose performance was impacted due to illness. The SQA gives extensive guidance to centres on what constitutes valid evidence in those circumstances, and that includes prelim evidence. The SQA also gives a range of support to centres on understanding standards, to support teachers in setting assessments and understanding the level for the learner against the national standard.

Fundamentally, a wider programme of education reform is currently under way, and I believe that that will require to consider approaches to assessment in much more detail as part of any changes to the qualifications that might come forward. In the meantime, I encourage Stuart McMillan's constituent to discuss the matter directly with their school or local authority.

Martin Whitfield (South Scotland) (Lab): When we look at the role of the SQA in qualifications, we look back at 2022, when a "generous approach" was used for grading. For the exams at the end of the previous academic year, a "sensitive approach" was taken to grading. With change coming to the SQA—this is pertinent to the question that has been asked about appeals—what approach will it take for this academic year?

Jenny Gilruth: For this past academic year, for the first time, we reintroduced the qualification requirements that existed prior to the pandemic, and the arrangements around the appeals process mirror those that existed prior to the pandemic. As the member has intimated, the SQA took a range of different measures in relation to being sensitive to the grading approach that it applied. As I understand it, the SQA has returned to the approach that was applied prior to the pandemic, and the arrangements have returned to normal. Although I would be more than happy to write to the member directly on the issue and confirm it directly with the SQA, that is certainly my understanding of the approach that the SQA will take this year.

Violence Towards Teachers

2. Russell Findlay (West Scotland) (Con): To ask the Scottish Government what its response is

to reports of increasing violence towards teachers and students in schools. (S6O-02847)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): No teacher, member of staff or pupil should have to suffer abuse in our schools. Last week, the final stage in the behaviour summits concluded with a wide range of stakeholders on behaviour in our schools. The behaviour in Scottish schools research—BISSR—which provides the accurate national picture in relation to behaviour in Scotland's schools, was also published last week.

Although the BISSR set out that the majority of our pupils are well behaved, there has been a marked increase in disruptive behaviour since the research was last carried out in 2016. I have been clear that it is unacceptable and that it will require a co-ordinated response that recognises that schools cannot manage that shift in behaviour on their own.

In my statement to the Parliament last week, I confirmed that a multiyear plan is in development to tackle instances of challenging behaviour, working with local authorities, trade unions and others.

Russell Findlay: The Scottish National Party is entirely responsible for trashing Scotland's education system. A key reason for our children being so badly failed is that classroom discipline has collapsed, with teachers and pupils suffering unprecedented levels of violence. However, as with the SNP's weak justice system, those who are responsible know that there is no punishment and no deterrent. What does the education secretary have to say to teachers, who just want to do their jobs, and to pupils, who just want to learn in safety?

Jenny Gilruth: I am sorry to say to Mr Findlay that the way in which we approach our education system is very different from the way in which we approach our justice system. In my statement to Parliament last week, I was keen to set out the work that we do with our local authorities on recognising the importance of having a national approach to supporting better behaviour in our classrooms. In last week's statement, I made it absolutely clear that the changes that we have seen in behaviour since 2016, when the research was last carried out, are unacceptable—they are unacceptable for our teachers and for our young people. Last week, I set out a five-point plan to tackle behaviour in Scotland's schools.

Therefore, I very much recognise the challenges that exist here, but the point that I was making to Mr Findlay in my initial response was that schools cannot do this on their own. We need to have a co-ordinated response that seeks to engage, for example, our health professionals in speech and

language provision—we heard contributions from other members on that point last week—and that helps to support consistency in relation to how behaviour management policies are applied. That is a matter for our teachers, whom I trust to deliver behaviour management policies in our schools.

The Deputy Presiding Officer: A number of members want to ask supplementaries. I will try to get them all in.

Bill Kidd (Glasgow Anniesland) (SNP): The “Behaviour in Scottish Schools 2023” report that was published last week highlighted that poverty can have a clear impact on behaviour at secondary level. Does the cabinet secretary share my concern that the extension of the sanctions regime that was announced last week by the Chancellor of the Exchequer and the continued commitment of the Westminster parties to austerity could have a knock-on impact on how some of the most vulnerable young people fare at school?

Jenny Gilruth: I think that Bill Kidd is absolutely right. Having taught hungry children, I know exactly how poverty interacts with our education system. That is a damning indictment of the way in which the United Kingdom Government has organised its approach to supporting some of our most vulnerable, which is having an impact in our classrooms. We saw that borne out in the programme for international student assessment evidence that was published—[*Interruption.*] I hear chuntering from Conservative members, but I have to say that the actions of their Government at Westminster are harming the outcomes of the young people in Scotland’s schools today.

The Government is taking the action that it can to protect our young people from poverty. That is why we are investing in the game-changing Scottish child payment as part of a package of measures that means that an estimated 90,000 fewer children will live in poverty in Scotland this year. We also have the most generous free school meals provision in the UK. I wish that other parts of the UK would echo our approach, as that support has been pivotal to the progress that we have seen being made in relation to our young people. Those are the SNP’s values in action. The contrast with the actions of a Tory Government that is driving more and more of our children into poverty could not be starker.

Pam Duncan-Glancy (Glasgow) (Lab): The cabinet secretary mentioned PISA. This week’s results must be a wake-up call. The crisis in behaviour in schools is impacting attainment and causing standards to drop. The issue is no longer only about young people feeling safe; it is about the future of our entire education system.

The Government said that it needed to listen before it acted. Pupils, teachers and parents have spoken, yet the Government’s response is lacking. It has blamed teachers, abandoned pupils and sidelined parents. When does the cabinet secretary intend to get serious about the issue, show the leadership that our education needs and come back to the chamber with specific actions to further address behaviour in schools?

Jenny Gilruth: I am somewhat disappointed by Pam Duncan-Glancy’s comments. It will take more than one parliamentary statement to solve the problem. We need parents to be part of the solution, which is exactly why I engaged with the National Parent Forum of Scotland on this very issue only last week. Pam Duncan-Glancy talks about engagement with the profession. I met our trade unions yesterday, and we had a good discussion about some of the collective action that we can take.

The Government cannot do this on its own, but I accept my responsibility, as cabinet secretary, in setting out a national action plan. I very much hope that Pam Duncan-Glancy will work with me on the issue, recognising that there needs to be a co-ordinated response to the challenges that are presented in relation to behaviour. I think that she is right in the point that she made about PISA. We need to have a co-ordinated response that recognises the challenge and does not accept the current situation as the new normal in our education system. [*Interruption.*]

The Deputy Presiding Officer: Can members listen to the questions and, indeed, the answers?

Beatrice Wishart (Shetland Islands) (LD): This week, I met a headteacher who has more than 20 years of teaching experience across different areas of Scotland. She told me about the violence and abuse from pupils and parents, and its impact on other pupils and all levels of staffing. She spoke of the enormous workload, budget cuts, low staff morale, being unable to meet children’s needs and feeling helpless in a system that she says is broken. She has now resigned. The Scottish Government’s response is to offer more training for teachers. Does the education secretary really think that a teacher of that experience just needs more training?

Jenny Gilruth: I do not know whether Beatrice Wishart was in the chamber last week when I gave my response to the behaviour in Scottish schools research, because that was not at all my response. I point out that we provided additional funding for those who work in learning support because that independent research showed our learning support assistants asking for that additionality.

The issue is not just about staff training; it is about a post-Covid societal shift, and one that is happening not only in our schools. There are challenges playing out in all our communities and constituencies that we are all very well aware of, including antisocial behaviour on some of our buses and some of the challenges that we face in our justice network. It is not just about schools. We should be mindful of societal shifts since the pandemic.

We are trying to work with our local authority partners in relation to the changes that we have seen in our young people and their behaviour. Ms Wishart spoke about violence; I think some of the most shocking parts of the BISS research published last week were those about the challenges caused by some of our youngest children. We know that the transition for some of our youngest pupils from early years into primary school has been extremely traumatic. Those young people were out of formal education during national lockdowns and during industrial action, so their education was disrupted. On Ms Duncan-Glancy's point, some of the impact of that disruption is now playing out in relation to the PISA results, and we need a holistic response to that.

I am sorry to hear the story that Ms Wishart outlined about the person who has left the teaching profession. We need more people working in Scotland's schools to support our young people and I commit to coming back to Parliament next week to give a fuller update on our response to the PISA study.

Prevention of Violence Against Women and Girls (Education of Boys)

3. Pauline McNeill (Glasgow) (Lab): To ask the Scottish Government what work it is doing in schools to educate boys to prevent violence against women and girls. (S6O-02848)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government is clear that harassment or abuse in any form, whether in the workplace, in schools, in the home or in society, is completely reprehensible and must stop. The conduct and behaviour of perpetrators must change if we are to end harassment and abuse.

I am concerned by the findings from the behaviour in Scottish schools research, which are echoed by the results of surveys undertaken by some of our teaching unions about rising misogyny in our schools. This Government will shortly publish a national framework for schools on preventing and responding to gender-based violence. That will help ensure consistent messages on sexual harassment and gender-based violence for everyone working with children

and young people and will support our commitment to eliminating all forms of violence against women and girls.

Pauline McNeill: As the cabinet secretary has said, misogyny is unfortunately still rife in our schools, with many young women still reporting alarming levels of sexual harassment at school. Scottish Labour's consultation on violence against women and girls found that developing educational resources on gender-based violence for all boys and young men in Scotland should be a key priority if we are to effectively tackle such violence. Will the Scottish Government commit to introducing bespoke workshops that will specifically teach boys and young men about healthy relationships and interactions with girls and young women, and will it consider rolling those workshops out across the whole curriculum?

Jenny Gilruth: Pauline McNeill makes a really important point. As I intimated in my initial response, we will very shortly be publishing the gender-based violence framework, which will set out our national approach. The proposal that she has brought to the chamber today is interesting and I commit to working with her on it, recognising that front-line support will absolutely be needed in our schools to tackle some of the challenges that we see borne out in the BISS research.

A number of our teaching unions have also carried out really detailed research on the issue, which affects not only female pupils but female members of staff in a teaching population that is majority female. We must be mindful of the trends that are playing out. We have also seen anecdotal evidence about the rise of individuals such as Andrew Tate, some of which is impacting on behaviour in our schools.

We absolutely need a co-ordinated approach, which is what the framework will set out in more detail. I will take Ms McNeill's idea away from today's portfolio questions and speak to officials about whether we might be able to support the approach that she has outlined.

The Deputy Presiding Officer: There is a lot of interest in supplementary questions. I will try to get them all in but they must be questions—please spare us any preambles. The responses will also have to be relatively brief.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Does the cabinet secretary agree that the work to educate boys in schools is very important, and so, too, are programmes such as "Bold girls ken" in my constituency, which work across campuses to tackle gender-based violence through an understanding of what consent means? Does she also agree that this is an issue for wider society and one that needs society-wide solutions, which must come particularly from men

taking responsibility and calling out the male behaviours that lead to violence against women and girls?

Jenny Gilruth: I agree with the member and welcome his contribution. It is vital that men call out instances of misogyny and male behaviours that they see and which could lead to violence against women and girls. I talked in my statement last week about our teachers highlighting the toxic impact of certain social media figures who influence young boys and promote intolerance of women. I think that we are all concerned by that. Although education has an essential part to play in teaching our children and young people about gender equality, it cannot, as with behaviour, do that in isolation. We need wider society to play its part in supporting our efforts to eradicate violence against women and girls.

Sue Webber (Lothian) (Con): Does the cabinet secretary agree with me and the charity Zero Tolerance that what is required to tackle the issue is not greater bureaucracy, Government directives or national frameworks, but action?

Jenny Gilruth: I thank the member for her question. I have seen some of the response from Zero Tolerance to the behaviour in Scottish schools research, and I would be very keen to engage with it directly on the issue. It is important to say that, through the action plan, we are working with various organisations, and I want to work with Zero Tolerance on the matter to ensure that we get this right.

The member has mentioned action. It is worth remembering—indeed, I put this on the record in my statement to Parliament last week—that the Government does not run our schools directly and that there are responsibilities here for our local authorities. We need consistency in responding to the issue, which is why the framework is quite helpful. However, as I said in response to Ms McNeill's question, we need practical action, so I am more than happy to engage with Education Scotland on how we can deliver that in our schools and make the difference.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Building on what the cabinet secretary has said, I ask her whether the Government agrees that, as well as men speaking with boys about gender justice and gender-based violence in school settings and teachers speaking in school settings, we need all men in positions of leadership to engage with boys, whether in youth clubs, in sports clubs or elsewhere, so that we can, together, tackle gender-based violence in Scotland.

Jenny Gilruth: The member makes an important point. As I mentioned in my previous answer, we need that societal approach to

eradicating violence against women and girls. Public support from men in positions of power—and in positions in public life—is really important. The First Minister has taken a key role in tackling the problem of toxic masculinity, and I hope that every man in the chamber will look to do the same.

Stephen Kerr (Central Scotland) (Con): I wonder what we are teaching our boys when we see the research from the NASUWT union that says that almost a fifth of female teachers in Scotland's schools are being assaulted several times a week by pupils. What are we teaching our boys when their behaviour in respect of female teachers meets no sanctions and no consequences? That is not right, is it?

Jenny Gilruth: The member makes an important point. In my meeting with the trade unions yesterday, we talked about taking a consistent approach to behaviour that is not acceptable, and I think that we need to set that out at national level.

The member is absolutely correct to talk about consequences. Indeed, it is a key theme in the BISS research. That research also shows that there are various approaches to the implementation of behaviour management policies and a tension between the promotion of positive behaviour and situations where we actually need to see consequences. As a former teacher, I accept that we need a role for responsibilities in our classrooms.

The member is also absolutely correct to highlight the link with misogyny. As I have intimated in previous responses to members, we will set out the framework in that respect in the coming weeks—before the end of the year, I hope.

The challenge is not going away. We need more of a balance in relation to behaviour in our schools. I hope that the member has heard from me my commitment to coming back in relation to the national plan to set out our exact expectations at a national level.

Immigration Policy (Impact on Scottish Universities)

4. Keith Brown (Clackmannanshire and Dunblane) (SNP): To ask the Scottish Government what assessment it has carried out regarding any impact of United Kingdom immigration policies on universities in Scotland. (S6O-02849)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The UK Government's latest attacks on immigration could have a devastating impact on our universities. They risk the economic, social and cultural contribution that international students

make not only to campuses, but to Scotland. We want to attract more people to live, work and study here, not fewer. The simple fact is that, with independence, we could devise a principled approach to migration that would deliver for our economy, our public services and our universities.

Last month, we published plans for a new Scottish connections visa post independence that would allow international students to live and work in Scotland for five years after their studies and could lead to Scottish citizenship. It is an offering that is in line with Scotland's values and one that would also meet our economic needs.

Keith Brown: I thank the minister for his answer. At a recent meeting with the University of Stirling, which is based in my constituency, one of the issues that we discussed was the potential impact of the policy that the UK Government introduced recently that restricts many international students from bringing their dependants with them. There are real concerns that, without the ability to bring their families, many overseas students will choose to go elsewhere.

Does the minister agree that hostile immigration policies have the ability to harm the international standing of our universities and that the UK Government should devolve immigration powers to the Scottish Parliament—notwithstanding the complete silence from MSPs on the Tory benches in this Parliament—to ensure that Scotland remains an open and welcoming destination for international students, whose contribution to the economy and the social and cultural diversity of our country is very much welcomed?

Graeme Dey: The UK Government's latest doubling down on the hostile environment means not only that we could see fewer international students studying in Scotland but that it could be harder for our universities to attract international staff. The changes relating to dependants are particularly pernicious. After all, evidence shows that the ability to bring family members to Scotland encourages migrants to stay in the long term, and the additional controls mean that families risk being torn apart by the most restrictive family reunion policy of any high-income country in the world. That approach runs contrary to the one that we should have—that of welcoming people who are making Scotland their home and are choosing to live, work or study here.

Liam Kerr: In discussing the student make-up of universities, data from the Higher Education Statistics Agency shows that the number of Scottish students studying in England has risen by about 11 per cent. Heriot-Watt University's figures suggest that retaining those 2,000 students would keep about £19 million in Scotland. What is the Scottish Government doing to review its arbitrary

cap on Scottish students attending our universities?

Graeme Dey: What an act of deflection that was. *[Interruption.]* Seriously—we are dealing with an issue that is actively impacting on our students through the immigration policies of the UK Government. I will take no lectures from the Tory party on that.

Teacher Induction Scheme

5. Alexander Burnett (Aberdeenshire West) (Con): To ask the Scottish Government what its response is to reports of Aberdeenshire secondary school parent councils calling for changes to the teacher induction scheme. (S6O-02850)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): We recognise that there is a challenge around the recruitment of teachers in certain areas of Scotland and in certain subjects. The Government is considering what immediate improvements can be made to the allocation of probationers on the teacher induction scheme who will take up placements in August 2024, particularly those who have opted for the preference waiver scheme. The strategic board for teacher education is also undertaking work to ensure that we have the right number of teachers in the right places and with the right expertise. With regard to the north-east, in particular, yesterday I met councillors and the director of education for Aberdeenshire to discuss their concerns about recruitment and probationer allocation in the north-east.

Alexander Burnett: I am glad that the cabinet secretary found the time to meet Aberdeenshire Council yesterday. It looks forward to her returning in the new year to further explore solutions and meet some of the parents who wrote on the matter. Aberdeenshire received only 12 of the 66 secondary probationary teachers that it requested, and it remains chronically short of them. Local authorities are now worried about the teacher census and that they will be unfairly penalised for staff shortages. Will the cabinet secretary answer the question that she would not answer yesterday? Will she confirm that local authorities will not be punished for her poor performance?

Jenny Gilruth: The member suggested that Aberdeenshire had been allocated 12 probationers. As I understand it, the figure was 18. However, I will check that with my officials. *[Interruption.]*

A number of key areas came from yesterday's meeting, which I found extremely helpful in relation to the challenges that Aberdeenshire, in particular, is facing. The member will accept that some probationers are not ticking the box to choose Aberdeenshire Council as a local authority. Part of

the challenge that we face following the Covid pandemic is that probationer teachers are now less likely to move to rural parts of Scotland than they were before it.

We will take a number of short-term actions on the back of yesterday's meeting, which include reviewing the TIS approach in a short-term exercise that will consider how we can introduce measures to ensure that more people who tick the preference waiver box are sent to more rural locations such as Aberdeenshire. We will also engage directly with the General Teaching Council for Scotland, which administers the TIS. To that end—*[Interruption.]* I can hear the member chuntering, but he should respect the fact that I am trying to answer his question.

Alexander Burnett: No, you are—

The Deputy Presiding Officer: Minister, could you resume your seat?

Mr Burnett, you have asked the question. You are going to listen to the response and not heckle all the way through it.

You will have to conclude your response, though, cabinet secretary.

Jenny Gilruth: Thank you, Presiding Officer. I am sure that the Conservatives will want to support good behaviour in the chamber, given their views on that matter.

The Scottish Government will look to work with the GTCS. That is why, at my meeting with Aberdeenshire Council, I told the elected members and the director of education that I will visit Aberdeenshire in the new year, along with the chief executive of the GTCS, to work with them on that challenge.

Student Mental Health and Wellbeing

6. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government what steps it is taking to support student mental health and wellbeing. (S6O-02851)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): Over the four academic years from 2019-20 to 2022-23, following a commitment in our programme for government, we invested almost £16 million in supporting institutions to introduce more than 80 additional counsellors to help their students. That commitment was successfully delivered and concluded.

For this academic year, the Scottish Government has confirmed a further stand-alone investment of £3.21 million to support the important and necessary transition to a future position whereby student mental health and wellbeing are fully embedded as part of a shared

commitment between institutions, the Scottish Government, NHS Scotland and other partners that meets student needs and integrates with local services.

Paul Sweeney: Talking about aspirations and money might be a fine thing, but research from the Mental Health Foundation found that

“64% of college students in Scotland had low mental wellbeing”.

Despite that, the Government has moved the goalposts on its student mental health plan time and time again.

The working group last met in December, and the plan was to be published in the spring. It was, however, still being developed in May. It was delayed again in June, and it was then to be published at some point after the mental health strategy delivery plans, but there is still no sign of it.

Does the Scottish Government still plan to deliver a student mental health plan? If so, when?

Graeme Dey: We will consult with members of the student mental health and wellbeing working group on the student mental health plan very shortly.

The Deputy Presiding Officer: There is a brief supplementary from Roz McCall.

Roz McCall (Mid Scotland and Fife) (Con): In a recent Mental Health Foundation survey of college students in Scotland,

“54% reported having moderate, moderately severe, or severe symptoms of depression”.

Another survey found that 92 per cent of students experienced loneliness at some point during their time at Scottish universities.

With more than half of Scottish students reported to have experienced depression, and with more than nine in 10 experiencing loneliness, does the minister accept that the steps that the Scottish Government is taking to support student mental health and wellbeing are failing?

Graeme Dey: I do not accept that at all, and I think that it is a misrepresentation of the situation. There is a societal problem in this space; it cannot be characterised simply as something that affects universities and colleges. We are, and have been, working closely with institutions to develop that plan, and we will consult on it very shortly. It is important that, when students present with significant issues, there are clear pathways to allow them to access centralised mental health services, and that is what we are working towards.

The Deputy Presiding Officer: Question 7 was not lodged and question 8 has been withdrawn, so that concludes portfolio questions on education and skills.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill: Reconsideration Stage

14:57

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is reconsideration stage proceedings on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. In dealing with the amendments, members should have the bill as passed at stage 3, which is SP Bill 80B; the marshalled list; and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of the afternoon. 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 buttons or enter the letters RTS in the chat function as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 6—Acts of public authorities to be compatible with the UNCRC requirements

The Deputy Presiding Officer: Group 1 is on compatibility duty. Amendment 1, in the name of the Cabinet Secretary for Social Justice, is grouped with amendments 2, 3 and 45.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The Parliament unanimously passed the UNCRC (Incorporation) (Scotland) Bill on 16 March 2021, based on our then understanding of the devolution settlement under the Scotland Act 1998. The section 6 compatibility duty was intended to extend to all devolved functions.

The United Kingdom Government chose to refer the bill to the Supreme Court before it could receive royal assent. Although we fully respect the judgment, the Scottish Government was disappointed that in October 2021, the Supreme Court found that section 6 was outwith the Scottish Parliament's legislative competence.

Although I am disappointed that the scope of the compatibility duty is far less than we had originally hoped that it would be, I am pleased to have lodged amendments to the bill to be reconsidered. I urge members on all sides of the Parliament to give those amendments the same support as they did during the original bill process.

The principle remains that we want Scotland to be the best country in the world for children to grow up in. The amendments are the result of many months of analysis of our options and engagement with stakeholders and with United Kingdom Government lawyers to ensure that they protect children's rights to the maximum effect possible, minimise the risk of another Supreme Court referral and make the law as accessible as possible for users.

15:00

Once the bill has completed its parliamentary passage, the UK Government will consider it in the usual way. It cannot give us a reassurance that will guarantee no further referral to the Supreme Court. However, the amendments have been shared with UK Government lawyers, and no concerns have been communicated in relation to legislative competence. I am confident that there are no grounds for the bill to be challenged again by UK law officers.

I will now explain the effects of amendments 1, 2, 3 and 45 on the section 6 compatibility duty. The amendments to the compatibility duty address the Supreme Court judgment by making it clear that the duty applies only to a "relevant function". Through the definition of "relevant function" in new section 6(1A), the compatibility duty is now restricted to the delivery of functions that could competently be conferred by the Scottish Parliament. That means that reserved functions are explicitly removed from the duty.

The amendments make it clear that functions that are conferred by legislation that originated from the UK Parliament are not subject to the compatibility duty. That also has the effect of removing devolved functions that are created by or under the authority of the UK Parliament.

As proposed under the amendments, the compatibility duty will not apply to amendments to UK acts that are made by acts of the Scottish Parliament. To achieve that coverage would have been especially complex for users.

That means that the scope of section 6 is much narrower than was originally intended. For example, one provision that would not be within the scope of the compatibility duty is the requirement for a public body to promote sibling relationships between looked-after children. That duty is conferred by section 13 of the Children (Scotland) Act 2020—an act of the Scottish Parliament that amended the Children (Scotland) Act 1995, which is a UK act.

The compatibility duty will still apply to functions that are conferred by amendments that are made by acts of the UK Parliament to acts of the Scottish Parliament. The rationale for that

approach is to prevent unnecessary or disproportionate exclusion from the compatibility duty of functions that have been subject to minor changes by a subsequent UK act. However, to ensure that those do not condition the UK Parliament's law-making powers, new section 6(1C) makes it clear that a public authority cannot be found to have acted unlawfully by acting incompatibly if it were required or entitled to do so by legislation that originated from the UK Parliament.

In summary, the compatibility duty will apply when a public authority delivers devolved functions that are conferred by or under acts of the Scottish Parliament or common law powers.

I accept that there is a degree of complexity about how the scope of the compatibility duty is defined. That is a result of the way in which we have had to navigate legislative competency, following the findings of the Supreme Court.

Martin Whitfield (South Scotland) (Lab): I do not envy the cabinet secretary the next few minutes of dealing with the amendments.

One thing that has been raised is the seeking of guidance by local authorities about how the amendments will affect the compatibility duty. Will the cabinet secretary explain how local authorities will be supported as a result of the amendments?

Shirley-Anne Somerville: As we discussed at committee, I am keen to ensure that we support local authorities and other public bodies on this subject. Despite the fact that the compatibility duty has reduced in scope, we expect and proactively encourage all public bodies to ensure that everything that they do is compatible with UNCRC, whether or not it is within the scope of the compatibility duty. We will seek to assist public authorities, but I would hate to have a situation in which public bodies treat children's rights differently depending on whether they are within the scope of the compatibility duty. Public authorities should not need to stop and ask themselves whether their powers are within the scope of the compatibility duty before seeking to deliver their service in a way that respects and protects the UNCRC requirements. They should already be taking a children's rights approach in the delivery of all their services, regardless.

The UK Government is already a signatory to the UNCRC, albeit that it has not incorporated it into domestic law. Regardless of the scope of the legal duties of the bill, the UNCRC is at the heart of getting it right for every child and the Scottish Government's commitment to ensuring that all children and young people have the best possible start in life. We encourage public authorities to take a children's rights approach, as far as they can, in delivering all their services.

I move amendment 1.

The Deputy Presiding Officer: No other member has sought to speak. Do you wish to add anything, cabinet secretary?

Shirley-Anne Somerville: No.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Shirley-Anne Somerville]—and agreed to.

Section 15—Reporting duty of listed authorities

The Deputy Presiding Officer: The next group of amendments concerns the reporting duty of listed authorities, first reporting period. Amendment 44, in the name of the cabinet secretary, is the only amendment in the group.

Shirley-Anne Somerville: Amendment 44 requires little by way of explanation; it simply changes the date in section 15(4) to make the first reporting date workable in practice. The bill will repeal part 1 of the Children and Young People (Scotland) Act 2014, which places a requirement on certain public authorities to report every three years on what steps they have taken in that period to secure better or further effect children's rights. Section 15 of the bill will replace that with a similar requirement for listed authorities to report every three years on what they have done to comply with the section 6 compatibility duty as well as the actions that they have taken to secure better or further effect the rights of children generally, regardless of the legal source of their powers.

Martin Whitfield: In essence, the amendment concerns the mechanism that allows the monitoring and evaluation of and compliance with the UNCRC under the bill.

Shirley-Anne Somerville: The member caught me just before I sat down, so I am happy to accept that point and move on.

The amendment ensures clarity about when the three-year reporting cycle will commence.

I move amendment 44.

Meghan Gallacher (Central Scotland) (Con): Section 15 refers to the reporting duties of listed authorities, whereby listed authorities must report on the action that they have taken or intend to take to secure or further effect the rights of children. The bill as passed labelled the first reporting period as the period beginning with the date on which the section comes into force and ending on 31 March 2023, with further reporting periods ending after every subsequent three years. However, due to the Government's incompetence with regard to getting the legislation right the first time, the cabinet secretary has been forced to

move that date to 2026, which is three years later than was originally planned. *[Interruption.]*

Had the Scottish National Party got things right almost three years ago, we would already have known—

The Deputy Presiding Officer: Please resume your seat for a moment, Ms Gallacher. I do not want all of this sedentary participation. If members have something to say, they know how to do it. They must do the member who has the floor the courtesy of listening to her.

Meghan Gallacher: Thank you, Presiding Officer. They do not want to hear it, but it is fact.

Had the Scottish National Party got things right almost three years ago, we would already have known what listed authorities are doing and are planning to do to improve the rights of children.

We have not lodged any amendments on this matter, but it is important to highlight that point.

Shirley-Anne Somerville: I am conscious that there are many children, young people and interested parties in the gallery who have long campaigned for the bill, so I hope that we can all rise to the occasion. I appreciate that political points will be made, but let us keep in perspective the wider picture. I will simply point that out that the Conservatives voted for the bill that the member refers to.

Amendment 44 agreed to.

Section 19—Interpretation of legislation

The Deputy Presiding Officer: Group 3 is on interpretation duty and strike-down and incompatibility declarators. Amendment 4, in the name of the cabinet secretary, is grouped with amendments as shown in the groupings.

Shirley-Anne Somerville: This group of amendments provides that the interpretive duty, the power to strike down legislation and the power to declare legislation incompatible apply only in relation to words enacted by the Scottish Parliament or enacted by virtue of the Scottish Parliament delegating its power to make legislation. The duty and powers no longer apply to legislation originating from the UK Parliament, even in devolved areas.

There are also some minor consequential changes made in sections 24, 25 and 35 as a result of the amendments to sections 20 and 21.

The two new sections inserted after section 23 make clear that sections 19 to 21 apply only to words that are in an act of the Scottish Parliament or are in a Scottish statutory instrument made wholly or partly under a power conferred by the Scottish Parliament. The duties and powers in those sections do not apply to amendments to UK

acts made by acts of the Scottish Parliament or vice versa.

These are necessary amendments and address the judgment of the Supreme Court.

I move amendment 4.

The Deputy Presiding Officer: No member has sought to speak. Does the cabinet secretary have anything to say in winding up?

Shirley-Anne Somerville: No.

Amendment 4 agreed to.

Amendments 5 to 9 moved—[Shirley-Anne Somerville]—and agreed to.

Section 20—Strike down declarators

Amendments 10 to 23 moved—[Shirley-Anne Somerville]—and agreed to.

Section 21—Incompatibility declarators

Amendments 24 to 32 moved—[Shirley-Anne Somerville]—and agreed to.

After section 23

Amendments 33 to 34 moved—[Shirley-Anne Somerville]—and agreed to.

Section 24—Meaning of “compatibility question”

Amendment 35 moved—[Shirley-Anne Somerville]—and agreed to.

Section 25—UNCRC compatibility issues in criminal proceedings

Amendments 36 to 41 moved—[Shirley-Anne Somerville]—and agreed to.

Section 35—Interpretation

Amendments 42, 43 and 45 moved—[Shirley-Anne Somerville]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

I am now required to make a determination. As members will be aware, at this point in the proceedings the Presiding Officer is required, under standing orders, to decide whether, in her 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 the case of the bill, in the Presiding Officer's view, no provision of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be approved at reconsideration stage.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-11573, in the name of Shirley-Anne Somerville, on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, at reconsideration stage.

15:12

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): I am delighted to open the debate on the amended United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. I welcome the children and young people and their representatives who have come to listen to our debate from the public gallery. I also express my thanks to the Equalities, Human Rights and Civil Justice Committee for its careful and thorough scrutiny of the amendments to the bill, and to everyone who engaged with the committee in providing evidence, including the children and young people who provided their evidence via video.

The intent behind the bill is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. The bill introduces a compatibility duty that will make it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements as set out in the bill. Children, young people and their representatives will have a new ability to use the courts to enforce their rights.

The bill also requires that, so far as possible, legislation must be interpreted and given effect in a way that is compatible with UNCRC requirements, and it gives powers to the courts to make strike-down or incompatibility declarators in respect of incompatible legislation of the Scottish Parliament.

The original bill was passed unanimously by the Scottish Parliament in 2021, but it could not receive royal assent due to a referral to the Supreme Court by UK law officers. That referral meant that we were constitutionally prohibited from enacting legislation that the Parliament unanimously decided was necessary to enshrine and fully protect the rights of our children. However, we have fully respected and carefully considered the implications of that judgment.

The key challenge in amending the bill has been deciding, in the light of that judgment, when the compatibility duty, the interpretive obligation and

the strike-down and incompatibility declarators should apply. I thank the Scottish Government bill team for its commitment to providing a solution and for its close working and engagement with UK Government lawyers in doing so. I pay tribute to them, too.

Martin Whitfield (South Scotland) (Lab): The vehicle that has been presented today is amending the bill at reconsideration stage. Outwith the tight circle of the Scottish Government, engagement took place late. What other vehicles for rectifying the bill were considered? Did the Government do outreach work with the third sector and beyond on whether other vehicles might have been better suited than the approach that has been presented today?

Shirley-Anne Somerville: I push back slightly on the suggestion that we did not consult stakeholders until late. We very much endeavoured to consult them during the process to find what solutions there were and to address the challenges, which I will talk about, of making sure that the approach was as wide as possible but not overcomplicated to the point that it was virtually unusable. We suggested alternatives in discussions. Once the decision was taken to move with the scope that was laid before the Parliament today, we drafted amendments accordingly.

The Equalities, Human Rights and Civil Justice Committee recognised the challenges that the Scottish Government faced in amending the bill to address the Supreme Court judgment. I very much welcome the committee's strong support, in its conclusions and recommendations, for the principle of UNCRC incorporation and its confirmation that

"it is content that we explored all realistic alternatives"

to amending the bill

"and, under the circumstances, arrived at the best possible" solution.

In amending the bill, the Scottish Government has tried to balance three considerations that very much deal with the point that Martin Whitfield just mentioned, which are protecting children's rights to the maximum effective extent possible, minimising the risk of another Supreme Court referral and making the law as accessible as possible for users.

In balancing those considerations, I concluded that the maximum effective coverage for children's rights in the present devolved context arises when the compatibility duty applies only when a public authority is delivering devolved functions that have been conferred under acts of the Scottish Parliament or common-law powers. That means that the duty will not apply when a public

authority's functions are delivered under acts of the UK Parliament, even in devolved areas.

The duty to read and give effect to legislation in a way that is compatible with the UNCRC requirements and the power to strike down incompatible legislation or to issue an incompatibility declarator will apply only in relation to legislation that originates from the Scottish Parliament. The Supreme Court judgment means that this Parliament's power to give the courts remedial powers is limited when existing statutory provision happens to be in an act of the Westminster Parliament, even when that provision concerns matters on which the Scottish Parliament could and frequently does legislate. The reason for that distinction derives from Westminster's continued claim of sovereignty over all matters, including those that are devolved to this Parliament.

That has resulted in a disappointing loss of coverage for children's rights compared with what we had originally hoped to achieve. We have tried to minimise complexity in the approach that we have taken, but the Supreme Court judgment means that the duties will not be as straightforward to understand as they were in the bill that was originally passed.

It is clear that the Supreme Court judgment has significantly impacted our ability to legislate for human rights in Scotland. However, I emphasise that, even with the changes, the bill remains an important step forward. It will provide legal protection for children's rights that is not currently available in Scotland or in any other part of the UK.

We should also remember that, although the sections of the bill that are impacted by the Supreme Court judgment are powerful provisions, the bill has other important provisions that will mean that children's rights are respected in the first place. That will help to ensure that our statute book is fully compliant with the UNCRC requirements.

The bill requires the Scottish ministers to set out and report on how they are giving further and better effect to children's rights, regardless of whether the compatibility duty applies, and it requires the listed authorities to prepare and publish similar reports. The bill requires the Scottish Government, when introducing any new Scottish legislation, to make a statement about its compatibility with the UNCRC requirements and to carry out a children's rights and wellbeing impact assessment for decisions of a strategic nature.

The more limited scope of the compatibility duty means that it is even more important to create lasting cultural change in relation to children's rights. I am confident that we can deliver that as a

result of the wider support that we are putting in place. That includes a model child-friendly complaints process that can be used regardless of whether the compatibility duty applies, as well as a wide range of support, training and guidance for public authorities on how to take a child's rights approach.

Alex Cole-Hamilton (Edinburgh Western) (LD): I was pleased to hear the cabinet secretary use the words "cultural change" in relation to the way in which we regard children's rights. UNCRC incorporation should not be just a kitemark that we adopt and then move on from; the UNCRC is an ever-changing, evolving document and treatise on rights.

As I always do, I point to the age of criminal responsibility, which has moved in the time since the Parliament first considered children's rights. Will the cabinet secretary speak to the Government's progress on that, either now or in her closing remarks?

Shirley-Anne Somerville: I appreciate Mr Cole-Hamilton's continued work on the issue. He is right to point to the fact that the UNCRC and all such treaties on rights change and evolve. That is why it is very important that we continue to look at the issues—not just the one that Mr Cole-Hamilton mentioned—and ensure that we continuously update our legislation when that is required. The Government has committed to come back directly to the Parliament in due course on the issue that Mr Cole-Hamilton raised.

I have asked my officials to commission a review of UK acts in devolved areas. The purpose of that review is to identify provisions in acts of the UK Parliament that might benefit from being re-enacted into acts of the Scottish Parliament, so that they can be brought into the scope of the compatibility duty in the future. That review will be commissioned as soon as is practical after the bill receives royal assent, and any new legislation that is required to re-enact provisions in acts of the UK Parliament will be prioritised and paced in a way that recognises the need to progress that, alongside the Government's wider legislative programme.

We must stress once again that it remains the fact that the most straightforward way to give children and young people the human rights protection that they deserve is for the UK Government to incorporate the UNCRC into UK law. The bill is a milestone and a substantial step forward, but it is limited by the Parliament's powers. I will continue to press the UK Government on that, and I hope that other colleagues in the chamber will do the same.

In the meantime, we have an important opportunity to lead by example in passing the bill. I

am very confident—and it is our understanding—that the amendments that we have discussed and agreed to today address the Supreme Court's judgment of our legislative competence.

Today, the Parliament has an opportunity to take that step forward, once again, and to make that important declaration to children and young people—not just those who are in the public gallery but those who will benefit from the rights that will be protected—that we are there for them today and will be there for them in the future. It is an important recognition of their rights—and our responsibility for them—that we can move forward with those rights in the chamber this afternoon.

I move,

That the Parliament agrees that the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill be approved.

The Deputy Presiding Officer: I remind all members who wish to speak in the debate to press their request-to-speak buttons.

15:23

Meghan Gallacher (Central Scotland) (Con): The reconsideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill has been two long years in the making. Before I get into the cut and thrust of the bill, it is important to draw members' attention to the progress that has been made to improve children's rights across our United Kingdom.

Although the UNCRC was introduced in Scotland on 1 September 2020, its original journey began in 1991, before the creation of the Scottish Parliament and—without trying to make anyone in the chamber feel old—before I or any of the young people in the public gallery were born.

I will briefly address the wonderful young representatives who are in the chamber this afternoon. Today is for you because, if the bill passes, it will incorporate children's rights into devolved Scottish law. It is a milestone on Scotland's journey towards making rights real in practical terms and it will add to the existing protections that are already in place.

However, this momentous occasion has not been an easy process, and this is where I will be critical of the Scottish Government. The Scottish National Party ignore several warnings from the Scottish Conservatives that the original bill would not be lawful. However, the Scottish Government did not heed those warnings, and we found ourselves having to go through the courts to bring through legislation that is within the Parliament's devolved competence.

Shirley-Anne Somerville: Can I just check the facts? Did the Conservatives vote for the bill or not?

Meghan Gallacher: We voted in favour of the principles of the bill, but we also warned the Government—[*Interruption.*] We also warned the Government on more than one occasion, but those warnings were not heeded. That is on the Scottish Government.

Martin Whitfield: Today, we have had a series of amendments, which members have rightly supported, but not without seeking indications of changes and steps that will be taken to ensure them. Much as happened in the previous session with the greeting of the bill—which was, rightly, unanimous, because, without doubt, the rights of our children are crucial—warnings have been given. Is it not right that, had the Government heeded the warnings, we would not be three years and three months down the line, trying to put this right?

Meghan Gallacher: That is precisely right. The SNP must reflect on that today, because we are two years behind where we should be with this very important bill. Some of the young people who were involved with the UNCRC process in 2018 will probably no longer consider themselves to be young, because it has taken so long for us to get the bill back to the Scottish Parliament.

That being said, the Scottish Conservatives will be supporting the bill at stage 3 today. We know how much it means to children and young people across Scotland, because it incorporates into Scots law the United Nations Convention on the Rights of the Child, including political, economic, social and cultural rights. It places a legal duty on public authorities to act within UNCRC requirements, and it allows children, young people and their representatives to use the legal system to enforce their rights.

Even if it is passed today, the bill will probably not come without its challenges, and there are some outstanding questions. What happens next is the key one. Together Scotland has urged the Scottish Government to answer key questions that are still outstanding. One of them relates to the continuation of the UNCRC implementation programme. The three-year UNCRC implementation programme is set to conclude in March 2024. Together Scotland, alongside other organisations, has asked for that timeframe to be extended. That would allow time to include resources for children and young people, and for adults, to support them to understand their rights, and other measures to ensure a holistic approach that aligns with the existing policies and structures, such as the Promise and getting it right for every child. If the cabinet secretary could expand on that in her closing statement, it would put

organisations' minds at rest, as there is more to come following the bill. It is not just about the intent of the UNCRC but about the practical elements that will enforce the legislation, because they must also be upheld.

That brings me to my final point today. Time and again, we have heard that the bill will be transformational, and it will be. As a member of the Equalities, Human Rights and Civil Justice Committee, I heard the story of Shirley-Anne Spider, the cabinet secretary who created the web for the UNCRC to be built on. I am not sure that the cabinet secretary or I would ever have expected that type of imagery to be used, but it sends an important message.

Kaukab Stewart (Glasgow Kelvin) (SNP): As convener of the committee, I want to give Meghan Gallacher the opportunity to correct that. The spokes of that web were the rights, and the flies were the threats to them. In no way was Shirley-Anne Somerville compared to a fly.

The Deputy Presiding Officer: I think that we have got the gist. Ms Gallacher, you need to start concluding your remarks.

Meghan Gallacher: I am not sure that that was the intent. The cabinet secretary was referred to as the spider who was holding the web together. That was in no way meant as an insult; it was actually meant to be complimentary of the evidence that was taken by the committee. If my comment was taken in another way, I think that the member is stretching it, to be perfectly honest.

That brings me back to the point that I was trying to make: the Government holds the web strings for the bill to be a success, but everybody needs to pull together for that to happen. It can be a success only if the Government ensures that young people understand their rights and know how to exercise them.

Local authorities and others have done a power of work already behind the scenes to get ready for the changes that the bill will bring. We need to utilise everyone—not just those who specialise in children's rights and not just local authorities but our private and charitable organisations that work day in, day out to improve the lives of our young people; our youth work organisations, which will be pillars in the upholding of children's rights as part of the UNCRC; and parents, who are integral to this journey. I am not sure that we have brought everyone into the UNCRC web yet, but I think that the Government and others can work to do so.

We need to go back to the mess that the Government created at the start of the legislation, because we are not at the stage—

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Will the member take an intervention?

The Deputy Presiding Officer: No, the member is about to conclude her remarks.

Meghan Gallacher: The Scottish Conservatives will be voting in favour of the bill at decision time. I said from the start that the bill is for Scotland's children and young people, and I look forward to voting in favour of it at stage 3.

15:30

Martin Whitfield (South Scotland) (Lab): It is a great pleasure to speak on behalf of Scottish Labour on this day. The UNCRC (Incorporation) (Scotland) Bill was introduced on 1 September 2020, and here we are, 1,193 days later—just shy of three years and three months—voting on a motion of reconsideration. I welcome the debate and, I hope, the positive vote in support of the reconsideration bill that will return it to our statute book.

Today we vote on a reconsideration bill—a first for this session and, indeed, a first for the Scottish Parliament. That takes me to what I would like to be the main point of my speech—that I hope that the bill will pass but that the Government and the Parliament must look at the experience of the bill's journey and ask ourselves whether we could have done it better.

I very much welcome the Government's offer, through the Minister for Parliamentary Business, of an opportunity to discuss the journey of bills through reconsideration. However, there is also the question why this bill seemed to find itself in so much trouble.

We can look back at debates, statements and questions that have happened over the three years and three months that illuminate why we are here. Perhaps on this day it is right—because I was reminded by someone that we should grasp our victories when we can and take pleasure even in the small ones—that we look back to see whether we could have done better.

Today's amendments on behalf of the cabinet secretary and the Scottish Government, which were proposed and have been voted through, came as a "Take it or leave it" package. That was how it had to be constructed to get past the challenges that the Scottish Government has told us about in relation to discussions with other places and with cognisance of what the Supreme Court could still, if invited, look at again.

However, the bill was built on the expectation of our young people that their rights would be enshrined in Scottish law—that they would be able to have their country stand by them and say, "You

have rights. They must be upheld and, however uncomfortable it might sometimes be for vested interests, the status quo or your elders, you have the right to be part of the decisions that are made about your lives.”

Time is short in this debate—which is in itself an irony—but so is the period of being a child, when looked at in hindsight. For the young people who have been on the journey with the bill, time has passed slowly, but they can now look forward to opportunities to fight hard for those rights to be respected. I, like others, thank all the young people for their patience, their wisdom and their tenacity over this issue. I thank also those adults who have stood alongside to support, facilitate and, on occasion, fight for the young people to be part of the decisions that led to this solution.

There are asks of the Government, and I hope that the cabinet secretary can deal with them. I hope that she confirms her commitment to a timeline for the review of legislation after the undertaking on the review. I hope that she can commit to the continuation of the UNCRC implementation programme, which was discussed in the financial memorandum—which is itself quite an old document now—but as the three years that the programme was meant to take will end in March 2024, I hope that the time for it will be carried forward, because without that we will find ourselves in another challenging position. I hope that she will commit to using specific legislation opportunities to expand the scope of the UNCRC bill, and commit to minimising future Scottish Parliament amendments to UK acts, so that it all can be brought in.

I want to quote Olivia Brown MYSP—deeply to her embarrassment, I hope. She said:

“If I could tell the government one thing I’d tell them that it’s important to remember that if this bill is passed, your work doesn’t end here.

In fact, the real work is only just beginning”.

She is right. That is an absolute call to the Government, politicians, our local authorities and anyone who works with young people that this is not the end; it is the very beginning of taking forward what has been described: a cultural shift in the attitude towards our young people so that they can be round the table when violence in schools is discussed and when decisions are made about their lives, not just as bystanders but as an integral part of how we reach decisions.

I will leave the final quote to a student in a wonderful group I met last Friday in Preston Lodge high school in Prestonpans, East Lothian, who did that marvellous thing that children occasionally do, which is fail to ask to an adult a question fast enough, which then lets the adult get the question in. The question was, “Will the UNCRC make your

future better?” She said, “Maybe.” This place and Scotland’s Government have a responsibility to turn that maybe into a yes.

15:36

Alex Cole-Hamilton (Edinburgh Western) (LD): It is with no small degree of emotion that I stand here today on behalf of the Scottish Liberal Democrats to speak in favour of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill at the reconsideration stage.

Before I commence the substance of my remarks, I want to recognise some friends—it is rare that I get so many friends in the gallery at one point—who started out on the journey towards this stage with me and many others some 11 years ago. There are too many to name all of them individually, but I see the former Children and Young People’s Commissioner Scotland, Bruce Adamson, Nick Hobbs, Selwyn McCausland, Chloe Riddell and Juliet Harris. There are many others. The children who started out on that journey with us back in 2011 have all grown up and have moved on with their lives. They have been joined by other children and young people in the gallery. I salute their being here, because this is about them and those who will follow them.

Nine years ago, I told the Education and Culture Committee on behalf of the children’s voluntary sector, of which I was a member at the time:

“the most elegant solution against the international standard”

for upholding children’s rights

“is to incorporate the United Nations Convention on the Rights of the Child into Scots law. Until we do something like that, or we build the provisions into the way in which we make policy, we will forever be behind those countries that have already incorporated the UNCRC”.—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2715.]

The journey started back in 2011, when the SNP manifesto talked about a rights of children and young people bill. That was conflated into the Children and Young People (Scotland) Act 2014. It has been a long road with many setbacks, but here we are today. It was a proud day when, in March 2021, legislation was passed to do exactly that.

However, as we have heard many times today, it is deeply regrettable that it has taken so long for us to come back here and correct the competence issues that the Supreme Court raised. Some of those competence issues were already known to the Scottish Government.

The incorporation of the UNCRC will ensure not just that the rights of our nation’s children are respected and protected in the law of our land but

that public authorities are legally required to bake the consideration of those rights into all the work that they do. I am pleased that, after today, that will happen at long last. The Parliament has a duty to improve our children's future in everything that we do by ensuring that their rights are embedded across all our considerations and all policy areas, with a policy focus on direct engagement with children and young people, making real their article 12 rights.

Martin Whitfield is absolutely right. If violence in schools is being talked about, children need to be at the table. We have not been good at taking such an approach in the past, and we need to learn from others, but we can be good at that in the future. It says a lot that, when I was in the voluntary sector, I was the youngest member of a panel that was tasked by the minister to look at child sexual exploitation.

It will be a relief to have the bill in law. However, it is not enough just to write legislation; we have to live it year in, year out and day by day. It must be delivered in a meaningful way, and we must weave the spirit of its words into all our actions.

To that end, I hope that ministers will commit to reporting to Parliament on the evidence of rights transgressions in our communities and, indeed, our public bodies. That must be a living document. As I said in my intervention to the cabinet secretary, it cannot just be a kitemark or a rubber stamp that says, "Great for us. We've got this." We need to live it and breathe it, which is why I raised the issue of the age of criminal responsibility. Members will remember that, while Parliament was considering the Age of Criminal Responsibility (Scotland) Bill, the UN Committee on the Rights of the Child raised the international floor from 12 to 14. We took a shot at children's rights and missed. We are still behind the pack in that vital piece of legislation.

I will, perhaps for the last time, tell the story of Lynzy Hanvidge, who gave evidence to the Equalities and Human Rights Committee. The night that she was taken into care, she was arrested for punching a police officer who was trying to separate her from her siblings. Lynzy spent a night in adult cells at the age of just 13. On that occasion, the state compounded one adverse childhood experience—being separated from her family—with another, because it was, arguably, a breach of her article 37 rights under the UNCRC to be housed in adult accommodation. She was failed by our system and had no recourse to justice. She still has no recourse to justice, because she is above the age of criminal responsibility.

The issue of children's rights is an urgent one. Every day that has gone by without children's rights being enshrined in law, including the many

days that it has taken us to bring the bill back to Parliament—I do not know why there has been a delay—has exposed our children to many risks. I am glad that we are finally moving towards the bill's implementation, and I am grateful to colleagues across the chamber for their dedication to the bill. Once again, I thank my friends in the gallery.

"There can be no keener revelation of a society's soul than the way in which it treats its children."

Those are not my words but the words of Nelson Mandela. With the bill, we are finally realising the promise in those words, which is why the Scottish Liberal Democrats will take great pride in voting for the bill at decision time today.

The Deputy Presiding Officer: We move to the open debate, with speeches of up to four minutes.

15:41

Kaukab Stewart (Glasgow Kelvin) (SNP): As someone who has spent almost their entire life dedicated to children, I am delighted to see the bill return with amendments for its reconsideration stage. Today, on my birthday, I feel genuinely blessed that we, in this place, will pass the legislation and enshrine children's rights in Scots law. My colleagues have that power in them today, and our children and young people are watching with open hearts, as am I.

The general principles of the UNCRC are non-discrimination; the best interests of the child; the right not only to survival but to development; and the right to be heard. As we look to the future, the old expression that children should be seen and not heard must finally be consigned to the dustbin. Educator and author Jess Lair put it that

"Children are not things to be molded, but are people to be unfolded."

As convener of the Equalities, Human Rights and Civil Justice Committee, I was fortunate to be involved in the scrutiny of the amended bill. We heard compelling evidence directly from children and young people, some of whom are in the gallery now. I welcome representatives from Together (Scottish Alliance for Children's Rights), the Children's Parliament and the Scottish Youth Parliament, and many other tireless campaigners. We must not forget that today is not about us but about each and every one of them. The children and campaigners who once sat where those campaigners sit now will finally see life breathed into the rights that they fought so hard for. It is my privilege to have played even a tiny part in that journey.

Juliet Harris from Together (Scottish Alliance for Children's Rights), who is with us today, used an analogy on the day that she appeared in front of

the committee. It was Halloween and the children wanted to make it fun for us. Juliet told the committee that the legislation is, indeed, like a spider's web: the threads of that web represent the legislative protections and the flies are the threat. The children wanted to explain, through Juliet:

"With no web, flies might fly everywhere—they might think that they can do as they please."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 31 October 2023; c 5.]

However, with this legislation, we build up a layer of protection and build our own spider's web. It might not be perfect, the children said, but the fact that it exists at all will be enough to scare off the many troublesome flies. The web will only get stronger as it continues to grow.

For many of us, including me, this process has taken longer than we would have liked or anticipated. Nevertheless, I am hopeful that the Parliament can, once again, pass the bill unanimously, albeit in an amended form.

I note that, if passed, the legislation will be subject to wider consultation once it receives royal assent. I would be grateful if the cabinet secretary would comment on the length of the consultation and who will be consulted.

I welcome the UNCRC innovation fund to assist eight local authorities to develop a children's rights approach. Will that fund be extended to all local authorities over time?

On the funding of a Scottish Public Services Ombudsman complaints process for children, will the cabinet secretary offer more information on how that model will be shared more widely and with whom it will be shared?

Presiding Officer, once a teacher, always a teacher. In true primary school teacher style, I have penned and dedicated a wee poem for the children who are here today or listening elsewhere.

Laws are like rules that keep things right,
But they're sometimes slow to take flight.
We say with our voices loud,
To make sure rights reach every crowd.

New plans will come to make things good,
In every home and neighbourhood.
It's people that make our country tick,
And empowering children will do the trick.

We owe children so much, but, most of all, we owe them a childhood, and that is what the bill helps to enshrine in the very law of our land.

15:46

Paul O'Kane (West Scotland) (Lab): I am delighted to speak in the debate as we consider the reconsideration stage of this very important bill. It is a pleasure, as always, to follow other

speakers, but I pay particular tribute to everyone in the chamber who has had forbearance and campaigned strenuously for this day to come. I note, in particular, Martin Whitfield and Pam Duncan-Glancy, on the Labour front bench, who have consistently challenged the Government when that has been needed and who have worked constructively with the Government to drive forward the debate. I pay tribute to them and everyone else in the chamber who has worked hard. Today, it is also right for us to think about teachers, social workers, children's rights organisations and workers from across the sector and their work to drive us forward, to keep our focus on the bill and to get us to the reconsideration stage.

That is enough about the adults, because they are not the people who really matter in today's debate, and they are not the people who have mattered in the debate from the very beginning. It is the children and young people of Scotland who matter most when we have these debates, discussions and considerations. We have heard powerfully in the debate about the voices of children and young people and what they have told us repeatedly in the Parliament.

I was always aware of the importance of the bill and the work that has been done, but, lately, I have come to it through the Equalities, Human Rights and Civil Justice Committee work that I was able to do in the reconsideration phase. As has been mentioned by Meghan Gallacher and Kaukab Stewart, the committee heard in very innovative and interesting ways from young people as they presented their views about how their rights should be protected through the bill. Although, in their view, the bill is still imperfect, it is an opportunity to have the safeguard of the protections in order to scare away those who would seek to misuse, abuse and deny them of their rights.

Martin Whitfield spoke very powerfully when he referenced members of the Scottish Youth Parliament to whom he spoke about what they desire to see. Although parliamentary moments such as this are important—of course they are; they are a moment in time, and we do something very formal when we pass a piece of legislation—what comes next is the most important part. We now need a considered and clear plan for how we will protect those rights, make them a reality in every part of Scotland and ensure that young people have the opportunity for redress when their rights are breached or abused.

I put to the Government key questions that I would ask it to respond to in its summing up of the debate. How will we ensure that children's perspectives and lived experience remain at the forefront of decision-making processes? Will the

Government commit to regular, transparent reporting to the Parliament and the public on the progress and outcomes that are achieved after the enactment of the legislation? Will it detail the resources and support that are allocated for the implementation of the legislation across Scotland? What efforts will it make to assess the potential consequences of the delay, which we have heard about already, in enacting the legislation and bringing the rights to the fore? Indeed, we know that there is a myriad of other considerations around how we ensure that it can be assessed whether Scots law can be brought into competence.

Therefore, there is a huge amount of work for the Government to do and to reflect on, because this cannot be simply another moment in time; it must be the start of a broader piece of work that ensures that all children and young people across Scotland have their rights realised. Fundamentally, that is why we are here today. Fundamentally, it is our job as law makers to give voice to those who do not always have a voice, to stand up for them and to ensure that we uphold and protect their rights.

15:50

Maggie Chapman (North East Scotland) (Green): I am extremely pleased to speak in the debate on behalf of the Scottish Greens today, and I am grateful to my colleagues on the Equalities, Human Rights and Civil Justice Committee, the committee clerks and all those who gave evidence to us and supported our reconsideration work in recent weeks. I am especially grateful to those organisations that work directly with children and young people that were able to bring their voices into that work.

The stage 3 debate on the bill in the previous parliamentary session was a model of co-operation, which John Swinney rightly described as

“a landmark moment in the Scottish Parliament’s history.”—*[Official Report, 24 May 2022; c 12.]*

We might not quite have managed that again today, but I think that we share a serious commitment to making the bill as robust and comprehensive as possible.

The Supreme Court judgment was, of course, deeply disappointing, and the attitude of the Westminster Government was both intransigent and petty—as, sadly, we have come to expect. If there were just one issue on which the UK Government could have resisted playing its constitutional culture war games, one would have thought that that would have been the welfare of children, but no. That means that the process will be more difficult than it otherwise would have

been, but that does not lessen the significance of what we are doing today.

Fortunately, children themselves can set us a good example of making the best of what we have. No one on the committee will forget the vivid image that Juliet Harris of Together passed on to us from the children she works with. Others have already mentioned this, but it is worth repeating. In that metaphor, a Halloween web represented protections for children’s rights, with buzzing flies as potential breaches. I hope that the cabinet secretary is as delighted to have been designated Shirley-Anne Spider, in charge of the web, as I am to have been designated one of the spider MSPs.

As the children expressed it, the original web made it

“really tough for any of those flies to get through”.

Juliet Harris went on to say:

“We now have a looser web, where children’s rights might not always be so well protected. Although it catches some flies, other flies might sneak through. Even though that web is not so neat, children and young people say that it is critical. The very fact that a web exists scares away the flies”.—*[Official Report, Equality and Human Rights Commission, 31 October 2023; c 5.]*

Even when the bill is not directly applicable, the provisions of the UNCRC itself are. With the confidence, awareness and cultural change that the bill enables, the children of Scotland and those who support them will have tools to call the UK Government to account for the ways in which its actions, especially on immigration, breach those solemn commitments.

When we think of children’s rights, we think first, perhaps, of protection from harm. Of course, that is crucial, but other aspects are equally important. A child has the right to prevention of harm in the first place, including the deep abiding harms of poverty and destitution. They have the right to provision for their wellbeing, including space to grow and develop—space that is denied to babies and toddlers in Home Office institutional accommodation. Children and young people also have the right to participate in decisions about their own lives, which extends in scope as they grow older.

We in the Scottish Greens are proud of our role in promoting the rights of children; we are especially proud of the work of John Finnie in this Parliament. He led the legal protection of children against assault at a time when that was a radical and widely derided position. We support the bill now, as we have done throughout its passage, through calm and stormy seas.

Today’s proceedings send a message to the UK Government: you may delay our democracy with your slaps and your sulks, but you will not deter us from doing our duty. More important, we send a

message to the children of Scotland, those who were born here and those who have travelled here, with or without their families, sometimes from places and situations of incredible danger and suffering: you are welcome here, you matter to us and our most important job is to stand up for your rights. Today is for you.

15:54

Fulton MacGregor (Coatbridge and Chryston) (SNP): Like other members, I am incredibly proud to speak today because I believe that this is one of the most significant pieces of legislation to be introduced here since devolution. The UNCRC has often been referred to as the gold standard for children's rights and the unanimous passing of the UNCRC bill in 2021 was a historic moment for our Parliament.

I thank the many individuals and organisations that have made today possible, including the past and present Children and Young People's Commissioner for Scotland, the cross-party group on children and young people, Together and Amnesty International. There are many more, and my colleagues have made reference to others. I also give special mention to Ryan McShane, a young person who is one of my constituents. I know that he is in the gallery today and, according to his Twitter feed, may well be getting very emotional right now. I say well done to you, Ryan, and to all the young people who have made today possible. *[Applause.]*

Although I do not have much time, it is important to stress that the passing of the bill in 2021 was a significant step towards a future based on tolerance, equality, shared values and respect for the worth and human dignity of all people. Unfortunately, as we have already heard Maggie Chapman say very eloquently, the UK Government's legal challenge and the Supreme Court ruling made clear the constraints on the ability of the Scottish Parliament to legislate to protect children's rights.

There is recognition across the sector in Scotland that, although the revised legislation will not provide the same protection for children's rights as was initially envisaged, it is still a positive step in the journey towards the full incorporation of those rights, and the fact that it is supported by the many organisations that have fought for it should say it all.

In revisiting the bill, any amendments have to strike a balance between ensuring that the bill still protects children's rights to the fullest possible extent and avoids any potential for further legal challenges from the UK Government. I was pleased to be a member of the committee that scrutinised the amendments in the reconsideration

stage, which was a Parliament first. Although they are quite technical, as the minister said earlier, I am confident that the amendments will allow the bill to be compatible with both Scottish and UK law and that we will therefore all be able to progress with building children's rights into the fabric of decision making in Scotland.

In its amended form, the bill will ensure that public authorities take proactive steps to comply with children's rights in their decision making and service delivery. The bill will still enshrine the rights of children, young people and their representatives to use the courts to enforce their rights and will still contain measures to remove the barriers that children and young people may face in realising their rights and accessing justice. Ultimately, the bill still provides more legal protection for children's rights here than in any other part of the UK.

I have been proud to support the Scottish Government's diligence in delivering for children and young people in Scotland: getting it right for every child, the Promise and bringing this bill to the chamber are just some of the world-leading policy decisions that the Government has made.

I will make particular mention of youth work. This morning, along with colleagues from across the chamber, I attended and was a panel member at a YouthLink Scotland event entitled "The Right to Youth Work". We all know how important youth work is in supporting young people up and down the country. I hope that the incorporation of the UNCRC will secure children's and young people's rights to youth work in the future and that that will be reflected in future funding decisions, particularly those in the budget.

I close by urging the UK Government to follow the Scottish Government by incorporating the UNCRC into UK law. Without a commitment by the UK Government to protect children's rights across the whole of the UK, we in Scotland will be limited in what we can achieve, unfortunately. However, I am not confident that the same UK Government that is currently attempting to circumvent and undermine human rights law and international refugee conventions will make the political commitment to incorporate the UNCRC into UK law.

Today is for all the campaigners and young people who have fought for the bill to become a reality. This historic day is an opportunity for our country to be the best place in the world to grow up in, as we all want it to be, so let us all go out and make that a reality.

The Deputy Presiding Officer: We move to the closing speeches.

15:59

Pam Duncan-Glancy (Glasgow) (Lab): This Sunday, 10 December, will be the 75th anniversary of the adoption of the Universal Declaration of Human Rights, which was a pivotal moment for a generation. Today, as we prepare to celebrate that anniversary, I want to celebrate the incredible movement of young people and their organisations that we see in the gallery and thank them for joining us in another pivotal moment. They led the charge to get us to where we are this afternoon. They fought so hard, put in years of graft and, ultimately, convinced us all why incorporation of their rights matters. They did that because they knew that it was key to making Scotland the land of opportunity that young people deserve and need it to be—a place where they can grow up loved, with opportunities in their path, unobstructed by class, glass or stepped ceilings, and, crucially, a place where young people are able to challenge contraventions to their rights and hold public authorities to account.

When the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was originally passed in 2021, young people were elated. They celebrated and rejoiced, yet it has taken well over two years for the legislation to officially make it on to the statute book. Although I do not want to dwell on that today, it is important to acknowledge it and to learn from the disappointment and delay. I believe that that delay must teach us and this Government that working together collaboratively is crucial and that warnings of overreach are not moments to hunker down and do battle, but moments to discuss, negotiate and work together to realise ambitions. Every day of delay represented a failure to do that and to properly respect, protect and fulfil the rights of Scotland's children and young people.

As colleagues have acknowledged, the bill before us today falls short of full incorporation. Instead, it has been narrowed to cover only post-devolution legislation. That is disappointing, as we have heard, although it would have had less of a negative impact had we spent time in recent years focusing on bold legislative reform and bringing more laws into compatibility, instead of making small changes to existing legislation and passing framework bills that rely on regulation and less parliamentary scrutiny. As a result, key areas such as the provision of education, including standards and additional support needs provision, as well as the delivery of services for looked-after children, will not be protected by the compatibility duty.

However, the good news is that there is a solution, which is to never again miss the opportunity to legislate in areas that make a real difference to young people's lives. Children and young people need wider legislative change to

ensure that their rights are protected and fulfilled. Policy and practice and one law will not be enough.

Indeed, I spoke about that in great detail during the debate on my member's bill on transitions just a few weeks ago. It will be unsurprising to many members to hear that I remain disappointed that the Government chose not to vote for my bill. I mention that to highlight just one concrete example of where words on human rights could have been turned into real action. There are examples elsewhere in education, too, and I hope that the Government, after we pass the UNCRC bill today, will take action forward at pace in those areas to give effect to the rights of children and young people in Scotland. We need strengthened laws and duties in swathes of other areas, too, with culture change on the ground and resources to underpin it. That includes action on education reform, safety in schools and standards. I hope that today will usher in a new era of action rather than words.

I make those points to highlight that being serious about incorporation must mean acting on such issues, which are close to home. Rights are not just theoretical or rhetorical. They are duties and responsibilities that must be real, from home to the Parliament and everywhere in between. We need both our Governments to be serious about human rights everywhere—in every law and in every street. They must be serious not just about the bill that we are discussing, but about all rights. That will mean taking decisions—bold ones, at times—on the issues that are facing young people in Scotland today, particularly in education. I hope that the Government will take the opportunity to do that.

We on the Labour benches always welcome the opportunity to vote for laws that protect human rights, and we will do that proudly at decision time today. In doing so, we will vote to protect children and young people not just this afternoon, but for the next generation. That is our job today. However, the job of realising rights does not end today—it starts today. I look forward to working for a Scotland where we smash glass, class and stepped ceilings so that every young person has access to the opportunities that they deserve—opportunities that they have a right to as a result of the bill.

16:04

Annie Wells (Glasgow) (Con): I am delighted to speak in the debate on the reconsideration of the UNCRC bill. Although the bill is much closer to becoming law within the Scottish Parliament's devolved competence—a very welcome development—the incorporation of the convention must be done in the right way. As we have heard,

the bill was originally passed in 2021 but was held to have fallen outside the competence of this Parliament. It has been nearly two years since the outcome of that legal case. Scotland's young people, some of whom are joining us in the public gallery, have watched and waited for the bill to move forward, and rightly so.

As Martin Whitfield has said, we need to learn from the mistakes that have been made on the legislation. He suggested that we could do it better, and we should look at that. Meghan Gallacher spoke powerfully about the bill being for every single Scottish child and young person, including those in the gallery. I know that Alex Cole-Hamilton is a hugely passionate supporter of making the bill happen, and he has spoken in every debate on the subject that I have heard.

We heard from committee members how some children and young people compared the bill to a spider's web. I cannot not mention the poem that Kaukab Stewart wrote, which was excellent. Paul O'Kane asked how the Government will report on the bill in the future; Maggie Chapman rightly recognised the great work of the organisations and third sector groups that help children and young people; and Fulton MacGregor recognised the great work of his young constituent, Ryan McShane, and the importance of youth work to our young people.

However, there have been criticisms of the SNP Scottish Government's approach. The former Children and Young People's Commissioner Scotland said that former First Minister Nicola Sturgeon "absolutely failed" young people, and that the current First Minister Humza Yousaf has made "big promises" for young Scots that have yet to be realised.

It is not just fellow members but external organisations that have been critical of the Government's lack of action over the past two years. This year, the Scottish Youth Parliament stated that the long wait for reconsideration had been "hugely disappointing" for Scotland's children and young people. That sentiment was echoed by the Promise oversight board, which criticised the Scottish Government for its perceived failure to improve vulnerable children's lives.

Now is the time to set things right, so I will vote in favour of the bill at decision time. Children and young people like my two grandsons are at the core of why passing the amended legislation is essential for enshrining the rights of our young people in law.

The legislation sets out to achieve numerous aims for children. Incorporation of the UNCRC into Scots law will cover many facets of a child's life, encompassing everything from civil rights to economic and political rights. It will also force any

new bills to be UNCRC compatible, and so provide legal remedies when public bodies fail to act in accordance with it.

Aside from creating new obligations for such bodies, the bill will enable children and young people, together with their representatives, to enforce their rights through the Scottish courts. The involvement of children and young people is of the utmost importance in safeguarding their rights. That view was taken by MSYP for Glasgow Cathcart, Ellie Craig, who said that the bill offered an exciting chance to create policies that work for everyone, especially children and young people.

Such policies are a vital part of enshrining children's rights in law across our nation. Not only will the passage of the bill and the incorporation of the UNCRC into Scots law act as a landmark domestic achievement in protecting children's rights, but Scotland can become a world leader in safeguarding them. Today's children and those of future generations will have the ability to grow up in a Scotland where that is the standard that we set.

I believe that members from across the chamber will join me in acknowledging that it has taken longer than we would have liked to get to this point. However, I am also optimistic that the bill enjoys enough cross-party consensus that we must now pass it on behalf of all Scotland's children and young people. They have waited long enough for change to arrive. I will do my part by voting for the bill, having spoken today not only as an MSP but as a mother and a grandmother.

16:10

Shirley-Anne Somerville: I begin by once again drawing attention to the children and young people who are in the public gallery today: the rights detectives, the members of the Children's Parliament, the members of the Scottish Youth Parliament, the Children and Young People's Commissioner Scotland's young advisers, and #TeamScotlandUN. I sincerely thank them and all those who have gone before them, because the bill is about them and for them, and that is—quite rightly—why we are elected to our Parliament: to represent them.

I also thank some adults in the room, in particular the children's and young people's representatives who are in the public gallery. I pay tribute in particular to my bill team and to everyone who has been involved in the reconsideration stage.

I also pay tribute to my friend and colleague John Swinney, who took the original bill through Parliament, for his dedication and commitment to children's and young people's rights as his work in Parliament has continued.

Parliament has heard much about me being compared to a spider this afternoon. It may be quite abstract for those who are new to the debate. To be honest, I have been called worse in various discussions, but I take it in the way that it was intended, at this point, because I think that I see Juliet Harris in the public gallery today.

The analogy that the children and young people put together was an exceptionally good one. If members have not caught up with that analogy, I would strongly encourage them to do a bit more research on the Halloween trick that they pulled at committee.

There has also been some discussion today about the lessons that we need to learn about the reconsideration stage. That is only right, as it is the first time that this Parliament has had to do a reconsideration stage. I think that it was Martin Whitfield who brought that up. Members will inevitably want to reflect on that, although that is not necessarily something for Government to do.

As we move forward with the human rights bill, we also need to learn lessons about the limitations that we are working under in this Parliament, and the fact that when the Scottish Government says that it is genuinely finding it hard to stay within legislative competence, we are saying that from bitter experience. We are asking for help as we try to move through that, both from members in the chamber and from our stakeholders, to ensure that we get the human rights bill correct first time round.

Today, however, we are dealing with the UNCRC (Incorporation) (Scotland) Bill. This is a historic day not only for us as parliamentarians but—more importantly—for Scotland's children and young people, and for all of Scotland as we take a significant step forward in becoming the country that we want to be: a country where children grow up loved, safe and respected so that they realise their full potential, and where we respect, protect and fulfil human rights and live free from discrimination.

We know that the ambitions of the UNCRC (Incorporation) (Scotland) Bill have been dented by the Supreme Court judgment, but there is still much in the bill to celebrate. On her website, the Children and Young People's Commissioner Scotland asks:

"Is incorporation of the UNCRC still worth it?"

She has answered emphatically:

"Yes it is."

Regardless of the scope of the compatibility duty, the bill will help to change the way that we think about children's rights, and it includes mechanisms for holding ministers and public

authorities in Scotland to account for respecting, protecting and enhancing those rights.

On 20 November, which was world children's day, the Minister for Children, Young People and Keeping the Promise spoke directly to children and young people in Scotland in a blog, in which she responded to questions from the Scottish Youth Parliament about the UNCRC (Incorporation) (Scotland) Bill. She explained not only how the bill will promote cultural change, but how it provides "extra legal protection" for children and young people that is not currently available.

This coming Sunday is human rights day, which is celebrated every year to mark the date on which the United Nations General Assembly adopted the Universal Declaration of Human Rights. That declaration enshrines the inalienable human rights to which every human is entitled, and this year will mark the 75th anniversary of its adoption by the UN.

Respect for human rights is as important now as it was 75 years ago. We see that made clear not only in the horrific, unimaginable conflicts around the world, but in the UK, with the repugnant Illegal Migration Act 2023, which includes a ban on the right to claim asylum, allows for the prolonged detention and removal of children, creates barriers for acquiring nationality, and lacks any consideration of the principle of the best interests of the child.

The UNCRC (Incorporation) (Scotland) Bill is an important step on Scotland's journey to extend and protect human rights by incorporating treaties that have not previously been part of our domestic law. Its passing will be a significant achievement for Scotland. We are the only devolved nation in the UK to incorporate the convention into our domestic law, and the only devolved country in the world to incorporate it fully and directly, albeit with some carve-outs to reflect devolved competency.

Our approach is unique, in that the bill goes far beyond just incorporating the provisions of the convention to including a number of proactive measures on implementation, such as the requirements for the Scottish Government to produce children's rights and wellbeing impact assessments, and to publish and regularly update a children's rights scheme to demonstrate how it is progressing children's rights. UNICEF UK has described the bill and the work surrounding it as an example of global best practice.

We have much to be proud of in the way that Scotland approaches human rights, and the bill is a chance to affirm and advance that approach. The Supreme Court judgment has impacted on our ability to deliver the ambitions of the bill, which was passed unanimously in 2021, but the Scottish Government has nonetheless persevered with the

bill in order to deliver as far as possible on the Parliament's democratic wishes.

Earlier, Martin Whitfield rightly quoted an MSYP in saying that this is only just the beginning. I will put it another way by quoting one of the children and young people who were at our Cabinet takeover recently, who told us to

“just get on with it”.

I humbly suggest that we do so, and I commend the motion and the bill to the Parliament.

The Deputy Presiding Officer: That concludes the debate on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill at reconsideration stage.

It is time to move on to the next item of business. 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 George Adam, the Minister for Parliamentary Business, to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.17 pm.—[George Adam]

Motion agreed to.

Decision Time

16:17

The Deputy Presiding Officer (Annabelle Ewing): There is one question to be put as a result of today's business. The question is, that motion S6M-11573, in the name of Shirley-Anne Somerville, on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, be agreed to.

There will be a short suspension to allow members to access the digital voting system.

16:17

Meeting suspended.

16:20

On resuming—

The Deputy Presiding Officer: We move to the vote on motion S6M-11573, in the name of Shirley-Anne Somerville, on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. Members should cast their votes now.

The vote is now closed.

Ivan McKee (Glasgow Provan) (SNP): On a point of order, Presiding Officer. I was unable to use my app. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr McKee. That will be recorded.

The Minister for Transport (Fiona Hyslop): On a point of order, Presiding Officer. I could not use my app. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Hyslop. That will be recorded.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I could not access my app. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Brown. That will be recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 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, 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)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Lennon, Monica (Central Scotland) (Lab)
 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)
 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)
 McNeill, Pauline (Glasgow) (Lab)

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)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (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)
 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)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 117, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill be approved.

The Deputy Presiding Officer: The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill is therefore approved. [*Applause.*]

Meeting closed at 16:23.

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

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