



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 9 May 2024**

**Session 6**



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# Scottish Parliament

Thursday 9 May 2024

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

## General Question Time

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

### Teacher Contracts

**1. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government whether it will provide an update on what work it is doing to ensure that teachers get permanent contracts. (S6O-03412)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Although the employment of teachers is a matter for local authorities, we are providing local authorities with an additional £145.5 million in this year's budget to protect teacher numbers. That will provide assurance of dedicated funding and should remove any uncertainty that is a barrier to councils employing staff on permanent contracts.

**Marie McNair:** I raise the issue on behalf of one of my constituents. I welcome the cabinet secretary's acknowledgement of the importance of the matter in ensuring that we have the best possible teacher resource in our schools. Scotland has the lowest pupil teacher ratios in state-maintained schools and the highest starting rate for qualified teachers in the United Kingdom. Does the cabinet secretary agree that such matters need to continue to be prioritised to ensure that teachers get the support that they need to provide an excellent teaching environment in our schools?

**Jenny Gilruth:** I agree with the sentiment that is behind the member's question. As the member has alluded to, the Government continues to value our teaching profession, which is why Scotland has the best-paid teachers in comparison with anywhere else in the UK and, of course, the lowest pupil teacher ratio. However, we need to do more. I am determined that we will make progress in closing the poverty-related attainment gap. That is why we have provided an additional £145 million in this year's budget to protect teacher numbers.

For the member's information, I have just come from an instructive meeting with the Educational Institute of Scotland where we talked about the issue and some of the solutions that it has suggested for how we might provide better protection. I know from experience that there are

various practices in relation to teacher recruitment across the country. It is really important that our teachers, who are supported through their training by the Scottish Government, can flourish in their teaching careers. That is why the issue remains a focus for me. I have asked the strategic board for teacher education to provide me with further advice, and I would be happy to write to the member with more detail to provide to her constituent.

### Public Health Approach (Justice)

**2. Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government how a public health approach to justice can reduce crime and make communities safer. (S6O-03413)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Our vision for justice emphasises the importance of the public health approach to justice and community safety. Evidence shows that community interventions can be more effective in reducing reoffending and assisting with rehabilitation, which leads to fewer victims and safer communities.

Health considerations are also key. We know that those in the justice system often present with high levels of vulnerability and have complex needs. Ensuring access to health and other support services at each point in the justice system is therefore vital and requires a holistic, multi-agency approach, as well as a focus on prevention and interventions that facilitate those links.

**Ruth Maguire:** Justice is largely devolved. However, Scotland is limited by Westminster law and policy on some of the most challenging issues that society faces, such as drugs, gambling and organised crime, so creative, focused approaches can be stifled. Does the cabinet secretary agree that that is just one of the many reasons why the people of Scotland would be best served by the restoration of Scotland's independence and the full powers and responsibilities that that would bring?

**Angela Constance:** Well said, Ms Maguire. Independence would allow us, for example, to further embed and extend our public health approach to justice and violence reduction into areas that are currently reserved, such as gambling and drug policy reform. As an example, with full powers under independence, a future Scottish Government could consider a range of measures to tackle gambling-related harm, such as raising the legal age of gambling or reviewing how gambling appeals to young people.

In relation to drug policy reform, a future Government could consider the creation of a statutory framework for supervised drug consumption facilities; review the drug

classification system; clarify the law so that services can provide drug paraphernalia legally; and enable a wider range of treatment options, such as introducing drug-checking facilities, as opposed to having to apply to the Home Office.

### **Glasgow Low-emission Zone**

**3. Annie Wells (Glasgow) (Con):** To ask the Scottish Government what assessment it has made of any reduction in the number of taxis in Glasgow as a result of the introduction of the low-emission zone in June 2023. (S6O-03414)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The number of licensed Glasgow City Council taxis reduced from 1,390 in May 2023 to 1,347 in January 2024. However, that reduction can be attributed to declining public demand for taxis rather than being a direct result of the low-emission zone, because Glasgow City Council offered its taxi fleet a 12-month exemption, from June 2023 to June 2024, from LEZ penalty charges. Glasgow City Council has announced that it will offer a further extension to the exemption for some taxis beyond June 2024, if taxi operators can demonstrate a commitment to retrofit vehicles or purchase compliant replacement vehicles.

**Annie Wells:** The fact is that hundreds of black taxis are still non-compliant with the Scottish National Party's low-emission zone in Glasgow, which means that they risk going out of business when the exemption ends next month. In February, Brian O'Hara of the Glasgow Taxi Trade Credit Union said that the lack of an exemption for taxis risks putting 400 small businesses out of business. That could all be prevented if the exemption continues for taxis that are not compliant.

I have one simple question for the cabinet secretary. For the sake of Glasgow's black taxi drivers, will she back the extension of the exemption for those taxis—not the 76 that are already exempt?

**Fiona Hyslop:** If the member was listening, she would have heard that that is exactly what Glasgow City Council is doing. It is offering a further exemption, should there be a demonstration that retrofitting is planned.

Unlike other major cities in Scotland, Glasgow City Council does not have an age limit on taxis, so there is a higher proportion of older, non-compliant taxis, specifically in the Glasgow fleet. Annie Wells will be aware that the LEZ retrofit fund is open for applications and provides up to £10,000 towards the cost of retrofitting a taxi.

**The Presiding Officer:** Bob Doris has a brief supplementary question.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** What are the preliminary indications for the impact of the Glasgow low-emission zone on air quality in Glasgow, in contrast with the level of air pollution in the city prior to its introduction?

**Fiona Hyslop:** Because it takes many years for fleets to adapt to LEZ entry standards, the improvement is spread over a long period ahead of LEZ enforcement, rather than happening overnight, when enforcement commences.

In 2018, Glasgow Hope Street recorded an annual average nitrogen dioxide level of 61 micrograms per cubic metre. In 2023, it recorded an annual average nitrogen dioxide level of 39 micrograms per cubic metre, which is below the air quality objective limit. Furthermore, the highest daily average level at Glasgow Hope Street fell from 108 micrograms in 2018 to 72 micrograms in 2023, and the highest hourly level there has fallen significantly—from 310 micrograms in 2018 to 124 micrograms.

**The Presiding Officer:** Paul Sweeney has a brief supplementary question.

**Paul Sweeney (Glasgow) (Lab):** The reality is that the cost of renewing a taxi to be compliant can be £60,000 to £100,000. The £10,000 grant is simply not sufficient, particularly when a lot of the affected taxi drivers are approaching retirement age or are in their 50s and cannot take out that huge amount of finance. Will the cabinet secretary review the financing arrangements that are available for people to scrap or retrofit their taxis?

**Fiona Hyslop:** We are paying a lot of attention to the four LEZ local authorities—the three that are about to commence their LEZ and Glasgow City Council, which has commenced its LEZ. The plans for that have been in place for some significant time. I mentioned that there is more of an issue in Glasgow, because it does not have licensing rules like other councils, which have insisted on improvement in their fleets.

As I said, Glasgow City Council has announced that it will offer a further extension to the exemption for some taxis beyond June 2024, if taxi operators can demonstrate a commitment to retrofit vehicles or purchase compliant replacement vehicles. On the finances for individuals, I am sure that engagement with Glasgow City Council will help to scope out requirements.

### **RAAC (Colleges and Universities)**

**4. Michael Marra (North East Scotland) (Lab):** To ask the Scottish Government what it is doing to address any issues in relation to the presence of reinforced autoclaved aerated concrete in the college and university estate. (S6O-03415)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** The Scottish Government has confirmed, via the Scottish Funding Council, the extent of reinforced autoclaved aerated concrete in the college and university estate, including information on planned remediation and related costs, the measures in place to ensure the safety of staff and students and any plans implemented to ensure that students' welfare and learning are not affected. We continue to work alongside the SFC to provide advice and support to institutions as they undertake necessary works.

**Michael Marra:** The minister is aware that RAAC was found in the Kingsway campus of Dundee and Angus College last year and that vital safety work to replace RAAC panels and make buildings safe could cost as much as £12 million, with work having to be completed within three to five years.

In a letter from the minister to the college principal in December last year, he revealed that the Scottish Government would not commit any money whatsoever to the replacement of RAAC in the college estate. The minister knows that colleges have no means by which to borrow or raise money. Amid the chaos of the past two weeks, the publication of the Government's infrastructure investment plan has been delayed yet again. What on earth does the minister suggest that Dundee and Angus College does?

**Graeme Dey:** I met the principal and chair of Dundee and Angus College a couple of weeks ago, which allowed me to gain an initial broad understanding of their thinking on future estate provision, taking account of RAAC and the age of the buildings, which, as Michael Marra knows, is an issue at Kingsway. I look forward to the college progressing those aspirational and creative plans for possible consideration by the SFC and the Government, although Michael Marra will appreciate that, given my constituency interest, I would not be involved in any such process.

**The Presiding Officer:** Let us pick up the pace, colleagues.

**Liam Kerr (North East Scotland) (Con):** Seven of Scotland's colleges have RAAC. Audit Scotland's 2022 report said that colleges are already £321 million short of what they need in capital funding, and no funding has been provided to date to rectify the RAAC issue. Can we take it from the minister's answer that Scotland's Government will provide no financial help to Scotland's colleges to deal with RAAC?

**Graeme Dey:** That is a brave and bold question from Mr Kerr, given that, despite his Government stating that it would spend whatever it would take to address RAAC, we have heard not a whisper

from it. There is no indication of any money being provided to this Government in order to tackle this very substantial issue.

### **Rapid Charge Points (Electric Vehicles)**

**5. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government whether it will provide an update on how it is working to increase the number of rapid charge electric vehicle points. (S6O-03416)

**The Cabinet Secretary for Transport (Fiona Hyslop):** Thanks to investment by this Government, Scotland has almost 5,000 public EV charge points and is on target to have 6,000 by 2026. That is in addition to the 20,000 domestic and business chargers that were funded by the Scottish Government as part of the wider charging mix. Scotland also has the most rapid charge points of any region in the United Kingdom per head of population.

In 2023, I announced the publication of Scotland's vision for public EV charging, highlighting the need for a transition towards a network that is largely financed and delivered by the private sector. In 2024, the private sector is forecast to invest £40 million to £55 million in public EV charging in Scotland. The Government is investing £30 million through our EV infrastructure fund and is prioritising areas of Scotland that are less likely to attract private investment, including rural and island communities.

On 1 May, I was pleased to launch BT's first ever pilot in the UK, in Haddington, using converted green telecom cabinets on our streets to support on-street charging points for houses without drives and in outer areas of town. That is another great example of partnership work with the private sector on EV chargers.

**Stuart McMillan:** In Inverclyde, we have access to very few rapid charge points. Some of them are currently out of use, which puts people off moving to electric vehicles, in addition to the issue of the limited available parking in the constituency, which also has an adverse effect on people with electric vehicles.

Does the cabinet secretary agree that we need to increase the number of EV charging points, particularly rapid charge points, to show that the infrastructure is very much fit to manage the expected increase in the use of electric vehicles over the coming years?

**Fiona Hyslop:** Indeed. Reliable and convenient rapid charging is critical to supporting EV adoption. We are already seeing significant growth in rapid charging across Scotland and, thanks to the Scottish Government's early interventions,

Scotland has one of the largest public EV charging networks in the UK.

We need to build on that strong foundation at pace and scale in order to meet future needs. That is why, through our EV infrastructure fund, we have been supporting local authorities, including Inverclyde Council, to continue to increase the number of EV charge points that are available. Local authorities such as Inverclyde Council understand their local needs best and will play a crucial role in the future expansion of EV infrastructure.

Last year, the UK Government introduced regulations requiring all public charge points to meet specific reliability standards. I encourage all charge point owners to ensure that they comply with the regulations so that they provide EV drivers with the reliable services that they have the right to expect.

**The Presiding Officer:** Let us keep questions and answers concise, please.

I call Pauline McNeill.

#### **Mobile Phone Use (School Guidance)**

6. **Pauline McNeill (Glasgow) (Lab):** To ask—  
[*Interruption.*]

**The Presiding Officer:** Give me a minute, Ms McNeill. Can we have Pauline McNeill's microphone on, please?

**Pauline McNeill:** To ask—[*Interruption.*]

**The Presiding Officer:** Bear with us, Ms McNeill.

**Pauline McNeill:** Third time lucky. To ask the Scottish Government whether it plans to issue guidance to schools encouraging them to prohibit the use of mobile phones by pupils. (S6O-03417)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** As I confirmed in my statement to the Parliament on 12 December 2023, the Scottish Government will shortly publish updated guidance for schools regarding the use of mobile phones by pupils. As a starting point for that guidance, headteachers should be empowered to take any action that they deem to be necessary, including banning mobile phone use, should they see fit. Indeed, many headteachers have already chosen to do that in their school communities.

**Pauline McNeill:** In secondary schools, the behaviour that is most commonly reported by staff as having the greatest negative impact is pupils using mobile phones when they should not be. People commonly assume that smartphones are a problem only in secondary schools, but one of my constituents has raised concerns about his child's

primary school, which has had problems with inappropriate content being circulated on WhatsApp groups and bullying via smartphones.

Is the Scottish Government looking into the extent of cyberbullying taking place in Scottish schools? What policies are being considered to beat the problem?

**Jenny Gilruth:** Pauline McNeill is right to highlight the issue in relation to primary schools. That was a key finding from the behaviour in Scottish schools research that the Government published in November.

The Government has a number of policies on anti-bullying, which we take extraordinarily seriously. It is worth putting on the record that, in the coming weeks, following the publication of the mobile phone guidance, we will publish an updated national action plan to address some of the challenges with behaviour in our schools. Through that work, we will seek to ensure that our anti-bullying policies are updated.

It is worth recording the real challenge that exists with mobile technology, and I would observe that the issue relates not only to schools but to our discourse in the Parliament.

#### **Historic Environment Scotland Properties**

7. **Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what percentage of Historic Environment Scotland properties remain partially closed subject to safety checks. (S6O-03418)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The work on the properties in care is on-going. Consequently, the position is constantly changing. In order to provide the member with the most up-to-date figure on the percentage of sites that remain partially closed, I have asked Historic Environment Scotland to write to the member directly with a full response.

**Finlay Carson:** I thank the cabinet secretary for that response. Last week, I was told that 90 per cent of Historic Environment Scotland sites have reopened fully or with partial access. We are all aware of such sites in our constituencies. Of the 30 sites in Dumfries and Galloway, five currently have no visitor access, which has a significant effect on the tourism economy.

A whistleblower in HES disputes the 90 per cent figure, claims that more than 200 sites still have serious high-level masonry issues that would pose a real threat to the public and has expressed concerns about the long-term future of the buildings. The whistleblower insists that the work is not even halfway through. Can the cabinet secretary provide evidence of where the 90 per



cent figure came from and provide reassurance around public safety?

**Angus Robertson:** I hear the concern that Finlay Carson has raised. As I mentioned in my previous answer, Historic Environment Scotland will write to him directly. Should he have any further issues or concerns, I have assured him that I would welcome a follow-up discussion on the matter. We are all committed to safety at historic sites and to their speediest reopening, and having accurate information serves us all in that purpose.

## First Minister's Question Time

12:00

**The Presiding Officer (Alison Johnstone):** The next item of business is First Minister's question time.

### Teacher Numbers

1. **Douglas Ross (Highlands and Islands (Con):** Yesterday, parents in Glasgow were protesting against cuts to teacher numbers. They said that they are fighting for their kids' education, because those cuts will, in their words, make it "impossible for schools to support pupils properly."

In Glasgow, more than 100 teachers have already gone, and it is proposed that that number will rise to 450. Across Scotland, teacher numbers have declined for two years.

A new Scottish Government report that was published this week suggests that the Scottish National Party might abandon its manifesto pledge to increase teacher numbers by 3,500. The First Minister made that promise when he was education secretary. Will he be honest with pupils, parents and teachers today? Will he stick to his promise to increase teacher numbers by 3,500 in this parliamentary session?

**The First Minister (John Swinney):** The Government's commitments in relation to teacher numbers have been given in good faith to strengthen the provision of education in Scotland. I want the Government to work with our local authority partners to deliver on those commitments.

The approach that we take is, of course, hugely dependent on the resources that we have available. The Government has taken steps to expand those resources: for example, if it had not taken the tax decisions that it has taken, we would be more than £1 billion worse off in relation to the funding that we have available.

I have to directly answer Mr Ross's question about the challenges that we face in the public finances due to the pressures of inflation and the persistence of austerity that is framing public expenditure from the United Kingdom Government. I assure Mr Ross and parents, most importantly in the city of Glasgow but around the country, of the Government's commitment to sustained investment in education and the maximisation of the investment that we can make available.

**Douglas Ross:** Of course, that was not my question. The question was very specific, on a specific pledge that was made not by any other

SNP MSP but by the First Minister. He was the education secretary who went to the country and told people, "Vote for the SNP. Trust me, and we will increase teacher numbers by 3,500 in this parliamentary session."

If I am not convinced by that answer from John Swinney, I do not think that any parent, pupil or teacher will be. We were supposed to have a different style of politics, but it sounds like the excuses are the same as those that we have had previously.

Sadly, John Swinney's record in education is one of broken promises: he introduced a flagship education bill that could have improved standards but then abandoned it; he promised a free laptop to every child, but that never happened; the SNP said three years ago that Education Scotland would be reformed, but nothing happened; the Government in which John Swinney served promised that the Scottish Qualifications Authority would be replaced, but it is still here.

On teacher numbers, can he just give a straight yes or no answer? Will he stick to his pledge to increase teacher numbers across Scotland by 3,500 in this parliamentary session, or will it be more of the same broken promises from John Swinney and the SNP?

**The First Minister:** On the question of education delivery, let me put on the record a few things that the Government has achieved. When we came into office in 2007, 63 per cent of children and young people were being educated in good or satisfactory buildings. That figure today is 93 per cent. There has been a transformation of the education estate in Scotland. We have allocated £145 million to support the recruitment of teachers, in partnership with local government. Those are some of the things that we have delivered. The reform programme in Education Scotland and the SQA is being implemented.

Obviously, I have just come back into office, and I will be looking very carefully at the progress that has been made in that respect. I have not been on the front bench for 12 months or so, and I will be getting much closer to all of that.

On the question of the commitment to 3,500 teachers, I will be absolutely clear with people in Scotland today. We face very significant financial pressures in our public finances. The perspective on the public finances has deteriorated because of the effect of austerity, the cuts that have been made in public expenditure and the very significant inflation that we have had to wrestle with—which has resulted, for example, in teachers in Scotland becoming the best paid in the United Kingdom as a consequence of our decisions.

The Government will take forward its programme within the resources that are available

to us, but I have to make it clear to people—to be straight with the public, which I will be—that public finances are under enormous pressure. We will set out our commitments as we take our budget decisions.

**Douglas Ross:** I would quite like John Swinney to be clear and straight with the Parliament and just answer a question. I will ask it for a third time, and I hope to get a response. As education secretary, he made a pledge to voters across Scotland that, if they voted for him and the SNP, they would increase teacher numbers across Scotland by 3,500 over the course of this parliamentary session. Is that going to happen—yes or no? A clear and straight answer from John Swinney is what is needed.

John Swinney has been education secretary in a previous Government. From 2016 to 2021, he was education secretary of Scotland. During that time, education was supposed to be the SNP's top priority—it wanted to be judged on education. When he was in charge, however, Scotland's schools and the results therein fell to record lows in the Organisation for Economic Co-operation and Development's programme for international student assessment rankings. Those measured performance in maths, reading and science. In all three, Scotland's scores declined substantially when John Swinney was education secretary. Why did Scotland plummet down international school league tables on his watch?

I ask this for the third time, hoping that I will get an answer. Will he tell the people of Scotland whether he is going to keep his promise to increase teacher numbers by 3,500?

**The First Minister:** I have nothing really to add to what I have said to Douglas Ross about the financial position that we face. The financial position is acutely challenging and difficult, and it is different from the position that we faced in 2021 and back in 2016. There has been a rampant increase in inflation on the watch of the Conservative Government. *[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** If inflation rises—and this is elementary—

**Craig Hoy (South Scotland) (Con):** We don't need a lecture.

**The Presiding Officer:** Mr Hoy.

**The First Minister:** This is elementary arithmetic, Mr Hoy, and we are going to have to go through some elementary arithmetic to help you out here with understanding the answer.

If inflation rises by 10 per cent, the value of the money available to spend reduces. I want to

ensure that we have a well-supported and substantial teaching profession, but I have to live in the real world of the public finances available to me—never mind the fact that the Conservatives opposed every single tax change that we have made to boost the public expenditure that is available in Scotland. The Government will take these decisions in the proper course of its budgetary process.

When I was education secretary, teacher numbers rose. They rose during my term in office as education secretary. One of the things that I am most pleased about—I cannot claim all the credit for this because my successors have delivered it since 2021—is that record positive destinations are being achieved by young people in Scotland, and that is a tribute to the strength of the education system.

**Douglas Ross:** John Swinney wants to give credit to his successors as education secretary. We have 250 fewer teachers in Scotland in just the past two years. He is not being straight with the public about whether he agrees with his own promise to increase teacher numbers by 3,500 in this parliamentary session, but we know already that those are going down—teacher numbers across Scotland are falling under an SNP Government.

John Swinney is reaching out across the parties to seek consensus and work together. I am sorry, but some of that has to come from him. He has to be honest. He has to give a straight answer. I will ask for the fourth time. Will he, as First Minister, commit to the promise that he made to the people of Scotland to increase teacher numbers by 3,500? It is not difficult to say yes or no. He can explain why it is no, but he must tell people, be honest and say that he is not going to do it.

As education secretary, John Swinney went from one failure to another. His implementation of the SNP's curriculum for excellence was a mess. He is smiling at that—but I say to him that it was a mess. He was at the centre of multiple SQA fiascos, which, again, is not something to laugh about. He broke promises about improving the exam system. He was supposed to close the attainment gap entirely, but he failed. He damaged Scotland's international reputation for education.

For 16 years, John Swinney has been at the heart of a Government that has let down pupils, parents and teachers. Now that he is the head of that Government, what is going to change?

**The First Minister:** Certainly, what will not change is the script that we get from Douglas Ross.

Let us talk about some of the achievements that have been made in education according to the most recent data. Record levels of literacy and

numeracy attainment at primary school, and improvements at secondary school, were recorded in the curriculum for excellence data that was published on 12 December. There is a record low attainment gap between the proportion of primary pupils from the most and least deprived areas achieving the expected levels in literacy, and there were reductions at secondary level. Again, that is from the achievement of curriculum for excellence levels data from 12 December.

In the summer of 2023, we had the highest-ever number of passes at national 5—a tremendous achievement by the children and young people of Scotland—and a record number of vocational and technical qualifications were achieved. In 2023, higher and advanced higher pass rates were higher than those achieved in 2019.

I will be straight with the public of Scotland. I will tell them the way it is. I will be clear that we are under enormous financial pressure. My Government will have to come to the Parliament with information about the challenges that we face in the public finances, and we will do that in due course. I have been the First Minister for only 48 hours—not even 48 hours—but we will come to the Parliament to be straight about the challenges that we face. I will also be straight with the people of Scotland about the successes that this Government has delivered and of which we are very proud.

### Local Government (Teacher Numbers)

**2. Anas Sarwar (Glasgow) (Lab):** The past two weeks have been all about managing the Scottish National Party and have had nothing to do with running our country or delivering for Scotland. However, politics is not a game. Decisions that are made by the Government have consequences, and the effects of those decisions over the past 17 years are playing out in communities across the country. The decisions that John Swinney made as finance secretary then as education secretary are being felt by pupils, parents and teachers.

Since 2007, Scotland's education standards have declined and teacher numbers have fallen. The Government claims that it is fully funding councils, but the SNP-led council in Glasgow has made a decision to cut 172 teachers this year and 450 teachers over the next three years. I have a direct and simple question: will the Government step in, save those teachers' jobs and protect young people's education?

**The First Minister (John Swinney):** The first point that I want to make is that the events of the past two weeks have been traumatic for my party—I accept that—and they have had everything to do with running the country. I am now here to lead this Government and to lead it with the firmness of direction that it needs to

address the problems that the country faces and to achieve our objectives. That is what I am here to do.

On the question of attainment, I have gone through with Mr Ross some of the strengths that exist in Scottish education today. We will continue to improve that performance and support the education system in doing so. We will obviously work collaboratively with local government on that agenda, because local authorities such as Glasgow City Council are responsible for the delivery of education in our communities. I will be meeting the leadership of the Convention of Scottish Local Authorities on Friday, immediately after the first meeting of the new Cabinet, because I attach the greatest importance to working in partnership with our local authorities.

One of the most critical points about working in partnership with local authorities is that we work collaboratively. I would have members of Parliament in here complaining all the time if I instructed local authorities on what to do, and I will not be doing that.

**Anas Sarwar:** John Swinney needs to confront the challenges that he has created over the past 17 years in local government and education.

Yesterday, I was with the Glasgow city parents group and many of the teachers affected. The cut in teacher numbers in Glasgow will hit people in the most deprived communities the hardest. It will hit the very same working-class kids whose grades John Swinney, as education secretary, attempted to downgrade—shamefully—during the Covid exams scandal.

Of the teachers I met, one told me that she had retrained two years ago and was now going to lose her job, another said that he had not been able to get a permanent contract since he qualified, and a third said that the cut does not feel like the thanks and reward that the Government promised teachers in coming out of the pandemic. John Swinney bears responsibility for the broken finances in our councils and the decimation of our education system, so he should not give us warm words or try to explain away the Government's record. He should tell the pupils, their parents and their teachers what he is going to do to protect their education.

**The First Minister:** It is very important that we have an open discussion about the choices that public authorities and public bodies face. One of the issues that Glasgow City Council has faced, and which has cost it a formidable amount of money, has been the resolution of the equal pay disgrace that was presided over by the Labour Party when it ran the council. For many years, women in our society were persistently let down. When it was running Glasgow City Council, the

Labour Party went to the courts to challenge the legitimate claims of low-paid women in the city of Glasgow. The Labour Party should be utterly ashamed of that.

I understand the challenges that Glasgow City Council faces. That is why I will engage constructively with Glasgow City Council and with the Convention of Scottish Local Authorities when I meet it on Friday.

**Anas Sarwar:** It is clear that the First Minister has no answer for parents, pupils and teachers in Glasgow, only obfuscation.

Let us look at John Swinney's record. As finance secretary, he broke local finances and slashed the budget for local services. As education secretary, he abandoned teachers, standards declined, the attainment gap widened, Scotland fell in the international league tables and—shamefully—he downgraded the results of working-class children during the pandemic. Now, as First Minister, he is trapped by the past, defending his own record while Scotland's children pay the price.

Scotland once had an education system that was the envy of the world. I believe that we can get there again, but continuity will not cut it. To give our young people the education and opportunities that they deserve and to unlock the huge potential of our nation, Scotland needs fresh leadership, new ideas and change, so after being at the heart of every single SNP failure for the past 17 years, why does John Swinney think that Scotland should accept more of the same?

**The First Minister:** I have good news for Anas Sarwar: that fresh leadership has just arrived—*[Interruption.]*

**The Presiding Officer:** Members, let us hear the First Minister.

**The First Minister:** —and I am right here to deliver it. *[Interruption.]* They are laughing, because they are delighted that I am here to do it. That is why they are laughing—they are over the moon that I am here. They sent me here—they were all behind it.

**Anas Sarwar:** What about the people?

**The First Minister:** The people did send me here. The people have sent me here. In every election when I have had my name on the ballot paper, my constituents have sent me here. In 2007, the people sent us into government; in 2011, they sent us into government; in 2016, they sent us into government; in 2021 they sent us into government; and in 2026, under my leadership, they will send us back into government as well.

I point out to Mr Sarwar, as he has his absence-of-cheerfulness escapade today, that I think

Scotland has a very good education system, which we will continue to improve in the years to come.

### Scottish Government (Policy Direction)

**3. Patrick Harvie (Glasgow) (Green):** The Scottish Greens have been clear that we acknowledge the Scottish National Party's right to form a minority Government, but we have been equally clear that the First Minister must quickly signal the direction that his Government will take.

That signal came pretty clearly yesterday. Progressive ministers were sacked and the second-most powerful job in Government was given to someone who has opposed legal equality for LGBT people, who has expressed judgmental attitudes against abortion and who has even expressed the view that people who have families without being married are doing something wrong. Is the Scottish Government's vision for the future of Scotland taking us back to the repressive values of the 1950s?

**The First Minister (John Swinney):** No, it is not, and that is not the Scottish Government's direction. The Government will be led from the moderate left-of-centre position that I have always occupied and which is the policy position of my party and is supported by all our members.

A week ago today, when I announced my candidacy for the leadership of my party, I set out that I wanted to build on the work of the SNP Government to create a modern, diverse and dynamic Scotland that will ensure opportunity for all our citizens. On Tuesday, in the closing words of my acceptance speech, I made it clear to the people of Scotland that I offer myself to be the First Minister for everyone in Scotland. That is precisely what I will do.

**Patrick Harvie:** I am not yet sure that the First Minister acknowledges or understands just how worried many LGBT people—and others—in Scotland are at the moment. It is not only equality and human rights that are at stake here, because the new Deputy First Minister has also explicitly criticised the role of fairer, progressive taxation. Ensuring that people who are on high incomes pay their fair share is the only way that the Scottish Government has been able to afford investment in climate and nature, cheaper public transport and the Scottish child payment. Without fairer tax policies, which the Greens repeatedly had to push the SNP into supporting, those things simply could not have happened.

We know that, next year, whether it is a Tory or a Labour one, the United Kingdom Government will continue with austerity, imposing deeper cuts than ever on Scotland. Does the First Minister accept that continuing on the path towards progressive taxation will be more important than

ever? Will that progress continue or will the First Minister give in to the right wing of his party?

**The First Minister:** It is a matter of history and of record that the Deputy First Minister was responsible for introducing progressive taxes in Scotland. Kate Forbes took those budget decisions and sought the agreement of the Cabinet, and the measures were then put to Parliament. I welcome the fact that our colleagues in the Green Party supported the measures that the Government brought forward.

It is pretty clear that Kate Forbes has delivered progressive taxation. By delivering the approach to progressive taxation, she has also delivered measures such as the Scottish child payment, which is taking 100,000 children out of poverty today. To me, that is something to be warmly welcomed across our country, which supports the mission of my Government to eradicate child poverty.

I take very seriously the challenge that Mr Harvie puts to me, because I want people in this country to be reassured by my leadership. When I say that I want to be the First Minister for everyone in Scotland, I deeply mean that. I want to lead a modern, dynamic and diverse Scotland—a place for everybody, where everybody feels at home, at peace, that they have a place, and that their place in our society is protected by my leadership of this country.

### Women in Enterprise

**4. Michelle Thomson (Falkirk East) (SNP):** To ask the First Minister what support the Scottish Government is providing to women in enterprise. (S6F-03100)

**The First Minister (John Swinney):** The Scottish Government is committed to implementation of the report "Pathways: A New Approach for Women in Entrepreneurship", which looks at how support for women in entrepreneurship can best be delivered and addresses the barriers that they continue to face. We have allocated £1.5 million this year to support that work, building on the £1.3 million that was invested through the pre-start fund last year.

**Michelle Thomson:** I recognise the efforts that have been made with the 2023 "Pathways" report, and I hope that any funding can continue on a sustainable basis.

Figures from the Federation of Small Businesses in 2018 suggested that women-led businesses account for nearly £9 billion of gross value added. Today's figure is likely to be much higher. However, a recent report from Women's Enterprise Scotland articulates continued systemic barriers, citing issues such as an increase in discrimination and unequal treatment of women in

business. Will the First Minister and his new Cabinet commit to a focus on the value of women-led businesses as a key part of his stated aim of driving economic growth, and as a means of increasing labour market participation, innovation and productivity?

**The First Minister:** I welcome Michelle Thomson's contribution to the discussion through her question today, but also through her convenership of the cross-party group on women in enterprise.

I acknowledge and recognise that our efforts to boost economic growth in Scotland would be greatly enhanced if, in our society, the participation of women in enterprise was at an equal level to the participation of men. Our efforts have to be focused on closing that gap to ensure that women are able to make a greater contribution to enterprise. I welcome the points that Michelle Thomson has made, and I commit the Government, in its economic strategy and the work that we are taking forward, to specifically making sure that we close that gap, and to working with women and organisations such as Women's Enterprise Scotland, which is a fabulous organisation, to achieve those objectives.

#### Residential Rehabilitation Beds

**5. Jamie Greene (West Scotland) (Con):** To ask the First Minister whether he will provide an update on the Scottish Government's progress towards its target to increase the number of residential rehabilitation beds in Scotland to 650 by 2026. (S6F-03107)

**The First Minister (John Swinney):** We have committed more than £38 million for the development of new and expanded facilities at eight residential rehab projects across the country. Investment in those capacity projects alone will provide an increase of at least 140 beds by 2025-26, boosting the rehab capacity in Scotland from 425 to 565, which is an increase of more than 30 per cent. Three of those projects—in Edinburgh, Dundee and Ayrshire—are fully completed and operational.

Alongside that direct funding, we are confident that our significant wider investment in the sector will contribute to boosted bed numbers and we expect to meet our target of a 50 per cent increase in residential rehab capacity to at least 650 by 2026. We intend to commission a formal audit of residential rehab bed capacity in 2025 to provide an authoritative account of our progress towards that target.

**Jamie Greene:** I thank the First Minister for his update. All our thoughts are with anyone who has experienced the loss of a loved one due to drugs.

I hear what the First Minister says, but the rhetoric and the reality on the ground are two very different things. The most recent Public Health Scotland audit of rehab beds showed that the £38 million that has been allocated produced only an additional 32 beds. Capacity is nowhere near the level that it needs to be at. Many substantial barriers to accessing rehab remain, and the audit report shows that.

Last week, I had the great privilege of visiting one such centre, the Haven Kilmacolm, which provides residential rehab care. Its people told me directly that they have the ability to increase capacity by 18 beds in a very short space of time, but they have faced substantial problems in accessing Government money. Endless bureaucracy and red tape are holding them back.

That story is repeated across the country. The money is supposedly there, but the bed capacity simply is not. That is the reality on the ground.

Scotland's drug death crisis is truly a crisis and is our national shame. People are dying. The strategy is not working. In the new-found spirit of being honest with each other as politicians, will the First Minister be honest? The strategy is not working and drug death numbers are rising. Will he personally commit to making this issue his number 1 priority?

**The First Minister:** I associate myself directly with the comments that Mr Greene has made about the tragedy of drug deaths and the loss to families who are affected. That is a national problem that we have to address, and I give him the solemn commitment that we will do that.

I have set out my response to Mr Greene's question, but I hear what he says about the concerns of the Haven project, which he visited in Kilmacolm. I want to understand directly what those barriers are, because I have no interest in announcements being made if the practical reality is not being felt in communities. If Mr Greene will be so good as to advise of the details of that, I will ask Christina McKelvie, who was reappointed last night to continue the leadership of drugs and alcohol policy within the Government, to engage with him—however, I remain open to direct discussions about how we progress on what is a national tragedy. I give Mr Greene the assurance of the seriousness that I attach to the issues that he has raised with me today.

**Paul Sweeney (Glasgow) (Lab):** I welcome the First Minister to his place. The safer consumption pilot is due to launch in Glasgow by early autumn. Across the chamber, there is widespread support for such facilities as just one of the many tools that are required to prevent drug deaths in our communities. Will the First Minister confirm that there will be clear referral pathways to residential

rehab for those presenting at the overdose prevention facilities who request or need that support? That is just one of the many ways in which we can prevent people from falling into the trap of addiction and, of course, death.

That is essential, and I have seen it happen elsewhere in the world, such as in Copenhagen, where it works very effectively—within five minutes, a referral to residential rehab can happen from their overdose prevention facilities. Will the First Minister offer a similar guarantee?

**The First Minister:** I am grateful to Paul Sweeney for his kind remarks and I very much welcome the points that he has put to me. A referral pathway should be in place at this moment. The scenario that Mr Sweeney has put to me is that, once the safer consumption room proposition is implemented, a pathway should be available. I take very seriously the point that he makes—that there should be a pathway—because we can help people on the road to recovery only if that pathway is available as swiftly as Mr Sweeney has put it to me today. That is my expectation; however, as I become closer to many of the issues, I will have in mind the one that Mr Sweeney has raised with me.

### Post Office Horizon System

**6. Pauline McNeill (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's response is to reports that the Crown Office and Procurator Fiscal Service continued to prosecute postmasters when there was evidence that the Horizon computer system used by the Post Office was flawed. (S6F-03095)

**The First Minister (John Swinney):** As the Parliament will be well aware, and as the Lord President reminded me when I took the oath of office yesterday, the Lord Advocate and the Crown Office and Procurator Fiscal Service are, rightly, independent of the Government in their responsibility for the prosecution of crime.

I am advised that it was not until the decisions by the courts in England and Wales in 2019 and 2021 that the full extent of the issues with Horizon emerged. Until that point, the Post Office maintained that the system was reliable—indeed, the Post Office told Scottish prosecutors in 2013 that its external lawyers had reviewed all potentially impacted Scottish cases and found no issues.

In 2015, the Crown Office and Procurator Fiscal Service was not provided with further evidence that had been promised by the Post Office to demonstrate that Horizon was as robust as it suggested. Therefore, the decision was taken to no longer rely on Horizon until such time as that further evidence was provided.

As we all know, the Post Office has, at best, obfuscated and, at worst, hidden the issues with Horizon. It is only through the on-going public inquiry that we are learning to what extent that was undertaken.

**Pauline McNeill:** I also welcome the First Minister to his post.

I would ask him to note carefully what I say here. We know that, in 2013, Post Office lawyers came to Scotland to meet senior procurator fiscals to convince them to keep prosecuting cases. However, forensic accountancy firm Second Sight's interim report was given to the Crown Office and flagged that there were defects or bugs in the Horizon software, giving rise to 76 branches being affected by incorrect balances or transactions.

In an email to me this week, Second Sight director Ron Warmington said that it would have been beneficial if there had been "a little less naivety" from the Crown Office and that, if the Crown Office had at least taken the precaution of checking the report and calling him or the Second Sight offices, the outcome might well have been different.

Does the First Minister agree that, notwithstanding the independence of the Crown Office, it should be fully accountable for the miscarriages of justice in Scotland, because it did not provide the checks and balances that it should have? It chose to continue to prosecute cases for five years and never wrote to a single victim or attempted to overturn any of those convictions until now. Given that, should the Lord Advocate not come to this Parliament and answer further questions?

**The First Minister:** First, let me welcome the remarks of Pauline McNeill and her welcome, which is appreciated.

From her long service in the Parliament's justice committees, Pauline McNeill will understand that we are getting into territory where I will, if I answer in a great deal of detail, be intruding on the independence of the Lord Advocate. I will not do that. The Lord Advocate is an independent office-holder and I want to ensure that I protect the independence of the Lord Advocate by my actions.

The issues that Pauline McNeill raised are material to Crown Office decisions about the prosecutions that have been taken. I will relay to the Lord Advocate the points that have been made by Pauline McNeill today. I met the Lord Advocate last night to confirm my desire for her to continue as the Lord Advocate, but I will convey to her the points that Pauline McNeill has made.

We will, of course, also continue to engage with other parties in Parliament about the appropriate

way in which the issue can be addressed in Parliament.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** We know that the United Kingdom-wide use of the tainted Horizon computer system evidence was a decision of the Post Office. Does the First Minister share my concerns that it appears clear that people at the top of the Post Office have continually obfuscated and provided misleading information over the years?

**The First Minister:** Obviously, an on-going public inquiry is looking at the issues that are material to Audrey Nicoll's question. In observing the evidence, I am struck by how overwhelming it looks that her point is a fair one. We have to allow that public inquiry to take its course. While that is happening, there is action that we can take to remedy miscarriages of justice. That is, of course, part of the legislative programme of the Government, and the Government will bring those proposals to Parliament.

**Russell Findlay (West Scotland) (Con):** The Scottish Conservatives have tried to get the Lord Advocate in here three times to answer Pauline McNeill's questions, and many other questions, because Scotland's Post Office victims deserve those answers, yet the Scottish National Party and the Greens voted against that reasonable request. I ask, again: why will John Swinney not do the right thing, and why he is adding to the distress and delays of the Horizon victims?

**The First Minister:** As an experienced member of the Parliament's Criminal Justice Committee, and as somebody who knows his way around the issues in our courts and our judicial system, Mr Findlay knows that the Lord Advocate is independent in the prosecutorial decisions that are taken. I have said to Parliament that I will convey to the Lord Advocate the issues—

**Douglas Ross:** You are blocking her appearance.

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** I will convey to the Lord Advocate the issues that Pauline McNeill and Russell Findlay have raised with me. As I said in my answer to Ms McNeill, we will continue to cooperate with other political parties about the best way to address those.

### Suicide Rate

**7. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the First Minister what the Scottish Government's response is to reports that Scotland has the highest suicide rate in the United Kingdom, with young men being three times more likely to die than women. (S6F-03103)

**The First Minister (John Swinney):** Suicide prevention is a key priority for the Scottish Government, and it will be a priority for me, as First Minister. In September 2022, with the Convention of Scottish Local Authorities, we published our 10-year suicide prevention strategy, "Creating Hope Together", and an associated first three-year action plan. Those are backed by a commitment to double annual funding for suicide prevention to £2.8 million by 2026. We are tailoring our approach to ensure that we reach people across Scotland who are most at risk of suicide, which includes placing a strong emphasis on reaching men.

**Alexander Stewart:** Last week, the Parliament's Equalities, Human Rights and Civil Justice Committee heard from a panel of witnesses on suicide prevention, including representatives of the Scottish Men's Sheds Association. The association is seen as possibly the most effective suicide prevention and life-affirming movement, and it has been inspirational in improving men's health. However, it will be expected to pursue alternative funding arrangements outwith the Scottish Government in future. Why has the Scottish Government once again decided that funding for such an initiative is not a priority when it is saving lives?

**The First Minister:** If Mr Stewart will allow me, I will look into the question that he has asked me about funding for the men's shed movement, with which I have many happy associations. Indeed, I had the great pleasure of opening the men's shed in the village of Stanley, in my constituency, which emerged from a collaboration with Historic Environment Scotland. That was an example of how Government facilities can be used to create a men's shed and support it without direct funding being made available.

As I said earlier in answer to Mr Ross, funding is under enormous pressure, but I recognise the contribution of the men's shed movement. I also recognise that, just last week, my colleague Jim Fairlie hosted a gathering in the Parliament for a variety of organisations that support men who face difficulty. I welcome all efforts to support that aim.

**Rhoda Grant (Highlands and Islands) (Lab):** Considering population size, the Highlands and Islands region has consistently had a higher rate of suicide than other regions. Mental health provision in NHS Highland has been variable in recent years, with the authority spending more than £2 million last year alone on locum psychiatrists. Staff shortages are leaving charities and campaign groups such as no more lost souls, Mikeysline and James Support Group to fill the gaps. Will the First Minister consider a different approach to recruitment of health staff in rural areas, such as offering financial incentives for



permanent staff to relocate? We simply cannot continue without the support that vulnerable people need.

**The First Minister:** I recognise the seriousness of the issue that Rhoda Grant raises. It applies not just in this policy area but in a variety of such areas. The Cabinet Secretary for Education and Skills will be wrestling with such problems in relation to teacher recruitment. There is a substantive issue that needs to be explored to see whether there is a way in which we can do that, as some teacher induction schemes do already, so there is a serious point to be made. I add that there is much good provision in the Highlands, which is provided by organisations such as shinty clubs. They do very good outreach work to support men who face difficulties. I very much welcome that as part of the approach that we need to take.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** In the first few days after a person is discharged from a psychiatric ward, they are at their most vulnerable to suicide. I understand that there is a requirement that within 72 hours of discharge they be visited by a mental health nurse. It is difficult to deliver that for a Friday discharge, given the Monday deadline, especially in rural areas such as my constituency where there are long distances to be covered. Will the First Minister advise whether, in such circumstances, there is any flexibility to be practicable in complying with such a requirement, such as by providing online contact initially?

**The First Minister:** I will answer Christine Grahame's question by saying that, although we are working to achieve the commitment to make contact within 72 hours, we should make contact as quickly as possible. We should not view the commitment to make contact within 72 hours as simply the measure of what we are trying to do; we should be working to get contact made swiftly.

There are opportunities for a telephone call or a video call to be made to individuals as a flexible alternative. However, I stress the importance of making sure that support is in place at the earliest possible opportunity.

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

### A9 (Dualling)

**Fergus Ewing (Inverness and Nairn) (SNP):** It is with considerable sorrow that I must report that another person has lost her life on the A9. I am sure that all our thoughts are with her family.

Five of the six political parties that are represented in the Parliament, and no fewer than 122 of the 129 MSPs, support the dualling of the A9. Prior to my asking this question, of which

notice has been given to the First Minister, I secured agreement from one member of each of the five parties, including myself, to put it to the First Minister. I very much welcome his appointment and his approach to work cross party. Therefore, will the First Minister meet the five of us to discuss how we can accelerate the completion of the dualling project and thereby prevent the risk of further fatalities arising?

**The First Minister (John Swinney):** First, I express my sadness at the most recent fatality that has taken place on the A9, and I send my condolences to the family of the individual involved.

As Mr Ewing will know from our long association, I have been committed to the dualling of the A9 from the origins of my first parliamentary campaign, for the 1992 election, in the North Tayside constituency, with the A9 passing through my local area.

Therefore, I have been pleased that this Government has delivered a number of improvements to the A9: the improvements to the Kincaig to Dalraddy section that were put in place; the improvements through the grade-separated junction at Ballinluig junction; the Crubenmore improvements; and, most recently, the Luncarty to Birnam improvements, with the road having been made into a dual carriageway. In addition, there is currently a procurement process for the Moy to Tomatin section, and we hope that that will be concluded shortly.

I want to assure Mr Ewing of the Government's commitment to dualling the A9. I would be very happy to meet the cross-party delegation to discuss the issue and to explain how the project fits into the Scottish Government's infrastructure plan and how the different steps that we have taken as part of the capital investment programme have delivered the improvements to the A9 that the Government has already delivered.

### Oil and Gas Development

**Douglas Lumsden (North East Scotland) (Con):** The extremist Greens have been ditched from the Government, so can the First Minister tell me whether the damaging policy of the presumption against new oil and gas development will also be ditched?

**The First Minister (John Swinney):** I do not think that Mr Lumsden's language is appropriate in the Parliament. It is not for me to police language—I am just giving my observation; it is a matter for the Presiding Officer. However, in the spirit of trying to get us to a position in which we respect one another's opinions—[*Interruption.*]

I disagree fundamentally with Mr Lumsden on more issues than I care to imagine, but he will be

treated with courtesy by me, and I think that others should be treated with courtesy in the chamber, too.

Presiding Officer, please allow me to say that I was not trying to intrude on your responsibilities. I just think that, in general, the public expect us to be quite civilised to one another, and it would be nice if we could be.

On the substantive point of the question, I want to ensure that we have a just transition for the oil and gas sector. We have a climate crisis, and we have to take careful and appropriate steps to respond to it. That response must involve a just transition for the oil and gas sector, and that is what the Government will deliver.

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

## Point of Order

12:50

**Daniel Johnson (Edinburgh Southern) (Lab):** On a point of order, Presiding Officer. I seek your clarification on rule 13.2 of standing orders, regarding ministerial statements. In recent days, we have heard requests and attempts by the Conservatives, including in questions at First Minister's question time today, to change the order of business. It is my understanding that, under rule 13.2, any minister or member of the Government, including the law officers, can make a statement if they make a request to you to do so. Can you clarify that, if the law officers wish to make a statement, it is open to them to make such a request to you directly?

**The Presiding Officer (Alison Johnstone):** I can confirm, Mr Johnson, that any member of the Government can make such a request.

There will be a short suspension to allow those who are leaving the chamber and the public gallery to do so.

12:50

*Meeting suspended.*

12:52

*On resuming—*

## Domestic Abuse of LGBTQ+ People

**The Deputy Presiding Officer (Liam McArthur):** I ask those who are leaving the public gallery to do so as quickly and quietly as possible.

The next item of business is a members' business debate on motion S6M-12342, in the name of Collette Stevenson, on shining a light on domestic abuse in LGBT+ history month. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament condemns domestic abuse in all its forms; understands that domestic abuse often consists of intimate partner violence (IPV), and that this is defined by the World Health Organization as behaviours including sexual abuse, violence, psychological abuse and controlling behaviours perpetrated by a current or former intimate partner; is concerned by Crown Office and Procurator Fiscal Service (COPFS) statistics showing that 30,139 charges were reported to COPFS with a domestic abuse identifier in 2022-23; notes that these figures show that the accused was male in 86% of these cases; understands that Police Scotland statistics for 2021-22 show that 1,691 domestic abuse incidents were recorded with same-sex victims and suspected perpetrators, representing around 3.5% of incidents in which gender was recorded, but that the data is not broken down for transgender people; believes that these statistics are a stark reminder of what it considers to be the unacceptable levels of domestic abuse in Scotland, but considers that these likely underestimate the scale of LGBTQ+ domestic abuse; understands that research suggests that 30% to 45% of LGBTQ+ people will ever experience IPV, which, it believes, is in line with cisgender women in heterosexual relationships; notes the view that structural inequalities could be prohibiting LGBTQ+ victims of domestic abuse from coming forward or receiving the support that it considers they deserve from services; acknowledges that the theme of LGBT+ History Month 2024, "Medicine: #UnderTheScope", aims to showcase the work of LGBT+ healthcare staff and highlight what it sees as the health inequalities experienced by LGBTQ+ people today; believes that domestic abuse is a public health issue; considers that the Domestic Abuse (Scotland) Act 2018 strengthened the law to protect people in East Kilbride and across Scotland against abusive behaviour, including physical and psychological abuse, as well as coercive control; recognises the Scottish Government's Equally Safe strategy to tackle violence against women and girls; notes the calls for a national LGBTQ+ domestic abuse policy, with specific outcomes and measures to help the community, including ensuring that services and staff have the right procedures and training to ensure that LGBTQ+ people get appropriate support; further notes the belief that such a policy could be aligned with or supplementary to Equally Safe, which, it considers, offers a good framework for such a policy; notes reports that LGBTQ+ people can face barriers in accessing services, including potential stigma, misunderstanding of LGBTQ+ relationships, and what it considers to be default heterosexual norms; further notes the calls for a comprehensive analysis to identify gaps in

domestic abuse service provision for LGBTQ+ individuals, to ensure routine risk assessment processes are more inclusive for LGBTQ+ experiences, and to ensure that LGBTQ+ people are considered and included in sexual violence and domestic abuse courses; acknowledges that a roundtable on LGBTQ+ IPV was held in the Parliament on 8 February 2024, with stakeholders including members of the LGBTQ+ community and representatives from the third sector, local authorities and Police Scotland; understands that this roundtable for the wider LGBTQ+ community builds on previous research by academics in Scotland, including Dr Steven Maxwell, from the University of Glasgow, and Professor Jamie Frankis, from Glasgow Caledonian University, into same-sex male relationship IPV; believes that LGBTQ+ people experiencing domestic abuse should not be made to feel invisible, and notes that people who have experienced domestic abuse are encouraged to seek the support to which they are entitled.

12:53

**Collette Stevenson (East Kilbride) (SNP):** I am grateful to members for supporting my motion. The catalyst for the debate was a recent stakeholder round-table session that we had in Parliament, which was led by Dr Steven Maxwell from the University of Glasgow, on domestic abuse in the LGBTQ+ community. That event, which brought together MSPs, Dr Maxwell and representatives from councils, the police and the third sector, allowed us to have an open conversation about the many challenges that LGBTQ+ people experience—not only the harm of domestic abuse, but the barriers to accessing support. The event was followed by a report that has 14 recommendations. I will cover as many of those recommendations as I can in the time that I have.

Domestic abuse is an abhorrent crime, and we all recognise the harm that it causes to individuals and our society. In recent years, there have been some big developments in tackling the damage of domestic abuse, including the Domestic Abuse (Scotland) Act 2018, which brought together within one offence the modern understanding of what domestic abuse looks like, including psychological domestic abuse such as coercive and controlling behaviour.

The Scottish Government has also developed the equally safe strategy in order to prevent and eradicate violence against women and girls. It sets out a vision of preventing violence, improving support services and strengthening the justice response for victims and perpetrators. Those developments are very welcome.

However, at the round-table meeting, we heard about issues to do with gender framing of policies. Many people in the community do not fit into societal assumptions of masculinity and femininity, or into traditional binary gender norms. There is a need to ensure that policy and practice work to ensure that anyone who is experiencing domestic abuse can get the support that they need. The

round-table meeting participants agreed that there needs to be a national LGBTQ+ domestic abuse action plan that is perhaps based on, or aligned with, the equally safe strategy. I hope that the Government will consider that.

Data collection underpins the invisibility of domestic abuse. There are challenges in understanding the extent of such crimes. For example, the Crown Office and Procurator Fiscal Service publishes a breakdown of the sex of the accused in domestic abuse charges, but not the sex of the victim. Police Scotland sometimes includes the sex of both the suspect and the victim in its statistics. We know that most cases of domestic abuse do not get reported. I encourage all victims to seek support from the organisations that can help them: there are many great services out there.

Police Scotland data from 2022-23 shows that, when gender was recorded, around 3 per cent of recorded domestic abuse incidents involved same-sex victims and suspects. That equates to around 1,500 incidents. There is no breakdown of figures for transgender people. However, research suggests that between 30 and 45 per cent of LGBTQ+ people will experience intimate partner violence. That is in line with the levels that are experienced by women in heterosexual relationships.

I hope that the Government can work alongside its partners in the justice sector to consider what approaches can be taken in order to understand better the scale of LGBTQ+ domestic abuse and, perhaps initially, to get official estimates of its prevalence. One of the challenges for LGBTQ+ people who are experiencing domestic abuse is that they might be nervous about engaging with statutory services. It was interesting to hear police officers at the round-table meeting acknowledging the concerns that many LGBTQ+ people have, while being clear about their commitment to ensuring that Scotland's police force acts for the diverse communities that make up modern Scotland, and that it resembles them.

However, the changes that must be made go well beyond the police. A key part of policies such as the equally safe strategy is that they prevent domestic abuse from occurring in the first place. There is a need to ensure that public sector bodies and wider society are ready and able to prevent domestic abuse in the community. That could include developing an LGBTQ+ curriculum within existing sexual violence and domestic abuse courses, including those that are provided by statutory services.

There is also a specific need for risk assessments to be more inclusive of LGBTQ+ experiences. For example, multi-agency risk assessment conferences—MARACs—are used

across Scotland to help to identify high-risk cases. Concerns were raised at the round-table meeting that such processes are structured around heterosexual norms. In fact, stakeholders mentioned that the number of LGBTQ+ people who are being referred to support agencies through a MARAC is well below what was expected, which likely indicates that there is an issue with the current safeguarding policies.

Overall, it appears that the prevalence of domestic abuse in the community is significantly underestimated. In turn, that has meant that local services cannot recognise and address the issue. That is not a criticism of those services, but an example of why there has to be a shift in the approach that is being taken to tackling domestic abuse.

There is a lot to say on the topic, but I conclude by thanking Dr Maxwell and his colleagues for their work to highlight the issue, and by thanking the people who have taken part in research studies on LGBTQ+ domestic abuse. I also thank everyone who took part in the round-table meeting earlier this year.

I hope that today's debate will shine a light on domestic abuse, encourage people to seek the support that they deserve and help to begin the change that we need for people in the community who experience domestic abuse—something that has, for too long, been hidden.

I hope to meet ministers soon to discuss the recommendations, which I hope the Scottish Government can help to advance—in particular, the recommendations on identifying gaps in service provision, on ensuring that agencies are equipped to deal with the specific challenges for the community, and on helping to ensure that there is adequate data collection.

We all agree that domestic abuse has no place in modern Scotland and that we must do everything that we can to support anyone who experiences it.

**The Deputy Presiding Officer:** We move to the open debate.

13:01

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to speak in the debate and I congratulate my friend and colleague, Collette Stevenson, on securing it. Collette has outlined the issue really well, so I am pleased to follow her at the beginning of LGBT+ history month.

I, too, want to start by condemning domestic abuse in all its forms, whether it is sexual assault, coercive control, psychological abuse or any other form of controlling behaviour.

The University of Glasgow has carried out a great deal of work on LGBT domestic abuse, and the findings of its report make for concerning reading. The research shows that LGBT+ people face fear of being stigmatised and disbelieved by police, support services being designed for heterosexual people and a systemic lack of LGBT+ domestic abuse knowledge and inclusion across “most services” in Scotland.

On the few inclusive services, the report recorded prolonged waiting lists and “inadequate” safe accommodation for LGBT+ people—a problem that the report’s author Dr Steven Maxwell has warned will only be worsened by impending local authority cuts. Dr Maxwell said:

“Domestic abuse experiences of LGBTQ+ victims and survivors are overlooked and unheard. One in 3 LGBTQ+ adults will experience domestic abuse in their lifetime, the same level as heterosexual women.”

We know that such abuse has a profound impact on a person’s life, so it is absolutely crucial that the Scottish Government does all that it can to get the services right for our LGBT+ community. We must deliver parity of esteem for domestic abuse services for all domestic abuse victims—of any and all sexual orientations.

There is a clear way forward to improve the current situation. According to Dr Maxwell, a number of steps could reduce the high-risk situations that LGBT+ victims experience.

The starting point is for the Scottish Government to review the national equally safe policy, which Collette Stevenson mentioned, to have it include LGBT+ domestic abuse experiences. The University of Glasgow report says that LGBT people’s experiences are “invisible” in the equally safe strategy.

The report calls for a tailored national action plan to provide “visible competent measures” to meet people’s needs. They include: stronger prevention; service inclusion messages; more inclusive safe spaces; and practitioner workforce education for health and social care staff through, for example, Turas e-learning modules. Previously, as a clinical nurse educator, I developed and delivered e-learning courses, and it seems pretty achievable for us to pursue that, so I will ask the minister whether that could be considered.

As Collette Stevenson’s motion shows, statistical publications show that 30,139 charges that had a domestic abuse identifier were reported to the Crown Office and Procurator Fiscal Service in 2022-23. The accused was male in 86 per cent of reports, which means that 4,219 women were perpetrators of domestic abuse. We need to ensure that policies such as equally safe work to

support anyone who has experienced domestic abuse, because it is not a women-only problem.

One excellent example of work that is being undertaken to support LGBT+ people who are experiencing domestic abuse is the work of the charity Galop. Galop specialises in supporting victims and survivors of domestic abuse, sexual violence, hate crime, honour-based abuse, forced marriage, conversion therapies and other types of interpersonal abuse. Galop is run by LGBT+ people for LGBT+ people, and the community is at the heart of everything that it does. Galop is a fantastic organisation, and I would like to hear from the minister whether the Scottish Government could engage with it.

Enabling our LGBT+ community to be supported in cases of domestic violence is crucial, so I welcome the debate.

13:05

**Paul O’Kane (West Scotland) (Lab):** I thank Collette Stevenson for securing today’s debate. Taking time to highlight the problems of domestic abuse, intimate partner violence and the challenges faced by members of the LGBT+ community is vitally important. Those issues demand constant attention and focus to ensure that we continue to progress in the right direction, by making it clear that there is no place for domestic abuse in Scotland and by furthering the rights and equality of LGBT+ people.

The motion references the view that structural inequalities could be prohibiting LGBT+ victims of domestic abuse from coming forward or receiving the support that they need. I will start by addressing those structural inequalities, because there is no doubt in my mind that, of late, the rhetoric in relation to LGBT+ people has become more toxic.

We have come a long way since the days of section 28 and the homophobia of years gone by, but there can be no mistaking—we should not kid ourselves that this is not the case—that homophobia and transphobia are still present in our politics, media and society. Some of the headlines in the press over the past few weeks, and some of the reactions and commentary on them, have crossed the line from nuanced, responsible and sensitive questioning of policy to full-throated stereotypical attacks that are met with hurt and, very often, fear by LGBT+ people across Scotland.

It is those feelings of hurt and fear that very often convince people that they will not be heard or taken seriously and that they are still looked on as other. When we talk about domestic abuse and intimate partner violence, both within and outwith the LGBT+ community, but we still cannot talk in a

sensible way about inclusive education and support that treat LGBT+ identities as normal and valid, is it any wonder that we are concerned about the underreporting of the problems that people face? We have heard about some of that already, but it is why education is so important.

Education around domestic abuse and what it means to be LGBT+ in Scotland remains completely vital, and it is why I and many others across the chamber continue to support organisations such as the Time for Inclusive Education campaign, so that we can increase understanding and our support of young people.

There are still too many young LGBT+ people in Scotland who are scared to talk about themselves, their identity and their experiences, because they do not see themselves reflected in their education and in society. Tackling the general stigma faced by LGBT+ people and helping to empower them to speak out need to go hand in hand with tackling the general stigma and fear around domestic abuse and intimate partner violence. I recognise that we have made significant progress in the way that we talk about domestic abuse in the context of violence against women and girls. There is much more to do, and I stand with the work of the Government and the excellent work of organisations such as White Ribbon Scotland, particularly in ensuring that men take responsibility for changing our attitudes and behaviours.

We debate this motion at the beginning of the Government of a new First Minister and Deputy First Minister, and I want to take the opportunity to thank Emma Roddick, who is in the chamber, for all her work in her time as Minister for Equalities, Migration and Refugees, particularly in those areas in which I know that she took a keen interest. I wish her well on the back benches, where I know that she will continue to advocate on all those issues.

I say to the Government that we must not roll back now on the hard-fought rights of LGBT+ people; rather, the Government must show commitment and progress while building a consensus across our country, just as we have done at every milestone for LGBT+ people in the past. As I have said previously in the chamber, we are not going back into the closet, we are not going to hide and we are not going to be ashamed of who we are. I support the calls in the motion for a national LGBT+ domestic abuse strategy to raise awareness and improve services so that they are accessible to everyone in that community, and I call on the Government to reflect on that in its response. We must start the journey of tackling this important issue today.

13:10

**Marie McNair (Clydebank and Milngavie) (SNP):** I thank my colleague Collette Stevenson for bringing this important debate to the chamber and helping us highlight the issue of domestic abuse in LGBTQ+ relationships.

Domestic abuse knows no boundaries and follows no rules. It can happen to anyone, regardless of sexual orientation or gender identity. It can take many forms, be it emotional, psychological, physical or sexual abuse. It was reported that, in 2022-23, 30,139 charges were reported to the Crown Office and Procurator Fiscal Service with a domestic abuse identifier and that, in 86 per cent of those cases, the accused was male. However, Police Scotland notes that, in 2021-22, 1,691 domestic abuse incidents were recorded with same-sex victims and suspected perpetrators.

Those figures are concerning, but they highlight the possibility that LGBTQ+ domestic abuse might be going widely unreported. Societal discrimination, stigma or inequalities might be prohibiting LGBTQ+ victims of domestic abuse from coming forward to receive the support that they so greatly deserve. That is backed up by research, which notes that underreporting is common because of people not feeling safe or able to identify their experiences of abuse within typical assumptions of heterosexual dominance. Research also suggests that rates of underreporting in the LGBTQ+ population are between 60 and 80 per cent, which is consistent with the national underreporting rate of 79 per cent, according to the Office for National Statistics in 2018.

As we cannot allow fear and stigma to prevent survivors from seeking help and support, it is important that we do more to include LGBTQ+ survivors in our discussions and actions on domestic abuse. Some studies suggest that around 40 per cent of individuals in LGBTQ+ relationships might experience domestic abuse.

It has also been noted that higher rates of domestic abuse are found among those who identify as transgender. According to a Scottish Trans study, 80 per cent of transgender victims had experienced domestic abuse. That has been backed up by recent literature, which found that transgender individuals are two times more likely to experience physical abuse and almost three times more likely to experience sexual abuse than cisgender individuals. Experiencing that alongside transphobia can lead to severe and concerning mental health issues.

In tackling domestic abuse, we must also address the root causes of misogyny, homophobia and toxic masculinity, and we must challenge

harmful stereotypes and attitudes that result in discrimination against LGBTQ+ people. We must also educate each other on the warning signs of domestic abuse to help break the cycle of violence. Relationships must be built on mutual respect and compassion. No one should ever be fearful of violence or coercive control within a relationship.

In reflecting on the achievements and struggles of the LGBT community throughout history, I would like to remember all those victims of domestic abuse. To those who have felt their lives shatter around them and those who have felt invisible, I say: you are not alone. In fact, I have experienced this, too, and I am here to show that we will not be silenced. I do so in recognition that it is important to speak out and empower others to do so, to recognise the signs when you are being gaslighted, bullied and manipulated, to recognise that you are strong, resilient and have the strength and support to stand up to bullies and to speak out and assert that such behaviour is wrong and not welcome in any part of this society. I am here on your side, because I have been there, too.

I again thank my colleague Collette Stevenson for bringing this important debate to the chamber.

13:14

**Jamie Greene (West Scotland) (Con):** I pay tribute to Collette Stevenson for her relentless work on this issue and for bringing stakeholders to the Parliament earlier this year. I congratulate her on the longest motion that I have ever read in the Parliament; in fact, it reads more like a report, which is excellent and a testament to her office, too. There is a lot in that report to get through, but I will cover three specific areas that I think we should debate.

First, I put on record my thanks and tribute to those who did a lot of the groundwork on and research into the subject, particularly Dr Steven Maxwell of the University of Glasgow, who has relentlessly kept MSPs up to date on his work and informed the stakeholder round table that we had in February, which I attended and was grateful for.

I thank those in the third sector, too. Emma Harper mentioned Galop, which organises the national domestic abuse helpline that specifically helps LGBT people.

One of the most profound things that I heard at that round table was the lived experience of many of the young people who attended, and some of the very moving and difficult stories that they shared with us. It is never easy when we attend such groups and listen to what is happening in the real world, when we are so often caught up in statistics and policy documents.

All of that is important, because it goes without saying that domestic abuse is abhorrent and unacceptable to all of us. Indeed, all parties have signed up to that view over the past couple of years. The DASA legislation that we have passed, as well as other pieces of legislation and the debate that we had last week are good examples of cross-party working and of how we, as a Parliament, use the powers available to us to tackle that abhorrent practice.

The experience of LGBT people in particular is quite unique. For all the reasons that we have just heard, they often feel an inability to report something, given the stigma that comes with it—not just of being in an LGBT relationship, which is often difficult depending on the community that they live in, but of having to admit that they are suffering some form of abuse or coercive behaviour and physical and mental violence. I would say that the equally safe strategy provides a good framework, unpicking how we take a Government policy and design it around particular groups of people to meet their needs.

One of the things that came out of Dr Maxwell's report was a welcome analysis of the importance of variety in the different routes and pathways by which services can be delivered to people. The awareness of access to those services is important, too.

Importantly, we need LGBT+-specific services, because most people in the community who have been surveyed said that they felt “invisible”—that is the language that they used—to other services. There was a huge reluctance to report to the police; in fact, Police Scotland attendees at the round table acknowledged as much, and a lot of work has been done on training front-line officers to deal with DASA and the situations that they respond to. However, what happens when they turn up and face a domestic situation in an LGBT household? Are they fully confident that they know how to deal with that and that they can gather the appropriate evidence that the Crown might use down the line? I am not convinced that they are, and nor was the round table.

I want to make a point about awareness and barriers to access to services. A lot has been said over the past few weeks about organisations such as LGBT Youth Scotland, the TIE campaign and other organisations that help and educate young people. Education is absolutely key here: in my view, the earlier we educate people about appropriate relationships and what constitutes abuse, the better. There is nothing controversial in that.

I would just like to put on record my personal thanks to Emma Roddick for her work in Government. I know that many people have been gloating over her exit, which is disgraceful.

Everyone who gets into public office deserves respect and thanks.

Finally, I thank Collette Stevenson for bringing this really important matter to the chamber, and I hope that we can revisit it in future.

13:19

**Emma Roddick (Highlands and Islands) (SNP):** I thank Collette Stevenson for securing this debate. I know that she has taken a special interest in this issue. Her allyship is incredibly valuable and I am sure that it is appreciated by many of her constituents, as well as the wider community.

Throughout this debate, I have felt the weight and value of the speeches by Marie McNair, Paul O’Kane, Jamie Greene and Emma Harper, particularly because, right now, LGBTQ+ rights are under sustained and constant attack—an attack that Paul O’Kane described articulately. I am grateful to Paul O’Kane and Jamie Greene for their kind comments. In times such as these, we expect comments of support from our closest allies, but I have been extremely appreciative of the comments from many colleagues, obviously those on the Labour and Green benches, but also those on the Conservative benches. I have always tried to build cross-party relationships, and I have massive respect for many MSPs across the chamber. It has been lovely to feel some reciprocation of that today.

That is perhaps most important right now, when we are considering equalities issues, be it for the LGBTQ+ community, disabled people, refugees and people seeking asylum, people who experience racism or people from many other groups that I have had the privilege to work with in Government and who are under constant public attack. Those of us who recognise the unfair and indefensible harms that are being caused to regular people who just want to live their lives and be who they are must speak up as much as we can, and across party lines. Progress is not linear and it is not guaranteed. We can, and we must not, lose ground.

The toxicity of the public debate on LGBTQ+ issues makes it harder for people to report or even acknowledge many of the harms that are being done to and experienced by queer people in Scotland. That absolutely and undoubtedly extends to domestic abuse in LGBTQ+ relationships. I have heard from people who struggle to come forward because they think that, unless the issue involves male violence directed at a woman, it will not be taken seriously or even seen as real domestic abuse. Others report feeling shame about their sexuality, which then contributes to a tendency to hide when things go

wrong, in case they are outed or criticised or subject to queerphobic abuse and victim blaming. In both cases, it is clear that there is a lack of awareness about the risk of domestic abuse in LGBTQ+ relationships, as well as persistent assumptions about who carries it out and who is subject to those crimes. That contributes to a lack of reporting and an inability to seek support.

Thanks to the recent report by Dr Steven Maxwell of the University of Glasgow, we know that one in three LGBTQ+ adults suffers domestic abuse in their lifetimes, which is the same rate as heterosexual women. During my time as Minister for Equalities, Migration and Refugees, I had the pleasure of meeting Dr Maxwell at an event discussing his research, and I am glad to see it being given the attention that it deserves in the Parliament.

I know that a massive amount of hard work is being done in the third sector to address those issues, by the likes of the Equality Network, LGBT Youth Scotland, the Terence Higgins Trust and Rape Crisis Scotland. LGBTQ people such as myself will know how important raising awareness of those issues is and how far we still have to go. They will, like me, be used to people outright denying the daily experiences of LGBTQ+ people and living in happy ignorance of the homophobia and transphobia that still exist in Scotland today.

I know that the minister cares deeply about the work that she has been tasked with carrying out in relation to equally safe strategies and ending hate crime in Scotland, and I am glad to see her being asked to remain in Government to carry that on. I hope that she will reflect on the information provided by Dr Steven Maxwell and by those whom Collette Stevenson brought to Parliament and whose views she shared with the chamber, and consider what more the Scottish Government can do to ensure that all victims of domestic abuse are included in policies and strategies that are aimed at ending it.

Nobody should be subject to domestic abuse, and we cannot end it or support victims if we do not know and accept the risk to LGBTQ+ people.

13:24

**Maggie Chapman (North East Scotland) (Green):** I thank Collette Stevenson for securing the debate and for highlighting that people experience domestic abuse and intimate partner violence within a wide range of situations, identities and relationships.

Collette Stevenson’s comprehensive motion raises many important issues, of which I would like to focus on just one: the experience of trans and non-binary survivors of domestic abuse. I thank the Scottish Transgender Alliance, LGBT Youth



Scotland, the Equality Network, Stonewall and others for their painstaking and sensitive work in that area.

Trans people experience disproportionately high levels of domestic abuse. That abuse includes physical and sexual violence, emotional and financial abuse and controlling and coercive behaviour. Perpetrators deny their trans partners access to essential medication and treatment to prevent them from expressing their identity. They undermine their decisions and manipulate their vulnerability, intentionally leaving them ashamed of who they are and guilty about living with integrity.

Trans partners are often isolated from family and friends, and are sometimes outed before they are ready. Those who are parents may face denial of contact with their children and encouragement of those children to reject or abuse them. We know that potential predators seek out people who are vulnerable because of their previous experiences of abuse, trauma or rejection.

Trans and non-binary children and young people are disproportionately likely to be estranged from their families and to have undergone abuse, including conversion practices. The cumulative and combined mental health impacts of family and intimate partner abuse can be devastating, especially for young people and those who are early in their transition process.

All those forms and consequences of abuse are made much worse by toxic media and political narratives. The myths and tropes of transphobia serve to normalise abuse, embed feelings of worthlessness and isolation and block pathways to support and recovery. It is hard to seek help when you are told that you do not deserve it, that this is the only relationship that you will ever have and that safety and respect do not apply to you. It is hard to find help when your family and friends turn away and when you are still learning the norms that cis people have been taught every day of their lives. It is hard to contact support services when political rhetoric says that a refuge is no safe place for you.

Those services—I refer members to my entry in the register of interests on that—have been supporting trans people safely for many years, but that good practice is too often invisible or vilified. What can we do? How can we in the Parliament, with the privilege that we have, show our solidarity and care for our trans and non-binary neighbours who are enduring such abuse?

We can be courageous, by speaking out against the rhetoric of hate and fear and by recognising the scale and depth of the problem and the ways in which political discourse and political choices have failed those who we ought to protect. We can

be sensitive, by working with and supporting civil society organisations that have built expertise, learning from them and—most of all—from transgender and non-binary people. We can be fair, by properly funding services that address all forms of domestic abuse, including those that offer specialist support for minority and intersectional survivors. We can be progressive, by acting robustly and radically to address misogyny, including trans misogyny, and by bringing in a comprehensive ban on conversion practices and ensuring that young and older people can access the healthcare, respect and dignified processes that they still need and deserve.

I would like to speak once more to the trans community—our neighbours, our friends and our family. Much has changed, and for the worse, but our solidarity and care remain. You are treasured and you are not forgotten.

**The Deputy Presiding Officer:** I invite Siobhian Brown to respond to the debate. Minister, you have around seven minutes.

13:28

**The Minister for Victims and Community Safety (Siobhian Brown):** I express my thanks to Collette Stevenson for lodging the motion for today's debate on domestic abuse in LGBTQI+ relationships. I also give my thanks to Emma Roddick for all the work that she has done, and that I know she will champion from the back benches, for the LGBTQI+ community. I am proud to be closing the debate, and have found all members' contributions to be powerful and thought-provoking.

Intimate partner violence in same-sex relationships is devastating and heartbreaking, and no one should ever have to endure it. I pay tribute to the brave victims who have shown real courage in recounting their stories and shining a light on this important issue. I also acknowledge the specific barriers that LGBTQI+ people can face when accessing services and support.

All domestic abuse and violence is abhorrent, irrespective of the sex, sexual orientation or gender identity of the victim or the perpetrator. That is why our ground-breaking domestic abuse legislation, which came into effect in 2019, applies to everyone and makes it absolutely clear that coercive and controlling behaviour is domestic abuse and a crime. It is also why the Scottish Government funds services that support LGBTQI+ survivors of domestic and sexual abuse.

It is vital that perpetrators are held to account and that victims have access to front-line services that deal with violence and domestic abuse. The Domestic Abuse (Scotland) Act 2018 created a specific offence of domestic abuse that covers not

just physical abuse, but other forms of psychological abuse as well as coercive and controlling behaviour. We must treat domestic abuse survivors with compassion and we must make available services that acknowledge the significant trauma that they experience.

Research on the operation of our legislation on domestic abuse has found that it better reflects victims' experiences. However, we must never be complacent but must instead recognise that we can always do more and do better.

It is also vital that specialist services are available for survivors. Our delivering equally safe fund has provided support to LGBTQI+ projects that are working to address domestic abuse. That includes Sacro's FearFree service, which provides one-to-one support for male and LGBT victims of domestic abuse; the voices unheard focus group, which aimed to raise awareness among decision makers of LGBTQI+ experiences of domestic abuse and gender-based violence; and Scotland's Domestic Abuse and Forced Marriage Helpline, which provides support to all survivors.

Additionally, we allocated £16.2 million between 2017-18 and 2023-24 to support the development of a sexual assault response co-ordination service in every health board in Scotland. SARCS offers a healthcare assessment and forensic medical examination for people who have recently experienced rape or sexual assault. Anyone who is aged 16 or over can, subject to professional judgement, access healthcare and request a forensic medical examination in the days following an assault without first having to make a report to the police. I acknowledge that that is a very sensitive issue.

We know, from listening to survivors, that access to self-referral is an important aspect of giving control back to people. The Scottish Government remains committed to continuous improvement of SARCS, with further funding planned for 2024-25, bringing our total investment to almost £18 million over seven years.

Although domestic abuse is most frequently perpetrated by males against their female partners, all domestic abuse and violence is unacceptable. We published our refreshed equally safe strategy last December. The strategy recognises LGBTQI+ people's experiences of domestic abuse and other forms of gender-based violence. Key LGBTQI+ stakeholders were consulted as part of the engagement process, and helped to shape the strategy and its references to LGBTQI+ people's experiences.

We know that the global evidence base shows that women and girls are disproportionately impacted by specific forms of violence such as domestic abuse. The equally safe strategy is

based on the framing of the United Nations and World Health Organization, and has been acknowledged as a model of excellence.

However, our approach does not negate the experiences of male victims of crimes such as domestic and sexual violence. Gender norms that promote ideals of masculinity that are based on men's power over women and children can also lead to men's experiences of abuse during childhood and sexual violence during adulthood. That is why the Scottish Government understands LGBTQI+ people's experiences of domestic abuse to be a form of gender-based violence. Key stakeholders also understand the issue in that way.

We are committed to advancing equality for LGBTQI+ people and to promoting, protecting and realising the rights of every LGBTQI+ person in Scotland. We will continue to fund third sector organisations to ensure that the voices of those with lived experience can help to improve outcomes for LGBTQI+ communities across Scotland.

I thank Dr Steven Maxwell, Professor Jamie Frankis and colleagues for their research on LGBTQ+ intimate partner violence and I thank the victims who bravely shared their stories. As was highlighted in the research and at the subsequent parliamentary round-table event in February, it is clear that significant challenges remain for LGBTQI+ victims of domestic abuse.

We do not want any victim of LGBTQI+ domestic abuse to be made to feel invisible and we encourage anyone who has experienced abuse to seek the support to which they are entitled. I have outlined some of that support today.

I am fully committed to tackling domestic abuse and am always willing to look at how we can improve our response to all forms of domestic abuse, including in same-sex relationships, by building on the provision that we already have. My door is always open to any MSP who wants to continue conversations on how we can improve things. In response to Emma Harper's request, I say that I would be very happy to visit the organisation in the south of Scotland that she mentioned.

By working collaboratively and innovatively, we can build a Scotland that is free from all forms of domestic abuse, where no one is left behind.

13:36

*Meeting suspended.*

14:00

*On resuming—*

## Minister and Junior Minister

### **The Presiding Officer (Alison Johnstone):**

The next item of business is a debate on motions S6M-13154 and S6M-13155, in the name of John Swinney, on the appointment of a Scottish minister and the appointment of a junior Scottish minister. I remind members that, under rule 11.3.1 of standing orders, the questions on the motions will be put immediately after the debate.

14:00

**The First Minister (John Swinney):** It is with great pleasure that I rise to move the motions, in my name, that Kate Forbes be appointed as a Scottish minister and that Ivan McKee be appointed as a junior Scottish minister. In doing so, let me set out the approach that my ministerial team will take.

When I accepted the Parliament's nomination for First Minister, I made it clear that I would be a First Minister for all of Scotland. Governments across the world are facing substantial challenges and, given those challenges, I believe that, when possible, the best approach is to build consensus in our Parliament.

In recent days, I have spoken of the political ground that my party and my Government will occupy, which is firmly in the mainstream, moderate, left-of-centre tradition. I believe that that is where most people in Scotland want us to be and that that therefore offers a sound starting point for that consensus building. I will work with colleagues across the Parliament to secure agreement when we can on the issues that matter to the people of our country.

For our colleagues in the Scottish Green Party, with whom we have shared a partnership Government in recent years, I hope that we will be able to find common ground, albeit without a formal agreement in place. In appointing my ministerial team, I have made clear to all my ministers the need to do everything in our power to help to bring about as much agreement as possible in the Parliament. Of course, there will be occasions when it is not possible to build consensus, or when ideas come forward from parties that have alternative but equally legitimate policy agendas but we simply cannot reach points of agreement. In both instances, we will listen and we will consider. If it is not possible to reach agreement—of course, in any vibrant democracy, argument is essential—I reiterate, for my part, that our engagement with members will be undertaken with courtesy and respect.

My ministerial team will respect different opinions and will move forward in the manner that I believe the people who sent us here want—engaging constructively with other parties and listening carefully to their ideas. It is, of course, the role of Opposition parties to oppose; equally, I will never shy away from stating the Government's record and achievements through the steps that we have taken. In our mission to eradicate child poverty, we are lifting an estimated 100,000 children out of poverty. Since 2007, when this Government came to office, gross domestic product per head has grown more quickly in Scotland than it has in the United Kingdom as a whole. Productivity has also grown faster. Through measures such as removing peak rail fares and extending free bus travel to under-22s, we are actively helping with the cost of living as it affects individuals in our society.

In our most precious public service—the national health service—we have the best-performing core accident and emergency units in the United Kingdom. Prescriptions are free, while the cost continues to rise south of the border. Attainment is at a record high, and record numbers of students from deprived backgrounds are going to university. Significant progress has also been made in tackling the climate emergency, but we know that more needs to be done on climate change and other policy areas.

With my new ministerial team, we will work for every hour of every day to tackle the challenges head on and to build a better Scotland.

Before I turn to today's appointments, I pay tribute to the ministers who are leaving the Government today. Joe FitzPatrick has been a hard-working Minister for Local Government Empowerment and Planning, leading on the Scottish Government's relationship with our partners in local government and driving forward our ambition to improve the efficiency of the planning system.

Emma Roddick has served well as Minister for Equalities, Migration and Refugees. She has worked hard to build a better Scotland for minority groups and refugees.

George Adam has been a tireless Minister for Parliamentary Business. His role of liaising with other parties has always been performed with good humour and professionalism, and he has been integral to the structuring of constructive relationships between the Scottish National Party and the Green Party in the course of our partnership agreement.

I thank each of those ministers for their service to the Scottish Government.

I also pay tribute to the departing First Minister, who left office on Tuesday. I look forward to

Humza Yousaf's wise counsel from the back benches, as well as his enthusiastic applause for all that I will say. All those departing the Government leave with my sincere thanks and, I am sure, the best wishes of the whole parliamentary chamber.

The team that I have assembled represents the most talented and capable public servants that the Scottish National Party Government wishes to offer to the people of Scotland and to this Parliament.

First, I am delighted that Kate Forbes has accepted the role of Deputy First Minister and Cabinet Secretary for the Economy and for the Gaelic language and Scotland's languages. Kate Forbes has made a significant contribution to this parliamentary chamber, and her daughter appears to be making a significant contribution from the public gallery, as well. [*Laughter.*]

Kate Forbes is held in extremely high regard in Scotland's business community and has a strong track record of championing issues that relate to the success of the Scottish economy. Indeed, this morning, she has been engaged in detailed discussions with the business community on the priorities that the Government will take forward.

As Scotland continues to be buffeted by the effects of Westminster austerity and Brexit, it is more important than ever that we use every lever at our disposal to harness Scotland's economic strengths. Kate Forbes will play a key role in driving forward that agenda. In doing so, she will ensure that we deliver growth for a purpose. It must be growth that is sustainable, that benefits everyone and that improves our public services.

Kate Forbes will take on responsibility for Scotland's languages, including one of Scotland's most cherished assets—the Gaelic language. I look forward to demonstrating our support for the Gaelic language when I attend the parliamentary reception this evening to commemorate the 50th anniversary of the foundation of Sabhal Mòr Ostaig, the Gaelic college in Skye, in the Deputy First Minister's constituency.

I am pleased that Ivan McKee returns to the Government. With his significant professional and political experience, he will make a formidable Minister for Public Finance, in a role that requires forensic attention to detail.

Alongside Kate Forbes's and Ivan McKee's appointments, there are some other changes in the ministerial team. Kaukab Stewart becomes Minister for Equalities, an issue on which she has campaigned her entire adult life.

Jamie Hepburn becomes the new Minister for Parliamentary Business. I know that he has warm relationships with MSPs from across the political

spectrum. Combined with his political abilities, that means that there is no one better suited to that key role—a role that is even more important with a minority Government—and he will report directly to me, in recognition of the significance of parliamentary relationships.

Angus Robertson will take forward our work across culture, external affairs and the constitution.

Christina McKelvie, in her role as Minister for Drugs and Alcohol Policy, will now report directly to the Cabinet Secretary for Health and Social Care, ensuring the closest possible working with our other public health priorities.

Tom Arthur, who has been a highly effective public finance minister, will become the new Minister for Employment and Investment.

I pay particular tribute to the former Deputy First Minister, my friend Shona Robison. In stepping back as Deputy First Minister as I form a Government, Shona Robison has displayed the typical selflessness and team spirit that she has demonstrated throughout her many years in government. Nobody, except those who have served as finance secretary, understands the extraordinary effort that is required to steer a budget through the Parliament, and I am therefore delighted that Shona Robison has accepted my invitation to continue as finance secretary, which is a role that she has accomplished with tremendous success.

A number of ministers remain in post. They are the best people for their roles, and they will work closely with their new colleagues.

I finish by pledging to the people of Scotland what they can expect from my ministerial team. The aim of my Government will be to help people and their families to get on in life, to live happier and healthier lives, to feel secure and, with that security, to feel a sense of possibility and opportunity. That ambition should be for not just a minority or even a majority of people but for everyone, which is why the goal of eradicating child poverty is so close to my heart and will be central to the direction of my Government.

We promise to do everything that we can to help Scotland's business community not just to survive these difficult times but to thrive.

On constitutional change, everyone in the chamber should remember that there is a majority in this Parliament for independence. That is the result of a democratic choice that was made by the people of Scotland. I know that some Opposition members might not like that choice, but, frankly, it is odd that some so often disregard that choice. More than that, it is disrespectful to the people who put us here to disregard that

choice. Perhaps this new chapter in our democracy will bring some reflection on that important point.

Those of us who believe in independence do so because we believe that, with the powers of a normal independent country, we can collectively, as a nation, build a wealthier and fairer country. Therefore, we will continue to make the case—in line with the mandate that we have received—for the powers that we need to make the most of the talents of all our people.

We will do everything that we can within our current powers. We will engage with and listen to Scotland's people, our civic organisations and our businesses, and we will work with members of the Scottish Parliament across the chamber to deliver a better Scotland, to drive sustainable economic growth, to deliver better public services and to eradicate once and for all the curse of child poverty.

For me, all those things are interlinked. Public services can be properly funded only when we have a strong economy, and the economy can be strong only when every citizen is reaching their full potential. A fairer economy is the bedrock of a healthier and happier population. I and my ministerial team will focus on all those efforts in the service of the people of Scotland.

I move,

That the Parliament agrees that Kate Forbes be appointed as a Scottish Minister.

That the Parliament agrees that Ivan McKee be appointed as a junior Scottish Minister.

14:12

**Meghan Gallacher (Central Scotland) (Con):** We were promised fresh leadership by John Swinney, but all that we got from his much-talked-up Cabinet reshuffle was Humza Yousaf's Cabinet with a different figurehead. They could not even be bothered to shuffle around the portfolios in any major way.

We were promised that there would be a streamlined Cabinet with fewer people in it. Instead, the Cabinet is even larger than it was under John Swinney's predecessor, which will cost taxpayers tens of thousands of pounds more. The First Minister promised us that he would reach out to other parties and deliver a new style of politics. However, as we saw at First Minister's question time, the Scottish National Party Government will continue to deflect and obfuscate instead of being up front and honest. For all that John Swinney talks about leading a new or revitalised Government, the past couple of days have shown that it remains the same old SNP Government that Scotland has suffered under for the past 17 years.

Although the Government has remained the same, the Parliament has changed. The SNP no longer commands a majority in the Parliament. It has ended its deal with the Greens. Although we welcomed the ending of the Bute house agreement, that has consequences for the Government. The SNP must now change its approach and reach out. It must build consensus and collaborate, otherwise it will be blocked from taking forward its agenda. That is why we will not support the Government's appointments today. That we will not do so is not a personal criticism of any of the individuals who are up for approval today. Instead, we are putting down a marker that the Government must change its approach.

The Scottish Conservatives will take every opportunity to oppose the SNP Government and its obsession with independence. However, that does not mean that we are above working with other parties in the Parliament to deliver on the real priorities of the Scottish people. It is now a Parliament of minorities, and the SNP must recognise that.

14:14

**Martin Whitfield (South Scotland) (Lab):** On behalf of Scottish Labour, I welcome colleagues who are new to their roles in Government and thank those who are leaving office for their time in public service.

However, the announcement of this continuity Cabinet is just another example of the SNP putting its own party interests before those of the country. We recognise that the ministers who will be appointed today will be charged with both responsibility and opportunity, which I hope they will grasp, but I fear that this Government lacks the ambition to work in Scotland's best interests.

After 17 years of failure, every single institution in Scotland is weaker, and those who are responsible for that remain at the heart of Government. Our NHS is in chaos, with one in six Scots on a waiting list. Our economy is stalling, with slow growth and low pay persisting. Our schools face deep cuts in teacher numbers while the rate of violence in classrooms soars and the attainment gap persists.

Now, more than ever, Scotland needs a Government that has fresh ideas and will focus on the task at hand, but all we have is a continuity Cabinet that cannot be trusted to fix the chaos and instability that it created. We need a Government that can rise to the crisis in our public services but, today, we have been offered just more of the same. This is the same SNP Government that has delivered a record of failure across our public services and, although the Cabinet reshuffle has been a perfect example of the First Minister

putting the management of the SNP before the interests of the country, it is clear elsewhere just how much the SNP has downgraded its ambitions for Scotland.

As the Government axes the NHS recovery minister, waiting lists are longer, not shorter, with more than 820,000 Scots stuck on those lists. While the Government abolishes its planning minister, homelessness hits record levels, with 10,000 children living in temporary accommodation. As thousands of businesses go to the wall and this Government squanders the opportunities of a green transition, ministers for the just transition, fair work, innovation and trade have all been scrapped.

After 17 years of failure, this reshuffle is confirmation of what many Scots have felt for years: ambition has been downgraded, public services have been abandoned and the most vulnerable are being asked to pay the price for SNP chaos and incompetence. The most vulnerable in our society are now being forced to pick up the tab for those SNP failures. The public do not believe that continuity will cut it but, for this Government, that seems to be the highest ambition.

Now, more than ever, our country needs credible and effective leadership. People need a Government that is on their side and that focuses on creating jobs and lowering bills. They need a Government that will renew and repair our NHS, putting patients and staff first—a Government that will invest in Scotland's potential and build a better nation.

Although I genuinely wish all the ministers who are appointed today well, I fear that the task ahead is beyond them. Scotland is crying out for change and it is clear that a tired Government cannot deliver that.

14:18

**Ross Greer (West Scotland) (Green):** I begin by thanking George Adam, Joe FitzPatrick and Emma Roddick for their contributions to Government. It was a privilege to work with them through the Bute house agreement and they are all champions of a fairer and more equal Scotland.

The act that established this Parliament gives the First Minister the responsibility of nominating those he wishes to serve as Scottish ministers and gives Parliament the responsibility of deciding on the suitability of those candidates. John Swinney knows that I hold him in esteem, but today he is asking me and other LGBT members of this Parliament to appoint to the second-highest office in this country an individual who believes that it was wrong for Parliament to grant us the same legal rights as everyone else 10 years ago. I

cannot, and the Scottish Greens cannot, support the appointment of someone who fundamentally does not believe that everyone in Scotland is equal and is worthy of equal rights and respect under the law. We cannot support the appointment of someone who believes not only that equal marriage is wrong but that it is wrong for children to be born outside of marriage. We will therefore oppose the appointment of Kate Forbes as Deputy First Minister.

Presiding Officer,

"I'm a man of deep Christian faith but I do not hold the same views as Kate has set out".

That statement certainly applies to me, but it was not me who said it—it was John Swinney. Last year, the now First Minister said that Kate Forbes was entitled to her views, but that others are

"entitled to decide if someone who holds those views would be an appropriate individual to be ... first minister."

As Mr Swinney said then, this is not about whether a person holds a particular faith.

My belief in the good news brought by Jesus Christ is something that I share with Mr Swinney and Ms Forbes and, in that, we share something far more important than party affiliation or political ideology. Faith is not the issue here. The issue is that I am being asked to vote for someone who thinks that there is something wrong with me, not because of any views that I hold but simply because of who I am. I will not do that, and the Scottish Greens will not do that. Yesterday, Kate Forbes was given the opportunity to reassure LGBT people in a question asked by ITV News. She did not do so. The First Minister had to step in just to say the word "LGBT".

This month, we celebrate 25 years of this Parliament. There is much to celebrate, especially in all the ways in which Scotland has become a more equal place as a result of devolution, but in the past few years it has felt for the first time like we are going backwards. Scotland is in many ways a harder place to be LGBT today than it was five years ago. My lapel pin was given to me by the Time for Inclusive Education campaign. Its work delivered LGBTQ-inclusive education in our schools. It is a sad reflection of where Scottish politics is now that, if the TIE campaign was launched today rather than a decade ago, I do not think that it would succeed.

The existence of LGBTQ people, especially queer young people, has been called into question in a way that many of us hoped had been consigned to history. I say to the First Minister that many LGBTQ Scots are afraid today. I know that that is not his intention and it is certainly not Kate Forbes's intention, but it is the reality. It was the reality before Kate Forbes's nomination for Deputy First Minister, but the First Minister must

acknowledge that the nomination has heightened that fear. If he does not wish to hear it from me, he could listen to the many LGBTQ members of the Scottish National Party who expressed their fear and alarm yesterday.

Before I close, I want to address those who have highlighted that the Scottish Greens have worked with Kate Forbes previously. That is true. There are issues that we progressed together that I am proud of, such as the agreement to begin trials of a four-day working week in the public sector. That was all before the SNP leadership election last year, in which those deeply hurtful positions were made known. It would have been wrong to presume Kate Forbes's views simply because of the church that she is a member of. Ian Blackford is a fine example of a Free Church member and an elected representative who played a key role in advancing equal marriage rights across these islands. He also supported John Swinney last year when he questioned Ms Forbes's suitability for high office. There is not a credible argument for someone being an unsuitable First Minister but a perfectly suitable deputy.

I know that John Swinney considers me and all LGBT members of this Parliament to be equal. I know that he shares in the joy that is felt by every LGBT person in Scotland who has used the marriage right that this Parliament gave them, including members of this Parliament. Today, however, the First Minister is asking us to appoint as his deputy someone who does not share in that joy, who does not think that we are deserving of equality under the law, and who thinks that there is something wrong with us. I cannot do that and the Scottish Greens cannot do that, but I want to hear him tell me why I should.

14:22

**Willie Rennie (North East Fife) (LD):** The First Minister is trying to adopt a new approach. He will forgive me for being a little bit sceptical, because we have been here before, but we want to try to meet him on those terms. We will start that today and we will not block the appointment of Kate Forbes. We may have a difference of views on equalities, but Kate Forbes deserves a chance to govern, putting those views to one side.

If the First Minister does not mind, I have some advice on the developing of relationships across the chamber. I do not expect him to stop believing in independence, but he must realise that the more that he uses his position and that of the Government to push independence, the more difficult it is for us to reach across that constitutional divide to work in partnership.

My second piece of advice is to get out of the comfort zone and, at least in the first instance, try a bit harder to answer the question properly—if not for MSPs, then for the public. When people are suffering, they generally do not want to hear that we are better than Westminster or even Wales.

Thirdly, I ask him to please stop saying that ministers are considering a proposal when it is patently obvious that they are not. I have an example that is very close to home and which has affected me deeply. The flood victims in Cupar feel insulted that they have been strung along with the possibility of financial support similar to that which was received in Angus. I trusted ministers when they told me that they were seriously considering that. It will take a lot to convince me again.

I want to get things done for my constituents. Liberal Democrats have crossed the constitutional divide before, on the budget in 2021, on other budgets and, more recently, on the Children (Care and Justice) (Scotland) Bill. If getting things done means working with ministers, we will do just that.

I hope that Emma Roddick, Joe FitzPatrick and George Adam look back on their time in office with a sense of pride. Nevertheless, it must be difficult to return to the back benches—but at least we will have more speeches about the great city of Paisley to look forward to, once again.

I hope that members will permit me some personal satisfaction that Jamie Hepburn is free. He has been released from that heavy burden of churning out those dreaded independence papers in the bowels of St Andrew's house. I say: solidarity with the Cumbernauld one. [*Laughter.*] Look at him—the smile on his face is a joy to behold. He is climbing the ministerial ladder, as I had planned. My campaign has been so successful that I am beginning to wonder whether I am pulling the strings of our new First Minister.

I yield to no one in my great admiration for Jamie Hepburn, but I must admit that I am slightly nervous that he is to move from the position of great divider, as the Minister for Independence, to great healer, as the Minister for Parliamentary Business. I am sure that we all look forward to his joint peace-building initiative, bringing together the likes of Stephen Kerr, Fergus Ewing, Jackie Baillie and Patrick Harvie. I wish him well.

14:26

**The First Minister:** I will not respond to all the points that have been made in the chamber, but I will respond to a number of them, because they are serious and important points that have been made by all colleagues. I embark on my term as First Minister with a genuine desire for this institution to work more collaboratively than it currently does. I accept—and have accepted

publicly—that, today, our politics are polarised and that there has to be effective leadership to improve that situation. That is very much at the heart of some of the comments that Meghan Gallacher made in her speech. I have pledged to give that leadership on behalf of the Scottish Government and to contribute to ensuring that we can arrive at agreements in our Parliament that will improve the lives of people in Scotland and ensure that they can have more confidence about their future in this country, given the enormous pressures and challenges with which people wrestle at the moment.

Martin Whitfield made a number of remarks about the record of the Government. In the speech that I gave in this place when I stood down as Deputy First Minister, I said that I would give some advice to the Opposition, which was that I did not think that it was a particularly strong narrative to say to people that everything in Scotland today is awful. I say so genuinely, because I went through a period in the run-up to the 2003 election, when I was leader of the SNP, of making the argument that everything was absolutely awful, and it did not do us any good electorally. I offer that friendly advice from a sage election winner to Mr Whitfield, with the generosity of spirit for which I will be renowned in the years to come.

On Willie Rennie's contribution, I welcome the willingness of the Liberal Democrats to enable the appointments to be made today. I recognise the rationale and motivation for doing that—to create some space for us as a Parliament to progress from where we are today to finding areas of agreement and common purpose.

Mr Rennie encouraged me to be a bit more explicit in answering questions. Actually, I was trying to do that at First Minister's question time today. I may have startled a few people with some of my answers about some of the challenges that we face. Over lunch time, I conceded to the Presiding Officer that those answers were perhaps a bit on the lengthy side of things. I see that the Deputy Presiding Officer is gesticulating to me about the length of the answers. I will do my best.

Mr Rennie makes a substantive point about what can be achieved when there is substantial engagement between members of Parliament. Natalie Don, the Minister for Children, Young People and the Promise, has worked hard with colleagues across the chamber to get the Children (Care and Justice) (Scotland) Bill into a stronger position today than it was when the Government introduced it. I acknowledge that some of that strengthening has been because of the Opposition's contribution to the debate and the Government making a response that it originally was not prepared to offer. Willie Rennie's point

about how we can find common ground is therefore an important one.

Without disclosing the contents of a private conversation, I advise members that, some months ago, I said to Mr Rennie in the corridor that I had listened to him on the radio and found myself thinking, "He does make a fair point about the flooding issue in Cupar." Let me take Mr Rennie's issue away and see what I can do about it, because I did think that he made a fair point. However, if Mr Rennie believes that Jamie Hepburn has been liberated from a heavy burden, I am afraid to tell him that he is wrong on that one—there is a straight answer to that question—because I fear for the burdens that Mr Hepburn will have to carry in the period going forward.

Lastly, I come to Ross Greer's contribution. He set out what is, understandably, a deeply personal perspective for him, which is shared by his colleagues. I understand that. I think that Ross Greer and his colleagues in the Green Party know that I respect the issues, considerations and perspectives that they have. What I was trying to say to Patrick Harvie in my response to his question at First Minister's question time earlier is that the country that I lead today has a modern, diverse and dynamic society. I recognise that, as do all the members of my Government. We want to keep it that way, so that is what we are committed to doing. We want to ensure that the values of diversity that have been at the heart of this Parliament's journey over so many years are protected and enhanced as our country moves forward together.

When I say to the country—as I did on Tuesday, standing here—that I offer myself as the First Minister for everybody in Scotland, I cannot convey adequately or strongly enough that I mean absolutely everybody. I want each and every person in our society to feel that they are at home and at peace. I come to those conclusions from some of the motivations that Mr Greer has talked about—from a very deep Christian faith. I believe that nothing can separate us from the love of God. That is the foundation of who I am. Nothing can separate us from the love of God; we are equal in the eyes of God, every one of us.

I hope that those comments, which are more forthright ones about faith than I have ever uttered in my 45 years in politics, will perhaps illustrate to Parliament the magnitude of the seriousness with which I take the issues that Mr Greer put to me and also the seriousness with which I embark on my office as First Minister. I want to ensure that the Government that I lead, and the participation of all my colleagues in it, is undertaken in a fashion that ensures that everybody in Scotland feels that their Government is with them, protecting them, assuring them and making them



feel safe, and will always be on their side. That is what I offer the people of Scotland when I say that I will be the First Minister for everybody in our country.

**The Presiding Officer:** That concludes the debate on the appointment of a Scottish minister and a junior Scottish minister.

There are two questions to be put as a result of the debate. The first question is, that motion S6M-13154, in the name of John Swinney, on appointment of a Scottish minister, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a short suspension to allow members to access the digital voting system.

14:34

*Meeting suspended.*

14:39

*On resuming—*

**The Presiding Officer:** We come to the vote on motion S6M-13154, in the name of John Swinney, on appointment of a Scottish minister. Members should cast their votes now.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)

McCall, Roz (Mid Scotland and Fife) (Con)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) Proxy vote cast by Richard Leonard  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Abstentions

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)

**The Presiding Officer:** The result of the division is: For 63, Against 57, Abstentions 3.

#### *Motion agreed to,*

That the Parliament agrees that Kate Forbes be appointed as a Scottish Minister.

**The Presiding Officer:** The next question is, that motion S6M-13155, in the name of John Swinney, on appointment of a junior Scottish minister, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

The vote is closed.

**Jamie Greene (West Scotland) (Con):** On a point of order, Presiding Officer. I would have voted no.

**The Presiding Officer:** Thank you, Mr Greene. We will ensure that your vote is recorded.

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

**The Presiding Officer:** Thank you, Mr Brown. We will ensure that your vote is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)

Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)

Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) Proxy vote cast by Richard Leonard  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Abstentions

Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Mackay, Gillian (Central Scotland) (Green)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 63, Against 49, Abstentions 10.

#### *Motion agreed to,*

That the Parliament agrees that Ivan McKee be appointed as a junior Scottish Minister.

**The Presiding Officer:** Before we move to the next item of business, I will allow a moment or two for members on the front benches to reorganise.

## Data Protection and Digital Information Bill

**The Deputy Presiding Officer (Liam McArthur):** I ask members who are leaving the chamber to do so as quickly and quietly as possible.

The next item of business is a debate on motion S6M-13129, in the name of Richard Lochhead, on the legislative consent motion on the Data Protection and Digital Information Bill, which is United Kingdom legislation. I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible. I invite Shirley-Anne Somerville to speak to and move the motion.

14:45

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The UK Government’s Data Protection and Digital Information Bill engages the legislative consent process in a number of areas. The bill is UK legislation that seeks to amend the current data protection framework and improve digital information services. I will focus on the four areas that fall under the legislative competency of the Scottish Parliament and for which consent is required. Those will help us to work towards a key ambition for the Scottish Government, which is to ensure that Scotland becomes an ethical digital nation in which people can trust public services to respect privacy and to be open and honest in the way that their data is being used. We want to maintain that commitment and build public services that are inclusive and practical in the digital domain.

First, the provisions enabling digital verification will mean that people will be able to choose to use that method to prove things about themselves in order to access a service. For example, using data that is held by the Department for Work and Pensions or His Majesty’s Passport Office, a trusted identification provider could check against data that has been provided by a customer when conducting a commercial transaction, such as booking a flight or using a financial service. That will be done at the request of the individual only and will aim to make transactions more efficient for them. Customers will benefit from smart data provisions when they are seeking lower prices or tariffs for energy bills. Smart data schemes will empower customers to make better use of their data to enable accurate tariff comparisons, compare deals and switch suppliers. The amendments to the Digital Economy Act 2017 could mean that enterprise agencies will be able to better target businesses to help them to comply with any relevant law, grow, engage in trade

activities and become green and sustainable. Consenting to that will ensure that the people of Scotland do not miss out on the benefits of those measures, whether that is as consumers or while they are interacting with public services.

The sharing of law enforcement data is vital to ensuring that Scotland's law enforcement agencies are able to co-operate with their counterparts in the UK and Europe, following our exit from the European Union. Police information-sharing agreements could help to mitigate the loss of law enforcement information that has been caused by Britain leaving the union. For example, an agreement with EU or EU member states could include real-time alerts on wanted or missing persons, which would allow Police Scotland to know that someone who it is questioning at the roadside is also wanted in connection with a serious crime in the EU, or that someone who is found in a vulnerable position in Scotland was recently reported missing on the continent.

Finally, agreement with clause 131 of the bill, regarding the power to provide information for social security purposes, would allow us to maintain the agency agreements for the delivery of social security payments in Scotland and safeguard the important work that Social Security Scotland does.

Overall, we feel that the amendments provide a benefit to the people of Scotland. Beyond the legislative consent motion, concerns have been raised that the bill may weaken the data protection framework that was put in place prior to Brexit and that currently aligns with the EU standard. Ministers and officials from the Scottish Government have engaged regularly with our UK counterparts over the past two years to ensure that our concerns about the bill have been heard. We have stressed our view to the UK Government that the bill's benefit to organisations should not come at the expense of the rights of individuals and the continued adequacy decision from the European Commission, which allows for the easy flow of personal data from the UK to the EU. We do not believe that the motion that is being debated will impact those rights or data adequacy, which is why I ask the Scottish Parliament to give its consent and agree to the motion.

I move,

That the Parliament agrees that the relevant provisions in the Data Protection and Digital Information Bill, introduced in the House of Commons on 8 March 2023 and subsequently amended, so far as these matters fall within the legislative competence of the Scottish Parliament should be considered by the UK Parliament.

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

14:49

**Collette Stevenson (East Kilbride) (SNP):** Presiding Officer, thank you for the opportunity to contribute to the debate on behalf of the Social Justice and Social Security Committee. The UK Data Protection and Digital Information Bill has been making its way through the UK Houses of Parliament over the past couple of years, having been introduced on 18 July 2022 and paused between 5 September 2022 and 8 March 2023.

According to the UK Government, the purpose of the bill is to update and simplify the UK's data protection framework. The bill seeks to reduce burdens on organisations while maintaining high data protection standards. The bill covers a wide range of policy areas, including data protection, smart data, digital verification and law enforcement data sharing.

Currently, the bill is at report stage in the House of Lords, and there is only a small window of opportunity in which this Parliament can consider the Scottish Government's legislative consent motion before the bill completes its amending stages in the last house.

For the previous two legislative consent memorandums, the Economy and Fair Work Committee was designated lead committee. For the second supplementary memorandum, the Social Justice and Social Security Committee was designated lead committee. That is because the bill was amended by the UK Government on 29 November 2023 to include a power to require information for social security purposes. Those provisions were informed by the 2022 publication "Fighting Fraud in the Welfare System". Clause 128 and schedule 11 to the bill will allow the UK Government to issue information notices that require third parties, such as banks, to provide information relating to all accounts that they hold, which are linked to people in receipt of welfare benefits.

Schedule 11 also contains provisions in relation to the publication and revision of a code of practice in relation to information notices, penalties for non-compliance, appeals, and amendments to the Proceeds of Crime Act 2002.

The committee acknowledges that the Scottish Government recommends legislative consent because it believes that the implications are theoretical only and unlikely to be applied to devolved benefits. Critically, however, the Scottish Government does not want to put at risk agency agreements with the Department for Work and Pensions. Conceivably, if the Scottish Government refused consent, the DWP could take the view that that undermined the principle that governs the agency agreements. As such, it would no longer be possible to follow the carefully planned process

of transferring cases from the DWP to Social Security Scotland.

Having considered the memorandum, the committee agrees with the Scottish Government's position, because full roll-out of the information-seeking powers will not occur until agency agreements have ended. Moreover, the initial focus is on universal credit, with no intention to use the powers for devolved agency agreement benefits. Therefore, we are also of the view that the implications are only theoretical.

It is because of those considerations and to ensure that there is no uncertainty that the committee recommends that the Parliament agrees to the legislative consent motion.

14:53

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am pleased to make a short contribution to the debate on the legislative consent motion on the Data Protection and Digital Information Bill. The bill was previously introduced at the House of Commons and, as Collette Stevenson has just reminded us, is currently in the House of Lords, awaiting its third reading.

The bill is largely uncontroversial and seems to have had general support from stakeholders. It aims to reform the UK's data protection structure following withdrawal from the European Union. The bill will establish a framework for the provision of digital verification services, to enable digital identities to be used with the same confidence as paper documents. It will increase the fines for nuisance calls and texts under the privacy and electronic communications regulations and update those same regulations to cut down on the annoying pop-ups and banners that we all get, which require user consent.

The bill will also allow for the sharing of customer data through smart data schemes to provide services such as personalised market comparisons and account management, and, in England and Wales, it will reform the way in which births and deaths are registered, away from a paper-based system to an electronic register, something that we in Scotland dealt with a year or two ago as part of the Covid legislation.

On the question of law enforcement and natural security, the bill seeks to facilitate the flow of personal data to make it more accessible in order to crack down on crime. The bill will also create a new office of information commissioner, with extended and strengthened powers.

That is all generally welcome. In particular, I think that many of us will welcome action to crack down on nuisance calls and texts, which are an increasing menace. Just this week, I was speaking

to a constituent who had been targeted by nuisance texts. Somebody had tried to take control of their phone and was sending out messages to everybody in their contact book asking for money to be transferred. Fortunately, nobody was caught out in that situation, but we know that nuisance calls and texts are a menace that is currently troubling society, so if we are able to increase the fines and crack down on that, it would be very welcome.

There has been general support for the bill from a lot of stakeholders. The current Information Commissioner, John Edwards, has welcomed the bill and said that data protection law needs to be updated and give people confidence that they can share their information, knowing that it will be dealt with in a safe and secure manner.

The bill has been welcomed by techUK, the trade association for technology, which believes that the bill will help to boost innovation while upholding privacy rights and EU adequacy, as well as by the Investing and Savings Alliance, which particularly welcomed what the bill says about smart data schemes.

In giving evidence to the Economy and Fair Work Committee, the minister, Richard Lochhead, talked about the advantages that the bill will provide. For example, for people who are dealing with the Department for Work and Pensions or His Majesty's Passport Office, data could be checked between the two organisations, which would reduce the burden on the consumer of continually providing the same information to different Government agencies. That makes Government more efficient, and it makes it a much more efficient transaction for the consumer. There will be opportunities for consumers who are, for example, looking for lower prices when shifting their energy tariffs, because that smart data can be transferred much more easily.

This is a very welcome piece of legislation. I am encouraged that the Scottish Government is minded to consent to it in relation to the devolved areas that it touches on, and the Conservatives are happy to support the motion this afternoon.

14:57

**Daniel Johnson (Edinburgh Southern) (Lab):** I begin with a moment of levity: if Murdo Fraser is concerned about nuisance text messages, maybe he should just unsubscribe from the Conservative group WhatsApp group.

I am grateful for the work that the committee has done. This is a technical but important piece of legislation, as data is incredibly important to the economy. Data has the power to drive growth and innovation, create new businesses across the country and transform our public services.

However, as our lives gradually move further online, it is essential that citizens have control over their own data. That is why it is essential that data legislation is modernised and why we support the principle of the bill.

The Labour Party agrees that a new digital verification framework is required, and we support the UK Government's aim to strengthen the enforcement powers of the Information Commissioner's Office. However, I note our concerns, particularly with the way in which the UK Government loaded additional amendments at the last moment, ahead of the third reading. On the last day, 240 amendments were added to the bill, which made consideration and scrutiny of the bill as it went through the House of Commons at the third reading incredibly hard. For example, the bill will make it harder to make a successful subject access request and will remove the automatic right to human review in scenarios such as mortgage and loan approvals.

Although I note the comments made by the cabinet secretary around EU data adequacy, we must look carefully at the changes that the bill makes to general data protection regulation to ensure that we have standards in this country that are equivalent to those in Europe.

Despite those reservations, I agree with the cabinet secretary that consent should be granted by this Parliament, as the contents of the bill are theoretical and relate to devolved competencies, and to review such consent could be dangerous in terms of our ability to maintain pace and make use of the other beneficial provisions.

In summary, data has a huge role to play in driving growth and innovation and, indeed, the delivery of improved public services. However, to secure those benefits, we have to stay on top of the risks and, crucially, build public trust.

Labour will be supporting the legislative consent motion at decision time.

**The Deputy Presiding Officer:** I invite the cabinet secretary to wind up the debate.

15:00

**Shirley-Anne Somerville:** As Daniel Johnson has quite rightly alluded to, this Parliament—and all Parliaments—need to recognise the power of data for individuals, the economy and public services. Although the bill is technical, it remains a very important bill for individuals, our public services and the benefit of the wider economy.

Today we have heard that the bill seeks to amend current data protection frameworks and improve digital services. I think that that is the right thing to do. As we have discussed, four areas are involved: data verification, smart data,

amendments to the Digital Economy Act 2017 and police information-sharing agreements. In relation to my portfolio, the power to gather information for social security purposes is affected.

I thank the committee for its deliberations on the issue. I will not delay the chamber by going over what is in the bill, but I reiterate that we encourage Parliament to consent to it and agree to the motion. Daniel Johnson is right to raise concerns around data protection adequacy and the importance of the European Union angle. However, I reiterate we do not believe that the motion that is debated today would impact on rights for adequacy, which is why I ask the Scottish Parliament to give its consent and agree to the motion.

**The Deputy Presiding Officer:** That concludes the debate on the Data Protection and Digital Information Bill.

It is time to move on to the next item of business. However, I am conscious that we are missing a number of members who are pretty crucial to that item, so I will have to suspend the meeting briefly.

15:02

*Meeting suspended.*

15:05

*On resuming—*

## **Welfare of Dogs (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Liam McArthur):** We resume business. However, I will just say that this is follow-on business, so it is more than a bit disappointing that so many members were absent at the start of the debate, which required an unpredicted suspension.

We are now ready to move to the next item of business, which is a debate on motion S6M-12991, in the name of Christine Grahame, on the Welfare of Dogs (Scotland) Bill at stage 1. Members who wish to participate should press their request-to-speak button now or as soon as possible. I call Christine Grahame to speak to and move the motion—you have around eight minutes.

15:06

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Thank you very much, Presiding Officer. As one of the culprits, I apologise.

I welcome today's debate and the progress that it represents. To members who came into Parliament just this session, I say that I have been working with a wide range of organisations on the policy in the Welfare of Dogs (Scotland) Bill for the past seven years—it seems longer. I genuinely welcome the valuable work of the lead committee and the constructive series of recommendations that it has produced as a result of its scrutiny of the bill. It gave me food for thought and did its job well.

I will focus on a number of those recommendations later but, first, I want to talk about why the bill is needed. Many moons ago, there was a song called "(How Much Is) That Doggie in the Window?" which went:

"How much is that doggie in the window?  
The one with the waggly tail ...  
I do hope that doggie's for sale"—

I will not sing it. The sale of puppies in pet shop windows has long been banned—but has it? Windows have changed to Microsoft Windows and the internet, and the understandable impulse to acquire a puppy or young dog has remained—indeed, if anything, the pandemic increased that demand, for reasons that, quite frankly, I fully understand.

My second preliminary point is that the proposed legislation is not to punish or blame but to educate. We would agree that there is a surge in the level of dog ownership across Scotland

combined with a lack of an informed approach from the public to buying a dog. With criminals always alert to demand and profitable opportunities, there has been a rise in unscrupulous breeding through, for example, puppy factory farming, where puppies and breeding bitches are kept in appalling conditions—unsocialised and often very sick—then marketed as expensive, desirable commodities.

Purchasers who are unaware of the reality behind the cute online images pay thousands, and the conveyor belt of misery continues. Purchasers might even have bought a puppy to "save" it—they might save that puppy but not the next or the next. Despite worthy endeavours by the Government and animal welfare agencies, illegal breeding and heart-over-head, casual purchases from unscrupulous suppliers continue. I consider that the issue might best be attacked by addressing demand.

Some six years or more ago, I had a similar bill ready for the off when the pandemic put everything on hold for two years. The pandemic only emphasised to me the need for my bill.

Referencing the illegal trade, extracts of evidence from key stakeholders who support my bill demonstrate the scale of the issue. The Scottish Society for Prevention of Cruelty to Animals estimates that the illegal puppy trade is worth £13 million. Animal Trust has highlighted the huge rise in problems that have arisen from people buying dogs that they cannot properly look after, including the fact that abandonment rates continue to rise, with 96 per cent of rehoming centres reporting an increase in behavioural issues.

Battersea Dogs and Cats Home found that only 5 to 10 per cent of puppies across the United Kingdom are coming from licensed breeders, who should ensure healthy puppies and appropriate new owners. Up to 95 per cent of puppies are bought from unlicensed sellers.

Calls to a helpline run by the Scottish SPCA on giving up pets have quadrupled, with costs, vet care and inappropriate living conditions cited as common reasons. A recent survey found that only 29 per cent of people considered cost when they got their pet. Dogs are the most frequently abandoned animal, and rehoming centres are experiencing incredible financial pressures as a result.

Evidence from the Dogs Trust is among the weight of support for the bill that was received by the Rural Affairs and Islands Committee. Its submission describes the purpose of the bill as

"educating and providing prospective dog owners with the tools to purchase or rehome a dog more responsibly, and to identify and avoid unscrupulous breeding practices."

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):**

The member makes a very good case as to why new legislation is necessary. My understanding is that her bill would include a code. Could she say why she feels that it is necessary for the detail of that code to be—unusually—in the bill? I do not say that as a criticism of the bill, but I would like to know why the member feels that so much information about the code needs to be in the bill itself.

**Christine Grahame:** Heaven forfend Dr Allan would offend me. I will come to that point.

The evidence that was provided to the Rural Affairs and Islands Committee reflects the value of educating and changing the behaviour of buyers, improving it and, as a result, changing the demand and buying practices of the public. That would have a positive impact, preventing so many of the notable problems that I have just highlighted and of which I am sure members are aware. Reduced demand affects supply.

One of the key questions that came up during stage 1 evidence taking, which the committee deliberated on, is why we need a separate new code when there is an existing code on dog ownership. The code in the bill serves a very different purpose from that of the existing code. It will have a very different appearance, given its distinct purpose, and it applies to a different group of people. It has a new certificate and associated process attached to it.

The current code, which relates to someone who already has a dog, runs to 28 pages, with additional web links. If I was being naughty I might call it “War and Peace”—but I am not naughty. However, I wonder how many dog owners even know it exists, let alone read it. The code under the bill applies to people who are considering acquiring a dog, and it would do three key things. It would redirect people from owning a dog if they realised that they could not afford one; it would help people to take more time to identify the right breed for them; and it would help people to assess the situation in which the puppy is being sold, so that they see warning signs that something is amiss. The briefest consideration of those questions will give pause for thought—no “paws” pun intended—in particular for those buying a puppy through online sales. That will prompt lots of valuable pauses for thought—about the cost and the breed, questioning why it is not possible to see the mother with the puppy, and so on—as will asking people to sign the certificate and to confirm that they understand the need to retain it and to have read the code.

I emphasise the importance of the certificate under the bill. It seeks to ensure that anyone buying a dog will reflect on those questions and others, prompting them to educate themselves

further before making a choice. The certificate is based on a process that is followed in France, where, as of 2022, a certificate is required when someone buys a dog or any other number of animals. My certificate, like a French certificate, will require the provider and the acquirer to sign it, so that they both know what they are doing. I thank, in particular, Mike Flynn, who brought that to my attention.

I will move on very quickly and touch on other matters. I have only eight minutes, I believe.

**The Deputy Presiding Officer:** I can give you a little bit of extra time, Ms Grahame.

**Christine Grahame:** Thank you very much.

Part 2 seeks to establish a register of unlicensed litters, and I remain passionately committed to the policy behind that proposal. At present, given the lack of any licensing regime for those who do not register as licensed breeders—there is legislation for that—there is no way of tracing where each puppy sold in Scotland comes from, which enables unscrupulous breeders to continue to sell large numbers of puppies outwith the licence system.

The intention behind part 2 is to improve traceability. Any dog that is being sold or transferred in Scotland needs to be on a searchable database. That would enable the public to take informed decisions when sourcing a puppy, and it would aid enforcement, making puppies sold outwith either regime—including through the illegal puppy trade—far easier to identify.

However, I am realistic about the difficult financial environment in which we are operating, and I know that local authorities are under immense resource pressures. I firmly believe that a thoroughly implemented register, brought in at a time when resources are less sparse, would have been beneficial. However, as the committee knows from stage 1 evidence, I have conceded that it might be better to actively pursue another approach to improving traceability, by which I mean taking forward the long-standing need to make progress with the microchipping regime.

A solution to traceability that does not require further legislation would be the ability to trace all dogs through the microchipping system, which I will say more about later. Progress in this area is long overdue. Given the benefits that the bill would deliver and the scale of the urgency of the problem, I welcome comments from the minister on plans to engage with the Department for Environment, Food and Rural Affairs on microchipping and on getting work moving on the solution. On the basis that that valuable work will happen, I am content to support the Scottish Government’s proposal to remove part 2 of my bill,



with the caveat that I want there to be progress on a microchipping portal.

I very much look forward to hearing the speeches in the debate, which I am sure will be robust, and I will respond to as many points as I can in my closing remarks.

15:16

**Finlay Carson (Galloway and West Dumfries) (Con):** I am pleased to speak on behalf of the Rural Affairs and Islands Committee, reflecting on our stage 1 inquiry and report on Christine Grahame's member's bill, the Welfare of Dogs (Scotland) Bill.

I will provide some background on our inquiry. We issued a call for written views, which received 95 responses from individuals and 23 responses from stakeholder organisations. We explored the issues that were raised at a round-table discussion with animal welfare organisations, the Law Society of Scotland, the then Minister for Energy and the Environment and Christine Grahame, and we published our report on 5 March.

Christine Grahame has already spoken passionately about her reasons for introducing the bill and the objectives that it seeks to achieve. She told the committee:

"I want the public to understand ... that they are the custodians and are policing the welfare of Scotland's puppies and young dogs"

and that targeting

"demand will change the nature of supply."—[*Official Report, Rural Affairs and Islands Committee, 22 November 2023; c 22.*]

We heard evidence from animal welfare organisations that the number of dogs bred by irresponsible breeders continues to grow, resulting in some people buying dogs that present behavioural or health issues, which in turn results in an increasing the number of requests to rehome dogs. Those animal welfare organisations support the general principles of the bill.

The Kennel Club told us that the existing legislation targets irresponsible breeders and that it is not enforced adequately. Bad or rogue breeders or those who import illegally bred dogs

"can pretty much get away with it."—[*Official Report, Rural Affairs and Islands Committee, 20 September 2023; c 6.*]

The Scottish SPCA outlined how entrepreneurial rogue breeders can get around measures that are designed to tackle irresponsible breeding.

**Russell Findlay (West Scotland) (Con):** Excuse my ignorance on the matter, but there is a significant involvement of organised crime in dog breeding in Scotland and I wonder whether, during

its inquiry, the committee managed to ascertain the extent of that.

**Finlay Carson:** We do not have any specifics about that, but everyone on the committee certainly understood that organised crime, gangs and so on could play a big part in the trafficking of dogs, particularly in my constituency of Galloway and West Dumfries, where we see dogs coming through Cairnryan.

The minister agreed that it is increasingly difficult for those who want to buy a dog to know whether a breeder is reputable. On the basis of evidence, the committee agreed that further measures are needed to focus on the demand rather than the supply of puppies and dogs.

I turn to the specifics of the bill. Part 1 seeks to introduce a code of practice for the acquisition of a dog. The main issue with that provision is that the Scottish Government already has the power to introduce a code of practice. Indeed, it has already introduced a code of practice on the welfare of dogs, albeit that it focuses on good practice around owning a dog rather than around the acquisition of a dog.

Views are mixed on whether a new stand-alone code is required or whether the existing code should be amended. Animal welfare organisations support a single amended code. The Dogs Trust told us that that would make "perfect sense", and the Scottish SPCA argued that having a single code would make it easier to prove, in the event of any formal proceedings, that someone had known where to look for guidance.

However, Christine Grahame, felt that, if the bill's provisions were included in the existing code, they would "get lost in translation"—earlier, she compared the code to "War and Peace"—and would be diluted and would not be as effective. The minister told us that it was time for the existing code to be refreshed but would not be drawn on whether the Scottish Government agreed with the idea of a separate, stand-alone code or whether Christine Grahame's proposals would be incorporated in any refresh of the existing code.

It is fair to say that this was the one aspect of the bill on which there was less consensus among committee members, but the majority of members agreed that the proposed code should be stand-alone, concise and accessible.

We made a number of other recommendations in relation to part 1. We recommended that section 2 should be amended to remove the questions that the proposed code would require prospective dog owners to ask when acquiring a dog. The committee felt that it would be more appropriate to have the flexibility to change the questions in the future.

We recommended that the provision that the bill should come into effect within six months of royal assent should be amended, because we felt that that would not leave sufficient time for an effective consultation.

We recommended that the bill should apply to all dogs, not just pets. We were persuaded by Battersea Dogs and Cats Home, which argued that working dogs should share the same level of protection as pet dogs.

In addition, we recommended that the new code should be subject to parliamentary scrutiny in the same way as the existing code.

We agreed with the proposal for a certificate to confirm that parties have adhered to the code, although concerns were raised about the lack of enforcement provisions, and we agreed with the advisory approach, which seeks to educate, rather than penalise, dog owners. We agreed, too, that publicising the code would be fundamental to its success. Although we noted the minister's view that the expected costs would be sufficient, we also noted the existence of a general view that publicity campaigns rarely fulfil their potential.

Part 2 seeks to introduce a registration scheme for puppy litters in situations in which a breeding licence is not already required. Animal welfare organisations supported that proposal, arguing that it would improve traceability and address the defects associated with microchipping. However, concerns were expressed about the proposal that the litter, rather than the breeder, would require to be registered, and the minister expressed concerns that registration in itself would not protect welfare and could provide "false legitimacy" to unscrupulous breeders.

Concerns were also raised about how much it would cost local authorities to implement a register, and although part 2 would not be implemented until a time when local authorities had more money, the committee felt that, without a clearer timetable, a register was not a workable solution. The minister was open to the suggestion that the Scottish Government should seek to amend the bill to remove that provision, and the committee agreed that an alternative approach would offer a more effective and quicker way of improving traceability for puppies and dogs.

15:22

**The Minister for Agriculture and Connectivity (Jim Fairlie):** I am someone who has had dogs in his life from the age of eight, when I got my first Labrador pup, called Pepper, until very recently—a period of just shy of 50 years—whether as pets or as working colleagues that have helped me to gather sheep and cattle. I have had them in my life for the vast majority of my life and, as a dog

person, I am fully aware of the important role that they play in our individual lives and in our communities, and of their contribution to society, and I know how important it is that we continue to take their welfare and lifelong wellbeing seriously.

However, despite their popularity as much-loved family pets, we know that not all dogs are sold, purchased or treated responsibly. They can often be acquired impulsively, with the lifelong commitment not having been fully considered or enough thought having been given to where the puppy has been acquired from.

Having sold a number of pups from working collies over the years, I am acutely aware of the responsibility of sellers or transferrers of dogs in ensuring that dogs are placed in appropriate homes with people who understand their needs, the temperament of the breed, the exercise requirements and the nature of, and potential problems associated with, the dog that is being transferred.

Responsible dog breeders and sellers take those responsibilities very seriously indeed. In fact, in the past, my wife and I have refused to sell people pups because we could not satisfy ourselves that they were fully aware of what they were taking on. Unfortunately, that is not always the case. There are far too many unscrupulous sellers of pups from puppy farms where welfare is the last consideration and profit is king.

The unscrupulous criminals behind the trade are using increasingly sophisticated ways to fraudulently pass themselves off as legitimate home breeders. They take advantage of the public demand for pups of particular breeds and often supply pups that have been bred in poor conditions in other countries, which can develop serious health and behavioural problems because of the conditions in which they have been bred and kept. That can lead to a heartbreaking situation for new owners, whose decisions when they buy a dog are often emotive.

I acknowledge the hard work of the Scottish SPCA and other agencies across the UK, which continue to collaborate to combat the low-welfare puppy trade by sharing information and taking enforcement action against the criminals involved.

The Scottish Government supports that work and has made significant improvements to the legislation on dog breeding and pet sales in recent years, as well as funding campaigns to increase public awareness of the risks.

The Government is also committed to setting the highest standards for animal welfare.

**Finlay Carson:** I welcome Christine Grahame's bill. The committee heard Gillian Martin, who was the minister at the time, say that she agreed with

almost everything that Christine Grahame's bill aims to do. However, she acknowledged that the Government already has the powers to deliver most of the recommendations or policies that the bill would bring into force, so why has the Government not addressed this before and why has it taken a member's bill for the Government to do the job, step up to the mark and look after the welfare of dogs?

**Jim Fairlie:** I cannot say why something has not been done in the past, but I can say that the Government takes the commitment seriously and that the code that Christine Grahame is talking about will be different from the one that currently exists.

The Scottish Government supports the work and has made significant improvements. We are committed to setting the highest standards for animal welfare and want to do everything within our power to educate breeders, sellers, owners and prospective owners about how to meet a dog's needs and how to make the right choices when acquiring a dog.

There is always more that can be done to ensure that the existing legislation on dog breeding and sales is enforced and we continue to engage regularly on that with local authorities and other bodies.

However, because of the continued strong demand in Scotland for pups, there will unfortunately always be an incentive for unscrupulous breeders and sellers to operate illegally. In tackling that, it is important to focus on the demand for pups and to inform and encourage buyers about how to acquire pups responsibly and safely.

There is already a significant volume of online advice to educate buyers. Previous Scottish Government public awareness campaigns such as "Buy a puppy safely" gave advice on how to acquire a pup responsibly and how to recognise the signs of the illegal puppy trade. Those campaigns were accompanied by hard-hitting social media messaging and had significant impact in reaching their target audiences, leading to an increase in puppy investigations and in puppies being seized by the Scottish SPCA. It is important that such awareness campaigns are sustained in the longer term to achieve significant and lasting changes in buying behaviour and to address any growing trends.

The Scottish Government wants to encourage the public to take more responsibility when considering taking on a dog and to acquire that dog responsibly, which is why I support the intentions behind the bill.

I commend my colleague Christine Grahame for her commitment and tenacity in bringing the

welfare of dogs to the attention of Parliament. She has repeatedly striven to highlight unresolved and unsatisfactory issues around the selling, transferring and acquiring of dogs in Scotland and I express my admiration and thanks for her constructive approach to the development of the bill. I also thank the Rural Affairs and Islands Committee for its detailed scrutiny of the bill, for its proposals and for the preparation of its stage 1 report, which makes many helpful recommendations.

Part 1 of the bill proposes the introduction of a new code of practice for the acquiring and transfer of pups and dogs, to include questions for prospective owners and a certificate confirming that they have considered those questions. Part 2 proposes the introduction of a register of litters.

Having considered the committee's recommendations, and following work with Ms Grahame on amendments to the bill, the Scottish Government agrees with the proposal to allow more than six months after royal assent for the code to come into effect and agrees that that code should apply to all dogs, not only to dogs kept as pets. During our evidence sessions, I had some concerns about the inclusion of working dogs, but I am now convinced that including all dogs is the right course to take.

**Christine Grahame:** I have considered that. Like the minister, I appreciate that there are good people—such as farmers, the police and the owners of guide dogs for the blind—who own working dogs that are not casually purchased or acquired. However, following consideration, I appreciate that there could be a loophole and that someone could say that a dog is a working dog and not a pet, when it is in fact a pet. I will seriously consider any Government amendments to make the bill apply to all dogs.

**Jim Fairlie:** The Scottish Government also agrees with the attention to detail in ensuring that sections of the bill are consistent with the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021, including with regard to points such as the need for the buyer to see a dog with its mother; making the requirement to confirm a dog's age the responsibility of both the acquirer and the person selling or giving away the dog; and the requirement for a certificate to be part of a new code of practice, rather than a separate requirement. Finally, the Government agrees with the removal of part 2 of the bill.

I acknowledge that the Scottish Government has powers to create a new code of practice or guidance under sections 37 and 38 of the Animal Health and Welfare (Scotland) Act 2006. That act was designed with future resilience in mind and it provides powers to add new codes of practice or guidance.

I look forward to hearing the rest of the debate and working closely with Christine Grahame and the committee members as the bill progresses.

15:30

**Maurice Golden (North East Scotland) (Con):** I congratulate Christine Grahame on introducing the Welfare of Dogs (Scotland) Bill and on her concerted efforts during my time in Parliament to improve animal welfare more generally.

The policy memorandum states that the bill's aim is

“to improve the health and wellbeing of dogs throughout their lives, by establishing a more responsible and informed approach to acquiring and owning a dog”.

Ideally, a prospective owner will take time to fully consider the implications of getting a dog, but Blue Cross points out that a significant minority of prospective owners do not do the research that they should do.

According to the Scottish SPCA, dog ownership has increased since 2020 but so, too, have low-welfare puppy dealers who are chasing profit. Research from the University of Edinburgh shows that, sadly, those dogs often suffer from behavioural issues and illnesses as a result of breeding conditions. Current efforts to tackle the issue focus mostly on the supply of dogs. They include the Scottish SPCA's on-going efforts to disrupt the puppy farming trade, which is estimated to be worth £13 million a year. We commend those who are involved in those efforts, but as it is the demand for dogs that gives unscrupulous breeders an opportunity to exploit, we must ensure that demand is more informed and responsible.

The 2023 animal wellbeing report by the People's Dispensary for Sick Animals shows low levels of awareness of best practice across the UK. For example, less than half of dog owners knew that puppies for sale should be seen with their mother. Part 1 of the bill would help address those knowledge gaps through a new code of practice and accompanying certificates. The code would include questions for prospective buyers on, for example, whether the intended breed is suitable for their family and whether they can afford to look after a dog. Blue Cross and the Scottish Government have pointed to an opportunity to include information on breed-specific health issues. Those measures could be useful. I also note the Rural Affairs and Islands Committee has recommended that the proposed questions not be set out in the bill.

**Christine Grahame:** I would resist being more breed specific, because that would start to clutter up the rather simple questions with regard to the breed. If someone considers the breed, they will

obviously look at what is required, whether it has any particular problems with breathing and so on. We should not start to put too much in—I want to keep things simple and direct.

**Maurice Golden:** I think that that makes a lot of sense. It has been suggested that there could be type-specific information, too, but we could very quickly start to go down a number of rabbit holes, as we have seen with other dog-related legislation.

Although failure to comply with the code would not be an offence in itself, we should remember that the intent of the bill is to educate and encourage, not to punish. In that case, it is perhaps better thought of as a means of encouraging people to pause and think when acquiring a dog.

There has also been disagreement on whether the code should be a new stand-alone one or an update to the 2010 code of practice on dog ownership. The Scottish SPCA makes a good argument for having a combined code, pointing out that it would be easier to prove in an investigation that someone should have had knowledge of a single source of information rather than multiple sources.

Part 2, which the Scottish Government is seeking to remove at stage 2, would prohibit the first owner of a litter from selling or transferring it within 12 months of birth without registering it on a database. That would cover litters that fall outside the current regulations. Inevitably, the provision focuses on low-volume breeders, such as families with pets who are having puppies. By contrast, the Kennel Club points out that the focus should be on properly enforcing the existing regulations aimed at high-volume breeders. I also note the minister's comments that registration does not come with the same welfare responsibilities as licensing, which might create a false sense of assurance in potential buyers.

I am supportive of a centralised database of puppies that are being sold—or of improved interoperability between the existing databases. Indeed, Christine Grahame and the minister have already mentioned the potential of microchipping to aid greater traceability.

The Scottish Conservatives agree with the principles behind the bill, because we want to see healthy, happy dogs as a result of more responsible ownership. We will therefore vote for the bill at stage 1.

15:35

**Rhoda Grant (Highlands and Islands) (Lab):** I, too, put on record my recognition of Christine Grahame's work on the welfare of dogs and on the

illegal puppy trade. She has done a lot of work in the Parliament on the issue, and I pay tribute to it.

It is difficult to disagree with the bill's general principles, given that they are about improving animal welfare and ensuring responsible pet ownership. We have all seen a rise in the ownership of dogs during Covid. At that time, people were at home and able to look after their pets, but those who did not give the matter sufficient thought are now struggling to keep those pets well looked after as they return to the office. Indeed, rehoming charities have been talking about the number of abandoned dogs that they have.

We have also heard about the growth in illegal puppy farms to meet the demand for puppies, and we need to challenge that, too. However, as this is a member's bill, it is naturally restricted in what it can do. I believe that, if the Government were to take up the challenge, there would be scope to go further than the bill does in order to deal with illegal puppy farms. The bill cannot do it—as I have said, a member's bill is very restricted—so it might be good if the Scottish Government could look at amendments in that respect.

As we have heard, the Scottish Government has more difficulty with part 2 of the bill. There are indeed difficulties with that part, but it is really important—if we can get it right—because it provides for a register of unlicensed litters. Often, people who are not breeders allow their pets to have puppies; currently, though, there are no protections for those puppies. Breeders have to be licensed and follow standards, but people are able to breed dogs without their being licensed breeders, and that creates a loophole for those illegal breeders who hide under the radar to do these things.

We have heard of these people, for example, portraying holiday rentals as their own homes where they will take the puppies, often with a dog that is not the mother of the litter. They do not care anything for animal welfare. We often hear about people buying a puppy and then discovering that they have huge vet bills to deal with, and that the puppy that they had paid a lot of money for was unwell and would perhaps not survive.

I therefore totally understand why Christine Grahame is seeking to have all litters registered—she is trying to close that loophole—but I also understand that that might be challenging. The committee was told by Battersea Dogs and Cats Home that, although the microchipping of dogs is now a legal requirement, only about 20 per cent of the dogs that they take in are chipped. Therefore, enforcement is an issue that we need to deal with at present, never mind the introduction of a new register.

Because of the general data protection regulation legislation, there are also concerns about the public accessibility of the detail in the register and about people being able to look at it to see whether their puppy was indeed registered.

**Christine Grahame:** I will go into more detail when I sum up, but the UK has come quite a distance on this. It has been suggested that, if there is a portal for all the individual microchipping companies to allow somebody to access that information, it should be only for the police and animal welfare agencies, not for general public consumption.

**The Deputy Presiding Officer:** Ms Grant, I can give you time back for the intervention.

**Rhoda Grant:** I am grateful for that intervention, as it highlights that the many companies that deal with microchip registers could come together and make them available for scrutiny. Perhaps people could even check with a vet whether their pet had indeed been microchipped.

**Edward Mountain (Highlands and Islands) (Con):** I think that five companies provide microchips across the United Kingdom. The problem is not so much collating the information from those microchips but the fact that people do not keep the data on them up to date. For example, when they change dogs, they do not register that fact. The whole system is fraught with problems. I understand that vets, too, are concerned about being the ones to police microchipping. Does Rhoda Grant think that that aspect might need more thought and that part 2 of the bill should be considered again?

**The Deputy Presiding Officer:** Again, I can give you the time back, Ms Grant.

**Rhoda Grant:** Yes, it does need more thought. That is not a criticism of Christine Grahame, because there is a limit to what any back-bench member of the Parliament can introduce and there are restrictions on the complexity of such legislation. However, during stage 2 of the bill's progress, the Government will have an opportunity to consider what it can do to work with the organisations that Christine Grahame has mentioned. Tackling that one issue would go a long way towards bringing illegal traders to book.

I believe that the general principles of the bill should be supported. I urge the Government to examine the bill so that we can improve it as it goes through the parliamentary process and that we can, I hope, bring an end to the scourge of illegal puppy farming.

15:41

**Ariane Burgess (Highlands and Islands) (Green):** Earlier this year, I was horrified to find

out about a case of illegal and cruel puppy farming in Inverness, in my region. A couple had rented out their cottage for three days. Imagine their shock and horror when they returned to it to find 14 neglected puppies, caked in faeces and urine, some of which were in a cage. They then found out that those puppies were being sold to unsuspecting buyers for £1,500 each.

That is appalling but, unfortunately, it is not a rare story. The puppy trade is a multimillion-pound industry. The illegal underside of the trade has strong links to serious organised crime groups that operate throughout the UK.

The Scottish Society for Prevention of Cruelty to Animals did not pull any punches in the evidence that it gave at Westminster. Bred purely for profit, puppies from puppy farms are often kept in conditions reminiscent of those in intensive farming systems. Bitches are bred too often, and many are unhealthy and live in unbearably poor conditions. Puppies are generally removed from their mothers far too early and are then transported in unsuitable conditions to satisfy public demand. Unfortunately, low-welfare breeding is on the rise, despite the best efforts of the SSPCA and others to tackle it. The SSPCA is even seeing a boom in unregulated and unsafe canine fertility clinics to meet the public's demand for dogs.

Although criminal activity is rising to exploit public demand, we can guard against it by supporting public awareness, education and responsibility around dog ownership. That is exactly what the bill aims to do. I extend my whole-hearted congratulations to Christine Grahame for being such a strong and consistent advocate for companion animal welfare and for bringing the bill to fruition through her hard work and great focus.

The Scottish Greens have always been fully committed to animal welfare. From protecting mountain hares from slaughter on grouse moors to ending live export of farm animals outwith the UK, and from banning the use of cruel snare traps to securing new powers for the SSPCA to investigate wildlife crime, we have been integral to securing such protections for our fellow creatures. My colleague Mark Ruskell is working tirelessly to end the cruel practice of greyhound racing. It is therefore no surprise that we support the bill.

Of course, the Scottish Greens support the intention to protect animal welfare by establishing a more responsible approach to dog ownership and enhanced monitoring and traceability in the breeding and sale of puppies, and we support the intention behind the code. On monitoring and traceability, we recognise that the Scottish Government has raised about the design of part 2 and the register. It is good to hear that

Christine Grahame is content to see a microchipping scheme for traceability. The Scottish Greens will do our part to ensure that that is a priority for the Scottish Government.

I know that there is support from members across the chamber for improving companion animal welfare. Maurice Golden has done great work to build support for a ban on electric shock collars. Scottish Labour wants to ban the import of very young puppies, and the Liberal Democrats supported the bill that became the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, partly to protect pets from distress.

Members might have different ideas about the most effective solutions or the best way to achieve the bill's intentions, given that resource is limited. However, given the non-controversial nature of the bill's aims, the bill presents an opportunity for MSPs from all sides of the chamber to work collaboratively to design the most effective legislation and to really get it right.

The Scottish Greens will support the general principles of the bill, and we encourage other parties to do the same.

**The Deputy Presiding Officer:** I remind members that those who are participating in the debate need to be in the chamber for both the opening and the closing speeches.

We move to the open debate.

15:46

**Clare Haughey (Rutherglen) (SNP):** I thank Christine Grahame for her work so far on the bill, which addresses issues that I know are very close to her heart. I also thank the committee for its work on the stage 1 report.

Over the years, there has been a huge shift in the attitudes that we, as a nation, hold about the welfare and care of animals, which is very welcome. Recently, the sixth annual Holyrood dog of the year competition took place. It was described by *The Edinburgh Reporter* as

“arguably the most sought-after accolade in Scottish politics.”

That is a subjective matter, of course, and I will continue my one-woman campaign for a Holyrood cat of the year competition. Nonetheless, I am sure that colleagues will join me in congratulating my colleague Marie McNair, with her dog Heidi, on winning this year's coveted title. The competition is not only about celebrating the positive impact that dog ownership has on people's lives; it also plays an important role in spotlighting welfare issues, and it keeps a focus on where improvements could be made.

Across Scotland, there has been a surge in dog ownership, which has no doubt been exacerbated, in part, by the Covid-19 pandemic. Sadly, that growth has gone hand in hand with reports of record numbers of pets being surrendered to animal rescue centres across the country. When there is a surge in demand, there is a scramble to provide supply, which has, unfortunately, led to a rise in unscrupulous breeding. The committee's report acknowledges evidence from stakeholders that the effects of irresponsible breeding can be catastrophic, from young puppies dying within hours of going home to their new families to puppies and their mothers facing serious health risks.

The bill shines a light on the need for us not only to continue to strive for the highest possible animal welfare standards and to call out and stamp out cruel and irresponsible breeding practices that are more to do with caring about money than a love of dogs, but to open what might be a difficult conversation.

There is no doubt that, as much as a dog can bring joy and companionship to its owner's life, it also brings a great deal of responsibility and duty. Welcoming a dog into your home should be a big decision. It is very concerning, therefore, to hear stakeholders' concerns that people can be unsure what questions to ask and what research to do before taking that step.

The Kennel Club states that at least a fifth of people will spend less than two hours researching whether to buy a puppy—which is potentially a 15-year commitment—with a third saying that they do not know how to spot a rogue breeder. Ultimately, people need trusted information about the important questions to ask of breeders, about the health concerns that relate to particular breeds and about their responsibilities as owners.

Members across the chamber will know that, for many years, I have called for an end to the cruel and outdated practice of greyhound racing, and, earlier this year, I was pleased to welcome Mark Ruskell's proposed bill to prohibit greyhound racing.

I pay tribute to the many organisations and individuals who have campaigned for years for an end to greyhound racing. Many of them are constituents of mine. They have highlighted welfare concerns about those dogs to the public and to elected members across the political spectrum. In my Rutherglen constituency, that chapter of history is now closing, and our community can look forward to a new future for the Shawfield stadium site.

It became very clear to me from the constituents who contacted me ahead of this debate how deeply important animal welfare issues are to

them. Like many members—perhaps every member—across the chamber, I would definitely characterise my constituency as one of dog lovers.

The crux of the bill is to improve the health and wellbeing of dogs throughout their lives, starting from the point that a prospective owner decides to welcome one into their life. I am sure that we can all support that aim, and I look forward to further discussions about how it can be progressed.

15:50

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I add my congratulations to Christine Grahame on introducing the bill. I also congratulate her on resisting the temptation to burst into song during her speech—that was very well received.

I doubt that anyone in the chamber would disagree with the aim of the bill

“to improve the health and wellbeing of dogs throughout their lives”

or the need to encourage the public to have a more responsible and informed approach when choosing whether and from where to get a dog. Unfortunately, in too many cases, the failure of some members of the public to do the necessary checks allows the worst cases to happen and the worst perpetrators to continue to operate. They allow unscrupulous and cruel criminals to be involved in activities such as puppy farming and to make so much money—as others have said, the figure has been estimated at £13 million in Scotland alone—from the misery and suffering of dogs as a result of the illegal trade in animals.

I hate to use the term “puppy farming”, because that could not be any further from the idea of farming that I know. Yes, we all have to make a living in the agriculture sector, but the care and welfare of our animals is an important part of any farmer's life and responsibilities, and for those places to be described as “puppy farms” is quite jarring.

When our last dog, Toby—sadly now long passed—was born, he was the runt of the litter. *[Interruption.]* I am really upsetting my colleagues with this heart-rending story. Toby was very small and weak, and we spent the first few days of his life uncertain about whether he would live. He took a lot of nurturing to survive, but he turned out to be a big, boisterous and brilliant dog—very much the definition of a good boy. However, that took time. I mention that because I cannot imagine the situation that he would have faced if he had been born in an illegal puppy farm. He would have been expendable—a lost asset at best, worth nothing more than his sale value.

Toby was, of course, lucky that he ended up with us—a family with generational experience of looking after dogs that would ensure that any illnesses or injuries were dealt with straight away, no matter the cost. Unfortunately, he was a sufferer of Addison's disease, which meant a lifetime of expensive drugs. However, those were provided without hesitation.

That is not the fate of all dogs. Not all dogs have responsible or even caring owners. I am sure that the University of Edinburgh research that Maurice Golden highlighted, on low-welfare production often leading to serious behavioural issues and illnesses, would be supported by the experience of one of my family members who works in the canine behavioural sector. Dogs that already have issues find themselves with families that are really not able to provide the care that they desperately need.

As others have highlighted, using stark numbers, the illegal puppy trade has grown exponentially in the past few years. A new code of practice for the buying, selling and giving away of puppies as pets could help to address that.

**Emma Harper (South Scotland) (SNP):** As recently as February this year, 24 cockapoo and cavapoo puppies were discovered in a dire situation. They were confined in cardboard boxes under a lorry coming off the ferry at Cairnryan. Do you think that there are aspects of the general principles of the bill that would help to address the puppy trafficking that we still see at Cairnryan?

**The Deputy Presiding Officer (Annabelle Ewing):** Speak through the chair, please.

**Jamie Halcro Johnston:** Yes, I do. I am just coming on to our general support. We welcome action against any undoubtedly illegal activities, and we know that we see only the cases that are found, not those that, unfortunately, get through.

In summary, the Scottish Conservatives support the bill's attempts to improve the health and wellbeing of dogs by encouraging responsible ownership, and we will support the bill at stage 1. However, we agree with the Scottish Government that part 2 of the bill should be removed at stage 2, as we do not believe that creating a register for litters from unlicensed breeders would enhance dog welfare.

I recognise the minister's "strong support" for Christine Grahame's alternative approach, and we remain open minded about a centralised microchip database for puppies being sold. However, as the committee indicated in its report, we would want the UK Government and, of course, other stakeholders to be consulted.

The British are often described as a nation of dog lovers, but too many dogs are being

mistreated for profit and too many are born and die in misery. We can all agree that that is unacceptable. I welcome all efforts that will combat that abuse and that help to improve the lives of man's and woman's best friend.

15:55

**Karen Adam (Banffshire and Buchan Coast) (SNP):** It is a joy to speak in the debate and I thank Christine Grahame for her tireless efforts to provide support for the welfare of animals across Scotland.

I have many cherished memories of my dogs, which have been an integral part of my life. Each wagging tail, slobbery kiss and loving gaze has filled my heart with so much happiness. My dogs were my childhood comforters and were certainly my teenage confidants; they have been my loyal, trusted companions throughout all life's ups and downs.

Amid that joy, I am acutely aware of the responsibilities that come with dog ownership. The decision to bring a dog into one's life is not one that should be taken lightly, and it requires careful consideration, thoughtful planning and a deep understanding of the commitment that is involved. I have made mistakes in the past: I have made rushed decisions and I now regret them. However, those experiences have taught me invaluable lessons. My journey to find the dog that I have now—my great dane, Matilda—was not a swift one. It involved months of research, deliberation and searching for the right breeder and the right dog. The process was meticulous but necessary, as I had to ensure that Matilda would be not only a suitable companion but a healthy and happy one.

I certainly support the essence of Christine Grahame's member's bill, as it seeks to improve the health and welfare of dogs by fostering a more responsible and informed approach to dog ownership. The Scottish SPCA, in its efforts to protect animals from cruelty and neglect, has borne witness to the grim realities of the dog trade. It has seen first hand the consequences of impulse purchasing and irresponsible breeding practices by which puppies are deprived of necessities such as human contact, socialisation and proper veterinary care. Those dogs often face a lifetime of health issues and behavioural problems because of their traumatic beginnings.

My search for Matilda was a privilege that I could afford: the online searches; the cost of her breed; the journey of hundreds of miles to get her; and the overnight stay. I recognise that that route may not be accessible to all; certainly, it was not one that was available to me in the past and that was not how my other dogs came into my life.



As we navigate the bill, we must ensure that we strike a balance and safeguard the welfare of dogs without creating unnecessary barriers for those who have reduced incomes, who still deserve to have the joy and companionship that a dog can bring to a family.

I support the proposal for the Scottish Government to develop and publish a code of practice that outlines the responsibilities of potential dog owners and those who are involved in selling or giving away dogs. The code would encourage individuals to carefully assess their suitability for dog ownership and to consider whether they can provide for all of a dog's needs throughout its life. It would be a reminder that dog ownership is not a decision that is to be made lightly but that it is a lifelong commitment that requires dedication, resources and unwavering love.

In addition to safeguarding the welfare of dogs, the bill also aims to educate the public about the risks that are associated with buying from unscrupulous dealers and the importance of responsible ownership. By raising awareness and providing additional oversight, we can empower individuals to make informed decisions, deter low-welfare dealers and hold irresponsible breeders to account for their actions. Through awareness campaigns, educational initiatives and community outreach programmes, we could support individuals to make ethical choices, support responsible breeders and reject the exploitative practices of puppy farms and low-welfare dealers. I often remember that a puppy is not just for Christmas, and I am glad to see that, every year, we still have that slogan in mind. The approach that I have described can work to educate the public if we get the public relations campaigns correct.

Let us remember that, behind every statistic, there are countless tails that are wagging with unconditional love and loyalty. Let us honour their trust by standing united in our commitment to the welfare of dogs and in our resolve to create a future in which every dog is treated with the care, respect and compassion that it deserves.

15:59

**Colin Smyth (South Scotland) (Lab):** Presiding Officer, I apologise for missing the opening couple of paragraphs of Christine Grahame's speech.

The impulse to buy a dog is understandable—they bring joy and comfort to people's lives, and they become treasured companions and members of the family. However, looking after a dog is also a huge commitment—it can be a 15-year commitment—which prospective buyers do not

always appreciate. They require daily walks, activity and interaction. We all see that our pets are happiest when they are out and about, and all that has to be factored into the working week and family life. On top of that is the expense of caring for a dog, including veterinary costs, which can be steep, not least at a time when families face a cost of living crisis.

Many of us know someone who purchased a puppy during the pandemic and admits that they did not anticipate the time and effort that is required to keep their pet happy and healthy. Of course, most people rise to the challenge, but a significant minority do not, particularly if the young dog has come through unscrupulous breeders. Those dogs often have serious behavioural issues and experience serious ill health later in life. Some owners simply do not have the understanding or experience to care for them.

As a result, many are abandoned or taken to shelters to be rehomed. From my recent visits to the SSPCA rescue and rehoming centre in Hamilton and the Dumfries and Galloway Canine Rescue Centre, I know that those centres are bursting at the seams. Therefore, I very much welcome the general principles of Christine Grahame's bill.

We need to prevent the impulse purchasing of puppies and young dogs, and tackle demand—a point that many members have highlighted. Where there is demand, there is also a trade where rogue dealers seek profit at the expense of animal welfare.

Just a couple of months ago, in my region, at the port of Cairnryan, a large group of puppies was found in an appalling condition. They were confined under a lorry in cardboard boxes, without any food or water. The poor pups were suffering from severe ear mites and other health issues. Thankfully, due to the efforts of the SSPCA, they all survived and have all since been rehomed. However, unless we tackle demand, those tragic scenes will be repeated time and again.

Education is key, and the proposed code of practice and the certificate—which would provide documentary proof of compliance with the code by both buyer and seller—could help. That should encourage people to pause and reflect before deciding whether a dog is right for them. It could also aid in spotting irresponsible puppy dealers.

There has been discussion on exactly what should be in the code. In its briefing to MSPs, Blue Cross made several suggestions, which require serious consideration. It recommends including a question on whether the prospective owner is aware of the specific legal duties that are required of an owner. That could be of relevance in future welfare cases.

The inclusion of another question, on the awareness of the significant health and welfare problems faced by individual breeds, is also recommended. For example, flat-nosed breeds, such as French bulldogs, suffer from a range of health issues, most notably breathing difficulties, and a high percentage of them cannot have a happy and healthy quality of life without veterinary intervention.

Whatever Parliament eventually agrees should be in the code, it is essential that it is a stand-alone, concise and accessible code of practice. We must avoid the potential for confusion or overlap with the 2010 code.

The issue of enforcing the new code has also been raised. Currently, there are no proposals for any enforcement mechanisms or consequences for breach of the code. Some animal welfare charities say that that could present challenges in ensuring compliance.

The Dogs Trust anticipates that responsible breeders will ask prospective owners for the proposed certificate. However, it highlights that there is little to disincentivise more unscrupulous breeders and sellers from ignoring the need for such a certificate.

Blue Cross is right to recommend that, should there be significant non-compliance once the bill is law, the Scottish Government should consider fixed-penalty notices for non-compliance, with the code becoming a legal requirement.

**Christine Grahame:** I hope that Mr Smyth accepts that it is difficult to get into those complexities in a member's bill. However, there are references in my bill to existing animal welfare legislation, which will apply if there are issues of cruelty. The lack of—or evidence of—a certificate will be part of ensuring, if necessary, a prosecution.

**Colin Smyth:** I thank Christine Grahame for her helpful intervention, and I fully accept the complexity of bringing forward some of those proposals in a member's bill. I hope that the certificate will play a role in making unscrupulous breeders more chaseable by enforcement agencies.

We must ensure that any registration system is user friendly, easily accessible, centralised and transparent. I support the idea of a register of unlicensed litters of puppies. Animal welfare charities say that, with such a change, it would not be possible for puppies to be sold in Scotland by someone who is not regulated in some way. As Blue Cross has emphasised, the bill could lose much of its potential impact without such a register.

The Law Society of Scotland's detailed briefing to members also raises several issues that should be given proper consideration at stage 2. For example, it argues that it should be the supplier rather than the prospective buyer who must confirm that they have checked that the dog is at least eight weeks of age, particularly as they will also be required to sign the certificate.

The Kennel Club agrees that there should be a more responsible and informed approach to owning a dog, and it highlights that the current regulations are not adequately enforced. It said:

"whether you are a bad breeder, a rogue breeder or importing illegally bred dogs, you can pretty much get away with it."—[*Official Report, Rural Affairs and Islands Committee*, 20 September 2023; c 6.]

We must ask ourselves why that is the case and what we can do to improve enforcement of the current regulations. If it is about resources, we must ensure that they are made available. We must tackle supply as well as demand.

There are still some issues in the bill to be ironed out, but the central aim is one that I very much welcome and fully support. I have the privilege of being Christine Grahame's deputy on the cross-party group on animal welfare, and I know how passionate she is about the issue. I pay tribute to her long-standing commitment to animal welfare, of which this bill is another example.

We must and can do more to end the scourge of rogue breeders and ensure that more dogs live happy and healthy lives.

16:06

**Emma Harper (South Scotland) (SNP):** I am happy to speak in support of the general principles at stage 1 of Christine Grahame's Welfare of Dogs (Scotland) Bill. I have long advocated for a variety of policies to support and advance animal welfare, including by taking forward my member's bill on livestock worrying in 2021.

We need to aim for responsible acquisition, giving away and selling of dogs. The minister mentioned the personalities and behaviours of dogs in his opening speech. I have twae border collies: Maya, who won the first Holyrood dog of the year competition, is now 12 years old, and Meg is 13. Those are the twae dugs that we have in our house. As they are collies, it requires a lot to keep their brains active and to give them lots of exercise. They are both rescue dogs. When we think about people acquiring a dog, it is important to talk about the way in which they will do so and about the types of dog personalities.

I put on record my thanks to Christine Grahame and I recognise her work in bringing her member's bill to the chamber. I know the amount of work that

goes into a member's bill, so kudos to Christine Grahame and her team for putting in that hard graft.

As many members will be aware, I have campaigned for stronger action to address the horrific illegal puppy trafficking trade, which others have mentioned. In the time that I have, I will focus many of my comments on that. There has been a real increase in the practice of selling puppies without considering the puppy's welfare. That is a particular issue in the South Scotland region, which Colin Smyth highlighted. The SSPCA reports that illegal puppies are still being brought into Scotland through the port of Cairnryan, and that they are then sold in Scotland and the wider UK.

Illegally bred puppies that are sold through black-market trade on social media or small advert sites have been identified as a significant source of revenue for serious organised crime gangs. Price tags for some designer breeds can reach thousands of pounds. Prosecutors at the Crown Office and Procurator Fiscal Service are concerned that money that is raised by unauthorised puppy dealers from some online platforms could be laundered to support drug traffickers and other criminal activity, as part of a multimillion-pound enterprise. A Scottish multi-agency strategic threat assessment—SMASTA—report that was published last year reported that the market for illegally traded puppies is estimated to be worth £13 million.

So far this year, the SSPCA has received 336 calls in connection with puppy farms and puppy breeding. Many of the pups involved later suffer severe health problems and either cost their new owners money in huge vet bills or are too ill to survive their first months.

That all demonstrates that puppy trafficking is a hugely pressing issue, and it is one that the bill and the proposed code can seek to address. The committee's stage 1 report highlights a quote from Christine Grahame. She said:

"Six years ago, I became aware of the growth in the supply of puppies and dogs purchased online and from puppy factory farms".

She went on to say:

"I decided that, if supply was the issue, the current legislation and policing were not having a sufficient impact and that I should perhaps tackle demand, which would have an effect on supply."

Ms Grahame said that her bill would be

"a valuable tool in the box alongside other on-going work set out by the Scottish Government in the minister's evidence."—[*Official Report, Rural Affairs and Islands Committee*, 22 November 2023; c 14.]

According to the evidence that was taken at committee, that view is supported by the Scottish

SPCA and the Scottish Government. The Scottish Government ran the "Buy a puppy safely" campaign with a budget of £300,000, £225,000 of which was to pay for media and overall development of the campaign, with the remaining £75,000 covering insight and evaluation. The campaign aimed to help people to source their new puppy responsibly by informing them of the consequences of illegal puppy farming, arming them with knowledge of the warning signs to look for and directing them to the "Buy a puppy safely" campaign website.

Although those steps are welcome, as the SSPCA has said, more targeted action is needed to combat the illicit trade, and I believe that the bill will be an additional tool with which to do that.

The Scottish Government has set out its support for the general principles of the bill but has outlined areas where it feels that the bill could usefully be amended. I believe that the bill would have huge value in improving the welfare of dogs. I welcome Christine Grahame's commitment to working with the Scottish Government on it.

16:11

**Edward Mountain (Highlands and Islands)**

**(Con):** Before I go any further, I declare an interest that is not one of my entries in the register of interests. I have, sitting at home, seven four-week-old Labrador puppies that will no doubt be clamouring to be fed, although perhaps not to see me. We and, I think, others who own dogs take puppies very seriously.

I will not be so ungentlemanly as to suggest that I do not remember the song that Christine Grahame mentioned about the puppy dog in the window. I clearly remember that song. I am very glad that we have moved on from the days when puppy dogs for sale were in the windows of pet shops, which sparked people to go into shops and buy them on impulse.

What is not to like about the bill? It talks about improving the health and wellbeing of dogs. We all want to do that. We need to remember when we talk about the bill that two thirds of households across the United Kingdom have pets in them.

Pet ownership is a really big undertaking. I do not believe that it is a right; I think that one must seriously consider it before taking it on. When it comes to buying a puppy, the price varies. It can be as low as £1,000 and can go up to £2,500 to £3,000. It is a huge investment to buy a properly bred puppy from somebody who has looked after it properly. It is a big expense every time one buys a sack of food: it costs about £34 for 15kg of food.

It is also a big expense to take dogs to the vet. Vets do not cost 50p, and rightly so, because they

give excellent care to our dogs. Last year, I took one of my dogs to the vet school in Edinburgh. Unfortunately, the treatment that it got was not sufficient to save the dog, but it was hugely expensive. There comes that choice, when we look after a pet; we have to understand the whole-life cost of taking on the pet.

There are parts of the bill that I agree with. I am happy with part 1. The code of practice and the questions that are in it are really good. The questions are ones that we should be asking ourselves.

I like that the bill says that puppies below eight weeks of age cannot be sold. Why would a person want to do that? It is not in the puppy's interest or in its mother's interest. It is also good news that the bill would require people to see the mother before buying a puppy. That gives a really good indication of the health of the puppies and of how the mother is being looked after, which I think gives an indication of whether one is getting a decent puppy.

I have a slight problem with the provision relating to the certificate that must be signed and the fact that it must be kept for the duration of the puppy's life. One might hope to have a dog for 14 years, if one gets a good run of things. I am not sure that I can find all the paperwork for my eldest dog, who is 10 years old at the moment—it is in a desk somewhere—so I am a bit concerned that keeping the certificate might be difficult. I am also slightly worried about enforcement, should one be unable to produce the certificate. That would probably not happen through lack of trying, so some people might be caught out.

**Christine Grahame:** Can Edward Mountain locate his marriage certificate and children's birth certificates? He could just pop the dog's paperwork beside them. [*Laughter.*]

**Edward Mountain:** No, I cannot, but my wife can. She reminds me of where my marriage certificate is at all times.

I like part 1 of the bill, but I would like to see a bit more scrutiny of it at stage 2.

I am conscious of time. I just want to comment on microchipping. I believe that it is important to microchip dogs. Puppies are taken to the vet at eight weeks for that to be done. That is probably the earliest suitable time to put a slightly larger needle into the dog.

If the puppy changes hands and the new owner does not change the database to keep it up to speed, however, that could be a problem. I was privileged to be part of the British Veterinary Association dinner at which I heard that vets do not want to have to police the database to ensure that the dog that they are treating has the right

microchip. They want to give the dog the best treatment possible; they do not want to worry about that when the dog is presented. We have no way of policing the database.

I am happy with part 1, but less happy about part 2 of the bill. However, I am very happy to support the bill this evening and I look forward to being given the opportunity at stage 2 to lodge amendments on areas of concern.

16:17

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I will not try to do a vote of thanks for what was a well-informed debate. I thank Christine Grahame for what I understand were the six years of work that lie behind her bill and for the evidence that she provided to the Rural Affairs and Islands Committee. I know that the welfare of animals is a subject that is very close to Ms Grahame's heart, and she should be commended for her consistent advocacy on that subject in this place.

Our history as a nation of dog lovers has been alluded to, and dogs have played a key role in Scotland's folklore. Countless people visit Greyfriars Bobby's grave every year and Mary, Queen of Scots was well known for her love of dogs, having acquired that affection during her time in France. Incidentally, it is believed that, upon the execution of Mary, Queen of Scots, her loyal canine Folly, a terrier, was found hiding at her feet. You will be pleased to know that I will not continue much further in that vein, Presiding Officer. I am prompted to mention it all merely through the sudden recollection of Christine Grahame's campaign some years ago to repatriate to Scotland the respective components of Mary, Queen of Scots.

In the Rural Affairs and Islands Committee, there was a widespread acceptance that the aims of the proposed legislation are good. We can always do more to ensure the legality, safety and robustness of the way in which dog breeding and dog sales are governed. Therefore, I believe that, on the whole, we should support the general principles of the bill at stage 1.

The bill proposes a new code of practice regarding acquiring and supplying a dog. Although powers already exist to introduce codes of practice relating to animal welfare under sections 37 and 38 of the Animal Health and Welfare (Scotland) Act 2006, the proposed code is structured around the duty of care that will be placed on the owner to meet welfare needs, which are based on the internationally recognised five freedoms approach.

As an MSP for the Western Isles, where the use of working dogs is still important, I believe that we should consider whether the scope of part 1 of the bill should extend to all dogs, regardless of the

purposes for which they are kept. Indeed, the Scottish Government's current code of practice for the welfare of dogs applies to all dogs, whether they be pets or working animals. After hearing evidence from stakeholders and reading the written responses to the Rural Affairs and Islands Committee, I believe that such a proposal is worth considering.

Although some proposals in the bill will not have entirely convinced some members of the committee that they are necessary to improve animal welfare, I am confident that there is scope for useful and helpful amendments from members across the Parliament to ensure that the bill does what it seeks to do, which is to ensure the long-term welfare of Scotland's dogs. As other members have pointed out today, that is often in the face of great cruelty and, very often, in the face of organised crime.

On that basis, I am very happy to support Ms Grahame's bill at stage 1 and to endorse its general principles.

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

16:20

**Ariane Burgess:** As we have heard, having a dog as a pet can bring such joy and comfort and other benefits. That is why the Scottish Greens have been working to secure rights for tenants to keep pets. Prospective pet owners need to be aware of the risks, however.

Recently, a neighbour of mine was bitten by a dog while out running. The owners were right there, but they could not control their dogs. That contrasted sharply with another recent encounter, when a dog appeared on a path where I was running. The dog could have reacted aggressively, but it stood there, looked at me and then looked back at its owner, who was walking along another path. So much comes down to training.

It is a real skill to properly train and control a dog, and to do so while centring animal welfare. Puppies that are born into a low-welfare environment can develop behavioural issues that pose a risk—to humans, to other dogs and especially to livestock during lambing season. There are two issues here: improving awareness of the responsibility and skill involved in training, handling and caring for dogs; and deterring the illegal breeding and selling of dogs, to give them the best possible start in life.

On the latter point, ideally we would work with counterparts across the UK to address cross-border issues, such as unvaccinated pups from intensive puppy-rearing systems being imported

into Cairnryan ferry port in appalling conditions, as we have heard about today, to be sold in Scotland.

The bill puts animal welfare front and centre, and I know that Christine Grahame cares deeply about that. I will continue to work tirelessly and constructively with her to ensure that the legislation is effective. In that pursuit, I will highlight some key asks from animal welfare organisations.

Alongside the code of practice, there needs to be a public education campaign to help bring about the necessary human behaviour change and to prevent the impulse purchasing of dogs. There is a need for clarity around how the certificate will be enforced. In general, there is a need for improved resource for enforcing the new legislation, as well as existing legislation around the sale, trade and health and welfare of pets. That must include resource for local authorities, which could use it to improve data sharing on those issues. Finally, monitoring and tackling the online trade in dogs will be critical, and it is good to hear that there is a potential way forward through microchipping.

The bill admirably shines a light on issues that must be addressed to uphold animal welfare. I encourage members to extend that concern to other animals as well. Our farm animals are routinely subject to painful operations without anaesthetic, something that most people would not dream of accepting for their pets. Just as the Welfare of Dogs (Scotland) Bill aims to promote public awareness of how human behaviour impacts on canine welfare, I would like to promote better awareness of how human activity impacts on the welfare of all other sentient beings—on our farms, in our seas and throughout our natural world. The bill is a great place to start, and I fully support its general principles.

16:24

**Rhoda Grant:** This has been a good debate, and there has been much consensus around the need for further education on purchasing dogs. That point was made by Christine Grahame and amplified by many members—indeed, all members—who spoke this afternoon. That means education to encourage people to think, to ensure that people know how to identify a rogue breeder and to ensure that people know what is required for a breed and whether it will be suitable for their home.

Colin Smyth talked about impulse purchasing and, to prevent that, having people pause to think. A number of speakers, including Colin, have talked about puppies being found at Cairnryan having been smuggled into the country. If Cairnryan appears to be a place where illegal

puppies are being smuggled into the country, I wonder whether the Scottish Government might speak to Irish counterparts to try to put a stop to that.

Colin Smyth also talked about the certificate that, under the bill, would be required to be signed by sellers and buyers, and about sellers and buyers having to answer a number of questions, which are outlined in the bill, before they could get that certificate. The certificate itself was not a cause for concern, because it would provide a pause, but there were concerns about those certificate questions being in the bill. People have been very clear that the questions are necessary, and a number of people talked about having more questions. Colin Smyth and Maurice Golden talked about breed-specific questions on health and on what to look out for and what should be discouraged during the purchase of a dog such as one of the flat-nosed breeds that have difficulty in breathing. I am minded to support the suggestion that the questions be set in regulations so that they can be updated and modified as necessary, which Christine Grahame might consider as we go through to stage 2 of the bill.

A number of members have talked about the code of practice, which the bill legislates for. We heard in committee that the Scottish Government already has powers to introduce a code, but the bill would extend those powers and put pressure on the Scottish Government to use them, because it was in 2010 that the existing code of practice was last updated. Christine Grahame is clear that that code of practice is unwieldy and far too long, and that the one under her bill would be much shorter and would be user-friendly and educational, rather than punitive. However, a number of those who gave evidence, such as the SSPCA, thought that it would be better and simpler to keep to one code.

**Christine Grahame:** Apart from the fact that I consider the existing code to be unwieldy and that it is directed at people who already have a dog, my concern is that I do not think that many people read it. I would be interested to know whether the Government has any data on how many people have read that code. In contrast, my code is short and, under the bill, before getting a dog, a person would have to sign a certificate to say that they had read it, as would the person who was transferring the dog.

**Rhoda Grant:** I absolutely take that on board, but there must be a way that we could simplify it to get to the place where Christine Grahame wants us to go, with people reading the code, taking it on board and, indeed, acting on it. If they do not—Colin Smyth mentioned this in his speech—should there be penalties for a breach and should there

be better enforcement of current regulations? We might need to see that.

There has been discussion in the debate about pets and working dogs. In her opening speech, Christine Grahame said that she was considering extending the bill provisions to working dogs. We all know that people want to buy working dogs that will do a job for them and that they take much more care when doing that. However, if a loophole were created whereby people could opt to say that their dog was a working dog and did not need to be registered, that would be an issue. I do not believe that someone buying a working dog would have to take any further action if they also had to fulfil the requirements of the bill—they would already be taking those actions to ensure that they were getting a dog that was fit for purpose.

There has been agreement that the bill and any subsequent publicity would raise awareness, which, in itself, is a positive outcome. However, we need to deal with the illegal traders who go to great lengths to cover their tracks. I ask the minister, who said in his opening remarks that the bill would not stop the illegal trade, whether he would work to strengthen the bill. I urge him to do so in order to stop that trade.

16:29

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I am grateful for the opportunity to close the debate on behalf of the Scottish Conservatives. I congratulate Christine Grahame on successfully bringing the bill to Parliament at last.

As we have heard today, we are a nation of dog lovers. I have three dogs, in which I take great pride and from which I take great enjoyment. However, I could not choose which one I would bring to the Holyrood dog of the year competition, so I choose not to enter. It would be simply unfair to choose only one, because they are all too gorgeous.

In our naivety, we believe that dogs are purchased with thought and care, and that no one would buy a puppy that came from a disreputable breeder. However, that is not the case, as the examples that colleagues have given have demonstrated. Bad practice was demonstrated during the Covid pandemic, when demand outstripped supply. As my colleague Maurice Golden said, it is the demand for dogs that gives the unscrupulous breeders an opportunity to exploit. As we know, that has led to animal abandonment and a crisis in the rescue sector.

Many members and animal welfare charities recognise that the issue that needs to be tackled is that of awareness—or, according to the PDSA, lack of awareness. I wonder why that issue needs

to be tackled if, as the minister said, the Scottish Government's awareness campaign has been so successful. Furthermore, Rhoda Grant said that we might be able to help potential owners to identify rogue dealers. Although that might be desirable, it might not be achievable through the lens of the bill.

Jamie Halcro Johnston highlighted the fact that some dog owners find that they cannot provide the right care for their dogs. As my colleague Edward Mountain, who is an informed dog owner and breeder, said, it is essential for the happiness of animals to ensure that dog owners know what they are doing. Similarly, Colin Smyth spoke about the lack of understanding of owners. Addressing that issue is an important part of the bill. Part 1 would deal with knowledge gaps, but the committee noted that the questions pertaining to the code should not be included in the bill. It is clear that that needs to be fleshed out.

As Edward Mountain highlighted, part 2 of the bill is also problematic. I agree with Gillian Martin, who was the relevant minister at the time, and the committee's stage 1 report that part 2 should be removed at the next stage. The report specifically notes the concerns about the workability and the enforcement costs of the proposed registration scheme that were highlighted by a number of local authorities and other organisations. There is also the uncertainty about the length of delay before the proposed registration scheme would be introduced.

However, I welcome the fact that Christine Grahame is open to exploring alternative approaches to improving traceability. I will follow with interest the progress of her suggestion about having a centralised database of microchip data, and I know that my colleagues will do so, too. An important caveat that is noted in the stage 1 report in relation to that alternative approach is the need for it to be taken on a collaborative basis with the UK Government, as Christine Grahame highlighted.

I would welcome further discussion on the inclusion of the proposed code in the existing code of practice for the welfare of dogs, which came into force in 2010, which is an issue that the committee discussed at length. The incorporation of the proposed code into the existing one would minimise any potential confusion for the public, as our convener, Finlay Carson, mentioned earlier. Moreover, as the committee noted in its stage 1 report in relation to a concern that was raised by the Scottish SPCA, incorporating the proposed code into the existing code would also provide for more practical enforcement in relation to animal welfare investigations.

Christine Grahame said that she believes that the new code will somehow address the issues

with the current code, of which she said that there is little awareness. However, how will a certificate—a piece of paper—become enforceable? Is that practical? We need to flesh out the answers to all those questions during the stage 2 process.

**Finlay Carson:** Does the member share my concern that a piece of paper might give credibility to an illegal puppy breeder? How do we get around the fact that, if there is no enforcement behind it, a piece of paper might lead to people believing that they are dealing with someone who is reputable when that is not the case?

**Rachael Hamilton:** I agree that there is the potential for the certificate to be open to abuse and I am yet to be convinced that a piece of paper will tackle illegal puppy dealers and rogue traders. I am really concerned about that. The other problem is that people could get fake certificates. We just do not know how that is going to pan out.

**Christine Grahame:** I think we are going down a rabbit hole. I am by no means saying that a piece of paper will prevent illegal puppy breeding, but what it will do is ensure that the public will prevent that. That is the whole thrust of the idea. I use the term "policing by the public". If members of the public read the code before getting a puppy, and if they check that puppy and see it with its mother, they are policing that. The piece of paper will only say that they have read the code and understand it, but it will make them take time. What will make an impact is the fact that the public are doing that, because that is who we must rely on. Trying to stop supply when the legislation is beyond us has not been working.

**Rachael Hamilton:** Christine Grahame is absolutely right to say that what is in place has not been working, but Jim Fairlie said that awareness campaigns have been successful, so I do not understand how this awareness campaign could be more successful than the previous one, even though we want to achieve that success.

Christine Grahame's bill represents a valuable opportunity to provide greater protections and improved welfare standards for dogs, and the Scottish Conservatives will be delighted to support the general principles of the bill at stage 1.

**The Deputy Presiding Officer:** I call Jim Fairlie to respond on behalf of the Scottish Government.

16:37

**Jim Fairlie:** I am pleased to hear such broad support from across the chamber for the general principles of the bill, which we share.

There are many interrelated issues regarding the responsible breeding of, access to, and acquiring of puppies or dogs. Owners should

make a commitment to care for those dogs throughout their lives and we can help the public to make informed choices.

The bill does not attempt to solve all those issues, but it raises the importance of behavioural change in tackling many of them, which will take time, engagement with educational resources, and effective public awareness raising. There is merit in creating additional and up-to-date resources to be used as part of a long-term plan dedicated to achieving vital behavioural change among dog owners as a whole.

As we have heard, it is imperative to invest in public awareness campaigns to encourage engagement and to ensure that responsible dog ownership is at the front of people's minds. To answer Rachael Hamilton's point, we have very good figures for previous campaigns, but we must reiterate that message, which is not a stand-alone piece of work.

**Rachael Hamilton:** Although Christine Grahame, who is the architect of the bill, does not want this to happen, has the Government considered either reviewing the current code to make it simpler and easier or bringing the codes together?

**Jim Fairlie:** We are working with Christine Grahame to look at the best way forward, which might be by interlinking the code in the bill with the one that already exists. We are very open to working to find the best possible solution to make things work.

The point that I was about to make is that anyone can get caught out. I have been working with dogs for my entire life. I was determined to buy myself a red bearded collie pup, but I could not get one anywhere. I tried for years to breed one, but I could not get one. Eventually, I saw an advert in the paper for a red bearded collie pup down in the Borders, so I jumped in the car with my daughter—which was a big mistake—and drove down to the Borders to look at that pup.

It was supposed to be a working pup from a farm, but it was in a house on a council estate. The girl gave me the story that it was from her father-in-law's farm. She said that he had been very ill and the dog had not been looked after. The dog was not well, and my daughter said, "We can't leave it here, Dad." That is the point. People should not go and look at the pup because, once they have looked at it, they are going to buy it. It is one of those things about head over heart and heart over head. Anybody can get caught out. We ended up spending thousands of pounds on that pup and eventually had it put down.

We all have a responsibility to set the highest standards and ensure that we do everything in our power to educate the breeders, the sellers, the

owners and, more important, prospective owners on how to meet a dog's needs and ensure that they are buying from a reliable source. We have a shared responsibility towards Scotland's dogs. Most important, we have a responsibility to show solidarity with and provide Government support for organisations such as the SSPCA and the Dogs Trust, which interact with the public daily, working relentlessly to improve responsible dog ownership and tackle the illegal puppy trade.

In the past year, there was a lot of concern when the UK Government announced the ban on XL bully dogs. The Scottish Government is committed to the "deed not breed" approach but, unfortunately, we had to follow the UK legislation. We do not want to find ourselves in that position again.

I announce that the Minister for Victims and Community Safety, Siobhian Brown, and I will hold a responsible dog ownership and control summit on 26 June this year. The summit will provide an opportunity for us to hear at first hand from stakeholders who are dealing with the various aspects of dog ownership and control in our communities. It will provide an opportunity for a free exchange of ideas in a focused environment to discuss how the current laws and approach on dangerous and out-of-control dogs are operating and what further measures are needed to improve public safety and continue to improve the welfare of dogs.

**Finlay Carson:** Minister, in the past, we have relied on Christine Grahame introducing legislation on the control of dogs, and we now have her bill on the welfare of dogs. In your discussions, will you consider introducing a consolidation bill to pull all the different bits of legislation together? At the BVA dinner last night, there was some discussion about the fact that there are far too many bits of legislation. My colleague Maurice Golden could bring forward something on electric shock collars, and my colleague Jeremy Balfour previously proposed legislation on pet shops. Will you consider bringing all the pieces of legislation together to start to work for the benefit of the welfare of dogs?

**The Deputy Presiding Officer:** I ask members to speak through the chair, please.

**Jim Fairlie:** Finlay Carson's point is very well made. One reason why we want to bring the round table together is to do exactly that—to look at what legislation there is, whether it is too cluttered and whether there is room for us to bring it all together.

With that in mind, I close by saying that we are committed to ensuring—with Christine Grahame, the committee and the Scottish Government's next steps—that we fulfil the responsibility of making sure that dog welfare is at the heart of what we do.



**The Deputy Presiding Officer:** Thank you, minister. I invite Christine Grahame to wind up the debate.

16:42

**Christine Grahame:** I will comment on one or two of the contributions that have been made in the debate. I have already responded to some points in my interventions. On the types of dog that the bill should apply to, my initial preference was for the code and the certificate to apply only to dogs that are intended to be pets. As I said, however, the committee's scrutiny has highlighted a potential loophole. On that basis, I am seriously considering amending the bill at stage 2 so that the code and the certificate will cover all dogs.

On publicity, which Ariane Burgess raised, I could not agree more with the committee's clear view that the public awareness that accompanies the bill will be vital. I have pressed the Government for years to show the same serious commitment to publicity for members' bills that it shows for its own bills. That is why I have estimated funding for a sizeable initial campaign and then follow-up work in future years to raise awareness. After all, the Parliament passes members' bills just as it passes Government bills. They all become acts of the Scottish Parliament and they all deserve to be treated equally.

**Rachael Hamilton:** From what Christine Grahame has said, it seems that she is filling a void. She is providing something that is needed, but she is not getting back-up and support in the form of a Government commitment to awareness raising. If you did not take the bill forward, would you be happy for the Government to consolidate the animal welfare legislation, give it backing and support a public awareness campaign?

**The Deputy Presiding Officer:** I ask members to speak through the chair, please.

**Christine Grahame:** I am not going to give an off-the-cuff response to that, but it is worth considering. When I was a solicitor, I saw much consolidated legislation and it was very useful.

The certificate is simply evidential. I gently suggest to Edward Mountain that he checks with Mrs Mountain where their marriage certificate and the children's birth certificates are. I am sure that his wife will know if he does not. [*Interruption.*] Mr Mountain can intervene, if he likes.

I stand by my comment that I believe in a separate code. I refer to paragraph 45 of the Rural Affairs and Islands Committee's stage 1 report:

"The majority of the Committee agrees with Christine Grahame that a standalone, concise and accessible code of practice relating to the acquisition of dogs would seem more likely to engage and, therefore, inform prospective

dog acquirers than incorporating the proposed code into the existing 36-page 2010 code."

Game, set and match.

On some of the core criticisms of the content of the code being on the face of the bill, I stand by my view that the elements of the code that I set out will stand the test of time. They are just the questions that good owners or prospective owners ask themselves. The bill allows for more content to be added to the code over and above those points. I appreciate that the committee and the Government consider that approach to be unusual—or, as Sir Humphrey would have said in "Yes Minister", courageous. The Government has indicated that it will seek to amend the bill in that regard. I will consider the purpose and effect of those amendments closely, in advance of deciding my position at stage 2.

As I intimated in my opening speech, I support the removal of part 2, with the caveat that meaningful work be undertaken on a UK-wide single portal for microchipping information. I am delighted to tell the chamber that I have communicated with the Department for Environment, Food and Rural Affairs. I wrote on 11 March, and had back a lovely letter, dated 15 April, from Lord Douglas-Miller, who is Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs, about a UK-wide dog microchipping database. I am happy to share that letter with members, because this is a collegiate and collective issue. In my view, there is no point in having a portal just for Scotland. It is good to have it on a UK-wide basis.

DEFRA did a huge consultation. To quote the letter:

"We have recently published our response to this consultation, which is available at"—

the link is given—

"in which we committed to introducing a single point of search portal. My officials will be discussing with their counterparts in the devolved Administrations the scope to devolve the portal on a UK basis."

That is good news for animal welfare—for dog welfare in particular. The letter continues:

"The planned reforms will improve traceability by requiring information on the dog breeder to remain as a permanently accessible part of the microchip record, as well as requiring a dog's first keeper to supply the microchip number of the puppy's mother. This information will remain permanently accessible for enforcement purposes."

The letter goes on. I do not want to spend too much time on it—I know that it is late in the day—but it is a really positive letter, and I hope that the UK Government, the Scottish Government, the Welsh Government and Northern Ireland will

collaborate. Just think of the difference that that would make, even in respect of the illegal puppy factory farms, as I call them. It is an insult to call them farms—they are factory farms; they are factories. If we can deal with that and if we have a database that applies to Northern Ireland as well, we might get somewhere.

Finally, as other members have mentioned their dogs, I will conclude with my fond memories of my long-gone dog, Roostie. She was a wonderful, loving Irish setter—a puppy that came from a gamekeeper's setter. The mother had a litter, and of course the gamekeeper did not need all the puppies. That was in Twynholm—I make reference to Galloway because I lived there at the time—and we took her back to Old Minnigaff. It was the gamekeeper who said, "Come on, I'll show you the puppy's mother," because I was a novice at all that.

Roostie was a wonderful dog and, best of all, she taught me how to be a good owner; people learn a lot from their dogs. I am not going to get emotional—I refuse to be emotional—but, 40 years later, I still have her collar and leash, and I still have a picture of her upstairs, beside my computer. The bonds that we make with those animals, whether it is one dog or a succession of dogs, or whatever, are for ever. I want all puppies and dogs to have the kind of life that members' dogs have, and that Roostie had right from the beginning, until I had to have her life ended peaceably at the end of the day, as is part of owning a dog.

Assuming that the general principles of the bill are agreed, I look forward to line-by-line consideration by the committee at stage 2. Let us do something, please, to ensure that we have a good relationship with owners and their puppies, and that we stop illegal factory farming as best we can. Thank you. *[Applause.]*

**The Presiding Officer (Alison Johnstone):** That concludes the debate on the Welfare of Dogs (Scotland) Bill at stage 1.

## Poverty and Inequality Commission (Appointments)

16:50

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of motion S6M-13131, in the name of Shirley-Anne Somerville, on appointments of the chair and commissioners of the Poverty and Inequality Commission.

*Motion moved,*

That the Parliament notes the Social Justice and Social Security Committee's consideration and recommendation of seven appointments to the Poverty and Inequality Commission at its meeting on 18 April 2024, and, in accordance with the Child Poverty (Scotland) Act 2017, approves the appointment by the Scottish Ministers of Peter Cawston, Kim Dams, Taliah Drayak, Louise Hunter, Ross McQueenie and Rami Okasha as members of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028, and of Paul Fletcher as a member for the period from 1 December 2024 to 30 June 2028, and further notes the Committee's consideration and recommendation of the extension of the short-term appointments by the Scottish Ministers of Professor Stephen Sinclair as Chair of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028, and of Professor Suzanne Fitzpatrick as a member of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028.—*[Shirley-Anne Somerville]*

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

## Motion without Notice

16:50

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.50pm.—*[Jamie Hepburn]*

*Motion agreed to.*

## Decision Time

16:50

**The Presiding Officer (Alison Johnstone):** There are three questions to be put as a result of today's business. The first question is, that motion S6M-13129, in the name of Richard Lochhead, on the Data Protection and Digital Information Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions in the Data Protection and Digital Information Bill, introduced in the House of Commons on 8 March 2023 and subsequently amended, so far as these matters fall within the legislative competence of the Scottish Parliament should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S6M-12991, in the name of Christine Grahame, on the Welfare of Dogs (Scotland) Bill at stage 1, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Welfare of Dogs (Scotland) Bill.

**The Presiding Officer:** The final question is, that motion S6M-13131, in the name of Shirley-Anne Somerville, on appointments of the chair and commissioners of the Poverty and Inequality Commission, be agreed to.

*Motion agreed to,*

That the Parliament notes the Social Justice and Social Security Committee's consideration and recommendation of seven appointments to the Poverty and Inequality Commission at its meeting on 18 April 2024, and, in accordance with the Child Poverty (Scotland) Act 2017, approves the appointment by the Scottish Ministers of Peter Cawston, Kim Dams, Taliah Drayak, Louise Hunter, Ross McQueenie and Rami Okasha as members of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028, and of Paul Fletcher as a member for the period from 1 December 2024 to 30 June 2028, and further notes the Committee's consideration and recommendation of the extension of the short-term appointments by the Scottish Ministers of Professor Stephen Sinclair as Chair of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028, and of Professor Suzanne Fitzpatrick as a member of the Poverty and Inequality Commission for the period from 1 July 2024 to 30 June 2028.

**The Presiding Officer:** That concludes decision time.

*Meeting closed at 16:51.*



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