



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Thursday 21 November 2024

Session 6



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# Scottish Parliament

Thursday 21 November 2024

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

## General Question Time

### Residents of Unlicensed Temporary Accommodation

1. **Lorna Slater (Lothian) (Green):** To ask the Scottish Government what its response is to reports that City of Edinburgh Council plans to move up to 700 residents living in unlicensed temporary accommodation this winter without suitable alternative accommodation being available. (S6O-03997)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Everyone has the right to a safe and suitable home. The Minister for Housing and I have twice met the leader and housing convener of the City of Edinburgh Council and we have pledged to work with the council on its plans to resolve the problem. Scottish Government officials are meeting daily with council officers and all options are urgently being explored to ensure that the affected residents are fully supported and, where necessary, safely rehoused.

**Lorna Slater:** The situation in Edinburgh shows the overwhelming need for an urgent, human rights-based response to the housing emergency by ministers and local authorities. There must be no dilution of the existing legal protections for people experiencing homelessness. Will the cabinet secretary work with the local authority, local stakeholders and any public bodies that may have suitable accommodation to find a pragmatic solution to ensure that no one ends up on the streets after 30 November?

**Shirley-Anne Somerville:** The Minister for Housing and I were pleased to meet yesterday with Lorna Slater and representatives of charities working in Edinburgh to outline the urgent steps that we are taking, alongside the council, to find a solution. I said at that meeting, and am happy to confirm again today, that we are looking at all the options that the Scottish Government could undertake, and that we will do so in conjunction with stakeholders so that we can be assured that we are aware of the consequences of any proposed change and can base any proposed solutions on data and evidence. I make that commitment again today to Lorna Slater and to those who were at the meeting that we both attended yesterday.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I thank the cabinet secretary for her answers so far and for the collaborative approach that is being taken with the City of Edinburgh Council to address a worrying situation. The situation is partly a product of the housing emergency, which is most acute in the capital. Will the cabinet secretary set out what additional and specific support the Scottish Government is providing to the City of Edinburgh Council, and will she say what share of the £40 million housing acquisition fund is being allocated to Edinburgh?

**Shirley-Anne Somerville:** The £40 million housing acquisition fund has, in the main, been targeted at the local authorities facing the greatest pressures. That means that Edinburgh will receive just over £14 million of that £40 million allocation, which it can use both for acquisitions and to bring void properties back into use. The issue of void properties is usually dealt with solely by councils, but the Government has stepped in to give further flexibility. That takes the total amount available for investment in affordable housing in Edinburgh to more than £49 million this year.

### Dental Extraction Waiting Times (Rural NHS Boards)

2. **Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government what steps it is taking to reduce waiting times for dental extractions in rural national health service board areas. (S6O-03998)

**The Minister for Public Health and Women's Health (Jenni Minto):** Any long wait for surgery is highly regrettable. However, it is important to note that the overwhelming majority of NHS dental care is delivered in a primary care setting.

We are working with health boards to develop detailed annual delivery plans to support waiting list reductions and improve productivity. We continue to target resources to ensure that those who have been waiting longest are treated as soon as possible.

**Martin Whitfield:** The results of a freedom of information request made to NHS health boards reveal a failure to deliver adequate dental care across Scotland. In NHS Dumfries and Galloway, children wait an average of 42 weeks, those in NHS Ayrshire and Arran wait for 20 weeks, and NHS Lothian has seen waiting times rise by almost 300 per cent since 2019.

The NHS is an emanation of the state, and article 24 of the United Nations Convention on the Rights of the Child is clear that every child has a right to the

"highest attainable standard of health"

and access to essential care. What is the Scottish Government's defence of its failure to live up to that human right?

**Jenni Minto:** I recognise that the waiting lists for young children are far too long. I have visited the dental hospital in Glasgow to see what work it is doing to improve throughput and the work that it is doing with health boards. I also met the British Dental Association Scotland last week and listened to its concerns. As I noted in my first answer, we expect health boards to deliver annual delivery plans to clearly set out how they will address long waits across all specialties, including paediatric dentistry.

### Firework Safety

3. **Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government whether it will provide an update on how it can make communities safer from the use and impact of fireworks. (S6O-03999)

**The Minister for Victims and Community Safety (Siobhian Brown):** We have introduced a number of measures to limit unsafe and antisocial use of fireworks, including restrictions on supply and powers for local authorities to designate firework control zones. Like the police and partners, we are keen to explore further opportunities to address and prevent disorder of the kind that we have seen in some places. I have written to the United Kingdom Government asking for a meeting to discuss what more can be done on fireworks regulation. We will continue to engage with the UK Government to gauge opportunities to improve fireworks regulation.

**Willie Coffey:** The minister will be acutely aware of the traumatic impact that the noise from fireworks can have on family pets and wildlife, with more examples each year of animals actually dying of fright from the noise, and we should not forget people who suffer from post-traumatic stress disorder. Will the Government consider what more it can do to persuade people to opt for silent or low-noise fireworks? They are readily available and just as spectacular in visual displays, but they do not cause any traumatic effects for our household pets and wildlife or the citizens that I mentioned.

**Siobhian Brown:** I agree that fireworks should always be used responsibly, particularly considering the noise impact. I noted with interest that there is a private member's bill in the House of Commons that seeks to mandate the use of silent or low-noise fireworks. The legal maximum noise level for fireworks is defined in the UK-wide legislation. As I said, I have written to the UK Government to request a meeting to discuss updating fireworks regulation. I recognise that we share the goal of enhancing community safety and

wellbeing, and I plan to address the noise issues as part of those conversations.

### Milngavie Primary School

4. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government what discussions it has had with East Dunbartonshire Council regarding the condition of Milngavie primary school. (S6O-04000)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Scottish Government officials continue to be in close contact with East Dunbartonshire Council regarding the condition of Milngavie primary school. The council advised that it has had a number of site meetings at the school with the parent council, councillors and MSPs. It stated that those meetings were positive and helped the council to demonstrate the work that has been completed to date. Further remedial work is planned and the council has assured us that it will continue to engage with the parent council and school community as it progresses.

**Ross Greer:** Milngavie primary school is a Victorian-era building and it is in poor condition. East Dunbartonshire Council had a plan for a full and thorough refurbishment that should have begun by now, but that plan had to be put on hold as a knock-on effect of the previous United Kingdom Government's decision to cut Scotland's capital budget by 20 per cent. The urgent remedial work that has taken place has resolved some of the most acute issues, but a thorough refurbishment of the building is clearly required. That is the consensus of all political parties and elected representatives in East Dunbartonshire.

Is the cabinet secretary willing to visit the school with me? Given the slight relief to Scotland's capital settlement as a result of the most recent UK budget announcement, will the Government consider providing an increase to the learning estate improvement programme to allow both Milngavie primary school and the other schools in East Dunbartonshire that require refurbishment or a full rebuild to proceed?

**Jenny Gilruth:** I thank Ross Greer for his interest in the matter. He has written to me directly and I am happy to confirm on the record that I will visit the school with him and ask officials to continue their engagement with East Dunbartonshire Council.

It is worth putting it on the record that the funding that was announced in the UK Government's autumn statement was broadly in line with our planning assumptions. However, we will continue to look carefully at the context of education consequentials.

Ross Greer will know that the reason why the new UK Government has been forced to prioritise

investment in school buildings is a legacy of the Conservative Government's previous starving of investment in school buildings in England. That is not the case in Scotland, where we have prioritised investment in our school estate. That has been shown in the latest statistics, with more than 91 per cent of our buildings now in good or satisfactory condition.

East Dunbartonshire Council has benefited from £10.2 million for schools in its area through the previous schools for the future programme, and is benefiting through the learning estate investment programme. I am happy to continue to work with Ross Greer on the issue. I recognise the strength of local feeling. Officials will continue to engage with the local authority.

**Pam Gosal (West Scotland) (Con):** Worried parents, including the president of the parent council, have written to me expressing distress over the state of Milngavie primary school. I visited the school premises last month, and it was clear that more substantial work needs to be done. I have also received correspondence from parents at Westerton primary school in Bearsden, who said that that school building is in dire need of repair. What action is the Scottish Government taking to ensure that children's safety in schools is a number 1 priority?

**Jenny Gilruth:** It is worth reminding Pam Gosal that the school estate does not belong to the Scottish Government. It is owned by local authorities. Responsibility for the school estate therefore rests with the local authority.

I very much hear the strength of feeling from Pam Gosal, which has also been reflected by Ross Greer. I hope that she has heard my continued commitment to engaging with the local authority on the issue.

The Government has provided significant additional investment to improve the quality of our school estate. Back in 2007, approximately 61 per cent of the estate was in good or satisfactory condition; today, the figure is more than 91 per cent. That has happened only as a direct result of investment from the Government. I hope that Pam Gosal recognises that, and I commit again to working directly with the local authority on helping to drive the improvements in the primary school that she named.

### Do Not Resuscitate Orders

**5. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what assessment it has made of the number of people who are not aware of a do not resuscitate order being placed on their medical notes, including in relation to next of kin and power of attorney holders. (S6O-04001)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** The Scottish Government does not centrally collect information or data relating to the number or use of do not attempt cardiopulmonary resuscitation—DNACPR—forms. As with all other clinical treatments, decisions about CPR should be based on the individual clinical circumstances and wishes of the patient, and should be recorded appropriately. That is done in hard copy on a DNACPR form, the existence of which is then recorded on an individual's key information summary. Such information is shared only for the purposes of direct care, and is therefore not centrally collected.

**Miles Briggs:** I acknowledge that the Scottish Government is not collecting that information.

Serious concerns have been raised, especially during the pandemic, about the use of do not resuscitate—also known as do not attempt resuscitation—orders. Is the Scottish Government looking at changing that process? What investigation have ministers undertaken to assess how many patients may still be unaware that a DNR order has been placed on their medical notes? Will the cabinet secretary review that, and review the collection of data by the Scottish Government?

**Neil Gray:** I thank Miles Briggs for raising an issue that is, obviously, incredibly sensitive. I recognise the strength of feeling among patients and others whom he seeks to represent today.

In 2016, the DNACPR policy was reviewed to reflect feedback on changes in the United Kingdom-wide national good practice guidance from the British Medical Association, the Royal College of Nursing and the Resuscitation Council UK. A note of legal changes, which had resulted from case law, and specialist legal advice were provided as part of the formation of that policy. The Scottish Government continually reviews best practice and advice relating to resuscitation. We are undertaking work to improve our electronic recording systems, to allow us to provide more clarity on care planning at a local and national level.

In recognition of the sensitivity of the issue, if further discussion in a more private space would be helpful to Miles Briggs, I will be happy to facilitate that.

### Audiology Services

**6. Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to improve access to audiology services. (S6O-04002)

**The Minister for Public Health and Women's Health (Jenni Minto):** Audiology is considered to

be a clinical priority area, and improvement work is now being progressed through the national planning and delivery board arrangements, led by the chief operating officer of NHS Scotland. I wrote to the Health, Social Care and Sport Committee on 23 September to outline that work, and committed to writing to the committee again in January 2025 with a further update on progress.

**Elena Whitham:** The minister will know that it is cost effective to provide hearing-loss services for adults in the community, rather than in hospitals, and that primary care and high street audiologists are expert clinicians who can improve access to care in communities throughout Scotland and can timeously address hearing loss at the right time to reduce associated loneliness and isolation. Does the minister agree that we could benefit from approaching hearing loss in Scotland in the same way as we approach eye tests in the community—as set out in Specsavers’ recent “It’s Time To Talk About Hearing” report—to improve patient experience and relieve pressures on valuable national health service resources?

**Jenni Minto:** Having visited a glaucoma service on the high street, I recognise the benefits of such services to patients, as Elena Whitham outlined. We remain committed to our vision for an integrated community-based hearing service in Scotland. In considering the future direction for the sector, it is right that we move forward in step with the work of the independent review on audiology. That, together with the wider financial and strategic context in which we are currently operating, has necessitated the rephrasing of our commitment on community hearing services. However, we continue to work with NHS, third sector and private providers to identify appropriate models for community care for any future service reform, and we are ensuring that those with lived experience inform that work.

**Carol Mochan (South Scotland) (Lab):** People in South Scotland continue to report to me that, a year after an independent review highlighted multiple systemic problems with NHS audiology services, they are still being left to navigate a bureaucratic maze just to get a proper diagnosis. Will the minister commit to dealing urgently with that bureaucratic maze?

**Jenni Minto:** I recognise the urgency that is required, which is why I am very pleased that the chief operating officer of NHS Scotland is leading the work with the task and finish group. I get regular updates on progress, as do members of that group and third sector organisations.

### **Social Security Scotland (2023-24 Performance)**

**7. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government whether it will

provide an update on the annual performance of Social Security Scotland in 2023-24. (S6O-04003)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Social Security Scotland published its annual report and accounts and its charter measurement framework results this week. The findings show that 90 per cent of respondents said that their overall experience was very good or good. In the previous financial year, we paid more than £1.9 billion to people across Scotland. During that time, we launched the carer support payment nationally and a pilot for the pension-age disability payment. We now deliver 15 benefits, seven of which are available only in Scotland.

**James Dornan:** Of the £1.9 billion that was issued in devolved social security payments across Scotland, more than £277 million was invested in Glasgow, including for my Glasgow Cathcart constituents. Will the cabinet secretary outline, for Glasgow and for Scotland as a whole, how much of Social Security Scotland’s investment went towards devolved benefits that are unique to Scotland and not available anywhere else in the United Kingdom, such as the transformative Scottish child payment?

**Shirley-Anne Somerville:** In 2023-24, Social Security Scotland invested £500 million in benefits that are unique to Scotland. Of that, £80 million was invested in the Glasgow city area. Our investment will support 1.4 million people this year—about one in four people in Scotland. Social Security Scotland’s benefits are helping to keep children out of poverty, assisting people to deal with rising living costs and supporting disabled people and those who devote their time to caring for others.

### **Road Policing**

**8. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government what its response is to His Majesty’s Inspectorate of Constabulary in Scotland’s latest report on road policing. (S6O-04004)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** My thoughts are with all those who have been affected by road deaths. I am grateful to HMICS for producing its report. Although it is for the chief constable to determine how to allocate her resources, I welcome the confirmation that the service is already taking action to address the issues that have been raised, including the identification and implementation of a sustainable model for road policing.

**Mark Ruskell:** It is quite clear that speed kills, and that communities across Scotland are fed up with dangerous speeding that goes undetected,



unenforced and unpunished by the police and the courts. That is a rural problem but it is also an urban problem. Does the cabinet secretary believe that it is time to devolve responsibility for speed enforcement to councils, allowing communities to control dangerous speeding and creating a much-needed source of revenue to invest in safer streets?

**Angela Constance:** In terms of investment, I assure the member that road safety is a priority for the Scottish Government and Police Scotland, which is why we are investing a record £36 million this year to deliver initiatives that are aimed at improving driver behaviour and, ultimately, helping to reduce the number of casualties on our roads.

The member may also be aware of the new digital evidence-sharing capability system, which will enable members of the public to upload footage from mobile devices or computers, making it easier to share evidence, allowing swifter access to justice and helping cases to be resolved more quickly.

## First Minister's Question Time

12:00

### Public Finances (Transparency)

**1. Russell Findlay (West Scotland) (Con):** The Auditor General's latest report on the Scottish National Party Government's spending and public services is absolutely scathing. He lays bare the risks that are facing critically important front-line services because of this Government's lack of transparency. He says that the Scottish Government

"has not been sufficiently transparent with the Scottish Parliament or the public about the current fiscal situation."

Why is John Swinney's Government so addicted to secrecy and so disrespectful towards the paying public?

**The First Minister (John Swinney):** There are two points that I would make in response to Mr Findlay's question. The first is on the question of fiscal sustainability. The Government has balanced the budget for every one of the 17 years that it has been in power and, as a consequence, we have lived within our means on every occasion that we have had a budget to balance.

The second point that I would make is on the question of transparency around the financial challenges that are facing the Parliament. I do not think that anyone listening to anything that ministers have said over the past 14 years could have in any way escaped the reality we have set out that the fiscal constraint of the austerity of the Conservatives has put unbearable burdens on our public finances and that this Government has delivered against that formidably difficult climate.

**Russell Findlay:** That is just the usual SNP whataboutery. This is not the first independent investigation into SNP finances, and I am quite sure that it will not be the last.

The Auditor General says :

"The Scottish Government does not know what savings will result from reform, or what reform efforts will cost".

I will put that into layman's terms: this chaotic Government does not have a clue. It does not know how much its plans will cost or even how much money it might save. Here is a chance for John Swinney to be more transparent. Does he have any idea—any idea at all—how much his proposed reforms will save taxpayers?

**The First Minister:** As I said in my first answer, the Government has lived within the resources that are available to us. We have balanced the budget. Is that not evidence enough for Mr Findlay that this Government is able to manage the public

finances whenever we have the opportunity to do so?

On 4 December, the Government will set out a budget to Parliament, which will be the accumulation of the choices that we have made about how we invest in our public services and what we ask people to pay to support those public services. That is the honest conversation that this Government has with the people of Scotland. That is what we have done in the past, and that is what we will do again on 4 December.

**Russell Findlay:** John Swinney does not seem to have a clue. I commend the Auditor General's report to him, because he clearly has not read it.

The Auditor General says that the Government has broken a commitment to deliver savings. If John Swinney would like to listen, I will quote extensively from the Auditor General. He says that there is no

“clear vision”

for improving public services; that

“the impact on outcomes is not currently considered or monitored”;

and that the Government

“is not providing effective leadership.”

Under the SNP, there is no leadership, no transparency and no answers; just broken promises, pathetic excuses and ministers making it up as they go along. That is what a John Swinney Government really looks like, does it not?

**The First Minister:** Russell Findlay might be in a slightly stronger position to argue his case—*[Interruption.]*

**The Presiding Officer (Alison Johnstone):** Excuse me, First Minister. I ask members to refrain from interrupting those who have been called to speak.

**The First Minister:** Mr Findlay might be in a slightly stronger position to provide analytical support to the Parliament if he had not been the person who argued that I should follow the example of Liz Truss. If I had followed the example of Liz Truss, we would have acute problems in the balancing of our budget this year, because Liz Truss and her loyal Scottish ally Russell Findlay would have taken us to the economic and fiscal disaster that she inflicted on the United Kingdom. All I can say is, thank goodness I never inflicted that on Scotland.

**Russell Findlay:** Dearie me. It is not my party that is under investigation for financial fraud and is sacking half its staff this week, for goodness' sakes. John Swinney will leave public services even worse off and waste taxpayers' money on a grand scale.

The Auditor General states it plainly:

“The Scottish Government cannot afford its current spending choices”.

Auditor General reports are like groundhog day. The same problems are laid bare year after year, but the SNP never, ever learns from its mistakes. Instead, we get broken SNP promises and broken public services. SNP ministers are casually wasting public money with absolutely no regard for hard-working taxpayers. Does the latest report not prove once and for all that John Swinney and the SNP cannot be trusted with our public finances?

**The First Minister:** Those issues will be considered as part of parliamentary consideration of the budget, which will come after 4 December, when the finance secretary sets out our proposals to the Parliament.

During the week, I got a letter from Mr Findlay setting out the financial propositions of the Conservative Party. On the one side, Mr Findlay argued for a tax cut that would cost, in his estimation—not mine—£1 billion, or £1,000 million. On the other side, Mr Findlay gave me a paragraph about the savings that will be delivered to achieve his £1,000 million tax cut. Those savings amounted to a grand total of £53.74 million. There is a £950 million gaping hole in Mr Findlay's arguments to me this week. Do not dare come here and lecture me about public finances with the ineptitude that you demonstrated in your letter to me this week.

**The Presiding Officer:** Let us ensure that we always speak through the chair.

### Early Prisoner Release

2. **Anas Sarwar (Glasgow) (Lab):** Today we will debate emergency legislation on early prisoner release. If the SNP Government gets its way, hundreds of prisoners could be released from Scotland's prisons before finishing less than half of their sentences. In England and Wales, our Labour Government is being forced to clear up the mess that was left by 14 years of the Tories. In Scotland, whose mess are John Swinney and the SNP clearing up?

**The First Minister (John Swinney):** The Government is wrestling with a situation that is affecting many jurisdictions around the world, including the rest of the United Kingdom. In the aftermath of Covid, we have seen a sharp increase in the prison population as a consequence of the work to address the delays in the court and tribunal system.

The Government has introduced legislation to address those issues and to ensure that we have in place a set of mechanisms that will ensure that our prisons are safe for those who are working in

them and safe in the public interest. Those are the proposals that Parliament will consider.

**Anas Sarwar:** I asked whose mess the SNP was cleaning up—the answer is that it was clearing up its own mess from the past 17 years. The fact is that, in Scotland, the justice system has been independent for ever and the SNP has been in charge of it for 17 years. The emergency legislation is a desperate attempt to tackle the symptoms of a crisis that was created by the SNP.

On John Swinney's watch, we have Scotland's prisons at breaking point, our prison estate crumbling, soaring levels of remand, deep cuts to legal aid, a staffing crisis in our courts and huge court backlogs. Warning after warning has been ignored from the chief inspector of prisons, the Convention of Scottish Local Authorities, Community Justice Scotland, Victim Support Scotland and the Scottish Prison Service. Why does John Swinney think that, after 17 years of failure, the answer is to give more power through emergency legislation to the incompetent SNP Government that has failed to manage and reform our criminal justice system?

**The First Minister:** On the question of investment and reform in our criminal justice system, I will give Mr Sarwar some facts. We have increased investment in justice through a 10 per cent increase in the prison services resource budget for this year alone. In relation to community justice, which is another issue that Mr Sarwar raised, we expanded the investment in community justice this year by £14 million, to a total of £148 million, in order to further strengthen the alternatives to custody, which is exactly the direction of travel that Mr Sarwar is trying to suggest that we should pursue. In addition, we have increased the use of electronically monitored bail, which is one of the key issues in relation to remand. As a consequence of the reforms that we enacted in the Children (Care and Justice) (Scotland) Act 2024, we have been able to free up accommodation in HM Young Offenders Institution Polmont to accommodate more prisoners.

The Government is taking the action on reform that is required to address a situation that is affecting all jurisdictions, which is the post-Covid increase in the number of prisoners. Parliament has had discussions about the steps being taken, including approaches to the advice on the pursuit of remand, which the Lord Advocate set out to the Parliament. That is just one of a number of interventions that are being made to address the significant issue that Mr Sarwar raises with me.

**Anas Sarwar:** The First Minister has his head in the sand. Just this morning, the Auditor General said that

“the Scottish Government is not providing effective leadership on reform”

and that it is

“reacting to events rather than making fundamental changes”.

He also warned that the Government is keeping the public in the dark about the scale of the crisis in our public services. Despite that, just two weeks ago, John Swinney said that there was no need for a change in direction.

After 17 years of SNP Government, every institution is weaker. Our national health service is in crisis, with one in six Scots on a waiting list. Our education system is in crisis, with standards falling. Our housing system is in crisis, with 10,000 children living in temporary accommodation. Our justice system is in crisis, with victims being failed. The need for reform and a new direction has never been clearer. Why is it that John Swinney and the SNP offer only more excuses, a focus on inputs, more incompetence, more waste, and managed decline?

**The First Minister:** As ever, Mr Sarwar skates past some of the evidence on all those issues. Let us take housing, for example. Mr Sarwar knows full well that the Government's record is that we have built more affordable houses per head of population than in any other part of the United Kingdom in recent years, in the face of the unbridled austerity of the Conservatives. We have seen increases in activity in the national health service in operations and in the number of day cases that are being undertaken to erode the waiting lists that have accumulated as a consequence of Covid.

Of course, there are challenges with public finances. On almost every occasion since I took office in May, I have rehearsed to the Parliament in my answers to First Minister's questions the challenges in respect of the public finances. Mr Sarwar has taken issue with the challenges that I have outlined in that respect.

However, let us look at the budget issues with which we are wrestling now. Yesterday in Parliament, we debated employers' national insurance contributions where we find that, while the Labour Government is offering increases in funding that amount to 1 per cent in our budget—£400 million—once inflation is taken into account, we are, on the other hand, facing an increase in employers' national insurance contributions of £600 million.

What we have, therefore, is a Labour Government in London giving with the one hand and taking away with the other. That is austerity by the back door, and that is what Labour is delivering to Scotland.

### Public Health Levy

**3. Lorna Slater (Lothian) (Green):** In Scotland, there are more than 10,000 deaths a year as a direct result of alcohol, tobacco and obesity. Minimum unit pricing for alcohol in Scotland reduces the harms from cheap booze, but at present it is supermarkets and large retailers that profit from the increased price of alcohol, while our national health service is struggling. That is why the Scottish Greens, when we were in Government, secured a commitment to reintroduce a levy on retailers who profit from the sale of alcohol and tobacco, which would help to fund NHS services.

Can the First Minister confirm whether his Government still supports a public health levy, and whether it will be included in the draft budget when that is published in two weeks' time?

**The First Minister (John Swinney):** Those issues are very important, and Lorna Slater raises an important question about the impact of tobacco and alcohol misuse on the health of the population. The Government has taken significant action in relation to minimum unit pricing, and we will continue to focus on measures to tackle this significant issue.

As to the question of a public health supplement, that will be considered as part of the budget process. Of course, I am not at liberty to comment on those issues until the budget comes to Parliament in December.

**Lorna Slater:** This week, an alliance of 24 Scottish health organisations have backed the Scottish Greens' calls for a public health levy in this year's budget, and polling shows that a majority of the public support it, too. The Fraser of Allander Institute estimates that a levy could raise as much as £57 million a year—money that could pay for smoking cessation programmes, breastfeeding support in communities or increased screening programmes for cancer.

Why, therefore, does the First Minister equivocate on the matter? He has had a whole year in which to design and consult on a new public health levy, so why is it not ready to be introduced now? How will the First Minister respond to organisations calling for its urgent roll-out?

**The First Minister:** I point out to Lorna Slater that the Government already has in place higher business taxes on larger retailers. That is a source of great controversy, but we have it in place already, which takes into account some of the issues that Lorna Slater raises with me.

Lorna Slater also has to accept that I cannot disclose today the contents of a Government budget that has not yet been finalised. It will be

finalised a week on Wednesday. It will be set out to Parliament and there will then be an opportunity for Parliament to debate those issues.

### Petroineos Grangemouth Refinery

**4. Michelle Thomson (Falkirk East) (SNP):** To ask the First Minister when the Scottish Government last met with Ineos or Petroineos to discuss the refinery at Grangemouth. (S6F-03558)

**The First Minister (John Swinney):** The Scottish Government continues to engage regularly with key stakeholders, following the announcement by Petroineos that it intends to cease refining at Grangemouth. The Acting Cabinet Secretary for Net Zero and Energy last met the business on 5 November, and Government officials met staff in the business last week.

**Michelle Thomson:** Yesterday, Unite the union gave evidence to the Economy and Fair Work Committee. In Unite's view, Grangemouth is a "profitable" site, and "a distorted picture" has been given from the accounts available. It believes that there can be no justification for a closure now, and that money spent to support a bio-refinery will be wasted if the underlying skill base is lost.

The UK Government, with its inaction, has much to answer for, but will the First Minister commit to working on a pause in the closure, and not accept the loss of that national strategic asset without a clearer path to a just transition?

**The First Minister:** I recently met Derek Thomson of Unite to discuss the very issues that Michelle Thomson puts to me. She will be aware that the Scottish Government believes that the announcement of the closure of the refinery is a premature decision, and that it accelerates a change that does not need to take place at this stage, but which could be managed over a number of further years to enable us to put more alternatives in place.

Michelle Thomson asked me whether I would support a pause in plans to close the refinery, and I do support that. I have put that point to the Prime Minister and expressed the Scottish Government's willingness to work with the United Kingdom Government to find a way to work with the company to avoid the premature closure of the refinery. That will be the Scottish Government's position as we continue to work with the UK Government and the company to try to avoid economic disruption and damage to the Grangemouth area and especially to the livelihoods of the workers who are involved.

**Stephen Kerr (Central Scotland) (Con):** The refinery is scheduled to close in quarter 2, skilled workers are already leaving the area—the very people who are needed for the transition—and

project willow will not report until later next year. If we cannot have the full willow report sooner, can we see an interim report much, much sooner? Which projects in the growth deal can be expedited to tackle the immediate threat to nearly 3,000 jobs?

**The First Minister:** I do not think that I could commit to earlier publication of the project willow report. In essence, that is why, in my answer to Michelle Thomson, I argued for more time to reach a situation where other credible opportunities can be pursued. Such opportunities take time to develop. From the Government's perspective, the important point is that the closure of the refinery needs to be delayed. That is the Scottish Government's position.

With regard to other potential proposals, I have set out to Parliament the importance that I see in the investment in the Acorn carbon capture and storage project, which would provide significant opportunities to the Grangemouth site. I was very disappointed that we did not get any progress on the issue in the United Kingdom budget in late October. I made that point again to the Prime Minister, because I believe that the Acorn project would provide us with significant opportunity to take forward and address Mr Kerr's significant point.

**Ash Regan (Edinburgh Eastern) (Alba):** It is beginning to look as though the First Minister has accepted defeat with regard to Scotland's ever becoming an independent country, because, under his watch, Scotland will become the only top-25 oil-producing nation that has no refining capacity. How has it come to this—that a nationalist Government looks away, helpless, as key national infrastructure is lost for ever?

**The First Minister:** I do not think that Ash Regan has listened to a word that I have said in response to Michelle Thomson or Stephen Kerr, because I said that I am actively pursuing an option to maintain the refining capacity at Grangemouth. If that needs to be stated again, I will state it again to Parliament so that it is clearly understood.

Economic damage will be done if there is no intervention to prolong the life of the refinery at Grangemouth. If we do that, we will have the opportunity to secure carbon capture and storage and to take forward the other projects through the project willow exercise. That will provide a secure future for the Grangemouth site. Let there be no doubt about it: the Scottish Government is actively pursuing these opportunities to protect the workers at Grangemouth.

## Road Accident Fatalities

**5. Jamie Greene (West Scotland) (Con):** To ask the First Minister, in light of reported figures that over 2,000 people were killed or seriously injured on Scotland's roads last year, what the Scottish Government's position is on whether 2024 could see the highest number of road accidents and fatalities on record. (S6F-03550)

**The First Minister (John Swinney):** I express my sympathies to everyone who has been affected by the loss of a loved one and to anyone who has been injured on our roads. The published finalised road casualty statistics for 2023 showed that the number of people killed on Scotland's roads fell to 155. That is the fourth-lowest annual figure and the second-lowest figure recorded in a non-pandemic year.

However, the Cabinet Secretary for Transport has previously highlighted the significant road challenges that we face in 2024. Road safety remains a top priority for the Scottish Government, which is why we are investing £36 million this financial year in a broad range of initiatives that are aimed at improving driver behaviour and reducing road casualties.

**Jamie Greene:** I agree that one death on our roads is one death too many. Too many families have lost loved ones on Scotland's roads. It is incumbent on us all to see that trajectory go down and not up this year or in future years. However, the reality of Scotland's roads is that there is a £2.5 billion backlog of repairs. That does not include what is necessary to upgrade or improve some of the accident hotspots, such as the A9, A96 and A77.

Bearing in mind that 65 per cent of road deaths occur on rural roads, action is needed, and it is needed fast. Is the First Minister's Government still fully committed to fully dualling every single road that it promised the public that it would dual in its manifestos? How many more lives will be needlessly lost while we wait for that to happen?

**The First Minister:** The Government remains committed to its investment programme. We will take the action to support road safety measures that I set out in my earlier answer. The transport secretary is actively involved in dealing with many of those questions, and she hosted a road safety summit in February this year to review all current road safety measures. That will remain a very focused part of the agenda that the transport secretary and the Government take forward.

**Fergus Ewing (Inverness and Nairn) (SNP):** On Tuesday this week, yet another person lost his life in an incident on the A9, and three more people had to be taken to hospital. The Road Safety Foundation has produced evidence that people are three times more likely to lose their

lives in an incident on a single-carriageway road than on a dual-carriageway road, and are a staggering 10 times more likely to lose their lives on a single-track road as opposed to a motorway. That means that families in the Highlands in the north of Scotland are 10 times more likely than those in the central belt to lose somebody to a road death. Therefore, will the First Minister make proposals for the swifter dualling of the A9 so that fewer people die? Will he obtemper the promise that was made to the cross-party delegation of MSPs that I led and that met him in June, a full five months ago, when he said that he would give serious consideration to the matter?

**The First Minister:** I recognise the seriousness and significance of the issue. The incident to which Mr Ewing refers took place in my parliamentary constituency, just to the south of Ballinluig. The Government has already invested in dualling a number of stretches of the A9. When I was travelling on the A9 on Monday, I saw the beginnings of the work that is under way on the next stretch of the road to be dualled, which is the Moy to Tomatin stretch.

As I indicated to Parliament in June, the Government will keep the programme under review to identify whether there is any way that we can move at a faster rate. Officials are in the process of considering the implications of resequencing or accelerating completion of the A9 dualling programme. The Cabinet Secretary for Transport has asked that a report on the findings of that work be published when it is complete.

I take the opportunity to extend my sympathies to the family of the individual who lost their life on the A9 on Tuesday, and to all those who were affected by the incident.

**Claire Baker (Mid Scotland and Fife) (Lab):** This week is United Kingdom road safety week, which is organised by Brake. The Scottish Government road safety framework included a commitment to hold a Scottish road safety week each year. The first took place in March 2022, but there has not been another one. Has that commitment been dropped?

The Scottish Government also committed to raising a national conversation on road safety in 2022. When can we expect to see any progress on that, given that Transport Scotland says that it receives no resources to deliver either of those initiatives?

**The First Minister:** The Government works closely with Brake to provide support to victims of road crashes. Officials last met the organisation earlier this month, on 1 November. In addition, the Government hosted a road safety summit in February 2024 to review all current road safety measures and to help to identify new strategies to

support action towards our 2030 casualty reduction targets.

We will work constructively with different organisations that represent victims of road traffic incidents to ensure that they are well supported in addressing the points that Claire Baker puts to me.

### **Fornethy House Survivors (Redress Scheme)**

**6. Colin Smyth (South Scotland) (Lab):** To ask the First Minister what the Scottish Government's response is to reported calls to widen access to Scotland's redress scheme to allow survivors of abuse at Fornethy house to seek redress. (S6F-03553)

**The First Minister (John Swinney):** I am profoundly sorry to hear what the survivors of abuse at Fornethy house endured and the impact that abuse has had on their lives. I again praise the courage of the survivors in sharing their experiences.

Scotland's redress scheme was designed primarily for vulnerable children who were in long-term care, often isolated, with limited or no contact with their families. Children who were resident on a short-term basis were not in that position. The eligibility criteria for the redress scheme were extensively debated during the passage of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, and the eligibility criteria were included in the purpose of the scheme.

That does not diminish the heartbreaking abuse that the Fornethy survivors faced. The Deputy First Minister met the survivors to explain the decision to them directly and will continue to engage with them.

**Colin Smyth:** First Minister, words are not enough. In January 2023, the First Minister told the Education, Children and Young People Committee that it was

"possible for Fornethy survivors to be successful in applying under the scheme."—[*Official Report, Education, Children and Young People Committee*, 12 January 2023; c 14.]

Now, his Government is saying that they will not be successful because it was so-called "short-term care" under arrangements that involved parents.

Is it not the reality that the length of time of any abuse is irrelevant? Abuse is abuse. Those wee girls were sent to Fornethy as a result of clear direction from the state. They were cut off from their parents and subjected to unimaginable physical, mental and, in some cases, sexual abuse by staff who were employed by the state. However, the state has utterly failed to take responsibility.

First Minister, will your Government now take responsibility? Will it do the right thing and widen access to the redress scheme for those brave survivors?

**The First Minister:** I recognise the significance and seriousness of the issue. As the person who took the bill through Parliament, I did all that I could during the parliamentary passage of the bill to ensure that the scheme that we brought forward was as extensive and comprehensive as it could be.

I made the comments to which Mr Smyth referred during an evidence session with the Education, Children and Young People Committee when public authorities were still researching the bases on which and circumstances in which children were placed in Fornethy house. Those factors would have a bearing on eligibility for the redress scheme that Parliament approved.

The independent research that was undertaken as part of the commitments that were made to the Fornethy survivors reported that, according to such records as exist, children were primarily placed in Fornethy house for short-term care with the agreement of their parents. That is fundamentally different from the circumstances that the Parliament legislated for in the scheme.

Fornethy house will be a case study in the next phase of the Scottish child abuse inquiry, and there will be an opportunity for further exploration of the issues and the circumstances involved in those cases.

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

### Winter Fuel Payment

**Clare Haughey (Rutherglen) (SNP):** With energy prices set to rise again in January, households across Scotland will be facing significant pressures when it comes to heating their homes this winter. During the election campaign, Labour promised to cut fuel bills by £300. Instead, bills have gone up, and although the Scottish Government is delivering the low-income winter heating payment and other initiatives to support those who are most in need, the United Kingdom Labour Government is callously cutting the winter fuel payment to pensioners. Will the First Minister join me in calling on the UK Government to make good on its manifesto commitment to tackle rising fuel bills and reverse its winter fuel cut?

**The First Minister (John Swinney):** I think that members of the public will be stunned that a Labour Government that promised to reduce fuel bills by an average of £300 has seen those bills increase in October, with the likelihood of further increases coming in January. To compound that

difficult situation, the withdrawal of the winter heating payment means that more than 400,000 people on low incomes who have been eligible for that entitlement will lose it.

It is a very serious situation that pensioners in particular in our society are facing. I make the plea today, because it is absolutely central to what we need to do, that we get the UK Government to reverse the unwarranted cut in winter fuel payments, which is damaging the livelihoods and circumstances of pensioners in Scotland.

### Domestic Abuse

**Pam Gosal (West Scotland) (Con):** This week, shocking figures on domestic abuse were released, which indicated that the number of cases reported to Police Scotland had risen by 3 per cent and equalled almost 64,000 cases—that is one incident every 10 minutes. Behind every number is a terrible real life story. Next week marks the beginning of the 16 days of activism against gender-based violence. However, those latest horrific statistics show that we are moving backwards, not forwards. When will the Scottish Government stand with survivors and take concrete action to eliminate domestic abuse by supporting my proposed domestic abuse (prevention) (Scotland) bill, which will protect victims of domestic abuse and has been backed by organisations and survivors?

**The First Minister (John Swinney):** The Government is engaging with Pam Gosal on her bill. The Cabinet Secretary for Justice and Home Affairs had a productive meeting with her on 25 September, and we will consider full details when we have further detail on the component parts of the bill.

On Pam Gosal's comments about the Government's approach to domestic abuse, I remind Parliament that the Government introduced—and Parliament supported—the Domestic Abuse (Scotland) Act 2018, which was implemented in the subsequent year. That act strengthened the legal protection for victims of domestic abuse and significantly increased the constraints on any perpetrators of domestic abuse.

The figures to which Pam Gosal referred are unacceptable, but they indicate that more individuals are coming forward to report offences and to ensure that the perpetrators of domestic violence are brought to account. Fundamentally, men's behaviour must change, and the Government will put in place the legislative framework to enable that to be the case. Domestic violence must come to an end, and that will happen only when the behaviour of men changes.

### Civil Legal Aid

**Pauline McNeill (Glasgow) (Lab):** This week, *The Herald* has been running an excellent series to highlight the crisis in legal aid. It is not only in criminal legal aid that lawyers are abandoning their profession, but in civil legal aid. Four out of five lawyers who work in civil legal aid in Glasgow will no longer take on protective order cases for victims of domestic abuse. In 1999, lawyers accepted the principle of one fee of £500 for work on a single case; 25 years later, that fee is only £572, and more work is required, which has resulted in many young lawyers entering the legal profession with better options, including the Crown Office.

Does the First Minister accept that this is a crisis and that it would be reprehensible if domestic abuse victims could not access a lawyer? Does he agree that the way forward is for Scotland to invest in the whole legal aid system—in fact, the whole justice system—by an annual uprating of fees and by invigorating the trainee scheme to encourage young lawyers to choose that branch of the legal profession to demonstrate that there is a future for legal aid in Scotland?

**The First Minister (John Swinney):** It is essential that young lawyers who are emerging into the legal profession enter a variety of elements of that profession. The points that Pauline McNeill has made in that respect are absolutely valid.

Evidence from the Scottish Legal Aid Board shows that cases that involve allegations of domestic abuse are coming through the judicial system. That is welcome, because it is important for those who are reporting potential crimes to see those crimes pursued as part of the judicial system.

The Government will engage actively on questions in relation to the future of legal aid. We recognise that reform is needed in the legal aid system, which is why our document “The Vision for Justice in Scotland” contains an action plan to reform it. We will take forward the actions that are set out in that document.

### Ukraine Invasion

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** It is now more than 1,000 days since Putin launched his full-scale invasion of Ukraine—1,000 days of courageous resistance and sacrifice by the Ukrainian people. How has the Scottish Government supported Ukrainians, and what assurance can the First Minister give that Scotland will continue to stand in solidarity with Ukraine for as long as it takes?

**The First Minister (John Swinney):** I thank Colin Beattie for raising the issue and reminding

the Parliament that it is now more than 1,000 days since the illegal invasion of Ukraine. There is absolutely no justification for the invasion, and the Russian aggression must be repelled.

Scotland has stood in solidarity with Ukraine. We have provided sanctuary to more than 28,000 people who were sponsored by the Scottish Government or an individual in Scotland to come to this country. More than 21,000 of those arrivals are part of the Scottish Government’s support scheme. We have invested heavily in providing the support that is available to Ukrainian refugees to come here, and I make it clear that those Ukrainian refugees are welcome in Scotland and play an important part in our country.

I reiterate the unacceptability of the illegal invasion of Ukraine, the determination to stand in solidarity with the Ukrainian population and the need to repel the Russian aggression. That is a necessity in our modern world today.

### Universities (Redundancies)

**Liam Kerr (North East Scotland) (Con):** Due to factors including a sustained decline in public funding, Robert Gordon University might have to make up to 135 redundancies. The University of Dundee, with a £30 million deficit, has said that redundancies are inevitable. The University of Edinburgh warns of job cuts in response to unsustainable funding. Anton Muscatelli, the outgoing principal of the University of Glasgow, has asked why our Government should not

“properly fund higher education for our own students?”

Will the First Minister answer him by agreeing to an open-minded, cross-party, multistakeholder collaboration on university resourcing, or does the First Minister prefer ideological purity and redundancies?

**The First Minister (John Swinney):** I prefer to invest in the university system, which the Government does, with £1 billion of public expenditure and a commitment to work collaboratively with the university sector to ensure that Scotland’s research excellence can be deployed as part of the overall economic approach in Scotland. Innovation and creativity lie at the heart of taking forward the fantastic elements of research that come from our university community.

What is not helping our universities just now is the fact that they face a significant increase in employer national insurance contributions. That is the point that has been made by the principal of the University of Edinburgh: the shock to the university’s finances of the United Kingdom Government’s unilateral action in increasing employer NI contributions. It is another argument for why that particular policy approach by the UK Government needs to be reversed.



### CAVU (Redundancies)

#### **Daniel Johnson (Edinburgh Southern) (Lab):**

The First Minister might have seen reports that airport travel company CAVU, which has taken over a passenger lounge at Edinburgh airport, intends to make 16 people redundant by exploiting a loophole in the law rather than undertaking the usual Transfer of Undertakings (Protection of Employment) Regulations—TUPE—transfers that one might expect. Does the First Minister agree not only that that is morally reprehensible but that, at a time of tight labour markets, such fire and rehire practice is entirely counterproductive for anyone seeking to be a responsible employer?

I have already written to the chief executive of CAVU to ask him to reconsider putting people out of work just weeks before Christmas. Will the First Minister do likewise?

**The First Minister (John Swinney):** Obviously, in any circumstances of that nature, the Government's commitment is to the fair work principles, which should be applied in all circumstances by all employers in Scotland. I encourage the employer who is involved in the case that Mr Johnson puts to me to do exactly that.

### Post Office Branch Closures

**Kenneth Gibson (Cunninghame North) (SNP):** Last week, the Post Office announced the closure of all 115 Crown post office branches that are owned directly by the United Kingdom Labour Government, with the loss of up to 1,000 jobs. One of the 10 Scottish branches that are slated for closure is in Saltcoats, which is in my constituency.

Post offices provide a range of vital services—vital particularly to older people who are less comfortable with technology. The loss of services and jobs will be felt keenly. Will the First Minister outline what representations the Scottish Government is making to UK ministers to save these important community resources?

**The First Minister (John Swinney):** I understand the point that Mr Gibson puts to me. The provision of access to post office services in communities is crucial in ensuring that there is an effective network available. We will certainly make sure that the representations that Mr Gibson has made to me today are taken up with the United Kingdom Government, so that all constituents, especially those to whom Mr Gibson referred, have access to a viable and effective network of postal services in Scotland that meets their needs.

### Unpaid Carers

**Brian Whittle (South Scotland) (Con):** The First Minister will be aware of the recently

published "Valuing Carers" report, which highlights that, according to data collated from the 2022 census, the value of unpaid carers to Scotland is £15.9 billion, which is not far short of the total national health service budget for 2022. Will the First Minister join me in recognising the contribution of unpaid carers? What more can the Scottish Government do to ensure that they are properly supported?

**The First Minister (John Swinney):** I am happy to associate myself with Mr Whittle's comments. Last Friday morning, as part of the lead-up to carers week, I met a group of carers' representatives in my constituency. I listened with care to the issues that they raised with me.

The Government has put in place, for example, measures to support short-term breaks for carers and measures to enhance carers allowance. We will reflect on such issues as we consider the contents of the Government's budget.

I agree whole-heartedly with Mr Whittle that the contribution that is made by carers is absolutely fundamental to the delivery of care support in households and communities around the country. We simply could not provide the level of care that is provided by unpaid carers to support their loved ones and our society in these days.

## Point of Order

12:46

**Pam Gosal (West Scotland) (Con):** On a point of order, Presiding Officer. On 19 November, *The National* newspaper printed an article that criticised my decision to raise concerns about the fact that LGBT Youth Scotland, which is an organisation that is geared towards young people between the ages of 13 and 25, not children of primary school age, is working with two primary schools in my area of Milngavie on a pilot programme. I raised those concerns in a letter to the council's chief executive after being contacted by—

**The Presiding Officer (Alison Johnstone):** Ms Gosal, a point of order should be raised when a member has concerns about whether proper procedures are being or have been followed in an item of business.

**Pam Gosal:** I have such concerns. I am going to come to that, Presiding Officer. Sorry about that.

**The Presiding Officer:** Please do.

**Pam Gosal:** Maggie Chapman MSP made comments in which she stated that I am

“categorically more of a risk to children than LGBT Youth Scotland’s project in primary schools”.

I view that as clear defamation of my character. I hope, therefore, that Maggie Chapman will apologise and retract the comments.

Presiding Officer, were you aware of the comments by Maggie Chapman MSP? If not, now that you have heard them, do you believe that they conform with paragraphs 5 and 6, on the treatment of others, of section 7 of the code of conduct for MSPs?

**The Presiding Officer:** Ms Gosal, I am sure that you will be aware that I wish all members of Parliament to treat one another with courtesy and respect at all times. Articles that have appeared in newspapers are not subjects that I would necessarily expect to be raised as points of order.

The next item of business is a members’ business debate in the name of Roz McCall. There will now be a short suspension to allow people to leave the chamber and the public gallery.

12:48

*Meeting suspended.*

12:50

*On resuming—*

## Stroke Awareness

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members’ business debate on motion S6M-15065, in the name of Roz McCall, on increasing stroke awareness. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes reports that nearly 11,000 people in Scotland have a stroke every year, including in the Mid Scotland and Fife region; further notes the belief that raising public awareness of stroke signs and the need for immediate action is essential to improving health outcomes for stroke survivors; understands that the FAST (Face, Arms, Speech, Time) stroke awareness campaign undertaken by Chest Heart and Stroke Scotland, which launched on World Stroke Day on 29 October 2024, is aimed at increasing awareness among the public of the need for urgent medical attention for stroke; further understands the importance of repetition in any public health campaign; regrets that there has been no sustained government-backed campaign in Scotland, it understands, since before the COVID-19 pandemic; notes the calls from campaign groups to review public health messaging surrounding awareness of stroke symptoms, including the work of the BE-FAST (Balance, Eyes, Face, Arms, Speech, Time) campaign, which some academic research suggests detects 95.6% of strokes and is the acronym currently favoured by Harvard Medical School and Yale School of Medicine; notes the calls on the Scottish Government to work with Public Health Scotland and NHS boards to trial BE-FAST, in order to assess its effectiveness using data, which, it considers, would allow for informed decisions to be taken regarding the efficacy of current public health messaging, and further notes the hope that all stroke awareness campaigns can continue to increase awareness of the need for urgent medical attention should a patient present with any symptoms associated with stroke.

12:50

**Roz McCall (Mid Scotland and Fife) (Con):** I thank members from all parties for supporting my motion and allowing it to be debated.

As members are aware, my interest in stroke comes from personal experience. In 2021, my husband collapsed and it transpired that he had suffered a haemorrhagic stroke. I was aware of the face, arms, speech, time—or FAST—stroke awareness campaign but, because he was lying face down on the floor, it was not possible for me to see the effect that the stroke had had on him. Thankfully, he was processed at speed and that speed, and the skilled hands of the surgeon, saved his life.

Having a stroke is a life-changing event. Stroke affects around 11,000 people in Scotland every year and more than 136,000 people are living with the long-term consequences of stroke. My husband shows signs of stroke fatigue every day

and those are far more pronounced on busy days when he has had more to do and is battling internally to complete tasks. The on-going effects of stroke are not widely known and he still gets strange looks when he has to take a little extra time to walk downstairs in public or navigate the aisles of a supermarket.

The Scottish stroke care audit highlighted stroke as the third most common cause of death in Scotland and the most common cause of severe physical disability for adults. The provision of hospital care for those patients accounts for 7 per cent of all national health service beds and 5 per cent of the entire NHS budget.

It does not have to be like that. We know that receiving medical treatment quickly is linked to better treatment, reduced damage and improved outcomes, many of which are clinical, but the Scottish Government has not done enough to make the clinical process faster and more available, especially in our hospitals.

Awareness is also essential and it remains a simple fact that clinical services cannot be efficiently utilised unless we can identify the symptoms of stroke and act fast. Concerning figures from a YouGov poll commissioned by Chest Heart & Stroke Scotland reveal that 39 per cent of adults—a figure that increases to 53 per cent of 18 to 24-year-olds—are not familiar with FAST. That is why I take the opportunity to congratulate organisations such as the Stroke Association and Chest Heart & Stroke Scotland for their continued work to raise awareness.

A special mention must go today to Chest Heart & Stroke Scotland for its current FAST campaign, which illustrates three of the most common symptoms of stroke and highlights the importance of acting quickly to call the emergency services. The F tells us to look at the face and notice whether the person can smile and the A reminds us to check whether the person can lift both arms. The S gets us to check whether the person can speak clearly and the T tells us when it is time to call 999. That campaign has been solely funded by CHSS and, in the first week alone, reached a phenomenal 5.4 million people.

Regular repetition of public health messaging is key, so it is disappointing that it took action by a charity to launch that public campaign, especially when priority number 2 in the Scottish Government's 2023 stroke improvement plan was awareness raising. The plan stated:

"We will work to understand current public awareness of stroke symptoms, and the action required when they occur, and support the delivery of FAST campaigns."

I recognise that the pandemic affected public health messaging and that a national campaign might not have had the desired effect when the

improvement plan was initially drawn up. However, I ask the cabinet secretary to reflect that we are now in the last months of 2024. Given the alarming statistics that I mentioned in relation to the number of adults who are aware of FAST, I ask the Scottish Government to rethink its approach to public health campaigns.

I could talk on this subject for hours, but I want to take the opportunity before I finish to highlight the work of the BE FAST campaign group, which is working to expand Scotland's stroke awareness from FAST to BE FAST—balance, eyes, face, arms, speech, time—by adding balance and eyes to the stroke symptoms. That follows the sudden passing of Anthony James Bundy, who was 53 years old when he suffered a fatal stroke with symptoms outside FAST. In that case, clinicians ruled out stroke after various FAST tests were completed, unfortunately leading to that fatal stroke after a five-and-a-half-hour wait in an accident and emergency department in a Scottish hospital.

The crux of the campaign is that less-common symptoms can occur in some individuals, such as changes to balance or the eyes, which could mean misdiagnosis or delay in treatment. I understand the concerns of clinicians and charities that BE FAST may diminish the focus on the three main symptoms of stroke and I understand that the evidence is not yet there to support it, but it is the "yet" that matters. Anything that could prevent loss of life should be looked at seriously. I look forward to the evidence being collated so that, eventually, any loss of life or subsequent disability from stroke becomes a thing of the past.

**The Deputy Presiding Officer:** We move to the open debate and I ask for speeches of up to four minutes. We will start again at 2 pm this afternoon and the staff need time to clear the chamber.

12:56

**Evelyn Tweed (Stirling) (SNP):** I thank Roz McCall MSP for bringing this debate to the chamber and for sharing her personal story with us. I know that the subject is close to her heart.

As Roz McCall highlighted, stroke is the third most common cause of death in Scotland and it is on the rise. People are surviving for longer, but those who are suffering stroke are getting younger. A study in Oxford found that, between 2010 and 2018, there was a 67 per cent rise in strokes among under-55s. It also found that there had been a significant rise in the proportion of people in professional and managerial jobs having strokes and it suggested that work-related stress, low physical activity and long working hours could be contributing to that. Blood pressure is the biggest single factor, and the importance of that

could be addressed with increased awareness of symptoms of stroke and the risk factors.

Chest Heart & Stroke Scotland has emphasised the importance of regular repetition of public health messaging. As has been noted, 39 per cent of adults in Scotland are unaware of the signs of strokes or the FAST mnemonic. Among 18 to 24-year-olds, the figure goes up to 53 per cent. It is important for people to have that knowledge, because the signs of a stroke do not necessarily look like an emergency. It would be good to hear from the cabinet secretary how the Government will support the campaign and, crucially, how we will engage with younger people. We can all play our part by making sure that we use our platforms to share the campaign widely among our constituents. The more people who are able to recognise the signs of a stroke and take immediate action, the better. Earlier treatment means a greater chance of recovery, and the first three hours are especially crucial.

Roz McCall also discussed the mnemonic BE FAST, which adds balance and eyes. Although that is used in some parts of the US, Chest Heart & Stroke Scotland has suggested that there is just not enough evidence that it works. It points to a previous trial of BE FAST in Scotland that led to a high number of non-stroke issues being identified as emergencies.

**Stephen Kerr (Central Scotland) (Con):** Does Evelyn Tweed agree that it is better that people present themselves if they suspect that they may be having a stroke on the basis of the BE FAST mnemonic, rather than not going and ending up where, sadly, too many cases have ended up?

**Evelyn Tweed:** I hear the point that Stephen Kerr is making, but we have to look at everything in the round. If clinicians say that they feel overwhelmed by the use of that terminology, we need to take that into account. I will say more about that.

The situation that I described led in turn to stroke clinicians feeling overwhelmed. Importantly, the symptoms in FAST are specific to stroke—they are unlikely to be anything else. Chest Heart & Stroke Scotland says that the symptoms of posterior strokes, which are more likely to impact eyes and balance, can be mistaken for other things.

Patients need to be triaged effectively to ensure appropriate diagnosis and care. I have heard from my constituents that it took time for their strokes to be diagnosed. In those cases, their symptoms differed from the most common ones.

Although BE FAST may not necessarily be the solution, I am glad to hear that Chest Heart & Stroke Scotland is working with the Scottish Government to expand its education for

professionals. That education will include an awareness and understanding of the less common symptoms of stroke that BE FAST incorporates.

The Stroke Association highlights that “stroke is preventable, treatable and recoverable.”

Indeed, nine out of 10 strokes are preventable. It is also important to raise awareness of preventative measures. For example, two hours of walking per week can reduce the risk of stroke by up to 30 per cent. Two hours of walking a week seems such a small thing to do, but it could have great consequences for people’s health.

Quitting smoking, cutting down on alcohol and eating a balanced diet can all contribute to a lowered stroke risk. Scotland’s 2023—

**The Deputy Presiding Officer:** Ms Tweed, will you please bring your remarks to a close? I have said that there is a bit of time pressure at this session. Thank you.

**Evelyn Tweed:** Thank you, Presiding Officer. I look forward to seeing how work will be taken forward.

13:01

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am delighted to contribute to the debate, and I commend my colleague Roz McCall for securing time to debate what is an important campaign.

When it comes to stroke, time is of the essence. Being able to quickly detect a stroke can mean the difference between a person’s full recovery and the loss of their life. I am therefore delighted to support and assist with the Bundy family’s BE FAST campaign, which seeks to expand the stroke awareness signs by adding balance and eyes to the list of symptoms.

When Tony Bundy suffered a stroke in 2023, the limitations of the current FAST test system meant that his stroke was not detected until too late. Tragically, that meant that Tony Bundy’s stroke was fatal. The lesson that we can learn from Tony’s tragic passing is that the early detection of a stroke can save lives. It is important that the Government listens to the campaign and ensures that future stroke policy is always based on the most up-to-date evidence.

As the BE FAST campaign highlights, a wealth of evidence needs to be considered. For example, the campaign speaks about research by the Scottish Parliament information centre, which found that the FAST test may miss up to 40 per cent of strokes. The BE FAST test may play an important role in the diagnosis of certain types of stroke.

It is safer for someone to decide to go to A and E and be told that they have not had a stroke than for them to sit at home and dismiss their symptoms until it is too late because those symptoms do not fall into the FAST criteria.

Given the compelling case for BE FAST, I believe that there should be a trial of the criteria in the national health service in Scotland. I look forward to the Cabinet Secretary for Health and Social Care covering that in his summing up, because the right decisions at the right time are vitally important. Possibly, a single health board could begin to look at a trial. I know that the Government is keen to listen, and that suggestion was discussed when I met the cabinet secretary and the Bundy family. I hope that the Government is now able to take action and work with Public Health Scotland and other health boards to allow a trial of those criteria to be looked at. A trial period in one health board area could allow data to be collated on the benefits of BE FAST. Data is vital in ensuring that we have facilities and information for stakeholders and those who work in the system, and it could be used to make an informed decision about stroke policy across the whole of the NHS.

Regardless of the outcomes of the BE FAST campaign, it is clear that it has already been effective in shining a light on the importance of stroke awareness. I have felt privileged to help the Bundy family in supporting Tony's memory. That tragic example shows us all the necessity of such awareness. I have no doubt that members from across the chamber will join me in wishing the whole Bundy family well in the future. I urge the Scottish Government to listen to the campaign and to treat it with the seriousness that it deserves, because saving people is what we should be trying to achieve.

13:05

**Carol Mochan (South Scotland) (Lab):** I thank Roz McCall for bringing this significant issue to the attention of the Parliament. This is an important debate, and I am sure that many members will be able to speak about personal experiences, as it is estimated that more than half of Scotland's adult population have a close personal connection to someone who has had a stroke.

Given the time constraints, I will not make some of the remarks that I was intending to, as many members have given the reasons why urgency is so important. It is critical that public awareness campaigns that focus on identifying stroke symptoms are supported and, of course, adequately resourced. It will be good to hear what the cabinet secretary has to say about that in his closing remarks.

The national FAST stroke awareness campaign, which is led by Chest Heart & Stroke Scotland, offers a chance to increase awareness of the importance of seeking medical help as soon as possible when people experience stroke symptoms. In the event of a stroke, timing is critical. The treatments of thrombolysis and thrombectomy are time sensitive, so awareness of symptoms is important. In my region, 10 patients received such treatment quickly in a local hospital in the NHS Ayrshire and Arran health board area, so I understand that it is important to invest in public awareness campaigns so that people get to hospitals whenever they can.

Public awareness campaigns are imperative not only in promoting health behaviours but in providing greater awareness of symptoms and the link with improved health outcomes. It is imperative that the Government invests in prevention to improve health outcomes across Scotland, especially in our most deprived communities, because people living in those areas are more likely to have experienced a major cardiovascular event, such as a stroke.

A key aspect of prevention is awareness raising, so the Scottish Government must recognise the importance of health awareness campaigns and listen to charities that are calling on the Government to deliver the priorities that are set out in the "Stroke Improvement Plan 2023".

We have heard about the very important FAST campaign. Although strokes are generally more prevalent among the older population, the number of younger people who are experiencing strokes is increasing, so we need to make such campaigns accessible to that generation.

Roz McCall's motion mentions the BE FAST campaign, and I absolutely recognise what she has said in promoting the effectiveness of that campaign. It is encouraging to hear about it, and I urge the Scottish Government to explore the campaign's effectiveness and to consider how we can add it to our prevention and awareness campaigns.

I hope that the main message from the debate is clear: we need action as soon as possible, and we all want this to be a priority. Therefore, I ask the cabinet secretary to respond favourably.

13:10

**Gillian Mackay (Central Scotland) (Green):** I, too, thank Roz McCall for bringing this important debate to the chamber. I echo the thanks to the Bundy family for their campaigning efforts after their own tragedy. I have had the privilege of being invited to their fundraisers and have seen their passion on this topic. Anyone who has listened to James and his mum talk about Anthony would find

it difficult to disagree with the real impact that BE FAST would have had in their situation.

As we have heard already, stroke is the leading cause of disability in Scotland, with thousands of individuals and families affected each year. Public health campaigns have proven effective in raising awareness and driving behavioural change, and I echo the thanks that others have given to Chest Heart & Stroke Scotland and the Stroke Association for their work.

To increase stroke awareness, we must invest in targeted campaigns that address specific barriers such as language, cultural differences or misinformation. Working with local authorities and third sector organisations on a local level can amplify their reach and impact. Figures provided by Chest Heart & Stroke Scotland show that, each year, nearly 11,000 people in Scotland suffer a stroke, with around 136,000 people living with the on-going effects.

Stroke remains one of the leading causes of disability in our country, yet public awareness of its symptoms remains worryingly low. Research by Chest Heart & Stroke Scotland shows that 39 per cent of adults in Scotland are unfamiliar with the FAST test, which is an essential tool for recognising stroke symptoms. Alarming, that figure rises to 53 per cent among younger adults aged 18 to 24. That is especially concerning because quick medical intervention is crucial, as it significantly reduces long-term damage and improves outcomes. That highlights why raising public awareness of stroke signs and the urgency of seeking immediate help must remain a priority.

The Scottish Government's progressive stroke pathway and the UK-wide national clinical guideline for stroke emphasise the importance of campaigns such as FAST, which play a vital role in saving lives and improving health outcomes.

Campaigns such as FAST and BE FAST play a crucial role in raising awareness of symptoms. FAST focuses on face drooping, arm weakness, speech difficulties and the need for time to call emergency services, while BE FAST expands that to include balance issues and eyesight changes as additional warning signs.

Although BE FAST aims to capture a broader range of stroke symptoms, there is disagreement on the implementation of FAST versus BE FAST, with many people citing a lack of research on the efficacy of BE FAST and how using it might affect capacity in A and E departments. That is why I believe that further research and a further pilot scheme are needed to determine whether that expanded approach can improve overall outcomes. We can learn from the previous pilot, and I do not think that some of the issues that have been raised are entirely insurmountable, so

they should be worked on. A consensus on the best way forward has to ensure that we maximise the impact on saving lives.

The Stroke Association has shared data that paints a stark picture of the challenges that Scotland faces in stroke care after people have had a stroke. In 2023, only one in seven eligible patients received a thrombectomy. Thrombectomy is 100 per cent cost effective and saves Scotland's NHS £47,000 per patient. The Stroke Association's report, "Scotland's Stroke Improvement Plan—One year on. How's it going?", highlights key areas of concern arising from the Scottish stroke care audit. It shows that basic care delivery is falling short, with only 51 per cent of patients in 2023 receiving the stroke care bundle within the national standard, down from 64 per cent in 2019, and with NHS Forth Valley performing at a level of just 40.6 per cent. It also shows that we must invest in more psychological and rehabilitation support for stroke survivors, with all health boards currently falling into amber or red in delivery ratings and too many patients left without six-month recovery plan reviews.

In conclusion, we must ensure that investment in stroke care is improved. Better prevention, faster treatment and stronger recovery services will save lives, reduce costs and ensure better outcomes for patients and their families.

13:14

**Sandesh Gulhane (Glasgow) (Con):** I refer members to my entry in the register of members' interests, which states that I am a practising GP.

I thank my colleague Roz McCall for bringing the crucial issue of stroke awareness to the chamber. We have already heard that, each year, 11,000 people in Scotland suffer a stroke, with more than 136,000 people living with its lasting effects.

Stroke is a medical emergency, and recognising the signs early is essential. Stroke happens when blood flow to the brain is interrupted, which leads to a sudden loss of brain function. Quick action can make all the difference, helping people recover with less brain damage and reducing long-term disability.

As a doctor who worked at the hyperacute stroke unit in the Glasgow royal infirmary, I have seen at first hand how critical early recognition of stroke symptoms is, and how vital early treatment and rehabilitation is. In response to what Evelyn Tweed said, we saw only confirmed stroke cases and the people who came in the front door were reviewed by a clinician. It is essential that it is our job to do the evaluation and that we do not rely on patients' googling abilities.

When people seek medical help immediately, their chances of recovery are much higher but, unfortunately, awareness of stroke symptoms remains worryingly low. According to recent research, 39 per cent of adults in Scotland do not know FAST. In younger adults, that figure rises to more than 50 per cent. That simply is not good enough, and we need to do more. A lack of public knowledge can lead to delayed help and devastating outcomes for individuals and families, and that is why raising awareness is essential.

Thanks to Chest Heart & Stroke Scotland, we have the FAST campaign, which is Scotland's first public stroke awareness initiative since the pandemic and I applaud it for that. The campaign promotes the FAST acronym to help people to recognise quickly the three most common stroke symptoms—facial drooping, arm weakness and slurred speech. The T stands for time, and it reminds us of the urgency of calling 999, as time is brain cells.

Although the FAST campaign has helped many people to recognise stroke symptoms and act quickly, it does not cover all possible indicators. Some people experience symptoms beyond the FAST guidelines, and their stroke goes undiagnosed. One example that we have already heard about today is Tony Bundy. Last year, Tony became seriously unwell while out shopping in Glasgow. His symptoms included balance issues, visual problems, cold sweats and vomiting. Obviously, none of those matched the FAST symptoms. Because of that, stroke was not diagnosed, and Tony went hours without receiving proper treatment. Tragically, he lost his life due to the undiagnosed stroke.

Since his passing, Tony's son, Councillor James Bundy, has been advocating for expanding Scotland's stroke guidelines to BE FAST, which would add balance and eyes as additional signs to watch for. We know about the danger of false negatives, where stroke goes undiagnosed because it does not match the FAST symptoms, and Councillor Bundy believes that BE FAST would lead to fewer false negatives. The Bundy family believes that, if BE FAST had been in place, Tony's symptoms might have been recognised sooner, potentially saving his life. Some argue that BE FAST could lead to emergency services handling more non-stroke cases, but it potentially saves lives and spares families from heartbreak.

Roz McCall spoke about evidence. A meta-analysis of BE FAST shows that it has a higher diagnostic value, with a specificity of 0.85. If I might be indulged, BE FAST symptoms of balance and eyes are things that concentrate on the posterior circulation, and centres in the United States use BE FAST.

It is crucial that clinicians are aware of BE FAST, as it increases stroke awareness. As a general practitioner, I want people to come to me when they experience problems with their balance and eyes in an acute way, because that is my job. It is the job of a doctor to make the decision on whether somebody needs a CT scan.

Expanding BE FAST could help to save lives. Every moment in stroke counts, and, with increased awareness, we can ensure that more people get the help that they need.

13:19

**Stephen Kerr (Central Scotland) (Con):** I am grateful for the privilege of speaking in the debate, to Roz McCall for bringing the motion and to Dr Sandesh Gulhane for the speech that he just made.

As many members will know, James Bundy works in my office, and I am delighted to welcome him and his mum, Selena, to the public gallery. I am going to give my voice to James—these are his words. He says:

"My family and I want to thank all MSPs who have given support to BE FAST and celebrate the fact that we have support from representatives from all parties elected in the 2021 elections.

I also want to express my family's gratitude to Neil Gray and Jenni Minto for meeting us to discuss BE FAST, as well as members of the Stroke Association and Chest, Heart, and Stroke Scotland.

This gratitude, however, is mixed with growing frustrations. Ever since our first meetings with the Scottish Government and stroke charities, we have felt that not enough consideration has been given to the devastating consequences of 'false negatives'.

My family and I feel like donkeys chasing a carrot. Initially, we were told BE FAST couldn't be used in Scotland due to a lack of evidence of its effectiveness in live medical settings.

When we presented evidence from Australia showing successful trials, the excuse shifted to the lack of Scottish trials.

Yet, when we request a trial in Scotland, there's apparently no appetite for it from Government or the stroke charities.

How can we gather Scottish evidence if those in charge refuse to trial BE FAST?

While my family understand concerns about 'false positives', we cannot view this issue through that lens alone.

The status quo is costing lives. People, like my Dad, are dying because strokes are not being diagnosed. Some stay at home, unsure they are having a stroke, while others are left in hospital corridors because a stroke is ruled out by medical professionals.

This is not good enough and cannot continue.

My Dad's story is not unique. Running this campaign, I have spoken to people across Scotland and the rest of the

United Kingdom who have been let down by the restrictions of FAST.

Two family friends, informed about BE FAST through my family's campaign, received vital care despite having no FAST symptoms.

One lost her balance and was diagnosed with a TIA at A&E, while another lost the ability to stand, and their eyes were struggling to focus. To the shock of her doctor at NHS Forth Valley, a TIA was confirmed.

No FAST symptoms, but they received the treatment that they needed because of BE FAST.

While I am proud of my family's efforts to promote BE FAST, running a public health campaign isn't our role—it's the Scottish Government's responsibility.

My Dad, Anthony James Bundy, was a great man taken from us far too soon. He missed my wedding last month, his 25th wedding anniversary with my mum, and many more, and the chance to see the business he launched months before his passing flourish.

These moments were stolen from him, and from my family, because of the limitations of FAST—limitations known to those responsible for stroke care in Scotland.

My Dad was a man who wanted to set things right. Learning this trait from him is probably the reason why I am working in politics.

Expanding FAST to BE FAST won't bring my Dad back. It won't make things right for my family. But what it will do is make things better for my fellow Scots by helping save countless lives across Scotland."

Those were James's words—these are mine. I know that the cabinet secretary is a good fellow, and I know that he has a good heart. So I ask him today, on behalf of this family—and countless other people in Scotland on the wrong end of the misdiagnoses that are occurring because of the lack of awareness of BE FAST—to launch a Scottish trial of BE FAST, so that we can assess its effectiveness in Scotland.

13:23

**The Cabinet Secretary for Health and Social Care (Neil Gray):** First, I put on record my thanks to Roz McCall for bringing this debate to the chamber and for reminding us that stroke can affect any one of us. Like so many others who have contributed to the debate, I have a very close family experience of someone who had a stroke just this summer. Mercifully, they are making a pretty good recovery, but I recognise that for too many, including the Bundy family, that is not the case, and that stroke can lead to tragic and sudden loss.

I welcome the launch of Chest Heart & Stroke Scotland's FAST campaign. It and other stroke charities, such as the Stroke Association, do vital work in raising awareness and supporting people who have suffered a stroke, and I want to thank them for that.

I say at the outset that I recognise and regret the fact that there has been no Government-backed stroke awareness campaign in Scotland for some time. Although our financial position remains difficult, my hope is that the Scottish Government can revisit whether a stroke awareness campaign next year will add value to the excellent work that is being carried out by Chest Heart & Stroke Scotland, as well as the work of the Stroke Association and other charities, which has been referenced by others from across the chamber.

It is clear that colleagues across the chamber recognise the importance of raising awareness of stroke. Roz McCall shared her personal story, for which I am very grateful; it is not easy to share in public stories about private issues. She made a strong point about the speed of response, which was also mentioned by others, and reinforced the need for greater awareness of FAST—face, arms, speech, time. I welcome her support regarding the importance of public awareness-raising campaigns and public health marketing campaigns.

Evelyn Tweed recognised some of the things that contribute to a greater risk of stroke. Interventions such as lifestyle changes that address issues such as blood pressure form a clear part of the reform and improvement work that I want our health service to do to prevent stroke. We have spoken clearly about the need for speed of reaction when stroke symptoms are present, but Evelyn Tweed's point about the requirements for preventing stroke is also incredibly important.

**Gillian Mackay:** Does the cabinet secretary recognise that, for some people, stroke is not a preventable event and that they need timely support regardless of whether we can prevent all strokes?

**Neil Gray:** I absolutely recognise that there are circumstances in which stroke is not preventable, but there are also contributing factors that make for a greater likelihood of stroke. From the public health perspective, we are seeking to make greater progress on those areas, but I recognise the point that Gillian Mackay made.

Carol Mochan gave a good example of the work that is taking place in Ayrshire and Arran. It was helpful to hear that. I am aware that the Minister for Public Health and Women's Health is due to visit thrombectomy services early in the new year. I agree with Carol Mochan about the interaction with health inequalities in this space. The point that I was making, and that Gillian Mackay responded to, is absolutely prevalent, and it is an issue that I am determined that we will do more to respond to.



Gillian Mackay was also correct about the mixed views on BE FAST, which Sandesh Gulhane also referenced.

**Alexander Stewart:** When the Stroke Association and Chest Heart & Stroke Scotland submitted information to the Citizen Participation and Public Petitions Committee, they asked for further evidence, and they needed further evidence. Surely that gives us the opportunity to get evidence and have a trial, which is what the motion suggests that we do.

**Neil Gray:** I am not closed to the campaign by the Bundy family and others, or to the points that have been raised by Alexander Stewart, Stephen Kerr and others. I will come back to that.

Sandesh Gulhane, who knows about the issue from his work in a clinical setting, was right about quick action making a huge difference, which is why I will turn to our actions shortly.

I am grateful to Stephen Kerr for giving voice to the Bundy family and to James Bundy, who is in the public gallery. I heard that voice clearly in the meeting that I attended, which was hosted by Alexander Stewart. The passion, compassion and determination of the family, which I recognised in a very emotional speech that Stephen Kerr gave, give us all pause for thought.

I turn to the actions that we are seeking to take as a result of some of the interventions that have come from the Bundy family. I met the Bundy family in April, along with Alexander Stewart and the Scottish Government's specialty adviser for stroke. I was struck and moved by the family's determination to ensure that no one else has to go through what they have experienced. Again, I offer them my very deepest condolences for their loss. It is clear from Stephen Kerr's words, and the reflections that he shared with me in that meeting, how loved Mr Bundy was and how keenly his loss is still felt—I recognise that very much. For anyone who has lost close family members in sudden and tragic circumstances, that loss is felt even more keenly.

We all want people who may be having a stroke to be identified more quickly so that they can get the care that they need. That includes ensuring that healthcare staff are aware of less common stroke symptoms, and I will say more about what we are doing in that regard. We do not plan to replace FAST with BE FAST at this time. It is important that I clearly explain why, not least because of the powerful contributions from Alexander Stewart, Roz McCall, Stephen Kerr and others.

Our approach to stroke recognition must always be informed by the best clinical advice, and the clinical advice in this instance is that more evidence is needed before an expert decision can

be made on stroke symptoms that are not currently included in FAST. That view is shared by Chest Heart & Stroke Scotland and the Stroke Association. Importantly, that stance is aligned with the rest of the nations in the United Kingdom.

We do not plan to run trials of BE FAST in NHS boards. That is a decision for each board, but I keep that situation under review. I have asked the national advisory committee for stroke to keep the emerging evidence on stroke awareness screening under review and advise the Scottish Government if new evidence suggests that changes may be needed.

I turn to the action that we are taking now, which came directly after the meeting that I had with the Bundy family. After that meeting, I asked the specialty adviser for stroke to review the stroke awareness training for clinical staff, a point that was raised by Sandesh Gulhane and Evelyn Tweed. As a result, we are funding new training to help staff recognise stroke symptoms, which will be delivered by Chest Heart & Stroke Scotland. That includes recognising less recognisable symptoms, as was asked for by Evelyn Tweed in her contribution. The training will be available to general practices, emergency departments and the Scottish Ambulance Service.

Although we are focusing on FAST, that resource will also cover less common stroke symptoms such as blurred or double vision and loss of balance. The Minister for Public Health and Women's Health has written to all NHS boards to ask them to encourage their staff to sign up when the training becomes available. We have also carried out polling to understand the current level of public awareness of the FAST symptoms. That will inform our future approach to awareness raising on stroke. Furthermore, recognising that tests such as FAST and BE FAST can never be 100 per cent accurate, we are also supporting the Scottish Ambulance Service to explore using video call technology to diagnose hyperacute strokes more accurately.

The Scottish Government recognises the importance of ensuring that less common stroke symptoms are not missed. The harrowing, tragic and traumatic case of the Bundy family is an example of that. We are taking action to improve education and support more accurate diagnosis, and we will continue to monitor the evidence base on stroke recognition to ensure that our approach is informed by the best available evidence.

I once again thank everybody for contributing to what has been a valuable and moving debate, and all those who have contributed to the campaign getting to this point. I am very grateful for that. The actions that are being taken by staff and campaigners are helping to save and change

lives, and I am immensely grateful for everyone's contribution.

**The Deputy Presiding Officer:** That concludes the debate.

13:33

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Net Zero and Energy, and Transport

**The Deputy Presiding Officer (Liam McArthur):** The first item of business this afternoon is portfolio question time, and the portfolio is net zero and energy, and transport. Members who wish to ask a supplementary question should press their request-to-speak buttons during the relevant question.

#### Transport Scotland (Engagement with RTPs)

1. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government what engagement Transport Scotland has with regional transport partnerships, such as SWestrans, regarding contractual requirements for key local public transport services, including the provision of rural buses. (S6O-03989)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** We recognise the importance of public transport for local communities and that ensuring the long-term sustainability of those vital local routes is a collaborative endeavour. Transport Scotland regularly engages with regional transport partnerships on transport matters, including challenges in, and opportunities to increase, the accessibility, availability and affordability of public transport. For example, Transport Scotland attended a meeting of RTP chairs in September to discuss the future of bus services in Scotland. SWestrans attended a related Transport Scotland-held workshop in October, along with other RTPs and stakeholders. However, Transport Scotland has not had any recent, specific engagement with SWestrans on its local bus service contract.

**Emma Harper:** I have been contacted by many constituents who rely on the 500 bus service, which serves communities from Stranraer to Dumfries. Many people use the service to travel to hospital appointments, employment and social events. The journey can take in excess of three hours and there is no toilet on the bus. If there is a toilet, it is often locked, because the transport body, SWestrans, has never included a toilet in the contract. Does the minister agree that that is unacceptable? Could he suggest whether some kind of guidance could be created for regional transport partnerships to ensure that that situation is rectified and that it does not happen in other parts of Scotland?

**Jim Fairlie:** I agree that the situation that Emma Harper has described does not seem to be providing an adequate, never mind a good, service

for people. That is exactly the sort of issue that we need to resolve if we are to encourage more people to travel by bus. The Cabinet Secretary for Transport and I have made clear our expectations that Scotland's transport providers and public services will continually improve their performance and people's travel experiences. The adequate provision of toilets during journeys is, clearly, a fundamental part of that. I would be very happy to meet the member to discuss solutions to the situation in Dumfries and Galloway.

**Colin Smyth (South Scotland) (Lab):** The most recent report to SWestrans about the bus network said that it faced an existential threat. Services have been axed, passenger numbers have plummeted and fares have rocketed. Why does the Government keep cutting funding to SWestrans year after year in real terms, when more support is needed to prevent the bus network in Dumfries and Galloway from collapsing?

**Jim Fairlie:** SWestrans, among other services, is funded through the network support grant. We will monitor the situation with SWestrans. I have already said that I will meet with Emma Harper, and we will take it from there.

**Claire Baker (Mid Scotland and Fife) (Lab):** The chamber has agreed that franchising can be a solution to the problems that have been described. Although the Scottish statutory instrument, the Local Services Franchises (Traffic Commissioner Notices and Panels) (Scotland) Regulations 2024, passed by the skin of its teeth, the Net Zero, Energy and Transport Committee raised serious concerns about the panel model. What discussions have taken place to address concerns that the process will be undemocratic, unnecessary and inappropriate?

**Jim Fairlie:** The process is absolutely necessary. We have passed the SSI. The process started in 2019 and we have gone through the entire process. We are where we are.

## Energy Strategy and Just Transition Plan

**2. Douglas Lumsden (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on when it will publish its energy strategy and just transition plan. (S60-03990)

**The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin):** In the programme for government we committed to publishing the energy strategy and just transition plan shortly, in order to support Scotland's just transition to a green economy. However, since we published a draft for consultation, there have been significant changes in global and United Kingdom energy markets, including UK-wide policy developments

that are now being pursued by the UK Government, which will have a direct impact on Scotland's energy sector. It is therefore important that we take time to consider those policies.

**Douglas Lumsden:** From written questions, we know that £75 million of just transition funding has been allocated, but the Scottish Government does not hold figures relating to employment outcomes or job creation as a result of the funding. We also know that the net zero technology centre has no certainty of funding after the city region deal term ends in 2026.

Would the cabinet secretary accept that thousands of jobs in the north-east are being put at risk by the Government's abject failure to have a proper plan in place?

**Gillian Martin:** No, I would not accept that at all. I make it clear that we are fully committed to the just transition fund. A couple of months ago, I asked for an analysis of how the just transition fund has been deployed. That analysis relates very much to some of the things that Douglas Lumsden mentioned, such as how many jobs the fund has secured and how much it has increased capacity in the supply chain. I am considering that as we prepare to look at the next tranche of just transition funding, for which we will have a more focused approach to ensure that the funding that is available does the best things possible for a just transition in the north-east.

**David Torrance (Kirkcaldy) (SNP):** I welcome the Government's continued work on that. It is vital that we press ahead with Scotland's energy transition, replicating the success of projects such as the Aventus Energy and Sumitomo developments.

Does the cabinet secretary agree that to build on the Scottish Government's progress, the UK Government needs to urgently match our ambition for Scotland, and match the £500 million just transition fund?

**Gillian Martin:** We are committed to driving forward Scotland's energy transition and working with our UK Government counterparts where we need to do so. Our just transition fund has already allocated £75 million to date, supporting projects in communities across the north-east and Moray to create jobs and support innovation.

The fund sends a clear signal of support for the region, but we recognise that it needs to be part of a wider stream of investment from the UK Government and others to deliver a just transition to net zero across Scotland. I urge the UK Government to match the fund to help to ensure that net zero future.

**The Deputy Presiding Officer:** I call Sarah Boyack—briefly, please.

**Sarah Boyack (Lothian) (Lab):** This week, we saw major investment in turbines in Hull. When are we going to get manufacturing transition in Scotland?

Does the cabinet secretary accept that the repeated delay to the energy strategy, never mind the length of the consenting process for projects such as Berwick Bank, means that we are missing out on supply-chain opportunities, and we are not getting the green jobs—

**The Deputy Presiding Officer:** Cabinet secretary.

**Sarah Boyack:** —because we are so far behind?

**The Deputy Presiding Officer:** Cabinet secretary.

**Gillian Martin:** Ms Boyack will be aware that, through our inward investment programmes and Scottish Development International, Sumitomo is building a cable factory at Nigg.

We have also committed, in the onshore wind plan, to a remanufacturing site for turbine blades. That is just the start of the transition, and the start of the ScotWind licensing developments, so I expect that there will be much more of that to come.

### Heat Pump Industry

3. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government how it is engaging with the growing heat pump industry, in light of the potential role that heat pumps can play in helping to achieve net zero. (S6O-03991)

**The Acting Minister for Climate Action (Alasdair Allan):** As well as the substantial funding that we provide for individuals and social landlords to install heat pumps, which is helping to grow supply chains, we are supporting business to develop the skills and accreditation that are needed in order to grow our qualified installer base.

Our green heat installer engagement programme, which is delivered by the Energy Saving Trust, provides assistance and support to help installers to participate fully and effectively in the clean heat supply chain. The enterprise agencies also work closely with manufacturers and installers to support their growth in Scotland.

**Evelyn Tweed:** Aira, a Swedish heat pump specialist, recently opened a hub in Stirling and is set to become a big employer in my constituency. What steps is the Scottish Government taking to ensure that opportunities are available for engineers to reskill in order to work in that growing industry?

**Alasdair Allan:** I welcome the opening of Aira's Scottish hub. Supporting Scotland's current and future workforce to develop the skills that are needed for the net zero transition is a priority for this Government. Many of Scotland's colleges and independent training providers offer heat pump training. We have invested in a mobile training centre for heat pump installation to ensure that training is equally available across all geographic areas.

As well as the green heat installer engagement programme that I mentioned, we are funding the clean heat strategic workforce development fund, which is delivered by Scottish Enterprise.

**Willie Rennie (North East Fife) (LD):** The Acting Minister for Climate Action must be living on a different planet, because Aira—that very company in Stirling—has condemned the Scottish Government's programme. Aira says that it has to fill in a 38-page application form, that it takes 50 days to get an answer, and that it is two months before the company gets its money. Aira says that the Government's funding scheme is the biggest blockage to making such progress happen.

**Alasdair Allan:** The Government is committed to working with that company and other companies. On skills, the Scottish Government is continuing to work in partnership with that company and other companies to ensure that there are opportunities for individuals to reskill or to find the skills that they need. We are working closely with colleges and apprentices to achieve that. We are very happy to work with companies that have any suggestions as to how the process may be changed in the future.

### Nuclear Industry Investment

4. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on its position regarding investment in the future of Scotland's nuclear industry. (S6O-03992)

**The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin):** The Scottish Government does not support the building of new nuclear power stations in Scotland under current technologies. We recognise the significant value that Torness and its workforce has contributed to Scotland's economy over many decades and we support extending the operating lifespan of Scotland's last remaining nuclear power station if strict environmental and safety criteria continue to be met.

Decommissioning Scotland's nuclear sites will also take decades and will require the retention of a highly skilled workforce. National planning framework 4 supports the redevelopment of the Hunterston and Chapelcross sites and notes the

opportunities to repurpose existing assets to create greener jobs.

**Stephen Kerr:** I think that the minister should keep up with Brussels, because the European Council agreed months ago that nuclear power is a strategic technology for EU decarbonisation. She needs to read the EU renewable energy directive. It is astonishing that the SNP keeps peddling this blatant anti-science misinformation. What assessment has the minister made of how much carbon could be removed from our energy production if we used nuclear energy?

**Gillian Martin:** I have stated my Government's view on nuclear energy. Regardless of what has been said in the EU, lots of EU member states are ceasing to use nuclear energy and want to phase it out. I give the example of Germany. I also point Stephen Kerr to the words of some academics from across the United Kingdom, France and Japan—Professor Steve Thomas, Dr Paul Dorfman, Professor MV Ramana and Professor Amory Lovins—who said in a statement that,

“After more than 60 years of commercial history, nuclear is getting further from, not nearer to, being able to survive without massive public subsidies.”

They also said that, constructing new plants takes considerably longer than renewable equivalents, according to the UK Government's regulated asset-based model. Scotland is rich in renewable resources that will be able to be deployed far more quickly than any new nuclear plants.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Earlier this year, EDF Energy reported that, in the worst case scenario, Hinkley Point C could cost £47.9 billion to complete, compared to the 2016 estimate of £18 billion. Does the cabinet secretary agree, given that the public finances are so constricted by the Tories' £22 billion black hole legacy, that we would be better placed to focus on Scotland's natural abundance in the form of renewable power development, which is cheap and quicker to build?

**Gillian Martin:** I absolutely agree with that point, which Gordon MacDonald makes very well. It takes 17 years to put a new nuclear plant in place, and he has mentioned the cost that is associated with such developments. We cannot afford to waste time and money on that approach. While renewables have become cheaper in recent decades, new nuclear plants have only become costlier. In Scotland, we are lucky enough to have abundant natural resources and a highly skilled workforce that enables us to take advantage of those opportunities. Significant growth in renewables, hydrogen and carbon storage and capture provide the best pathway to net zero by 2045.

## Battery Energy Storage Systems (Fire Risk)

**5. Meghan Gallacher (Central Scotland) (Con):** To ask the Scottish Government what discussions the net zero secretary has had with ministerial colleagues regarding mitigating fire risk from battery energy storage systems, in light of the role that battery storage can play in the future energy mix of Scotland. (S6O-03993)

**The Acting Minister for Climate Action (Alasdair Allan):** The Acting Cabinet Secretary for Net Zero and Energy regularly discusses with ministerial colleagues a range of issues relating to Scotland's future energy mix, including engaging on the safety and regulatory processes around battery energy storage sites.

When new development proposals come forward, our fourth national planning framework ensures that the impacts of proposals on communities and nature, including cumulative impacts, are important considerations in the decision-making process. All applications are subject to site-specific assessments. The Scottish Fire and Rescue Service continually reviews and develops its operational response to any new and emerging technology to keep communities safe and to ensure the highest level of preparedness.

**Meghan Gallacher:** Residents and community councils are voicing their concerns over plans for battery energy storage systems, due to emergency crews not having the right equipment to deal with potential fires. I recently met a developer regarding that matter and I have raised issues over fire safety. A lot of those developments are in close proximity to residential areas, leaving many communities, including those in my region, very concerned.

To reassure residents and communities, there needs to be clear guidance on fire safety to improve the policy and procedures of battery energy storage systems. The guidance is dated, so will the minister commit to looking at existing legislation and guidance to improve fire safety standards for those particular types of energy storage development?

**Alasdair Allan:** The Government listens closely to all stakeholders—not least the Fire and Rescue Service, as I mentioned—on that matter. All applications are subject to site-specific assessments. The cumulative impacts that I mentioned are relevant, because the cumulative impact of energy development proposals must also be considered through statutory environmental impact assessment processes.

In short, I take seriously the issues that the member has raised. The Government makes sure that communities are engaged at an early stage and can meaningfully influence all such proposals.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Expanding energy storage comes hand in hand with increasing renewable energy technology, and both will play a vital role in Scotland's future energy mix. Will the minister say more about how the safety of those developments is assessed and planned so that we can deliver a secure net zero future for our communities?

**Alasdair Allan:** As I mentioned, all applications are subject to those assessments, and the impacts of energy development proposals also require to be considered closely. That includes statutory elements around environmental impact assessment processes.

Scottish ministers have an expectation that communities are involved in the process and are listened to. Where there is a need for co-ordination among applicants who are proposing developments in the same area, all parties are expected to work together to co-ordinate the development and minimise any impacts on the communities and the environment.

When determining applications under the Electricity Act 1989, Scottish ministers are required to seek advice from planning authorities to ensure that decision making is co-ordinated in that way.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

### Concessionary Bus Travel (Cost)

**7. Edward Mountain (Highlands and Islands) (Con):** To as the Scottish Government how much the individual bus fare concessionary schemes have cost in 2024. (S6O-03995)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** Presiding Officer, with your permission, I would like to correct my earlier response to Colin Smyth. It is the bus operators in the south-west that are funded by the network support grant. SWestrans funding is dealt with separately and will be addressed in the budget.

To answer Edward Mountain's question, the total cost of the national concessionary travel schemes for the period 1 January 2024 to 13 October 2024 equated to £154.6 million for the older and disabled persons scheme, and £140.1 million for the young persons free bus travel scheme. It should be noted that costs incurred beyond 13 October 2024 are not yet finalised and, as such, have not been included.

**Edward Mountain:** Last year, £165 million was spent on giving under-22-year-olds unlimited bus travel. No such scheme is available to islanders who are under 22. They are allowed just two trips, and they use their ferries like we use our buses. Will the Government introduce a scheme for

islanders who are under 22, so that they have parity with those on the mainland?

**Jim Fairlie:** Mr Mountain is talking about the ferry concession. The islands connectivity plan will address that issue.

**Jackie Dunbar (Aberdeen Donside) (SNP):** One of the less obvious groups that benefit from free bus travel in Scotland is disabled folk. Where they need support, free travel is also available for their companion or carer. How many disabled people and their companions or carers have enjoyed free bus travel in the past year, thanks to the Scottish National Party Government?

**Jim Fairlie:** I very much welcome the opportunity to—*[Interruption.]* Pardon?

**The Deputy Presiding Officer:** Continue, minister.

**Jim Fairlie:** I very much welcome the opportunity to highlight how the SNP Government's investment in concessionary travel is benefiting people who otherwise might not be able to afford to get around their community and Scotland.

In the 12 months to 31 October 2024, 24,068,991 journeys were made by people who have a national entitlement card because of disability or sight impairment, which also permits a companion to travel for free; that figure includes companions who accompanied the cardholder. A further 7,112,004 journeys were made by people with a card that provides the individual with free bus travel. As of 1 November 2024, 129,324 disabled or sight-impaired cardholders can have a companion travel with them for free, and a further 40,866 cardholders have access to free bus travel.

### Apache North Sea Operations

**8. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what its response is, regarding any implications for its energy strategy and just transition plan, to the reported announcement by Apache that it will cease all operations in the North Sea by the end of 2029. (S6O-03996)

**The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin):** We are aware of reports of that disappointing commercial decision by Apache. As we finalise the energy strategy and just transition plan, we are committed to working in partnership with industry to deliver a just transition for Scotland's valued oil and gas sector that recognises the declining nature of the North Sea basin but is also in line with our climate commitments.

As part of that, we continue to call on the United Kingdom Government, which holds key levers around the fiscal and regulatory regimes, to listen

very carefully to the concerns that have been expressed by business on risks to jobs and investment in that transition.

**Liam Kerr:** Many North Sea firms now feel existentially threatened by the damaging anti-industry narratives of both Scotland's Governments. Scottish ministers promised us an energy strategy in spring 2022 and then summer 2024, yet we still have no date for publication. Will the minister give us a clear publication date for the strategy, and will she promise industry that the demonising mantra of "presumption against" will not feature in it?

**Gillian Martin:** In my view, as long as there is demand for fossil fuels in the United Kingdom, we should be meeting as much as possible of that demand from our domestic supply in the North Sea. It is up to us to reduce our demand.

It is notable that Apache singled out the energy profits levy—EPL—as a reason for its departure. That is a UK policy that was brought in by the former Conservative Government.

As far as I am concerned, we have to make sure that our energy strategy and just transition plan are as robust as possible. We are committed to publishing them as soon as we can. However, as Liam Kerr will know, there is a discussion to be had with the UK Government, which intends to consult on future approaches to new licensing for oil and gas, potentially refining the position. We want to play our part in that discussion. We believe that we have a nuanced and sensible approach, which looks at licensing on a case-by-case basis, includes robust climate compatibility assessment and considers energy security.

We have shown our commitment to the industry by assisting it in reducing its production emissions through the innovation and targeted oil and gas—INTOG—round of licensing for floating offshore wind.

**Kevin Stewart (Aberdeen Central) (SNP):** The UK Government's energy plans are causing an energy exodus from the north-east. Labour's flagship project GB energy will now receive only £100 million of funding over its first two years—that is nothing like the £8 billion that was pledged.

Can the cabinet secretary provide an update on what engagement it has had with the UK Government on the concerns that businesses are expressing about risks to jobs and investment in the transition because of the changes to the energy profits levy and the allowances regime?

**Gillian Martin:** Scottish ministers engaged with UK counterparts on a number of matters in the run-up to the autumn budget. For example, the Acting Minister for Climate Action, who is sitting beside me, met the under-secretary of state for

energy in Aberdeen on 17 September. We continue to urge the UK Government to listen carefully to businesses on the ground about the impacts of the EPL on jobs and investment during the transition.

The UK Government also needs to work with industry to set out a stable, long-term fiscal regime to give the sector the much-needed certainty and stability that it deserves.

**The Deputy Presiding Officer:** Thank you, cabinet secretary. That concludes portfolio questions on net zero and energy, and transport. There will be a brief pause to allow a change of members on the front benches before we move on to the next item of business.

## National Care Service

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement by Maree Todd, the Minister for Social Care, Mental Wellbeing and Sport, on the national care service. The minister will take questions at the end of the statement, therefore there should be no interventions or interruptions. I call the minister for up to 10 minutes.

14:24

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Strong social care and community health support are the bedrock of a thriving and compassionate civil society. Most of us will need the social care system at some point in our lives, for ourselves or for the people whom we love. I am extremely grateful for the efforts that hundreds of thousands of paid and unpaid carers, as well as our dedicated workforce, make every day to support those people who are accessing social care.

I want to talk about why reform of social care is necessary, what the Government is already doing to drive improvement, why a national care service is essential to achieve the change that people want and need, and why I have asked for stage 2 of the bill to be paused.

There cannot be one person in the chamber today who does not already understand that the social care system needs fundamental reform. The starting point for our work on the national care service was the independent review of adult social care. The social care system was acutely impacted by the Covid pandemic and that review, which Derek Feeley led, brought home the importance of the consistent delivery of high-quality care, with compassion and kindness.

It reminded us that care is not something that is needed only at the end of our lives and it reinforced the need to ensure that those who deliver care are also looked after, and that no one is left behind or falls through the cracks of the system. The recommendations of the Feeley review were unequivocal about the need for change. The Government accepted the recommendations in full and we remain committed to delivering on them.

I have personally met hundreds of people across Scotland who use social care and community health services, as well as people with caring responsibilities. My officials have met thousands more. I am grateful to all those people for sharing their time and their views. Although people have a wide range of needs and access many kinds of support, they have consistently and clearly told us that things need to change.

I want to restate for the chamber three of the key issues that people have told us require urgent action. Those are the reasons why change is so necessary. Those issues are valuing social care; access to consistent, high-quality services; and oversight of planning and delivery.

The first issue is shifting society's attitudes to ensure that social care is fully valued. We must value the people who access care, and the impact that our carers and workforce have on people's wellbeing and independence. We reopened the independent living fund in April to enable up to 1,000 of the most disabled people to access the support that they need to lead independent lives.

For carers, we introduced the Carers (Scotland) Act 2016 to enhance and extend the rights of all adult and young carers across the country, and we are investing £88.4 million per year to support implementation. We published our national carers strategy in December 2022, which sets out how we will support and recognise our carers and includes our plan to strengthen access to short breaks for carers. Following our expansion of easy-access voluntary sector short breaks support by £5 million in 2022-23, we have maintained a budget of £8 million for 2023-24 and 2024-25.

For people who work in the adult social care sector, we are making good progress on a way to introduce sectoral bargaining for the sector, in line with the recommendations of the Fair Work Convention. We are engaging constructively and meaningfully with the United Kingdom Government around the Employment Rights Bill, but we need it to ensure that social care is not disadvantaged by the national insurance increase.

This year, we invested £230 million for social care workers who deliver direct care in commissioned services to have their pay increased to at least the £12 per hour real living wage rate. We are also committed in the programme for government to prioritise funding to local government to maintain the real living wage in 2025-26.

The second issue is access to consistent, high-quality support and services that are targeted where and when they are most needed, with clear information about what services are available. There is unacceptable variation in that across local authority areas. For example, in some areas of Scotland, delayed discharge is ten times worse than in others, which is clearly unfair.

We remain committed to a human rights-based approach to social care in Scotland. Self-directed support means that care should be arranged and delivered subject to individuals' choice and control. I am grateful to the Health, Social Care and Sport Committee for the work that it has recently undertaken on post-legislative scrutiny of SDS,



and I am actively considering where further improvements can be made.

The third issue is oversight of planning and delivery. There are several aspects to that, and it is the area in which we have the furthest to go to reassure people with lived experience that we have heard them and are acting on their concerns.

We need greater transparency. Collectively, we spend £5.75 billion on social care services, and we have increased investment in social care by £1 billion in the course of this parliamentary session. However, we have not seen the improvements that we would expect, and there is little national oversight of where the money goes. Greater scrutiny of how services are planned, funded and provided is urgently needed; indeed, the Parliament has said so itself in its post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013.

There must be meaningful inclusion of people with lived experience in the governance, planning and scrutiny of social care. That will require formal structures to enable participation. We must be able to identify and share good practice and to challenge and resolve issues whenever they arise.

One specific example of work to drive that kind of improvement is the collaborative response and assurance group—CRAG—which is co-chaired by the Cabinet Secretary for Health and Social Care with the Convention of Scottish Local Authorities. It provides targeted support to local systems to reduce the number of people in delayed discharge. Significant work is occurring to ensure that discharge without delay policies, procedures and practice are patient-centred and enable people to recover in the right place and at the right time.

People have told us that the Government should be held accountable for the social care system in Scotland, and they have called on ministers to lead that much-needed change. The work that I have set out is evidence that I am already doing that. The National Care Service (Scotland) Bill is intended to support improvement, with structural reform that will further empower the scrutiny role of people with lived experience. The bill and the package of draft stage 2 amendments that I shared with the Health, Social Care and Sport Committee in June represent the Government's view on how best to achieve that structural reform.

We have encountered some opposition to our proposals. I was particularly disappointed that, after more than a year of negotiations, COSLA withdrew its support for the NCS bill. Disabled people's organisations across Scotland have reported being ignored by COSLA, despite their attempts to engage. I need to consider what

approach will secure sufficient support to progress.

Throughout the development of the bill, the Scottish Government has been committed to listening and engaging. Operating as a minority government makes that even more important. For that reason, last week, I wrote to the Health, Social Care and Sport Committee to say that I wanted to take the time needed to fully reflect in our approach to the bill the range of views that have been expressed, and that I was not seeking to start stage 2 of the NCS bill on 26 November. That was a necessary step to ensure that we get this right for people.

There are many areas on which we agree, and I appeal to all members across the chamber to come together to deliver the change that people tell us time and again is needed. That is what the people whom we are here to serve need. Only yesterday, a collective group of disabled people's organisations—the disabled people's movement—published an open letter. It reads:

"we need a National Care Service and fundamental reforms to the broken systems. Disabled people of all ages need change, and the status quo is not an option because disabled people are suffering. We need vital support to live a life of dignity and choices that non-disabled people take for granted."

We owe it to them to now come together, to agree the way forward and to deliver for the people who need it most—the people who use social care and community health services and those with caring responsibilities. We all know that the status quo is not an option. Change is needed, and we must all work to secure improvement.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for that, after which we will need to move on to the next item of business.

**Sandesh Gulhane (Glasgow) (Con):** I declare an interest as a practising national health service general practitioner.

Four years in the making wasted, £30 million wasted and countless hours of stakeholder time wasted. It is clear from listening to the minister's statement that she believes that the Scottish Government is correct and absolutely everyone else is wrong. The minister is trying to shift the blame to COSLA and all Opposition parties, but what she has not said is that COSLA withdrew its support after painstaking negotiations, because all its key asks had been ignored. The minister has united civic Scotland and the Parliament against the bill.

Minister, you are delaying the inevitable, as the National Care Service (Scotland) Bill is dead in the water, and it is clear that it is now the greatest

barrier to social care reform in Scotland. I have three short questions. When did the minister know that the current iteration of the bill could not go forward? Subsequently, when did the minister inform the Cabinet? Minister, do you accept responsibility for your own bill?

**The Deputy Presiding Officer:** Through the chair, please.

**Maree Todd:** Much of what Sandesh Gulhane has said is completely incorrect. We are a listening Government. We changed the bill so extensively, much to the concern of many in this Parliament, because we listened and because COSLA, in particular—our local authority colleagues—asked us to change the bill. More than a year ago, we made an agreement to have tripartite, shared accountability between local authorities, the NHS and us. Over the course of the following year, we put in place a system and a proposal that we thought would work.

It is no wonder that I was taken by surprise by COSLA's withdrawal of its support. It had asked us to pause negotiations over the course of the summer, because it had capacity issues in relation to being able to turn its attention to the delayed discharge problem and to focus on negotiations about the bill. So, we set the bill to one side and, without coming back to the negotiating table, COSLA unilaterally withdrew its support.

I am not seeking to blame COSLA. I am trying to say that there is a very strong case for change. In the foreword to his review of adult social care, Derek Feeley said:

"In the improvement world, there is a maxim which reads something like 'every system is perfectly designed to get the results it gets'. That is the basic challenge for us. We have inherited a system that gets unwarranted local variation, crisis intervention, a focus on inputs, a reliance on the market, and an undervalued workforce. If we want a different set of results, we need a different system."

Now—

**The Deputy Presiding Officer:** Very briefly, minister.

**Maree Todd:** I heard from COSLA at the end of September, the Cabinet was informed immediately and I have been working hard ever since to resolve the situation. [*Interruption.*]

**The Deputy Presiding Officer:** I am going to need slightly briefer responses. I am also going to need front-bench members not to hector the minister as she tries to respond.

**Jackie Baillie (Dumbarton) (Lab):** I agree with the minister that the status quo is not an option, but the Scottish National Party has had 17 years to fix social care. In fact, it has had more than three years to get the bill right and has simply failed to do so.

Scottish Labour first called for a national care service 13 years ago, but what has been brought forward by this Government simply does not come close. Contrary to the minister's assertions, the bill does not deliver on the Feeley recommendations. The Government simply has not listened. It has wasted £30 million, and it has let down disabled people in the process. People's care packages are being cut right now, delayed discharges are at a record high now and staff are leaving in their droves.

I ask the minister how long the process will now take. The Scottish Government could use alternative legislation to do many of the things that we agree on far more quickly than it could through this bill. Anne's law can be done with secondary legislation, as can carers' respite, procurement, ethical commissioning, fair pay and collective bargaining and the national social work agency does not need legislation at all.

Will the minister stop the dither and delay and tell members what she will do to improve social care right now?

**Maree Todd:** Each time Jackie Baillie speaks about the national care service, she reiterates her personal commitment to having such a service. We are well aware that, in England, Labour is introducing a national care service and, in Wales, Labour is introducing a national care service, but here, Scottish Labour opposes the introduction of a national care service, much to the dismay of disabled people's organisations.

I will quote Tressa Burke from the Glasgow Disability Alliance, who said:

"Our voices, priorities and needs have been drowned in this political backbiting where the very people who are meant to be at the very heart have been forgotten ... We would much rather have made amendments and made sure that the changes were being made as we go."

That is what disabled people's organisations are telling me and that is what they are saying in public.

I intend to return in the new year with a proposal for the bill, which I will take to the Health, Social Care and Sport Committee.

Jackie Baillie continues heckling me from a sedentary position. She has a small window of opportunity in which to come forward and show disabled people her commitment to a national care service in Scotland.

**The Deputy Presiding Officer:** I remind everyone that we need briefer questions and shorter answers.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Social care users across the country are, ultimately, at the heart of this discussion and they require our support and reassurance in light of the

delay to the bill. Will the minister outline how the Scottish Government will engage directly with care users about the next steps in the process and how those care users will be supported in the meantime?

**Maree Todd:** As I said, I have personally met hundreds of people across Scotland who use social care or community health services or who have caring responsibilities, and my officials have met thousands more. I absolutely reassure them all that, by working in partnership with them, we are committed to reforming the social care system in Scotland.

We are building and co-designing the detail, through continued engagement with people who have experience of using those services. We regularly meet partners and stakeholders, who are the experts in delivering social care services, to develop the final scope of a national care service that delivers for everyone.

**Brian Whittle (South Scotland) (Con):** Traditionally, when one is in a hole, one stops digging. When the Scottish Government is in a hole, it announces a review and continues digging, looking in vain for a face-saving exit. This is rapidly becoming the legislative equivalent of the Monty Python dead parrot sketch. As far as everyone but the Scottish Government is concerned, it is an ex-bill.

Will the minister please now accept that the proposals are not an answer that the social care sector can work with and will she engage with colleagues from across the chamber to deliver a much-needed solution for the sector?

**Maree Todd:** I again reiterate that I am engaging right across the board with all stakeholders. The voices that are not being heard in the debate are those of the disabled people's organisations that made clear that they want to see a national care service. Derek Feeley already gave us a review with clear recommendations about what we need to deliver in Scotland. I am more than happy to meet members from across the chamber to hear their ideas about how we can proceed and can deliver on that review.

**Kevin Stewart (Aberdeen Central) (SNP):** Like so many of the folks in disabled people's organisations and people with lived experience throughout the country, I am very disappointed that there has been a delay. There are certain things that we must progress with, though, and I want some reassurance from the minister. Anne's law, which I put into guidance, needs to go into legislation to fulfil promises that were made to Anne Duke's husband, Campbell Duke, her family and the care home relatives Scotland group. Can the minister assure me that Anne's law will go into

legislation? If she can explain how that is to be done, I would be very grateful.

**Maree Todd:** I am absolutely committed to Anne's law. The First Minister and I recently met the care home relatives Scotland group and Campbell Duke, the widower of Anne, to reassure them of that commitment. It is important that we get the legislation right and that we make Anne's law a reality, and I am very grateful for the ongoing input and support from relatives, care home providers and other organisations.

The National Care Service (Scotland) Bill was chosen as the vehicle for Anne's law because it fits with the bill's focus on embedding human rights within our social care services, as well as because more options and flexibility are provided by primary legislation. I cannot give the member a timetable, but I give him an absolute assurance and commitment that we will deliver on Anne's law. I would be more than happy to continue meeting him to give him reassurance on that front.

**Carol Mochan (South Scotland) (Lab):** In the statement, the minister acknowledged that

"We all know that the status quo is not an option."

However, it feels as though Government ministers are the only people who do not understand that. For unpaid carers, it is quite simply an understatement. The labour of unpaid carers in Scotland saves the economy £15.9 billion each year. There are now no meaningful plans in place to guarantee breaks for unpaid carers. What is the Government doing to rectify that now?

**Maree Todd:** I recognise the incredible contribution that Scotland's unpaid carers make to our communities, as well as the pressures that many carers are under. We are investing £88.4 million a year in local carer support through local authority Carers (Scotland) Act 2016 funding. We are providing £8 million a year for voluntary sector short breaks—that funding was increased by £5 million in 2023—including £3.5 million via local carer centres. We are providing £600,000 in 2024-25 for local carer centres to expand their invaluable support to carers, including young carers.

The member is absolutely correct: there are a number of elements of the bill that we all agree on—Anne's law, support for unpaid carers, the national social work agency, information sharing and complex care commissioning. I am asking members of this Parliament to put the politics aside and sit down and work out how we deliver those things that we agree on.

**Emma Harper (South Scotland) (SNP):** As a member of the Health, Social Care and Sport Committee and a registered nurse, I have been really interested in following the progress of the

NCS bill to ensure the best possible outcomes for patients. One of the key elements of the bill is to standardise education and training for care staff. Will the minister comment on how that work can still be taken forward while the NCS is being considered?

**Maree Todd:** The development and training of social care staff are critical. That is primarily the responsibility of their employers, but I am keen to support that where we can. As part of the joint social services and social care task force, we have been looking at improving the experience of the workforce. For example, work that is led by the Scottish Social Services Council and NHS Education for Scotland is updating the national induction framework and developing a portable induction passport that will allow induction learning to be transferred between employers. They are also developing a digital tool that should improve the understanding and visibility of career opportunities in the adult social care sector. We must work together to deliver more of that for our workforce.

**Gillian Mackay (Central Scotland) (Green):** There are things in the bill that we should still pass. Among other things, the right to short breaks for carers and the right to advocacy and information need to be progressed. However, as a party, we still have fundamental issues with some of the provisions. An issue that we often discuss in the chamber and in committee is the variations across local authorities and the pattern of integration. Given that no two local authorities are alike, during the pause, will the minister meet cross-party councillors from individual local authorities to hear their concerns and try to find a way forward?

**Maree Todd:** I would be more than happy to meet cross-party councillors. I know that, particularly in relation to the COSLA leaders' decision, the Green Party was excluded due to there not being a Green leader. We meet weekly on CRAG with local systems to try to tackle the variations in delayed discharge across the country.

It is absolutely astonishing that people in this chamber defend the incredible postcode lottery of care that our citizens face. In NHS Ayrshire and Arran, there are three local authority areas. There is a very low rate of delayed discharge in East Ayrshire; however, it is more than double that in North Ayrshire and more than triple that in South Ayrshire. The situation is completely indefensible, and we need to find a way forward.

**David Torrance (Kirkcaldy) (SNP):** Will the minister outline how the Scottish Government will look to support the social care sector in light of new concerns, which have been highlighted by stakeholders, that the UK Labour Government's plan to increase employer national insurance

contributions could be catastrophic for many voluntary sector care providers?

**The Deputy Presiding Officer:** Minister, you may respond on issues that are directly related to those that were raised in your statement.

**Maree Todd:** The member is absolutely correct. The new national insurance contribution that is expected to be paid by all employers in the UK is a change that was brought in without any understanding of how the care sector currently works, without any consultation with stakeholders and without modelling the impact of change. We think that it is likely to cost the social care sector in Scotland more than £84 million. That is absolutely catastrophic. Donald Macaskill, the chief executive officer of Scottish Care, has called it

“the straw that breaks the camel's back.”

We absolutely need that issue to be sorted. It is clearly more pressing than any discussion about the medium and long-term improvement of our social care system; it is an immediate threat to our social care system in Scotland.

**Willie Rennie (North East Fife) (LD):** Does the minister not feel even the slightest embarrassment that she has spent £30 million and got absolutely nowhere? Meanwhile, in Fife, £13 million has been cut by the social care partnership. Is there any limit to how much money she will spend and how much time she will commit to this failed project?

**Maree Todd:** I think that it is absolutely essential. Look, for example, at the decision on national insurance contributions, which was made without any understanding of how it would impact on our social care system in Scotland and is very likely to tip that system into absolute crisis. I make no apology for taking the time to understand the complex system of social care that operates in Scotland, to understand and hear from stakeholders—including those who deliver social care, those who work in social care and, most important, those who access social care—and to model the impact of change.

Lives depend on the social care system, and it is important to proceed carefully in improving it.

**Annie Wells (Glasgow) (Con):** I am sure that the minister can see, as I can, that the entire process of the bill has been nothing short of shambolic. The National Care Service (Scotland) Bill has let down everyone, including social workers and those who desperately needed Anne's law.

The minister speaks very highly of Derek Feeley, as do I. How many recommendations from the Feeley review, which was published in February 2021, have been implemented to date?

**Maree Todd:** I am more than happy to come back to the member with the detail of that.

This is rank hypocrisy from the Conservatives, who have absolutely opposed the change from the moment that it was conceived. Theirs is the party that most strongly says, “Stick with the status quo, and don’t change anything.” It is absolute rank hypocrisy to claim now to support the Feeley report—which we are not implementing in full, through our proposals, because we listened to the concerns that were raised by our local authority colleagues and changed direction.

**Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of members’ interests: I hold a bank nurse contract with NHS Greater Glasgow and Clyde.

Stakeholder organisations and individuals have spent a significant amount of time and energy in contributing to the development of the proposed national care service, and they have voiced their concerns over the pause in the bill’s stage 2 proceedings. What reassurance can the minister offer them that their contributions will not be diminished or disregarded?

**Maree Todd:** As I mentioned, across Scotland, I have met hundreds of people who use social care and community health services, as well as people with caring responsibilities, and I am so grateful to them all for sharing their time and their views, which have been extremely valuable. I cannot unhear what they have told me. The status quo is not an option; they have told us consistently and clearly that things need to change. The engagement and co-design work that we have done in recent years continues to be the most important evidence base for change, and we will continue to work together to make the improvement that is desperately needed.

**Stephen Kerr (Central Scotland) (Con):** The minister has lost the support of every major stakeholder, four committees of the Parliament advised her that the bill was flawed, and she has spent £30 million, but she has said that she will make no apologies for any of this. Well, she ought to.

Let me go back to Sandesh Gulhane’s question. Does the minister take any ministerial responsibility for this mess? Can she give the Parliament one reason why she should not resign or be sacked?

**Maree Todd:** To be fair, that is exactly what I would expect from Stephen Kerr. The Conservatives have opposed the change at every turn. By their very nature, they like things to stay the same; that is the essence of conservatism.

There is a fundamental need for profound and radical change in our social care system. I

guarantee that I have heard loudly and clearly what our citizens have told us. Notably absent from the groups of people opposing the bill that Mr Kerr reeled off were the people who access social care and disabled people’s organisations. Those people desperately need us to work and deliver, and I remain committed to doing that for them.

## Prisoners (Early Release) (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-15531, in the name of Angela Constance, on the Prisoners (Early Release) (Scotland) Bill at stage 1. I remind members that, as per rule 11.3.1(h) of standing orders, the question on the motion will be put immediately after the debate.

14:58

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Let me start by addressing the use of the Parliament's emergency procedure for the bill. Over the past year, I have set out the scale of the challenge that the Scottish Prison Service faces due to the high prison population. Today, the prison population is 8,276, and it has been above 8,200 since September. The latest projections indicate that it is likely that the prison population will continue to increase and reach critical levels.

The population pressure directly impacts staff and prisoners, as does the complexity of the population, including the need to keep some prisoners apart. The high number of prisoners means that purposeful activity is greatly reduced and that it is more difficult to maintain relationships between prisoners and staff. Both of those things are crucial to ensuring safety and effective rehabilitation.

There are also increasing challenges to the effective delivery of healthcare. We must bear it in mind that the prison population is reflective of society generally, so we have an ageing population and a range of needs to be managed.

Our prisons need to be safe, and that is a much harder job if the population is at a high level. Therefore, we need to take sustainable action to reduce that population, which is what the bill aims to do. The changes that are being made by the bill are absolutely critical to relieve pressure on the prison estate and address the current crisis. The bill will support the Scottish Prison Service in maintaining safety and good order, so that it can continue to accommodate those who pose the greatest risk of harm and support rehabilitation in order to reduce reoffending. Passing the bill on an emergency basis means that the service can prepare, plan and implement changes that are agreed at pace.

As I said in my parliamentary statement on 10 October, the bill proposes changes in relation to the release point for some people serving short-term custodial sentences, which are those under

four years. Currently, most short-term prisoners are released after they have served 50 per cent of their sentence. The bill proposes to change that release point to after they have served 40 per cent of their sentence. That change would not apply to those serving a sentence in whole or in part for sexual or domestic abuse offences.

**Pam Gosal (West Scotland) (Con):** Although domestic abuse offenders are exempt from the bill's provisions, they are still able to be released halfway through their sentence. Earlier this week, we found out that the number of instances of domestic abuse reported to Police Scotland has risen by 3 per cent from the year before, reaching almost 64,000 cases in one year. Can the cabinet secretary guarantee that her Government will never extend the bill's provisions to domestic abusers?

**Angela Constance:** I very much appreciate Ms Gosal's intervention. It is important that we all recognise the fact that domestic abuse, as reported to the police, has increased by 3 per cent over the past year and is now above pre-pandemic levels. I can say to members that I have no plans for the bill to apply in any shape or form to those who are serving a sentence for domestic abuse.

**Martin Whitfield (South Scotland) (Lab):** I have a question on a not dissimilar point, but from the other end of the lens, unfortunately. Sentencing for sex offenders has increased because of the nature of the offence that they have committed. Is the Government concerned that, by excluding them, there could be a human rights case on the ground that that group of prisoners is suffering a double punishment?

**Angela Constance:** Mr Whitfield raises an important matter. As with any legislation, we must not just try to frame the bill to maximise its prospects of passing in this place. It is vital that any legislation, particularly in relation to our criminal justice system or to particular offenders, is proportionate, balanced and justifiable, and that we are not increasing any risk of challenge at some point down the line. That is not in the interests of what we are all trying to achieve, and it is most certainly not in the interests of victims.

On the exclusion of those categories of prisoners—those who have committed offences involving sexual offences or domestic abuse—the bill recognises the specific barriers to the reporting of sexual and domestic abuse offences and the need to maintain confidence in the justice system. Given the historical underreporting of those offences, and the progress that has been made in recent years to overcome that, it is critical that we continue to effectively recognise and prosecute those crimes in line with our overarching aim of tackling gender-based violence.

The bill proposes the change for those who are currently serving short-term sentences and for all those who are sentenced in the future. The change would apply to children who are sentenced to a period of detention in secure care of less than four years.

Those who are serving short-term sentences will have their release dates recalculated and be released subject to the transitional provisions on that new date. Based on the most recent prison population projections, if implemented in early 2025, that would equate to between 260 and 390 individuals. That is approximately a 5 per cent reduction in the sentenced population and, unlike under emergency release, it would be sustained, meaning that the population would remain that much lower than it would have been without that change.

**Liam Kerr (North East Scotland) (Con):** The cabinet secretary talked, understandably, about taking sustainable action, but in the early emergency release programme, something like one in eight of the 477 who were released were back behind bars very quickly. What does her data show will be the return rate of the programme that the bill will bring in?

**Angela Constance:** It is correct to say that the information that we have thus far about the early release programme that commenced in July shows that 57 of the 477 prisoners were returned relatively early into their release. That is not an uncommon pattern, particularly for people who are serving short-term sentences. We know that a proportion of them return to custody, which is why I have consistently championed community justice alternatives, when they are appropriate, because they are robust and have more success in reducing reoffending.

I am not aware of much by way of data that projects the future or gives us a crystal ball, but I understand the point that Mr Kerr makes.

**Russell Findlay (West Scotland) (Con):** Will the cabinet secretary take an intervention?

**Angela Constance:** I have taken three interventions and I am not halfway through. If I have time, I will accommodate the member later.

The new point of release is a proportionate change that we consider strikes an appropriate balance between sufficiently reducing the prison population, mitigating the immediate risks and ensuring that relevant individuals still serve a significant proportion of their sentence in custody.

I am acutely aware that victims and their families will have concerns about that change, which is why we are already working closely with victim support organisations on key issues, such as ensuring that clear information is also available

to victims. That includes enabling partnership working and sharing of information between the Scottish Prison Service and victim support organisations.

Victims will continue to be able to receive information about the prisoner in their case via the victim notification scheme or victim information scheme, if they are part of it. Victims who are not enrolled in either of those schemes can sign up at any point if they wish to do so. I encourage victims who wish to do so to enrol in the VNS or the VIS, as well as to reach out to victim support organisations to access information.

Let me outline section 3 of the bill, which is an enhanced version of the current power that enables further changes to the point of release to be made by subordinate legislation. That will allow the short-term prisoner release policy to be kept under review and adapted to reflect current circumstances. The power will also enable Scottish ministers to propose changes to the point of release for long-term prisoners on non-parole licence. That is the reinstatement of the power that applied before the changes that were made by the Prisoners (Control of Release) (Scotland) Act 2015. That act meant that Scottish ministers' existing power to change reference to a proportion of sentences could no longer be used because the release point was changed to a fixed period of time—namely, six months before the end of the prisoner's sentence.

The taking of that power in relation to long-term prisoners is to support our intention to consider whether a better balance can be achieved between time spent in custody and time spent reintegrating into the community under licence conditions as part of a person's overall long-term sentence.

As members will be aware, we conducted a public consultation exercise on proposals to change the point of long-term prisoner release earlier this year. Although there was notable support for increasing the time that some long-term prisoners spend in the community as part of their sentence, and recognition that that can improve reintegration and reduce reoffending, there were also concerns about the current ability of services to safely manage that group in the community. In recognition of the potential risk profile of individuals who are serving long-term sentences, much more in-depth consideration is required to ensure that, if any changes are made in the future, sufficient resource is available to safely manage people and support rehabilitation in the community.

I have no plans to propose any changes in that area until such work is complete, but in the context of the rising prison population, I want to ensure that as wide a range of options as possible is

available, should further action be required. The Parliament would still have the opportunity to scrutinise any changes through the affirmative procedure for Scottish statutory instruments.

Transitional provisions have also been made in the bill, and I will return to them, perhaps in my closing remarks.

The bill will result in some additional costs to local authorities and the Scottish Prison Service. I confirm that funding will be available to support the effective implementation of the bill. There are also a number of consequential provisions that I will perhaps touch on later.

In addition to the proposals in the bill, we will continue to progress a range of actions to support a sustainable reduction in the prison population. Secondary legislation will be lodged to amend the use of home detention curfew, with the intention of increasing the period of time that individuals can spend on release under licence conditions.

The provisions in the bill allow for a sustainable reduction in the prison population. The bill is vital to our overall response to managing the prison population, which needs to happen in order to keep the people who live and work in our prisons safe, and to maintain that vital part of our justice system. It is essential for public confidence in the justice system that prisons are able to accommodate those who pose the greatest risk to public safety. It is also essential that prisons are able to work with people to support rehabilitation, preventing future victimisation.

I move,

That the Parliament agrees to the general principles of the Prisoners (Early Release) (Scotland) Bill.

**The Deputy Presiding Officer:** I remind members that those who wish to speak in the debate need to check that they have pressed their request-to-speak buttons. I call Liam Kerr to open on behalf of the Scottish Conservatives.

15:12

**Liam Kerr (North East Scotland) (Con):** After 17 years of the Scottish National Party Government, our prisons are over capacity by around 260 inmates, yet what Phil Fairlie of the Prison Officers Association called a “permacrisis” was wholly predictable.

I remember saying to former justice secretary Humza Yousaf that increasing the number of imprisonable offences, especially without taking the time to understand how that would impact the real world, would require anticipating and properly planning for an increase to the number of people who were imprisoned. I have a degree of sympathy for the cabinet secretary, as she is having to address the inevitable outcomes of her

predecessor’s lack of planning and failure to deliver a proper holistic strategy, alongside a failure to build new prisons on time or on budget, and to properly fund or resource the justice ecosystem.

However, the bill and its principles are not the solution; they betray the fact that there is still no strategy, just reactive panic. Last summer, 477 prisoners were released early, but within weeks, a significant number had reoffended and were back inside—around half of them were back within 20 days of their release. When 348 prisoners were previously released early under emergency powers using the Coronavirus (Scotland) Act 2020, 250 were back inside by early this year.

In October last year, the Parliament passed a law to reduce the numbers of prisoners who were remanded, which was about 28 per cent of the prison population, yet there has been no formal assessment of the effectiveness of that legislation. That is despite Assistant Chief Constable Mairs warning that releasing prisoners due to a lack of space would put pressure on the ability of the police to remand repeat offenders. The bill does not even attempt to address remand.

While the Government projects an on-going reduction of about 5 per cent in the sentenced prison population, that is around 300 prisoners, so it is hardly likely to address the issue of a population that is expected to reach 9,000 by the new year.

All that is, presumably, why HM Inspectorate of Prisons for Scotland has warned that releasing these criminals “may be insufficient” to deal with the population crisis.

Last night, I watched Dr Graham saying that this early release will not solve the long-term underlying issues that have beset the system for decades. She is right.

**Martin Whitfield:** On that very point, the cabinet secretary spoke about the confidence that is needed in the prison system. Given the experiences that we have had of early release, could the bill potentially undermine confidence in the whole justice system?

**Liam Kerr:** I think that there is a very real risk of confidence in the justice system being undermined, but members should not take my word for it—victim support organisations have told us that that is exactly what could happen.

That undermining of confidence goes back to the comments that the cabinet secretary made yesterday on “Good Morning Scotland”, when she said that we “need an immediate reduction” in numbers. That is fine, but the provisions on long-term prisoners in the bill do not do that—they reduce the parliamentary scrutiny that is required,



should the Government require to release prisoners in that category.

As the cabinet secretary told us, the Scottish Government already consulted on early release of long-term prisoners last summer—over six weeks rather than the usual 12 weeks—and then shelved the proposal in October as a result of concerns from victims of crime.

Having those provisions as a principle in the bill looks opportunistic and devious, and I cannot support it. I think that that goes back to Martin Whitfield's point.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I go back to the point that the member made with reference to Dr Hannah Graham's comment that this particular process will not solve the long-term underlying issues. Would he agree that it has to be part of a much wider long-term strategy, and that the aim of the bill is not to fix the system?

**Liam Kerr:** Actually, I definitely agree. The matter has to be looked at holistically—that is exactly my point, and Audrey Nicoll makes it very well. My big concern is that the Government has been in place for 17 years now, and we do not yet have anything like that kind of strategy—it is certainly not in the bill.

The other main principle of the bill concerns automatic release for prisoners who are sentenced to four years or less and less than halfway through their sentence. Victim Support Scotland tells us that that might

“be a legitimate threat to”

victims’

“personal safety.”

When Wendy Sinclair-Gieben, the chief inspector of prisons, was asked whether prisoners being released early risked public safety, she said, “Yes ... it does.” Well, of course it could. ACC Mairs warned that those being freed before serving their full sentences would

“go back and start”

offending

“again”.

Such short-term sentences might be given for drugs, theft or violent offences. In the first early release project, more than 40 per cent of prisoners reoffended within six months. That is more victims and more crime, and a revolving door back into the overcrowded prison system.

There is another point. Last night, I watched a former prisoner on STV pose the question of what prisoners are being released to, given that, as he put it,

“the plans are not there”.

In another piece of short-termist, unstrategised thinking, the throughcare service, which was suspended in July 2019, has not been replaced. The new national voluntary throughcare partnership, via the third sector, will not be fully up and running until next year at the earliest.

**Angela Constance:** Will the member take an intervention?

**Liam Kerr:** Would the cabinet secretary mind intervening when I am closing the debate, please? I am running out of time now.

Once prisoners are released, our brutally underfunded local councils, according to the Convention of Scottish Local Authorities,

“will struggle to provide adequate support to individuals leaving or diverted from custody”.

Yesterday, the cabinet secretary rightly highlighted that the prison population is increasingly complex, with more vulnerable people with complex needs, and more elderly people. It cannot make sense, therefore, to automatically turf those people out without ensuring that there is adequate provision once they get out.

The prisons inspectorate states:

“We note with concern that no additional resources have been allocated to assist community services to deal with a potential surge in demand when this is implemented.”

The bill completely fails to consider rehabilitation or reintegration.

The cabinet secretary rightly responded to my intervention by highlighting the return rate and the importance of support on the outside. However, the financial memorandum to the bill says that, given the various costs that will be imposed on the Scottish Prison Service, as well as the costs on the national health service and housing costs, the legislation will cost around £3.6 million.

**Angela Constance:** Will the member give way?

**Liam Kerr:** Will I have a bit of time back, Deputy Presiding Officer?

**The Deputy Presiding Officer:** You will.

**Angela Constance:** I am grateful to you, Presiding Officer, for that, and to Mr Kerr for taking the intervention. I remind him of what I actually said in my remarks, which was that I acknowledge that the bill will result in some additional costs to local authorities and to the Scottish Prison Service in particular, and that I can confirm that funding will be available.

On a point of accuracy, there is already a national throughcare service. The new contract will expand the service.

**Liam Kerr:** The new contract will be welcome, but it will not be up and running until early next year, as I am sure that the cabinet secretary will concede.

On the figure of £3.6 million that is detailed in the financial memorandum—I do not need to remind Parliament about the challenges of our financial memorandums thus far—the SNP constantly pleads poverty and has historically underfunded agencies in the justice system. I cannot, in all conscience, vote for principles that need £3.6 million, which the Government repeatedly tells us that it simply does not have.

I have sympathy with the cabinet secretary's predicament and the hospital pass that she has been given after 17 years of SNP mismanagement, during which time it has failed to produce new prisons, reform community sentencing or invest in technology such as alcohol monitoring tags. It even rejected an offer to build a wing at Kilmarnock from the previous incumbent operator.

However, I read the cabinet secretary's interesting interview in *Holyrood* magazine this week, and I think that we find common cause in looking at the justice system holistically and addressing the prison population in a properly managed, long-term, carefully strategised way, much as Audrey Nicol alluded to earlier. However, the bill does not do that.

I cannot vote for a bill that potentially endangers the public, grabs power from this Parliament and gives it to the Executive over long-term prisoners, and fails our justice agencies, our hard-working prison staff and third sector organisations, while failing to deliver any meaningful strategy or solution, whether in the short, medium or long term. For that reason, I shall vote against the principles of the bill at decision time tonight.

15:22

**Pauline McNeill (Glasgow) (Lab):** The bill would enact a huge change in prison policy, and it is being pushed through as emergency legislation. Therefore, we have no stage 1 report to read before we make our contributions.

I thank the cabinet secretary, who has always been excellent at keeping Opposition members informed of the challenges that she faces. I accept that there is a crisis in our prison system with regard to managing prisoner numbers. However, public safety cannot be jeopardised. If we do not have the chance to scrutinise the bill, we might get it wrong. Can we really say that this is an emergency as such—to the extent that the Parliament is to be denied its proper scrutiny of how we deal with the release of prisoners? When I think of the emergency legislation that we have

passed fairly recently—with regard to the Post Office, for example—I do not believe that it meets the criteria.

Victim Support Scotland has expressed concerns about the fact that the bill proposes to keep the same mechanisms for contacting victims. VSS calls for organisations to be enabled to be proactive in contacting victims, removing the onus on victims to identify themselves. However, we do not have the opportunity to make such amendments.

In 2015, when Nicola Sturgeon was First Minister, the policy on the release of long-term prisoners was changed so that the release point would be a minimum of six months before the end of their full sentence. That change was made by primary legislation, so it seems odd that we are being asked to potentially reverse that in secondary legislation. The Parliament is being asked to agree to giving ministers the power to determine when long-term prisoners will be released through regulations to be presented to Parliament. As I said yesterday, we will not have the opportunity to amend such regulations. We might agree with some elements of the Government's approach, but we will not have a say in the creation of the statutory instrument.

That is the most objectionable aspect of the policy, and it is why we will oppose the motion to approve the general principles of the bill at stage 1. As an elected member of the Parliament who came here to scrutinise—as a back bencher and a front-bench spokesperson—I demand the right to have a say in how that power is exercised. I say that because, even in relation to the less controversial provisions on short-term prisoners, about which I do not, in principle, have huge concern, the exception of domestic abuse cases is arbitrary, as the Law Society of Scotland said. It gave the example of two offenders, one of whom is sentenced for domestic abuse and who will be excluded from the policy. There is an issue with regard to whether such prisoners would be doubly punished, as my colleague Martin Whitfield mentioned. That is a clear example of why there needs to be close scrutiny to ensure that aspects of human rights law are applied.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Will the member take an intervention?

**Pauline McNeill:** I think that we have time.

**Rona Mackay:** Does the member acknowledge that, from October last year until July this year, the Conservative Government released 10,000 prisoners 70 days early without any parliamentary scrutiny, and that the current Labour Government is doing exactly the same thing?

**Pauline McNeill:** If I were a member of the Westminster Parliament, I would be arguing the

same thing, which is that I should have the right to determine whether prisoners should be released at a different point. We do not know whether the Government will take the view that long-term prisoners should be released halfway through or 40 per cent of the way through, but whatever it decides, I will only get the chance to say yes or no to that.

If the Parliament passes this emergency legislation, I genuinely think that we will be setting a precedent that I am not happy about, for the reasons that I have given. For every crisis—there are a number of crises in our society and, arguably, under the devolved settlement—this will set a different bar for emergency legislation. That gives me cause for concern.

In 2015, when the relevant legislation was passed, some analysis was done to assess the extent to which it would serve to swell our prisoner numbers, as it would clearly have added to the increasing numbers that we see now.

Will the bill work? Labour is concerned—I think that Liam Kerr spoke to this—as to whether the bill will achieve what it is supposed to achieve. In May, there were 8,365 prisoners in Scotland, which is the highest number since 2012. We know that, during the emergency release over the summer, 477 prisoners were released. Since that emergency early release, the prison population has returned to 8,300.

The Scottish Prison Service does not appear to think that the releases have worked. It said in its submission to the Criminal Justice Committee earlier this month:

“The Emergency Early Release scheme agreed by the Scottish Parliament, which operated during June and July of this year provided some respite for our staff and partners, people in custody, and our establishments, but unfortunately, it was far briefer than we had hoped and we have seen consistent week on week rises in admissions to prisons across Scotland.”

Where is the evidence that the bill will have the effect that it is meant to have? The reoffending rate for prisoners with short-term sentences is extremely high. For some short-term sentences, reoffending rates are more than 60 per cent. We all agree that there has to be a strategy that accompanies any change to short-term sentences that, once and for all, seriously tackles reoffending rates.

**Angela Constance:** In short, I say to Ms McNeill that I agree with the point about a longer-term strategy, and I have outlined a lot of that over numerous parliamentary statements. However, does she agree that I have repeatedly said that emergency release would only ever provide short-term respite, and that I have also repeatedly said that the bill, although necessary, is not the only measure that we must take?

**Pauline McNeill:** I cannot deny that the cabinet secretary has been consistent about that, but my point is that we do not know whether taking these emergency powers will result in a long-term, sustained reduction in the prison population. I acknowledge that one measure in itself will not make the change that we would all like to see.

There have been signs over the past 10 years—changes in policy that would add to the prison population—so it is concerning that that work did not start some time ago. Overcrowding has been a serious concern for a long time—prisoners in Barlinnie have been doubling up for a very long time—so it is not as if the problems were not known about.

We have some sympathy with the Government’s position. We want to work with the Government, because we all want to manage our prisons more effectively and reduce reoffending rates. However, we will not accept that that should be done by emergency measure, so we will oppose the motion on the bill at stage 1 this evening.

**The Deputy Presiding Officer:** I call Maggie Chapman to open on behalf of the Scottish Greens.

15:29

**Maggie Chapman (North East Scotland) (Green):** I and the Scottish Greens recognise the need for this legislation and its emergency nature. When Andrew McLellan was chief inspector of prisons for Scotland nearly 20 years ago, he wrote of what he called the “evils of overcrowding”, including the risks of suicide and self-harm, increases in violence and the use of drugs, and losses of rehabilitation programmes and family visits, as well as losses of exercise time, privacy, education and more. As he wrote, not only do those things hurt the incarcerated individual; they make it significantly more likely that the individual will reoffend. That is deeply damaging for them and their families, for the prisons to which they return and for the people and communities who bear the scars of the harms that they cause. That analysis was described this year by His Majesty’s Inspectorate of Prisons for Scotland as “disappointingly relevant”.

We know that there is serious concern about resilience and tolerance in prisons. Staff are exhausted and unable to focus on supporting people or helping with rehabilitation, because they are too stretched in getting the basics done. With people sharing cells, tensions are running much higher than they should be, which is making life in prison more stressful and more dangerous for everyone.

There has been a significant increase in the vulnerability of the prison population, too,

especially around mental health. The Scottish Prison Service has been creating good momentum around recovery, but that is difficult to sustain when staff do not have the time that they need to deal with underlying trauma. Prisons should not be places where we warehouse people with mental health issues or those with any other kind of need. Action must be taken quickly and urgently but also wisely and for the long term, to deal with the causes as well as the symptoms.

I will come back to some of those points in my closing remarks.

**Jamie Greene (West Scotland) (Con):** I agree with much of what has been said in the first minutes of the member's speech. We have to take action. The warnings about overcrowding have been around for years, if not decades, so the solution is not to rush through, in just two days, an emergency bill that does not address any of the long-term issues. Why is the Green Party supporting that approach to dealing with such a long-term problem?

**Maggie Chapman:** I wish that we were not in this position. I really wish that we were not here now, but we are. I will not look prison officers in the face and say that we are not going to do anything quickly when we have the power to make a change that will affect their working environment in months. We should grasp that with both hands.

On 10 October, when the cabinet secretary made her statement on the necessity of the bill, I asked her whether community justice, mental health and other services have the staff and resources that they need to support the people who are leaving prisons and the communities that are receiving them. That is still a central concern for me and my party, reflecting what we hear from those who are doing that work at the grass roots, including councils and the third sector. They welcome elements of the bill but are rightly anxious about its implementation. Will there be sufficient support to enable those who are leaving prison to find appropriate housing, to arrange healthcare through general practitioner registration and the continuation of substance use programmes, and to receive the help that they need through the social security system?

**Angela Constance:** I hope that Ms Chapman will be at least a little reassured on that point, as I have confirmed that such funding will be made available. That is principally in recognition of the fact that housing services, including the provision of temporary accommodation, represent the single most significant cost identified. Those services are critical to ensuring a successful transition back to the community.

**Maggie Chapman:** Yes, that gives me some reassurance. I look forward to the conversations

that I know we will have between now and February, with each other and with the organisations that provide the support, to ensure that those resources are used as effectively as they can be.

We have had something of a dry run. Although their effect on prison numbers was shockingly short lived, the prisoner releases in June and July at least gave us the opportunity to learn lessons and to identify areas that needed more attention, as well as what worked well—we have heard some discussion about that in the debate already.

I was pleased to read, in the submission from the criminal justice voluntary sector forum, that HMP Grampian, in Peterhead, was singled out for its good practice in pre-release multi-disciplinary planning. Earlier this year, I had the privilege of visiting HMP Grampian, where I talked with the governor, staff and prisoners. Really compassionate, sensitive and thoughtful work is going on there in the difficult circumstances that the current crisis has created.

People leaving prison do not go out into a vacuum; they go back to families, sometimes to partners and children, and to communities that might include people whom they have harmed and who are anxious, fearful and uncertain of the future. The impacts of having a family member in prison are practical, financial, emotional and social. Those impacts do not end on the person's release, but they can change dramatically.

Whatever our views of the criminal justice system, none of us wants to see children punished for the crimes of their parents or siblings, but that is still what happens in practice. Better support cannot take the situation away entirely, but it can make it so much easier. Beyond the provisions in the bill, I therefore urge the Government to have serious conversations—in which I will take part—to ensure that we put in place real engagement with families, child impact assessments and clear, accessible and sensitive information for victims and survivors.

I look forward to working with the cabinet secretary and members across the chamber in developing new provisions for longer-term prisoner release as enabled by section 3 of the bill. Those provisions must be effective and safe for people leaving prison, for their families, for survivors of harm and for the communities in which we all live.

**The Deputy Presiding Officer:** I call Liam McArthur to open on behalf of the Scottish Liberal Democrats.

15:36

**Liam McArthur (Orkney Islands) (LD):** As Pauline McNeill did, I recognise and thank the

cabinet secretary for her constructive and proactive engagement with spokespeople across the Parliament. Liam Kerr fairly characterised the fact that she has been thrown a hospital pass. Before turning to the detail of the bill that we are considering, I will reflect on why that hospital pass has been thrown and why we find ourselves in a position that feels an awful lot like groundhog day, given where we were shortly before the summer recess.

For years, the Government was warned that overcrowding in the prison system was a disaster waiting to happen. Maggie Chapman has fairly and comprehensively articulated many of the impacts of overcrowding. In yesterday's short debate, the Minister for Parliamentary Business insisted that the Government had been taking action that will

"take time to have effect."—[*Official Report*, 20 November 2024; c 74.]

That might well be true. Indeed, I recognise that that is the case. However, successive justice secretaries have been making that argument for years. The benefit of being your party's justice spokesperson over a prolonged and—unlike Mr Kerr's experience—uninterrupted period is that you can compare and contrast what ministers say in order to get through the latest crisis or emergency.

The fact remains that, despite the assurances that Angela Constance and her various predecessors offered, Scotland's prison population has continued to balloon and Scotland's prisons find themselves at a "tipping point". That was the stark warning earlier this year from Teresa Medhurst, who is the chief executive of the SPS. She was right to highlight the consequent risks to staff, prisoners and, ultimately, communities, which every speaker so far has acknowledged.

The measures that we are considering in the bill are, by their very nature, something of a short-term fix, as the justice secretary acknowledges. They buy time, but, as we saw with the earlier release programme—and perhaps in keeping with the cost of living crisis—they seem to buy us a lot less time than they once might have done. However, as I acknowledged in my brief contribution yesterday, we are where we are, and taking no immediate action does not seem to be an option.

Early release, though, is a complex policy that deserves thorough parliamentary scrutiny, not least to ensure that effective safeguards and provisions are implemented to protect victims and communities and to minimise reoffending. That is why, whether or not we accept the need for urgent action in the case for early release, the timetable to which the Parliament is being asked to carry out

that work is wholly unhelpful—Pauline McNeill made some very important points about that. It is also counterproductive with regard to building confidence among stakeholders and, indeed, the wider public, about the way in which our justice system functions. That confidence is already shaky—we have heard about the perhaps higher-than-expected rate of return of those who were released earlier in the summer and about the capacity of the communities that are receiving prisoners back into their midst to deal with those returns in a way that gives wider confidence.

**Martin Whitfield:** One of the challenges around the confidence of communities is a result of the experience of the previous short-term releases where those did not work satisfactorily and where people felt excluded from information and knowledge. The consequence of the policy not working can be seen in the high number of people who were released only to be returned straight back to prison.

**Liam McArthur:** I thank Martin Whitfield for his intervention, although I am slightly suspicious that he has seen an early draft of my speech. I was going on to say that organisations that represent victims have pointed out that only 2 per cent of victims were contacted under the mechanism that was used in the previous emergency release scheme, which required victims to proactively identify themselves. Despite that, the Government appears to be proposing to use the same mechanism this time round. I do not think that many people watching the debate would consider that to be an acceptable approach to communication and awareness raising, and I think that victims and the general public would expect improvements to be made to the bill at stages 2 and 3 in relation to information sharing. Certainly, the Scottish Liberal Democrats will expect to see, and will vote for, such improvements.

Although I am prepared to accept that there is a case for treating provisions related to short-term prisoner release as an emergency, given the warnings that we have heard from the SPS, the independent inspector of prisons and others, I am not at all convinced of the case in relation to longer-term prisoners. Emergency measures must be taken in response to an emergency situation, and the provisions in section 3 would give ministers open-ended powers relating to both short and long-term prisoners—powers that could be exercised at any time, that would not be limited to emergency situations and that, in effect, would be subject to a yes or no vote in the Parliament.

Future changes to early release could, in theory, be even more fundamental and wide ranging than those that are proposed in sections 1 and 2, and they could be made law with even less scrutiny than this bill is receiving. Yesterday, the Minister

for Parliamentary Business seemed to suggest that there is no difference in the level of scrutiny between primary and secondary legislation. As I would have pointed out, had he taken my intervention, which was attempted on multiple occasions, there is a reason why it is called subordinate legislation—the clue is in the name.

Scottish Liberal Democrats do not accept the case for those powers being granted under the bill. We will support efforts to remove them, and we will vote against any bill that contains them.

I do not deny the urgency with which steps need to be taken to address the immediate problems arising from the overcrowding of our prison estate. However, we lock up a higher proportion of our population than almost any other western democracy, and we do so despite the evidence that incarceration, particularly for short periods, is invariably counterproductive to delivering what has to be our collective shared objective of reducing reoffending and offending behaviour.

What happens with the bill between now and stage 3? We need the Government and, indeed, the Parliament to get to grips with the wider crisis in our prison system; to increase support for community-based measures, including measures to tackle reoffending; and to drive down our remand population, which is far too high. In the absence of that, and in the light of the concerns that I have raised in the debate, we will be unable to support the bill at decision time.

15:43

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I am pleased to speak in this important debate at stage 1 of the Prisoners (Early Release) (Scotland) Bill. As has already been highlighted, the bill makes provision for a change to the automatic early release point for certain short-term prisoners, and it makes provision for ministers to make future changes, if necessary, to the release points for short and long-term prisoners. The provisions apply to adults and children, but sex offenders and those who are convicted of domestic abuse offences will not be eligible.

Do we want to have to put the measures in place, if they are agreed to by the Parliament? No. Are we the only part of the United Kingdom having to consider such measures? No.

In recent years, there has been a fluctuating prison population, with a high point of almost 15,000 prisoners in 2011 to 2012, compared with the current population of around 8,300. Over that time, our attitude towards offending and rehabilitation has changed significantly and, today, our prison estate seeks to provide appropriate punishment in an environment that offers

opportunities for rehabilitation and reintegration. In that context, the current population is simply untenable. The underlying factors, which are well documented, are complex and not straightforward to address. In addition, the average sentence length has increased by 32 per cent in the past decade.

In response to the Criminal Justice Committee's recent call for evidence on the bill, the Scottish Prison Service highlighted that the current prison population includes

“higher numbers of Serious and Organised Crime Groups, people with increased social care needs, and changing risk profiles”.

The remand population, which currently sits at around 26 per cent, is likewise complex, with many prisoners experiencing multiple and complex needs, which, to a certain extent, displaces the important work to support the convicted population.

**Jamie Greene:** Based on what the member has just said, if people are serving longer sentences because of the nature of the crimes for which they were convicted, why do we want to let them out earlier? Where is the sense in that?

**Audrey Nicoll:** It is a complex question that has a complex answer. I do not think that we want to let people out earlier. Due to a range of circumstances, we have been put in a position in which that has to be considered.

**Stephen Kerr (Central Scotland) (Con):** Will the member take an intervention?

**Audrey Nicoll:** I want to make some progress first.

Such a complex population brings significant operational challenges, including disruption to offender behaviour programmes—which I mentioned—pre-release planning and reintegration. The detailed submission from the Scottish Centre for Crime and Justice Research points out that although those offerings are important in reducing the risk of reoffending, that is only one part of the much wider work that is needed to support and enable rehabilitation and reintegration. As Liam McArthur highlighted in the chamber yesterday—his point chimed with me—early release is a legitimate way to address extraordinary circumstances.

Although we understand the need for action, there are understandable concerns about public safety, especially for victims. In its briefing, Victim Support Scotland highlighted a number of concerns that I know that members will reflect on as the bill moves to stage 3. There is an opportunity for further engagement to provide reassurance, not only for survivors but for families who will be impacted by early release.

It is anticipated that, if the bill is passed, only around 5 per cent of short-term prisoners—between 260 and 390 short-term prisoners—will be eligible for release. The Scottish Centre for Crime and Justice Research highlights the lack of evidence that such a change will have a significant adverse impact on reoffending. Rather, the evidence suggests that the risk of reoffending

“is much more likely to be affected by the condition in which people are released”—

that goes back to the point that I have just made—

“and the circumstances to which they are released.”

On numbers, the previous Tory UK Government released more than 10,000 prisoners up to 70 days early, and the Labour Government has likewise undertaken early release. As a result, to date, more than 13,000 prisoners have been released early across England and Wales.

**Liam Kerr:** After decades of devolution, the Scottish and English justice systems are moving in very different directions. Therefore, is it not somewhat ill-informed and, dare I say, facile to suggest that an approach that has worked elsewhere, or that could work elsewhere, could simply be mapped on to the Scottish system?

**Audrey Nicoll:** I am not sure that that was the point that I was making. I was not making a comparison; I was simply pointing out what has happened in England and Wales. I am not thinking about mapping of processes and policy.

What needs to be in place to support early release and to enable us to reach a sustainable population? We know how important effective throughcare is. As the former governor of HMP Grampian told me, planning for release starts the day a person enters prison. Community justice services are essential in that regard. Following the Criminal Justice Committee’s budget scrutiny, I ask the Government to consider favourably community justice when it comes to next year’s budget provision. I welcome the cabinet secretary’s reassurance with regard to the provision of funding for the current early release process.

Rehabilitation is not only about changing a person’s behaviour; it is about meeting their basic needs, including access to housing and employment and to services such as those for addiction or mental health. Those services already exist, but they are under pressure and are supported by a workforce that I believe is absolutely committed to meeting the needs of service users.

**The Deputy Presiding Officer:** Please bring your remarks to a close, Ms Nicoll.

**Audrey Nicoll:** I will conclude by referring to some comments about community sentencing, which were made by Kathrine Mackie. She said:

“A sentence served in the community if well constructed, delivered and monitored should not be considered a ‘soft’ option.”

**The Deputy Presiding Officer:** I really need you to bring your remarks to a close, Ms Nicoll, thank you.

**Audrey Nicoll:** I will support the bill at stage 1.

15:50

**Stephen Kerr (Central Scotland) (Con):** First, I pay a compliment to the speeches that we have heard from those on the Conservative and Labour front benches. Between them, Liam Kerr and Pauline McNeill have really captured the essence of why the bill is such a poor way of doing business.

I add my concern about the fact that the SNP Government decided to publish the bill just a couple of days ago. There is a reason why we have timetables and processes in this place: it is intended that there should be proper legislative scrutiny. That is just not happening, and not for the first time in this session of Parliament. I am afraid that the attitude of this SNP devolved Government is all too familiar. It has been in power for almost 18 years, but, in this session in particular, it has displayed a casual contempt for the Scottish Parliament. I trust that the people of Scotland are watching and taking note and that they will hold the Government to account in due course.

When I look at the bill, it is clear why the SNP did not really want it to be properly scrutinised. At its core, it jeopardises public safety. The first duty of any Government is public safety, and if there is any suggestion of diluting, diminishing or compromising public safety, we must oppose that.

The reality is that not everyone who is released from prison early will reoffend, but a proportion of prisoners do. I have been thinking about the numbers that were offered by Liam Kerr and others about those who have quickly been returned to prison and about our hard-pressed police officers, who are currently working to rule. Senior officers are going home at 4 o’clock. Early release will just make life more difficult for police officers in Scotland at a time when they have so many issues to deal with.

Recent images of inmates who have been released early celebrating in the street outside prison, toasting Sir Keir Starmer and pledging that they will vote Labour for the rest of their lives are not very edifying. Look at how many of them are already back in prison. We have also heard about examples of that happening in Scotland. We

should be learning from those experiences, not making the same mistakes all over again.

I am not unique in having entered politics in order to help make our society better and to make it a place where hard-working and law-abiding citizens can thrive. We can be sure that when public safety is compromised, prosperity is compromised.

**Martin Whitfield:** Does Stephen Kerr agree that one benefit of learning from previous experience is that we can improve our processes? Does he agree that one challenge is that the bill takes a backward step in using secondary legislation? For example, the governor's power of veto over early release will be removed.

**Stephen Kerr:** Martin Whitfield's contribution is as pertinent as ever. It is always the poorest and most vulnerable in our society who are hit hardest by short-term thinking and who suffer the most from antisocial behaviour, violence and crime. Small businesses in our communities feel the brunt of theft. We recently had the Scottish Retail Consortium in Parliament for a round-table meeting and, my goodness me, it had stories to tell about what is happening in retail businesses with the shoplifting, the violence and the fact that perpetrators go scot free even though, in some instances, retail workers have been very badly hurt at work.

The main point is that the bill will only further undermine the public's sense of safety. To be frank, the public are losing confidence in our justice system, and that is very serious. The measures in the bill will also deepen inequality, because crime disproportionately affects the most vulnerable. There is also the issue of victims.

**Rona Mackay:** Did the member feel the same way when your Government released 10,000 prisoners 70 days early?

**The Deputy Presiding Officer:** I remind members to always speak through the chair.

**Stephen Kerr:** Absolutely. I cannot make it clear enough that I am not in favour of early releases of prisoners, regardless of the colour of a Government—be it Labour, Conservative or SNP. This is about public confidence in the criminal justice system. We are getting into the realm of risking a collapse in that confidence.

In the time that I have left—I do not have much—I want to talk about the nature of punishment. Members of this Parliament must see things from the point of view of the public, and the public are beginning to question the honesty of the sentencing policies that we follow. Victims and members of the public cannot understand why prisoners are sentenced to so many years but are then automatically released.

The reality is that people are in prison for all kinds of reasons. Some are there because they have been failed at some point in their lives, but we are at risk of extending that failure, given the way that people are about to be released expeditiously. Some people are there because they have acted out of desperation, and some have exercised poor judgment. Of course they must be held accountable for the harm that they have caused, but we cannot simply write people off, either. We are talking about rehabilitation, which really does tackle the root causes of crime—the illiteracy, the addiction and the broken relationships. If we are going to break the cycle of offending, how does it help a prisoner to be released early, when they may be in the middle of that rehabilitation?

**The Deputy Presiding Officer:** Mr Kerr, you need to bring your remarks to a close, please.

**Stephen Kerr:** I will. I simply want to say that the bill fails on every measurement of any justice measure. It is unjust to victims, to prisoners, to society and to everybody who is connected with the system, because the system is broken and—

**The Deputy Presiding Officer:** Thank you, Mr Kerr.

**Stephen Kerr:** —these short-term measures will not fix anything.

15:57

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I start with a point of consensus. I say to Opposition members that it is of course not ideal that the bill is being taken through on an emergency basis. I do not think that anybody, including Government ministers or back benchers, would want that to be the case. However, I believe that, as has been said, it is necessary to do it in that way due to the overcrowding of our prison estate, which has become unsafe for those who are in prisons and the staff who serve us there. That is an unacceptable situation and one that we must act on.

**Liam Kerr:** Will the member take an intervention?

**Fulton MacGregor:** I have just started and I have quite a lot to say.

Our prison population is at a critical level despite actions such as the presumption against short-term sentences and the focus on more restorative justice and community-based sentencing. The prison population is also becoming increasingly complex, with more and more older inmates presenting with more and more complex health needs. With a backlog of court cases still presenting an issue and many prisoners being



held on remand for extended periods, our prison estate is under increasing pressure. Sentence length has also been increasing, so some prisoners are being held for longer periods.

It is the Government's job to ensure the safe operation of prisons and to put measures in place that are not just short-term fixes but are sustainable. That is why I believe that the bill is necessary. If it is passed, it could result in a sustained reduction of about 5 per cent in the sentenced prison population.

**Liam Kerr:** Will the member take an intervention?

**Fulton MacGregor:** I will not take an intervention just now.

The bill will allow us to take measures that will benefit the prison population in the long term and make prisoner levels more sustainable. It is worth re-emphasising that those who are sentenced for domestic abuse or sexual offences will not be considered for early release. Those who commit the most serious crimes will not be considered. As has been articulated, the prisoners who will be eligible for early release are those who would already be considered for unconditional automatic release after 50 per cent of their sentences—the bill amends that to 40 per cent.

Importantly, the reduction in prisoners will be maintained in terms of population. With the measures in place, there will always be fewer people in prison than there would have been without them.

As others have said, we are not alone in implementing such changes. In October 2023, the Conservative UK Government released more than 10,000 prisoners up to 70 days early, and the new Labour UK Government has taken further steps by changing the rules around release so that prisoners who are serving standard determinate sentences will be released following 40 per cent of their sentence rather than 50 per cent, as at present. It is important that Governments in other parts of the UK take steps to make sure that their prisons are safe for staff and inmates.

However, it is important that the bill, even in emergency and fast-track form, ensures that victims are at the heart of any changes. I note that Victim Support Scotland provided a very good briefing yesterday—it is vital that the Government consider the requests that are made in that.

Through an important measure that is already in place, victims of crime can receive information about a prisoner in their case, via the victim notification scheme or the victim information scheme. The information that victims can receive includes the prisoner's release date. That is an important measure and a step forward.

However, although it is important that, over the next few days, we debate the early release of prisoners and prison safety, we must also grasp the opportunity to spark a wider debate on the justice system as a whole and on how we can bring about real and lasting change, for the country that we want to be.

As I am a former criminal justice social worker—as is the cabinet secretary—it will come as no surprise that I believe that further and seismic investment in our community justice services could lead to radical change. So much good work is going on but, if further funding moved from the punishment element of justice spending to the rehabilitative element, more could be done, and the confidence of the judiciary and the public would increase as a result. Perhaps the bill can act as a catalyst to allow us, as a Parliament and as a nation, to begin to shift the balance that every party has spoken about at some point.

We must also start to tackle particular groups of offenders who make up the prison population. Young men should be a key target group. Boys, who later become young adults, are often involved in low-to-medium-level offending, being in and out of court until community sentences are exhausted and courts feel that there is no alternative to a prison sentence. They are then in a cycle of being in and out of prisons and often their criminogenic needs increase—ironically, as a result of being in prison.

Working with young men earlier, before their offending begins, is vital. That needs investment in resources. Early intervention is key and youth work can be particularly effective. I know that that is not directly in the portfolios of the Cabinet Secretary for Justice and Home Affairs or the Minister for Victims and Community Safety, but I encourage the Government, in the up-coming budget, to think of community work as an effective preventative measure.

We have heard from other speakers about the use of throughcare, which is a very important measure that we could do more to invest in, involving organisations such as the Wheatley Group, which does a fantastic job of working with people who are coming out of prison.

Similarly, we need to tackle the prison population's growing health and social care needs, which are observed in particular among the older inmates, which is a growing group. We need to move to a more health-based but secure model—perhaps something that is not dissimilar to the example of the state hospital—for people who have mental health difficulties.

I could say more on the issue, but I hope that the emergency bill will lead to a greater focus on early intervention and rehabilitation. Through that,

we will naturally and gradually reduce our high prison population. I urge members to support the bill today to ensure that our justice system is suitable and that it continues to be sustainable, especially as we continue to recover.

**The Deputy Presiding Officer:** Rhoda Grant joins us remotely.

16:03

**Rhoda Grant (Highlands and Islands) (Lab):** As we have heard this afternoon, prisons are at breaking point. Scottish Labour warned that that would happen, when early release was granted in the summer. That was supposed to be a stop-gap, to buy the Scottish Government time to sort out the cause of the problem. The Government did not do that, and we are back where we started.

Sadly, I think that we will be back again before long, seeking further solutions. If a sheriff or judge is passing sentence on someone whom they believe needs to be imprisoned for a period, in order to keep the public safe and allow time for rehabilitation, they will do the maths and the sentence will be longer.

In addition, the Scottish Government's own figures estimate that the bill will decrease the prison population by about 260 people, so prisons will still be overcrowded. What will the Scottish Government do then? Without dealing with the cause of the problem, the only thing that it can do is to release those who are serving much longer sentences earlier. That, added to the lack of capacity in the police force to detect crime and bring criminals to justice, will simply add to lawlessness.

We know that the police no longer deal with petty crime. Retail staff have to deal with violence and intimidation because the police simply do not have the resources to intervene. Now, those who have committed crimes that were serious enough to warrant investigation, prosecution and a custodial sentence will be let out of prison early. This cannot go on. The Scottish Government must act to make Scotland a safe place to live.

In the Highlands and Islands, we have Porterfield prison, which is a Victorian building that is absolutely unfit for purpose. We were promised a new prison in 2010, and then we were told that it would be completed by 2020. Now, the expectation is that the new prison might open in 2026. There are many other prisons in the same situation, which is one of the causes of current overcrowding. That also has an impact on the ability to keep prisoners safe and rehabilitate them by giving them access to education and activities that can change their offending behaviour.

Even when the new prison is built in the Highlands and Islands, it will have no facilities for women prisoners, which will force a situation in which they are held far away from their children and their families. Not only will that add to their punishment but it will punish their children.

When prisoners are released before the causes of their offending behaviour have been addressed, they reoffend, which adds to the problems. There has been no deterrent and no rehabilitation, so more than 10 per cent of those who were released early since the summer have reoffended already.

We also need to consider the impact on the victims of crime. Even non-violent crime can have life-changing impacts: people lose confidence and feel unsafe everywhere. However, hardly any victims were advised, or even supported, when those who committed the crime against them were released early this summer. Knowing that the person who harmed them is behind bars gives victims some breathing space and time to recover, as they know that the perpetrator of the crime is under lock and key and that they are safe from them. It must be devastating for victims when they see the perpetrator in the street or hear that they have been released. The Scottish Government needs to seriously consider how it supports victims of crime in such situations, and that will require resources.

The problem is of the Scottish Government's own making, and the bill will not fix it. It should have renewed the prison estate, and it needs to plan to ensure capacity in the future.

The Scottish Government also needs to consider community payback orders. During Covid, the length of many of the orders was reduced, which has meant that fewer are now handed out due to a lack of confidence in the system. When the Government reduced the length of the orders, we suggested alternatives, such as online learning, which could have been carried out during Covid, but that did not happen.

There are some excellent community disposals that can turn around offending behaviour and divert people from crime, allowing them to live full and meaningful lives by contributing to their communities rather than spoiling them. However, others are not good and look like soft-touch justice. Worse than that, failing disposals lead to a loss of confidence among the judiciary and, therefore, more custodial sentences. The bill will not deal with that issue. Instead, longer custodial sentences will be handed down, which will simply make the problem worse.

The bill is about public safety, and it needs, more than anything else, to be scrutinised. Instead, we have an emergency timetable that allows little or no input from the public, victims and

stakeholders. If any legislation needed scrutiny, this bill does, but that scrutiny is being bypassed. The bill is being forced through because the Government has failed to get to grips with the situation and, sadly, what we are being asked to agree today will lead to a further extension of early release and the continued failure of the Scottish Government to keep the Scottish people safe due to its 17 years of neglect.

16:10

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** There are far too many people in our prisons. That is an indisputable fact. This year alone, the prison population in Scotland has been around 8,300, and that is worryingly high. The pressure on the prison estate is simply unsustainable, and the alarming trajectory shows no sign of stopping.

We know that prisons are dangerous places. It is estimated that 8 per cent of the prison population are members of identified organised crime groups. Attacks on prison staff are soaring, and a high population always risks disorder in the prison estate.

This is not legislation that the Government would have wanted to bring to the chamber, but it is necessary and unavoidable. In common with England and Wales, we have reached crisis point with regard to the rising prison population, and doing nothing is simply not an option.

**Martin Whitfield:** Rona Mackay talks about the percentage of the prison population with connections to organised crime. Does she consider that, like sexual offenders, that group of prisoners should be excluded from the early release provisions, because of the damage that they do in their communities?

**Rona Mackay:** The exclusions have been made for very good and researched reasons, so it is really not for me to make that judgment, I am afraid.

Prisons must be able to function safely for the sake of the prisoners and, crucially, the hard-working prison staff, who do a more difficult job on a daily basis than I suspect that any of us in the chamber could imagine.

As we have heard, short-term prisoners—those serving sentences of less than four years—would have their automatic and unconditional release changed from the current 50 per cent of their sentence served to 40 per cent. The proposals would also apply to under-18s serving short-term periods of detention—under four years—in secure care establishments, commencing in February 2025. Crucially, as we have heard, the changes in the bill do not apply to those who are serving

sentences for sexual offences or domestic abuse offences, or who are subject to non-harassment orders. I believe that that is absolutely correct. The unique nature of those offences would make it entirely unacceptable to include those people in the provisions. However, like Victim Support Scotland, I am disappointed that stalking is not included in the list of exclusions, as it would be in England and Wales, where it is considered a form of domestic abuse.

What effect will the change have? It is estimated that it could result in the prison population reducing by around 5 per cent, with around 260 to 390 prisoners being eligible for release. However, we should make no mistake about the fact that long-term action is necessary to deliver a sustained reduction to the prison population and support for the effective functioning of prisons.

What is the point of prison? Of course, it is to protect the public and those who are a danger to themselves, but, if rehabilitation and throughcare cannot take place because of an overwhelming population, it is worthless and dangerous.

Prisoners will be released at some time in their lives, and it is what happens in prisons during the time that they are incarcerated that really matters. Research shows that many people in the criminal justice system have experienced severe and multiple disadvantages, including homelessness, addiction, domestic violence and abuse. Further, far too many women are in prison or on remand—I agree with Rhoda Grant's comments in that regard, and note the terrible repercussions for families.

If no rehabilitation and preparation for liberty has been undertaken, the people who we release will eventually return to prison through the revolving door. I believe that a focus on community-based interventions and sentences is much more effective in reducing reoffending than giving people short-term custodial sentences. The statistics back that up. The reconviction rate for those given community payback orders in 2018-19 was 29.8 per cent, compared with 52.1 per cent for those given custodial sentences of one year or less. That is why the Scottish Government is investing £148 million in community justice this year, which is an increase of £14 million.

Those who are released from a short-term sentence can access voluntary throughcare support either from third sector providers or the local authority. Throughcare services are vital. They provide a variety of supports, including assistance with accessing other services.

**Liam Kerr:** The member is understandably addressing the short-term sentence issue, but there is the provision in relation to long-term prisoners, which will not have immediate effect

because no one will be released pursuant to it, which is simply a power grab by the Government. Does the member see that that should not be part of the legislation?

**Rona Mackay:** I most certainly do not think that it is a power grab by the Government. We could say that it is future planning. It is taking the prison population as a whole, which is what we need to do, and it is being done with careful research and risk assessment.

Throughcare services are vital. They provide a variety of supports, including access to health, mental health services, housing or benefits, employability support and making positive links within the community. The Scottish Government is working with public and third sector organisations to support prisoners who are on release. We are fortunate to be able to rely on such excellent third sector organisations in Scotland.

In an initiative of this kind, it is, of course, natural that concerns will arise from victims and their advocates. As we have heard, the Scottish Government is working with victim support organisations on key issues, such as ensuring clear information for victims through the victim notification scheme and safety planning. It is essential that victims have confidence in the safety of the community; that is a priority.

I will finish with a quote from the Scottish Centre for Crime and Justice Research:

“We are not aware of empirical evidence (in Scotland or internationally) that this small change in the timing of release will have a significant adverse effect in terms of reoffending. Rather, the weight of criminological evidence suggests that risk of reoffending is much more likely to be affected by the condition in which people are released and the circumstances to which they are released.”

We are striking the right balance between recognising the concerns of victims and survivors while ensuring that measures have a significant impact on the prison population. I urge members to agree to the general principles of the bill.

16:17

**Jamie Greene (West Scotland) (Con):** In April 2015, Nicola Sturgeon said:

“Our objective remains to end the policy of automatic early release completely as soon as we are able to.”—  
[*Official Report*, 2 April 2015; c 19.]

Back then, Nicola Sturgeon was accused of “bogus” and “populist” electioneering by some prominent Queen’s counsels. Perhaps back then, she understood what today’s Government simply does not, and that is that the principles of fairness and trust in our justice system are underpinned by the public’s perception of both. When the public see politicians meddling in sentencing and offenders serving just two fifths of their sentence,

that trust can be eroded. Today we should be debating the moral of the substance of the bill, not the why, how or technicality of it.

We are talking about the length of sentences and how much of them should be served before someone is automatically released. According to today’s debate, the Government wants us to believe that further automatic early release will answer an entirely different problem, which is that of prison overcrowding, but prison population is a by-product of many other variables. It is the by-product of the sky-high remand population, which is caused by delays to trials. It is caused by the nature of crimes for which people are being convicted and therefore, rightly, incarcerated. It is the by-product of the population of reoffenders coming through the so-called revolving door that we often speak about. It is a by-product of the dilapidated prison estate, which led to numerous HMIPS reports describing the conditions as worthy of a Dickens novel. It is also the by-product of this Government’s failure to build new capacity, knowing that it would be needed and knowing that it was coming.

Those are the reasons why our jails are full, not the length of sentences. It is those reasons alone that must be dealt with first before coming here and asking for the power to reduce sentence lengths.

We should all applaud the efforts of Police Scotland, for example, to bring serious organised criminals to task and send them to prison. We should all applaud the convictions in the horrific historical sexual abuse cases. We should all take the credit collectively as a Parliament for the new laws that convict people for domestic abuse. However, we should not be shocked when prison numbers go up as a result of all those measures and successes.

What does early release achieve anyway? Is it fair as a matter of principle? Does it reduce the prison population? No. Does it tackle the root causes of why people are sent to prison in the first place? It does not.

My feelings on emergency legislation are well known. In my view, emergency legislation simply makes a mockery of the Parliament and of the public consultation process that we rightly afford to lawmaking. Why? Because it simply leaves no wriggle room to fix any anomalies or technical niggles in amendments in between the bill’s stages. I question why we are using emergency legislation. Call me a cynic, but I think that the Government knew that this was coming and left it until the last minute. What exactly is the emergency? If the answer is that our prisons are full, yes, they are, but we have known that for years. They have been filling up for years. Anyone who has ever sat in the Criminal Justice

Committee or listened to HMIPS or to Teresa Medhurst over the years will have known that prisons were filling up. We do not need emergency legislation to tackle the problem; we need a whole-system approach.

Ministers want us to believe that there is an impending emergency and that we must resolve it in two days by making permanent changes to legislation and sentences without addressing the issue of capacity. In my view, victims are paying the price. Victims must forfeit their right to fairness. Nothing about the bill is short term, and it is entirely disingenuous to suggest otherwise.

Victim Support Scotland told us of the consequences of the last time we emptied our prisons. We are doing it all over again, except this time, it is not a one-off emergency measure—it will become a permanent fixture of our justice system. Let me chuck it out there: I do not think that automatic early release for a prisoner who has served 40 per cent of their sentence will work. I do not think that it will rehabilitate people or treat the addictions or the mental health issues that many offenders present with. More importantly, I do not think that it will pass the fairness test—the real court of public opinion to which we are all elected, let us not forget. I say that as someone who is often accused of being at the more liberal end of my party.

How did we get from a prisoner having to serve 100 per cent of their sentence to serving 40 per cent, and where does it end? At a third? A fifth? You can see that I am being ridiculous, but what is the point of having sentences on paper if they are meaningless in practice, which is a point that was made earlier? We must maintain confidence in sentencing, because there is nothing to stop a judge from simply inflating the length of a sentence at the time they hand it down in order to achieve a sentence that is served that they believe would be relevant and proportionate to the crime for which the person has been convicted. There is no evidence on that—we do not know what they think.

Where is the Scottish Sentencing Council in all this? It was set up by the SNP and was supposed to have been set up to implement truth in sentencing. There is no truth in sentencing in Scotland any more. When did four years ever mean four years? We will not know what anyone thinks—the Law Society of Scotland, victims, local authorities, the police, or social justice partners—because we have not asked, as we are having to pass the legislation in two days.

I will close by making a pledge to anyone who is watching the debate. We will of course try to fix the bill, but I think that it will pass anyway. If we pass the bill and it creates a single victim of crime, I am sorry. I will not vote for the bill, but other

members of the Parliament will, and they should be sorry too.

16:23

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Like many colleagues, I feel no enthusiasm for speaking in the debate. It is not a situation that any of us wanted to be in. There have been some powerful and meaningful contributions from across the chamber, many of which have touched on the long-term issues that have led to the situation across the UK, not just in Scotland.

Others have also talked about the facts, and the situations that are facing people who are in our prisons, both staff and those who are serving sentences. Overcrowding has consequences. It affects the safety of those who are working in our prisons and those who are serving a sentence. Any member who has had people come to see them from those two different perspectives—people who have relatives in prison, and people who work in, or are connected to people who work in, prison—will understand just how challenging, difficult and dangerous the situation is, so it is clear that action is needed.

The short-term situation that we face is that the increasingly complex nature of the prison population has created additional pressures. The commendable action that has been taken to tackle organised crime has meant that there are now more people in our prisons who are serving long sentences, and that has an effect on capacity. The fact that we have an older population—as other members have said—creates additional pressure, as does the challenge of the backlog in the Scottish Courts and Tribunals Service as a result of the Covid pandemic. Those are the realities that we all face in representing the people of Scotland.

It is necessary, therefore, to address the overcrowding issue in the short term, and the bill seeks to do that in good faith. At a general level, we need to consider two main points. The first relates to victims. One of the worst things that can happen to anyone is to be a victim, or to have someone close to them be a victim, of organised crime. Anyone who has been a representative in Parliament and has served people who have been victims of crime, or who has been a victim of crime themselves, will know how devastating and negative the effects of that can be. It seems obvious to say that.

It is absolutely right, therefore, that we focus on victims not only throughout the bill process but thereafter. The Government has spoken about the victim notification scheme, but I think that it would be helpful for the rest of today's debate, and in the stages ahead, if the cabinet secretary could say

more on that and seek to reassure those victims further with regard to how there will be proactive awareness raising of the notification scheme.

**Stephen Kerr:** Ben Macpherson is giving a thoughtful speech, as usual, but can he imagine how victims feel when they hear that a perpetrator who is incarcerated is going to be released early because of something that the Government and the Parliament have done? I ask him to imagine their feelings, and their response to that situation.

**Ben Macpherson:** As I hope I communicated earlier, representing people who have been the victims of crime is one of the hardest things that we do as parliamentarians. In all situations, as has been articulated, the end of a sentence is going to be really difficult for people who are, or are connected to, victims of crime. That is why I believe that any further reassurance that the Government can give will make an important difference to those who are watching this process and may be affected by it.

The other important area, on which other members have touched, is reducing reoffending. That is a complex area of public policy. There is a need for holistic, tailored support to be in place for those who are released from prison, and the relevant support services need to be in place. That has to be part of our long-term collective goal of reducing reoffending, which should result in fewer victims.

That has a statutory element, and we need to ensure that there are enough resources for social workers and other statutory services that will be needed to support those who are released. That is a general point that relates to the bill. Community Justice Scotland and Social Work Scotland are pivotal in that regard. I know that there is investment of £148 million for community justice in this year's budget, which was an increase of £14 million. However, I point the Government to the evidence that the Criminal Justice Committee heard on 9 October about what difference additional investment could make, and I hope that that is included as part of the budget considerations.

Lastly, I say this, which other members have mentioned, too. The role of the third sector in supporting people when they are released from prison and in reducing reoffending should not be underestimated. Organisations such as Street Soccer Scotland, which is headquartered in my constituency, and the fresh start programme, which provides people with items to help them in settling into temporary accommodation, make a remarkable difference to the people involved and in reducing reoffending. I want to see much greater focus on how we support the third sector and on the additional resources that can be provided to it. The third sector is our fifth

emergency service and it does tremendous work. With more resources, it can have a transformative effect.

I could say a lot more, as other members have, on the wider questions about our justice system and the comprehensive nature of the system, which involves all policy areas, including education, health and housing—the whole spectrum. I hope that the Parliament can debate those issues at another point, because the rule of law matters to us all.

**The Presiding Officer (Alison Johnstone):** We move to winding-up speeches.

16:30

**Maggie Chapman:** In my opening speech, I spoke about why the bill is needed and about the stresses under which the prison system, staff, prisoners and families are all struggling. Jamie Greene spoke about the various factors that contribute to people entering the prison population. I do not think that any of us here this afternoon disagree with those. He mentioned the revolving door of reoffending, whereby people are repeatedly sent back to prison. Overcrowding increases the risk of recidivism, and the bill is one of a range of measures that must help to address that.

However, there are other things that we must consider—things that will not be done by this bill but which matter just as much—and I want to say a bit about those now. The first issue to consider is prevention. We know what to do. It is not a weird coincidence that such a large proportion of people in prison come from a small number of postcode areas. The experiences that lead many young people into the criminal justice system are the same experiences that make them more likely to be victims of crime and more likely to suffer ill health, unemployment, substance abuse and early death.

Why is child poverty such a fundamental concern for this Parliament? It is because our hearts ache at the thought of children being cold and hungry and isolated, but it is also because we know what poverty can do to children as they pass from childhood into adolescence and adult life. We all make mistakes, but the mistakes of the poor are much more likely to be treated as crime, to be underpinned by trauma and to be met with dehumanisation, condemnation and vengeful rhetoric.

The second aspect to consider is our responses to those issues. All the evidence that we have—from the United Nations Office on Drugs and Crime, Scotland's own world-renowned criminologists and research across the world—shows that reducing our risk of harm is not about

locking people up for short periods. Yes, some people are so damaged and so disconnected from social norms that keeping them in secure care is, for now, our only option. However, for most, incarceration is both unnecessary and counterproductive, as it hurts people, families and communities, and entrenches patterns of crime across lives and generations.

There are alternatives—alternatives that work. As well as being prisons week, this week is recognised as restorative justice week. Restorative justice recognises that the problem of crime is not about arbitrary rules being broken but about harm being done to people, communities, nature, trust and wellbeing. It puts that harm at the centre of its response, listening to victims and survivors and meeting their needs; it calls offenders to account and to acknowledge their responsibility and make amends; and it involves the wider community in its processes of dialogue and transformation. Restorative justice is not an easy option and it is not for every situation, but, done properly, it can lead to outcomes that are positive and—this is important—lasting.

The third aspect to consider is resources. That means funding that is secure and adequate for public and third sector organisations to carry out their work in community justice, social work, health, education and research. Courts and prosecutors need to know that alternative pathways will be available, effective and acceptable to everyone involved. The voluntary sector needs funding that is fair so that it can, in turn, meet its fair work obligations and so that it can take on staff and commitments with the assurance of long-term futures. It also means data that is collected, disaggregated and disseminated so that robust research can tell us more about what works and why.

While we have full prisons, they and the work that goes on within them need to be properly funded, too. One of the arguments that was made for the Prisoners (Control of Release) (Scotland) Act 2015 was that it would encourage prisoners to engage more with the parole board, but it was pointed out that there were already waiting lists for the kinds of programmes that are required to obtain parole—and there still are.

The Scottish Centre for Crime and Justice Research notes that, between April 2021 and March 2024, only 47 people completed the offending behaviour programme that addresses sexual offending, and that 384 people are on the waiting list for the programme targeting high-intensity violence. In its submission following the October statement from the Cabinet Secretary for Justice and Home Affairs, the centre wrote:

“It will take political will, moral courage, resources and action on several fronts to achieve meaningful change.”

Given this afternoon’s debate and the comments made from across the chamber, I believe that we have the political will and that we can find the resources required. I also believe that the bill represents a small but significant part of the action that is needed—one of the several fronts that are needed to achieve meaningful change. Do we have the moral courage, though, to not only pass the bill but ensure that we deliver on all those other fronts, too?

16:35

**Martin Whitfield (South Scotland) (Lab):** The debate this afternoon has been fascinating for a number of reasons. The fundamental point of the bill is that it proposes to release people from prison before the end of a sentence imposed by an independent judiciary.

Why do we remove people’s liberty? We do so to protect the public, as a deterrent, to rehabilitate and to punish. People have different views about how those four reasons should be balanced in sentencing, but I think that the vast majority of people, certainly outside of this place, think of those four reasons when it comes to removing liberty. Well, we do not remove the liberty—it is an independent judiciary that does so. However, with the bill in front of us today, as a number of members have said, people outside this place are looking in and are making an assessment of the fairness of what happens. People are making an assessment of justice and of their confidence and faith in a system. They see that the Scottish Government is seeking to reduce sentences—in some cases, quite considerably.

I do not take pleasure in criticising the bill, because, as a significant number of members have made clear this afternoon, this is a very complex situation involving a number of factors, some of which we do not fully appreciate or collect data on. However, this complex situation is being resolved in a very simplistic way—there is a simple algorithm to release prisoners with a sentence of less than four years and a power is being given to the Scottish Government to do something about prisoners with a sentence of greater than four years. A number of matters deeply concern me.

Rather than congratulate members on their contributions—all the contributions have been heartfelt and there is great value in much of what has been said—I will pose a number of questions to the cabinet secretary. I hope that she is able to articulate some indication in her summing up of where the Scottish Government stands on them.

The first question is about funding. The cabinet secretary intervened on Liam Kerr to confirm that funding for the release of the next group has been

guaranteed, but can she guarantee that, if the bill passes and the legislation is used to release more prisoners in the future, the funding will be there indefinitely?

I also want to raise the difficult position of the human rights of an offender who has been given an enhanced sentence because of the sexual nature of their offence. When she kindly let me intervene, I listened very carefully to the cabinet secretary's explanation of what the Scottish Government's defence would be should that matter arise. I realise that time is tight, so if the opportunity arises, I will return to the issue later, but I wanted to raise it now so that the Scottish Government could consider what its position would be should a sexual offender go to court under human rights legislation and seek the court's decision on whether they are being double punished because they are being excluded from an early release system that sits in primary legislation.

I hear, accept and very much empathise with the reasons why sexual offenders should be locked up, why we should give people confidence to come forward, and why we should give support to people as they go through the system in order to bring to justice someone who has reduced them to the appalling state of being a victim. I understand why support for those people should be there, but I am not sure that that is satisfactory as an explanation for why we should treat those prisoners differently. Why will that group be arbitrarily affected? In a short intervention by Rona Mackay—for which I thank her—she raised an interesting point about organised criminals. Were they considered for exclusion because of the very damaging effect that they can have on communities?

Remand has been mentioned by a number of people, but the bill is entirely silent on it. It would seem to me, from looking at the statistics, that one of the reasons that the prison population has increased so much is the rise in the number of those who are on remand. Is that issue not part of the Scottish Government's thinking on how to reduce the prison population?

Rhoda Grant made a very articulate contribution regarding the state of the prison in her area. She left us with the sobering point that, if an individual is released before the causes of their offending have been dealt with, they will reoffend. That has been raised in a number of contributions this afternoon.

With regard to long-term prisoners, my final question—I will rest after this, Presiding Officer—is whether the Scottish Government is in any way minded to separate what are, in essence, two bills. One seeks to solve an immediate problem, and one seeks to solve a problem for the future. Even

the cabinet secretary has confirmed today that dealing with the second problem would require much more in-depth consideration of the group concerned. If those problems can be separated, maybe they can be resolved with a bill of a different nature from that which we are considering today.

I am grateful for your patience, Presiding Officer.

16:41

**Russell Findlay (West Scotland) (Con):** Let us be clear about what the bill will do, and let us look at the reasons why ministers say that they need to take this action. They want to significantly and permanently reduce both the amount of time that criminals will serve in prison and the prison population.

Ministers intend to allow most prisoners who are sentenced to less than four years to be set free after serving only 40 per cent of their sentence. That means that those criminals—many of them having committed serious violent offences—will serve less than five months for every year that is imposed by a sheriff, or 146 days in prison for every 365 days sentenced. That, I believe, makes a mockery of sentencing.

Sheriffs take great care in imposing sentences. They do so in full possession of key information, yet it appears that ministers think that they know better. That undermines judicial independence. Ministers are seeking to pass an emergency law that will override judicial decisions at the stroke of a ministerial pen.

A second aspect of the bill relates to most of the criminals who are serving sentences of four years and over. Ministers want us to give them the power to create an entirely new scheme to release those long-term prisoners early. They want Parliament to blindly grant them that power and, incredibly, they expect the public to trust them to make up new early release rules in private.

**Pauline McNeill:** In 2015, Parliament passed primary legislation to substantively change the release point for long-term prisoners. Regardless of the difference of opinion that we might have on the substance of the policy, does the member agree that it seems extraordinary that the Government would give itself powers that could take us back to exactly the same policy as existed pre-2015, arguing that that should not be done by primary legislation and that its distinctive Scottish policy is quite different from the policy at Westminster?

**Russell Findlay:** I could not agree more. Although it was before my time, my understanding of that parliamentary process is that it took—in its



entirety, from the lodging of that bill to its passing—the best part of 12 months. However, the current Government expects us to apply minimum parliamentary security and no meaningful debate, and then this bill will pass into law. As Pauline McNeill said in her speech, that is perhaps the “most objectionable aspect” of the bill.

Liam McArthur, too, identified the risks that it carries, and Stephen Kerr, with an untypical understatement, described it as a

“poor way of doing business”.

Put simply, almost every single prisoner in Scotland could be freed early at the behest of a future justice secretary.

We have already heard much of the usual whataboutery, but in no other UK jurisdiction do similar emergency powers permanently reduce sentences. That is the crucial difference—the powers in the bill will be for ever.

We have already seen what happened in previous SNP early release schemes. Victims were not told, with only around 2 per cent being notified. I agree with Fulton MacGregor that that is simply not good enough. Many of those who were freed early went on—with painful inevitability—to commit more crimes in our communities. Liam Kerr made that point very strongly indeed.

Why do ministers want to pass a law that will cause more crime and suffering? They say that the prisons are too full and conditions are unsafe—conditions for which the SNP Government has been entirely responsible for 17 years. This is a Government that failed to build new prisons on time and on budget; it failed to invest in meaningful community sentences that sheriffs can trust; it spent £6 million on free mobile phones for prisoners that were then used to commit crime; and it failed to explore alternative ways of keeping criminals locked up where they belong. My suspicion is that it would rather seek creative ways to free prisoners than keep them behind bars.

The SNP Government consistently pushes a weak justice agenda. We see that with the policy not to jail serious adult offenders aged under 26, with the weakening of bail and remand laws that tie the hands of sheriffs, and with the presumption against the passing of short prison sentences. Organisations such as Victim Support Scotland see it every single day—broken crime victims who are further traumatised by a system that is more interested in the rights of those who cause harm against them.

The SNP says that the bill will cost £3.6 million to implement. Why not instead use that money to ensure that sentences are served? This is the same Government that rejected an offer to build a

new wing at HMP Kilmarnock, because of its ideological opposition to what was a very well-run private facility.

I agree with Rona Mackay about the need for the bill to exclude from its scope those who are jailed for stalking, and I hope that she will lodge an amendment to fix that issue. Ben Macpherson identified the devastating impact of organised crime on victims, but the bill does not show any such concern.

The bill should not be emergency legislation. The procedure curtails our ability to scrutinise and amend. When the Government previously abolished automatic early release, the parliamentary process lasted around a year. Seven days is a joke and, I believe, disrespectful—Jamie Greene nailed it as a phoney emergency.

What is certain is that the bill will result in more crime, risk public safety and permanently reduce the real length of most prison sentences of under four years that are imposed by sheriffs. Criminals will be delighted while victims will, yet again, be kept in the dark and disrespected.

We cannot support the legislation, and I urge other parties to think hard about doing so. Public safety on Scotland’s streets and public faith in Scottish justice are both on the line.

**The Presiding Officer:** I call Angela Constance to wind up. You have up to nine minutes, cabinet secretary.

16:49

**Angela Constance:** Mr Findlay can, of course, wag his finger and do some political posturing, but I have to be blunt with the Parliament: I am a woman of 54 years of age, I have been in this place for 17 years, and the only thing that I am interested in right now is keeping our communities and prisons safe. For me, not to bring forward measures, for now and for the long term, would be unconscionable, and I will not play that political game.

Having said that, I think that there have been some good speeches. I have not agreed with all the speeches but, by and large, they have all been thoughtful. I acknowledge that members who come from a different political and philosophical position have frustrations—

**Russell Findlay:** Will Angela Constance give way?

**Angela Constance:** Perhaps later.

Those members have frustrations with the remission system that has existed since the 1990s. Right now, short-term prisoners in Scotland get released at the 50 per cent point of their

sentence. Members can debate whether that is right or wrong, but that has been the case since the 1990s, under legislation that was introduced by the then Conservative Government. Courts do, indeed, sentence and do so independently. Like all MSPs, I am under a legal duty, because of an act of this Parliament, to respect and uphold the independence of the judiciary and the courts. However, it has always been the case that, once people are sentenced and imprisoned or given a community disposal, responsibility for the rules and regulations—in this case, we are talking about those around release—has legitimately lain with ministers or, indeed, the Parliament.

**Pauline McNeill:** If the Parliament were to agree next week to give the cabinet secretary the early release power, particularly in relation to long-term prisoners, how might she use it? Would she change the six-month release point? What is in her mind as to how she might use that power?

**Angela Constance:** I have made various statements to the Parliament and, in at least two of those statements, I have been up front in saying that there is merit in looking again at the release arrangements for long-term prisoners, which might be somewhere in between what we have now and what we had in the past. Every cohort of prisoners is spending longer in custody, because prisoners are being given longer sentences—and we must remember that their time on licence is part of their sentence—so, if people are spending more time in custody, should they not be spending more time being reintegrated? For that to be considered is what I have pursued—that is all.

I do not necessarily want to get into comparing Parliaments—my point is more pragmatic than political—but I note that the new Labour Government has used a statutory instrument to move the dial from 50 per cent to 40 per cent for the release point for standard determinate sentence prisoners, some of whom are short term and some of whom are long term. All that I am saying is, why not Scotland? Sometimes, I think that, in this Parliament, we try to make things even harder for ourselves.

I will consider the points that have been made about what is rightly called subordinate legislation. Members have spoken about how our sentencing system is not well understood, which I absolutely accept. There is a role in that for the Scottish Sentencing Council, as well as for us. However, most people seem to be frustrated that Scotland continues to have one of the highest prison population levels in western Europe. Of course, we can narrate why that is, which is because our prosecutors and police are more successful now at pursuing historical sexual crimes and because we are incarcerating more serious organised crime nominals, and rightly so.

However, right now—this is the biggest difference that I have noticed in our system between now and when I worked in prisons—we are also seeing increasing vulnerability in our prisons. Therefore, we must go back and question who prison is for, what it is for and how prison best protects the public.

I will take one more intervention, from Mr Greene.

**Jamie Greene:** Is the solution to the problem for us to reduce the remand population? The remand population is the reason why our prisons are at capacity. Reducing that population would negate the need to reduce the proportion of their sentence that prisoners serve before being released, which the cabinet secretary is asking us to support. Does she agree?

**Angela Constance:** I very much agree that the sustained level of the remand population, at 2,000, is way too high. That is why I am investing in alternatives to remand, and it is why I introduced, more than a year ago, the Bail and Release from Custody (Scotland) Bill. We need to implement a new bail test, because prisons should be preserved for people for whom there is no safe alternative. I respect the fact that Mr Greene and I had some fundamental disagreements on the Bail and Release from Custody (Scotland) Bill.

The Prisoners (Early Release) (Scotland) Bill's provisions on short-term prisoners will give an immediate and sustained reduction in the prison population of around 5 per cent—under the bill, the prison population will be 5 per cent less than it would otherwise be. The bill is not only a temporary measure but a very necessary measure. However, it is not the silver bullet.

Over the past year or so, I have outlined the actions that I have taken, am taking or will take. I have increased investment in prisons and in the community justice service. Capacity is increasing in community justice social work and in parts of the third sector, especially when it comes to the shift away from temporary contracts to permanent contracts. That is having a positive impact in shifting the balance, and voluntary aftercare numbers are increasing, too.

**Russell Findlay:** Will the cabinet secretary give way?

**Angela Constance:** I am getting the eye from the Presiding Officer. I apologise to Mr Findlay, because he was gracious with his time with me.

In the past 17 years, despite the financial challenges, the Government has introduced a number of reforms, including the presumption against short-term sentences, which is now being emulated south of the border; community payback orders, whose use is on the increase; the

expansion of electronic monitoring; the reform of home detention curfew; and the expansion of bail supervision and electronically monitored bail. We have also had success with youth justice—if there is one part of our prison population that is not increasing, it is the under-21s. We have brought in the Bail and Release from Custody (Scotland) Act 2023 and the Children (Care and Justice) (Scotland) Act 2024.

The point that I wish to make is that those reforms were often, at best, resisted by or, at worst, voted against by the Opposition parties. If members want to talk about medium-term solutions and long-term strategies, that is great—my door is open—but they need to have some solutions and to be able to make contributions to the long-term strategy that will result in our communities being safer.

I will quickly address the point that Martin Whitfield raised about arbitrary detention. I assure him that the context that he raised has been thoroughly explored. However, I regret to say that the area that I am concerned about in relation to arbitrary detention involves a governor's veto. Such a veto can justifiably exist in relation to emergency early release because of the discretionary nature of those provisions and the pace of the process, with decisions being made in short order. The situation is not the same when we are changing the standard point of release for prisoners. That is completely different, and I would be happy to discuss and explore that further with Mr Whitfield at a slower time.

We must also improve the uptake of our victim notification scheme, which we must reform. I am absolutely committed to that, which is why we have responded positively to the independent review.

**The Presiding Officer:** You must conclude, cabinet secretary.

**Angela Constance:** We have responded positively to the independent review and will take an early opportunity to use the Victims, Witnesses, and Justice Reform (Scotland) Bill to provide any legislation that is required.

I have one very final point.

**The Presiding Officer:** Please be brief.

**Angela Constance:** If our prisons become unsafe and unmanageable, there will be more victims inside our prisons and more victims in our communities. Members should, by all means, critique the past and debate the future, but this is what we must do right now. We will have to make further decisions in the next few days.

**The Presiding Officer:** That concludes the debate on the Prisoners (Early Release) (Scotland) Bill at stage 1.

We move to the question on the motion. The question is, that motion S6M-15531, in the name of Angela Constance, on the Prisoners (Early Release) (Scotland) Bill at stage 1, 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.

17:01

*Meeting suspended.*

17:03

*On resuming—*

**The Presiding Officer:** We come to the vote on motion S6M-15531, in the name of Angela Constance. Members should cast their votes now.

The vote is closed.

**Marie McNair (Clydebank and Milngavie) (SNP):** On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

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

**Jackie Dunbar (Aberdeen Donside) (SNP):** On a point of order, Presiding Officer. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Dunbar.

I call Douglas Ross for a point of order. I can confirm that your vote has been recorded, if that is helpful, Mr Ross.

**Douglas Ross (Highlands and Islands) (Con):** Thank you, Presiding Officer.

**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)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 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)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 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)  
 Gosal, Pam (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 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)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [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

McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-15531, in the name of Angela Constance, on the Prisoners (Early Release) (Scotland) Bill at stage 1, is: For 69, Against 49, Abstentions 3.

### *Motion agreed to,*

That the Parliament agrees to the general principles of the Prisoners (Early Release) (Scotland) Bill.

## Prisoners (Early Release) (Scotland) Bill: Financial Resolution

17:06

### The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-15551, in the name of Shona Robison, on a financial resolution for the Prisoners (Early Release) (Scotland) Bill. I remind members that, as per rule 11.3.1(h) of standing orders, the question on the motion will be put immediately after the motion is moved.

### Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Prisoners (Early Release) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—  
[Angela Constance]

**The Presiding Officer:** The question is, that motion S6M-15551, in the name of Shona Robison, on a financial resolution for the Prisoners (Early Release) (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Marie McNair (Clydebank and Milngavie) (SNP):** On a point of order, Presiding Officer. I would have voted yes.

**The Presiding Officer:** We will ensure that that is recorded.

### For

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

Ewing, Annabelle (Cowdenbeath) (SNP)  
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)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Leonard, Richard (Central Scotland) (Lab)  
Lochhead, Richard (Moray) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Gillian (Central Scotland) (Green)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
Martin, Gillian (Aberdeenshire East) (SNP)  
Mason, John (Glasgow Shettleston) (Ind)  
Matheson, Michael (Falkirk West) (SNP)  
McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
McArthur, Liam (Orkney Islands) (LD)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
McNeill, Pauline (Glasgow) (Lab)  
Minto, Jenni (Argyll and Bute) (SNP)  
Mochan, Carol (South Scotland) (Lab)  
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
O'Kane, Paul (West Scotland) (Lab)  
Regan, Ash (Edinburgh Eastern) (Alba)  
Rennie, Willie (North East Fife) (LD)  
Robertson, Angus (Edinburgh Central) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Sarwar, Anas (Glasgow) (Lab)  
Slater, Lorna (Lothian) (Green)  
Smyth, Colin (South Scotland) (Lab)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Collette (East Kilbride) (SNP)  
Stewart, Kaukab (Glasgow Kelvin) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Sweeney, Paul (Glasgow) (Lab)  
Swinney, John (Perthshire North) (SNP)  
Thomson, Michelle (Falkirk East) (SNP)  
Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Tweed, Evelyn (Stirling) (SNP)  
Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
Whitfield, Martin (South Scotland) (Lab)  
Whitham, Elena (Carrick, Cumnock and Doon Valley)

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

## Decision Time

### Against

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

17:10

**The Presiding Officer (Alison Johnstone):**  
 There are no questions to be put as a result of today's business. That concludes decision time.

*Meeting closed at 17:10.*

**The Presiding Officer:** The result of the division on motion S6M-15551, in the name of Shona Robison, on a financial resolution for the Prisoners (Early Release) (Scotland) Bill, is: For 92, Against 30, Abstentions 0.

### *Motion agreed to,*

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

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