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Business until 17:55

Session 6



The Scottish Parliament  
Pàrlamaid na h-Alba



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## Wednesday 15 January 2025

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# Scottish Parliament

Wednesday 15 January 2025

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

## Portfolio Question Time

### Deputy First Minister Responsibilities, Economy and Gaelic

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business this afternoon is portfolio questions. The first portfolio is Deputy First Minister responsibilities, economy and Gaelic.

I remind members who wish to ask a supplementary question to press their request-to-speak buttons during the relevant question. We are incredibly tight for time across the afternoon, so I would appreciate succinct questions and indeed answers more than ever.

#### British Chambers of Commerce Quarterly Economic Survey

**1. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government what its response is to the British Chambers of Commerce quarterly economic survey, which has suggested that business confidence has fallen to its lowest level for two years, including in Scotland, because of issues such as the United Kingdom Government's decision to raise employer national insurance contributions. (S6O-04185)

**The Minister for Business (Richard Lochhead):** We recognise that conditions for businesses remain challenging, and it is regrettable that the Chancellor of the Exchequer's policy changes will disadvantage and place additional pressures on Scottish businesses. The majority of taxation powers, including over national insurance contributions, remain reserved to the UK Government.

Through the Scottish budget, we are supporting those businesses that sustain our communities and will help to create the wider economic conditions that will allow Scotland's businesses to grow. The budget provides £321 million for our enterprise agencies, £200 million for the Scottish National Investment Bank to invest in Scotland and £15 million to help start-ups to grow, to give some examples.

**Kevin Stewart:** The increase in employer national insurance contributions is a tax on jobs. Along with other measures in the UK budget, it has led to real concerns in the business

community and the markets. Has the Scottish Government relayed its concerns to the UK Government about the latter's misguided tax on jobs? What can the minister and the Scottish Government do within the limited powers of devolution to instil confidence and create stability for businesses in Scotland?

**Richard Lochhead:** Kevin Stewart raises an important issue. Clearly, the national insurance contributions increase has gone down like a bucket of sick with the Scottish business community, and there is a lot of concern. From some of the illustrations that I have heard, some of the increases for individual businesses are pretty eye-watering and will be very difficult for them to cope with.

The Scottish Government has made representations to the UK Government about the matter, and we will continue to do so. Indeed, a letter went off again just in the past few days reiterating our concerns. In the meantime, we urge Parliament to pass the draft budget because, as I illustrated in my initial answer, there are a number of measures in it that we believe will support Scottish business to get through this.

**The Deputy Presiding Officer:** We have a couple of brief supplementaries.

**Michael Marra (North East Scotland) (Lab):** There is a record budget settlement for Scotland, with £5.2 billion extra coming to the Government. We hear a lot about what that is spent on, but does the minister recognise that the money has to be raised? What is his solution to the problem of how to raise the money that needs to be spent?

**Richard Lochhead:** The member would be better off making representations to his bosses in London about the impact of the budget on the Scottish economy and the Scottish business community in particular. The irony is that the member often says in the chamber that he stands up for creating Scottish jobs, but businesses in Scotland are saying that the national insurance contribution increase means that they will have to lay people off, that it is a jobs tax, that it will be very difficult to cope with and that it will hit profits and jobs. I urge the member to make representations to the UK Chancellor of the Exchequer about that.

**Michael Matheson (Falkirk West) (SNP):** The minister will be aware of the real-life implications that the increase in national insurance contributions has for employers. Alexander Dennis, which is based in my constituency, went through a redundancy programme towards the end of last year. In December, it announced a further redundancy programme, with the primary reason for a second batch of redundancies being the employer national insurance contributions

increase. The issue is starting to have a real-life impact on people's jobs. Will the minister ensure that the Scottish Government and its agencies will continue to work with critical employers such as Alexander Dennis to support them in this challenging economic environment?

**Richard Lochhead:** I thank Michael Matheson for giving a real-life illustration of the impact that UK Government policies are having on businesses in Scotland, and I give him an assurance that we will continue to make the strongest possible representations to the UK Government. I am sorry to hear about the example in Mr Matheson's constituency, which is yet another illustration of the short-sightedness of the UK Government's policy and some of the measures in its budget.

### Enterprise Agencies (Assessment of Performance)

**2. Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government what assessment it has made of the performance of enterprise agencies in supporting business growth and inward investment. (S6O-04186)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** In the past financial year, Scottish Enterprise secured or safeguarded more than 16,700 jobs. It helped businesses to unlock £1.9 billion of planned capital investment spend and £449 million of planned innovation spend. In the same period, Highlands and Islands Enterprise supported 1,248 jobs and helped businesses to unlock £412.8 million of capital investment, and South of Scotland Enterprise supported 1,706 jobs across its region. All of that happened while Scotland maintained its position as top-performing place in the United Kingdom outside London for foreign direct investment projects for the ninth year in a row.

**Annabelle Ewing:** It is encouraging to note Scottish Enterprise's recent successes in supporting indigenous business growth for larger companies and the continuing strong performance as regards foreign direct investment. However, has the Deputy First Minister reflected on what more could be done to help smaller businesses that are looking to scale up, and whether the Scottish Government's current approach is the best fit in that regard?

**Kate Forbes:** The member makes an important point, because small and medium-sized businesses are the backbone of the Scottish economy and they are often anchors in their local economies. I know that that will be the case in Annabelle Ewing's constituency.

The enterprise agencies are not the only source of support for businesses. Businesses of all sizes

and types can access support from a wide range of public sector organisations. One of those is Business Gateway, and more support is listed on the Find Business Support website. I am happy to hear from Annabelle Ewing about any specific businesses that are struggling to get support, and which we could help.

**The Deputy Presiding Officer:** There is a lot of interest in this issue. I will try to get in as many supplementary questions as I can, but they will need to be brief.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The Scottish Government's budget for the coming financial year delivers a real-terms cut in the funding of the enterprise networks compared with the previous financial year. Indeed, if we look over the past decade, we see that the funding for the enterprise networks is a fraction of what it was a decade ago. If the enterprise networks are as important as the cabinet secretary says they are, can she say how continually cutting their budgets helps to grow the economy?

**Kate Forbes:** That would be a good question for the Conservatives in relation to the overall size of their budget settlements to the Scottish Government.

I have to pick up Murdo Fraser on a number of points. We have had exchanges on these matters in committee as well as in writing. Adjustments that are required for the implementation of international financial reporting standard 16 have to be taken into account when comparing the two budgets. The bottom line is that we have increased Scottish Enterprise's total budget by 5 per cent, we have maintained Highlands and Islands Enterprise's resource budget and increased its capital budget by 9 per cent, and we have maintained South of Scotland Enterprise's resource budget and increased its capital budget by 8 per cent. It is the capital budget that is distributable and is of most interest to businesses.

**Daniel Johnson (Edinburgh Southern) (Lab):** The cabinet secretary referenced her appearance at the Economy and Fair Work Committee last week. At that meeting, she said:

"I want distributable funding in the economy portfolio. I do not want just to create public service jobs".

She added:

"the fact is that a public sector organisation might need to change and adapt".—[*Official Report, Economy and Fair Work Committee*, 8 January 2025; c 12.]

She seemed to be suggesting that the focus and configuration of the enterprise agencies need to change. Is that an area of work that the Scottish Government is undertaking? Will she outline what steps she is taking to reform the enterprise agencies?

**Kate Forbes:** On that point, the enterprise agencies have been at the front of the queue to adapt and make sure that their focus is far more targeted and streamlined.

The performance figures that I outlined in my first answer to Annabelle Ewing, on the numbers of jobs that have been safeguarded or protected and the amount of capital that can be invested as a result of the agencies' work, have not come about by chance. Because Scottish Enterprise, Highlands and Islands Enterprise and South of Scotland Enterprise have been so targeted and focused on what they are trying to do, they have excelled, and they have never been in a stronger position.

I absolutely stand by the point that, from a business support perspective, business cares about what is coming to it in support, and not how many jobs we are creating in the public sector.

**The Deputy Presiding Officer:** I call Willie Rennie. Please be very brief, Mr Rennie.

**Willie Rennie (North East Fife) (LD):** Liberty Steel, which is owned by Sanjeev Gupta, has failed to submit audited accounts for the past four years. Given her discussions with Scottish Enterprise, is the cabinet secretary aware of whether that company has breached the loan agreement with the Scottish Government?

**Kate Forbes:** I am happy to ask one of my colleagues to pick that up. I am, rightly, entirely and completely recused from the issue because of the constituency interest that I hold in it. I will ask a colleague to pick the matter up with the member.

**The Deputy Presiding Officer:** I apologise to those members whom I could not call to ask supplementaries.

### Contact Scotland BSL

3. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the plans for the contract for Contact Scotland BSL, which provides free services to British Sign Language users. (S6O-04187)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** The Scottish Government wrote to the supplier of Contact Scotland BSL on 4 December to notify it that its contract will come to an end on 31 March 2025, in accordance with the contract's terms. In December, the First Minister reiterated our commitment to re-tendering for a free service and said that there should be no break in service for users of Contact Scotland BSL. Officials and I are engaging with the deaf and deafblind communities in Scotland to learn what they want from the service, so that it best meets their needs.

**Stephen Kerr:** I am grateful to the Deputy First Minister for her answer and to the First Minister for doubling down on the answer that he gave me at First Minister's question time last month. We all know that Contact Scotland BSL is a vital lifeline service for BSL users. However, in my opinion, the Government's answer is not entirely complete. The letter that was issued to the supplier said very clearly that the Government's intention, which was signed off by ministers, was to terminate the Contact Scotland BSL service. Why did ministers think that it was a good idea to terminate the service completely in the first place? Why did they go through all that stramash, which caused such unnecessary stress to the deaf community?

**Kate Forbes:** I know that Stephen Kerr has an interest in the issue, but there are legal restrictions to extending the contract again, because it has already been extended.

My focus is on engaging with BSL users to ensure that the service that we provide gives them what they need. Based on the figures, it is my impression that there are far more BSL users than people who currently use the service. I want the new service to go beyond the current provision and embed the advances in technology that are being used by BSL users in their daily lives. We need to test the market to identify the best services that are available for BSL users to utilise. I made the point about the service being free, and that will continue to be the case.

### Women in Entrepreneurship

4. **Maurice Golden (North East Scotland) (Con):** To ask the Scottish Government how it plans to transform participation rates for women in entrepreneurship. (S6O-04188)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** We are allocating record levels of funding to support women's enterprise, with £2.6 million allocated in the current financial year and £4 million allocated for next year, which I am very excited about. We are taking forward all the recommendations in Ana Stewart's "Pathways" report and are working to address the causes of female underparticipation in entrepreneurship in Scotland. I am leading the Government's work in that area to support more women to start, grow and scale up their businesses.

**Maurice Golden:** I commend Ana Stewart and Mark Logan for their work on the "Pathways" report and Kate Forbes for commissioning it. The recommendations cover infrastructure, entrepreneurial access, investment and education. I am keen for the Parliament to have the opportunity to scrutinise action and debate those issues, so will the Deputy First Minister agree to a

statement and/or a debate on progress in achieving those recommendations?

**Kate Forbes:** Parliamentary scrutiny is critical in this area, because, over and above the financial support that we can provide, a cultural shift is needed. It is key that there is funding not only from the public sector but from the private sector. A lot of activity is going on in the area, and it would be brilliant if we could raise the profile of what some of the banks are doing, alongside what we are doing, and elevate the issues that Ana Stewart's report highlights.

**Clare Haughey (Rutherglen) (SNP):** My constituent Bayile Adeoti is the founder and managing director of the social enterprise Dechomai Ltd, which recently published a report, funded by the Scottish Government's ecosystem fund, that looked at key barriers that prevent ethnic minority social entrepreneurs, including women, from accessing investment. What consideration has the Scottish Government given to the report's recommendations?

**Kate Forbes:** We welcome the 2024 "Access Report" and its recommendations, and the Minister for Employment and Investment met Dechomai last year to discuss the report. The social enterprise action plan, which was published in November, makes clear our commitment to support a review of current social enterprise funding and investment mechanisms. The action plan is clear that that should build on the work that was involved in Dechomai's report.

### Global Capital Investment

**5. Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what steps it is taking to encourage and maximise levels of global capital investment in Scotland, to benefit the economy and communities. (S6O-04189)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** As part of a programme to attract capital investment at scale, we are focusing on three priority areas: net zero; housing; and public economic infrastructure.

Working with public and private partners, we are developing a national project pipeline of investment opportunities and ensuring that policy and funding programmes maximise the opportunities to crowd in private sector investment.

**Bob Doris:** I am pleased to hear the Deputy First Minister talk about private investment. Leveraging private sector investment will be vital to growing Scotland's green economy and building on the success of recent significant projects, such as the major development in Coalburn, which will

boost economic growth and prevent around 1.6 million tonnes of CO<sub>2</sub> emissions over 35 years. How can the draft Scottish budget support the leveraging of more such investments?

**Kate Forbes:** Our budget is aligned to that programme. For example, the tripling of the funding that we have made available for the offshore wind supply chain makes it clear that we want to attract private investment in the supply chain, which will be of benefit to so many of Scotland's communities. That is a big focus. We are making clear, through our budget and other means, that Scotland is open for business, that we believe in the importance of attracting private investment and that we want to ensure that the opportunities are realised for all of Scotland.

### Economy (Plans for Growth)

**6. Ash Regan (Edinburgh Eastern) (Alba):** To ask the Scottish Government what strategy it plans to implement to grow the Scottish economy at a level that is in line with countries with similarly sized populations, such as Norway. (S6O-04190)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** We are taking action to boost economic growth, including the roll-out of our internationally recognised Techscaler programme for high-growth start-ups; a £500 million commitment to leverage private investment in offshore wind; and the connection of tens of thousands of households and businesses to gigabit-capable broadband. The progress that we have seen lays the foundations for Scotland's long-term success.

As Ash Regan will know—I hope that she will agree with this—we are tied to the United Kingdom Government's economic model and are seeing some of the consequences thereof even in the most recent days. Independence will allow us to take economic powers into our own hands and build greater economic equality and wellbeing.

**Ash Regan:** Economic stability and resource security are pressing priorities in a world of increasing volatility. I believe that Scotland is crying out for an industrial strategy that complements the need for inward investment and ensures a profit from Scotland's resources that meaningfully benefits inwards and does not simply flow straight outwards, and is underpinned by a north star of serious commitment to nurturing success at all levels of Scottish business. The Government must ensure that economic benefits flow throughout Scotland to support world-class infrastructure, public services and community wellbeing. Will it now act like the independent nation that we want to be by committing fully to delivering a real plan of economic ambition for an independent Scotland?



**Kate Forbes:** I agree that profit needs to benefit our communities and that we need to nurture success at every level. Just this morning, I met Wilkie, which is a Scottish business organisation with 160 years behind it that is based in Kirriemuir. It is expanding, creating hundreds of new jobs and attracting investment of £50 million. It is moving into the Michelin Scotland Innovation Parc in Dundee, which will restore the number of jobs that were lost when the Michelin factory closed down almost 25 years ago. That is an example of a Scottish business that has been highly successful on an international stage and is now growing, developing, putting us on the map and restoring jobs that have been lost.

**Douglas Ross (Highlands and Islands) (Con):** This question is about growing the economy. The Deputy First Minister will be aware of the concerns for Elgin's economy, with the imminent closure of the St Giles shopping centre. On Monday, I attended a meeting organised by the Elgin business improvement district, which Richard Lochhead was also at, to discuss that issue. What can the Deputy First Minister do about that unprecedented and unacceptable closure, which could potentially see more than 100 jobs lost and businesses given less than two weeks' notice to vacate?

**Kate Forbes:** I understand and share Douglas Ross's concern; Richard Lochhead has also raised that issue on a number of occasions with ministers. The Minister for Employment and Investment met Richard Lochhead, the member for Moray, last night to discuss those concerns and the council is keeping us informed of efforts. Notwithstanding that, I fully understand how much of a concern the situation is and would be happy to progress any actions that would reduce and alleviate the potential impact on the local community and businesses, and to find a solution.

### Grangemouth Oil Refinery

**7. Richard Leonard (Central Scotland) (Lab):** I remind members of my entry relating to trade unions in the register of members' interests.

To ask the Scottish Government what recent discussions the economy secretary has had with ministerial colleagues regarding the potential impact on the Scottish economy of the closure of the Grangemouth oil refinery. (S6O-04191)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** In full recognition of the far-reaching impact that the refinery's closure will have, we have engaged extensively across portfolios and with stakeholders to understand not only that impact—which we appreciate will be profound—but what can be done in order to alleviate it.

The stakeholders that we have engaged with regarding the site's future include Unite the union, the United Kingdom Government and Petroineos. At the moment, all our focus is on trying to reduce the impact and to find a long-term solution for the site.

**Richard Leonard:** A report on sustainable aviation fuel and other biofuels production was handed to the First Minister by Sharon Graham, the general secretary of Unite, back in November. A 2023 report commissioned by Scottish Enterprise concluded that Grangemouth was key to Scotland's transition to sustainable aviation fuel. It is much more cost effective to convert an existing refinery to sustainable fuel than to build a new plant from scratch, and Grangemouth has the customer networks, the support of the community and the skilled workforce to make that work.

Will the cabinet secretary tell the Parliament and those workers—who are now weeks away from redundancy—what the Government is doing to turn that plan into a reality?

**Kate Forbes:** I know that the member is joined in raising the issue today by his member of Parliament colleague Brian Leishman, who is making the same point in the House of Commons. The point is a critical one, and we have said that we are willing to work with the UK Government on the issue.

Richard Leonard mentioned sustainable aviation fuel, which is one of a number of options that are actively being explored for the future. Sustainable aviation fuel may be more of a medium to long-term solution, and the Government needs to be clear on the options that we have to safeguard the site in the short term.

I assure the member that all parts of the Scottish public sector, from Scottish Enterprise through to the Scottish Government, are invested in finding a solution and that we are keen to see the UK Government work with us to find that short-term solution.

**David Torrance (Kirkcaldy) (SNP):** The Falkirk and Grangemouth growth deal is designed to boost the region and create vital jobs. Will the Deputy First Minister say more about the plans for the funding package and how that will help to grow the regional economy?

**Kate Forbes:** I was very pleased to sign that growth deal last November. We have committed £50 million to support the region to deliver the objectives that David Torrance has just set out. Obviously, that was signed after the announcement about Grangemouth, so support is available for skills transition as well. Meanwhile, we continue to work on the future for the site.

**Stephen Kerr (Central Scotland) (Con):** What discussions did ministers have with Ineos prior to its announcement that it will close its ethanol plant, which will result in the loss of 80 direct jobs and 500 indirect jobs? What economic assessment has been made of the impact of the closure, which comes ahead of the closure of the refinery?

**Kate Forbes:** There has been quite a lot of engagement with Ineos, which has spanned the past few years. Conversations are on-going right now.

We know that job losses will always have a detrimental impact on a local economy. I know from my conversations with Ineos that it has a number of businesses on the site, which creates opportunities for jobs. However, right now, our big focus is on the region more generally and on how we create a long-term future for the skilled workers who work in the various Ineos businesses.

### Ferguson Marine Port Glasgow Shipyard

8. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government what its response is to comments made by the Auditor General for Scotland that the “future of the Ferguson Marine Port Glasgow shipyard remains uncertain”. (S6O-04192)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** I noted the Auditor General’s report, and I expect the Ferguson Marine board to carefully consider the points that the Auditor General raises. We are committed to supporting Ferguson Marine to reach a position where it can competitively bid for a range of projects and build a sustainable future. We have been working with the board to explore options to improve productivity. The member will already know about our commitment to invest up to £14.2 million in improving productivity, subject to due diligence.

**Jamie Greene:** The Auditor General’s report was a stark reality check about the future of the yard. The reality is that, once the Glen Rosa has set sail from Greenock, the long-term contractual pipeline for the future of the yard is absolutely zero—it is zilch. Without a pipeline of work, the yard cannot see a long-term future.

Beyond the contracts that we currently know of, what is the Government doing to ensure that the yard secures the much-needed future contracts? The business plan was announced in July last year and a long time has passed since, but we are yet to see any real progress in securing more business for the yard. What is the cabinet secretary’s message to the workers of the yard, given that it is a strategic national asset?

**Kate Forbes:** I hope that Jamie Greene will join me in this first message to the yard. He mentioned

the Glen Rosa, and it would be fitting to acknowledge that the Glen Sannox has been in service this week. The skills and talent of the workforce were never in question, and the workforce is to be commended for its diligent work in getting that boat to sail this week.

I have been very clear regarding the yard’s long-term future, and I am afraid that I am not going to deviate from this point: Ferguson Marine’s long-term future relies on it being able to competitively bid for work on the open market. To do that, it must be able to compete with other shipyards, and that is where the offer of investing in improving the yard’s productivity comes in. I see that as the means of enabling it to competitively bid.

There is some work available in the pipeline, and Jamie Greene will understand that I would not want to divulge that in the chamber, as much of it is commercially sensitive, but all eyes and all focus are on this issue.

**The Deputy Presiding Officer:** I know that we are over time, but I will squeeze in one supplementary.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Does the Deputy First Minister agree that the Scottish Government’s proposed £14.2 million investment in the yard in the 2025-26 budget provides an opportunity for the yard to attract new work from both the public and private sectors, given the aspects that she has just spoken about?

**Kate Forbes:** The short answer is yes. Provided that Parliament votes for it, the budget allocates the funds that are needed to deliver the Glen Rosa and to resource a range of initiatives to improve the productivity of the yard.

**The Deputy Presiding Officer:** That concludes portfolio questions on Deputy First Minister responsibilities, economy and Gaelic.

## Finance and Local Government

**The Deputy Presiding Officer:** We now move on to the next portfolio, which is finance and local government. Question 1 is from Emma Roddick.

### Affordable Housing Funding

1. **Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government whether it prioritised funding for affordable housing when drafting its budget for 2025-26. (S6O-04193) [*Interruption.*]

**The Deputy Presiding Officer:** I apologise. I saw that the ministers on the front bench were already assembled; I did not realise that they wanted to shift seats.

I call the Cabinet Secretary for Finance and Local Government to answer question 1.

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** The draft budget includes investment of £768 million for the affordable housing supply programme in 2025-26. That will help to tackle the housing emergency while contributing to our target of 110,000 affordable homes by 2032.

The budget prioritised capital spending to eliminate child poverty, grasp the opportunities of net zero, boost economic growth and maintain high-quality public services and infrastructure. Therefore, delivering more affordable homes for families with children living below the poverty line was very much a priority.

**The Deputy Presiding Officer:** I apologise again, cabinet secretary.

**Shona Robison:** That is all right.

**Emma Roddick:** As someone who has always stressed the importance of ensuring that sufficient funding is allocated to affordable housing, I strongly welcome the fact that total spending for the coming year is set to return to where it was two years ago. Does the cabinet secretary agree with me on the importance of MSPs—especially those who represent communities that are experiencing depopulation—backing the budget to unlock that vital housing investment?

**Shona Robison:** Yes. We very much recognise that good-quality affordable housing is essential to retaining and attracting people to Scotland's rural communities. Since March 2016, we have delivered more than 12,000 affordable homes in rural communities. We know that even a small number of additional homes in rural and island communities can have a significant and generational impact.

Our commitment to deliver 110,000 affordable homes, of which at least 70 per cent will be for social rent and 10 per cent will be in our rural and island communities, is supported by our rural and islands housing action plan.

**Meghan Gallacher (Central Scotland) (Con):** Yesterday, I asked the housing minister about the Scottish Government's affordable homes target of providing 110,000 homes by 2032. To achieve that target, there would need to be, on average, 10,700 homes built per year; however, as it stands, only 21 per cent of that overall target has been delivered.

To build more houses, there needs to be confidence in the market and long-term planning. However, over the past three years, the affordable housing budget has been committed, cut and restored. Does the cabinet secretary recognise that that has damaged market confidence? Why should investors have confidence that the

Government will not cut the budget again next year?

**Shona Robison:** I will start on a point of agreement with Meghan Gallacher, which is that confidence in the market in the longer term is important. That is why, post the United Kingdom Government's spending review in June, should our capital allocations show a sustained upward trajectory, which we understand will be the case, I want to give longer-term certainty to the housing sector to boost confidence and have a line of sight of investment.

However, the £768 million for the affordable housing supply programme would not be available if we had listened to Meghan Gallacher's colleagues, who want to cut the budget by £1 billion. Tax cuts worth £1 billion would eradicate not only the £768 million for affordable housing, but funding for many other good things. *[Interruption.]* Meghan Gallacher should not come here asking for more money when her party wants to cut £1 billion from the budget.

**The Deputy Presiding Officer:** Let us listen to the questions and the answers.

**Paul Sweeney (Glasgow) (Lab):** Does the cabinet secretary agree that the financial model that has been pioneered by Lar Housing Trust over the past decade shows great promise? It uses loan-based finance—rather than the traditional grant-based financing model—which could significantly increase the country's capacity to build affordable housing.

**Shona Robison:** I agree very much with Paul Sweeney on that point. Lar Housing Trust has shown an innovative way of delivering affordable housing. I have visited a number of its innovative sites, where it utilises buildings that have been derelict for some time and are unpurposed, as well as having new-build sites. I am keen to support that model and am happy to work with Paul Sweeney and others in doing so.

#### **East Dunbartonshire and West Dunbartonshire Councils (Local Government Settlement 2025-26)**

**2. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government how it plans to support East Dunbartonshire and West Dunbartonshire councils, as part of the local government settlement for 2025-26. (S6O-04194)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** If Parliament works together to pass the 2025-26 budget, councils will receive their formula share of the more than £1 billion of additional funding for local government—the largest increase in recent times. That would deliver an increase of £22.9 million for East Dunbartonshire Council and an increase of

£14.3 million for West Dunbartonshire Council, compared with 2024-25. It is then for locally elected councillors to make decisions on how best to utilise the additional funding available and to deliver services to their communities based on local needs and priorities.

**Marie McNair:** Does the cabinet secretary agree that, despite increased funding from the Scottish Government to local authorities, Labour's public-private partnership repayments and the national insurance hike are having a significant impact on councils' ability to balance their budgets?

**Shona Robison:** I certainly agree that any additional employer national insurance contribution costs that are not fully funded by the United Kingdom Government will deprive front-line services of vital funding, to the detriment of local communities. I confirm that the First Minister and the president of the Convention of Scottish Local Authorities, supported by a range of organisations, wrote jointly to the Chancellor of the Exchequer on 3 January.

On the issue of PPP repayments, the Scottish Futures Trust continues to work with authorities to assist them in making savings and improving performance across private finance initiative and PPP contracts, while ensuring that contractual obligations are delivered and that contracts are affordable and provide best value for money for the taxpayer. However, that is a legacy from the previous Labour Administration that we could well have done without.

**The Deputy Presiding Officer:** Question 3 is not lodged.

#### "Fiscal Sustainability and Reform in Scotland"

**4. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its response is to the Auditor General for Scotland's November 2024 report, "Fiscal sustainability and reform in Scotland", which states that

"the Scottish Government has not been sufficiently transparent with the Scottish Parliament or the public about the current fiscal situation". (S6O-04196)

**The Minister for Public Finance (Ivan McKee):** The Government has been crystal clear with the Parliament and the public—first with the 2023 medium-term financial strategy and 2023-24 budget, then through the fiscal statement in September and 2025-26 budget—about the challenges and risks that the public finances face.

We will continue to be open about the actions that are required to ensure fiscal sustainability when we publish the updated medium-term financial strategy and fiscal sustainability delivery plan later this year. The Government remains

committed to improving our fiscal transparency and we are actively considering Audit Scotland's recommendations.

**Liz Smith:** In the light of the Scottish Fiscal Commission's most recent forecast about the projected increases in the size of Scotland's social security budgets, I asked the Cabinet Secretary for Social Justice last Thursday at committee, and the Cabinet Secretary for Finance and the Economy yesterday at committee, to explain where the money is coming from to pay for the increased social security expenditures.

All that I got back was that those are increased investments as part of the Government's social contract with the people of Scotland. I will try again. Where is the money coming from to fund social security budget increases for the next two years?

**Ivan McKee:** The Government recognises the importance of supporting all our citizens. As the First Minister outlined in his speech this morning, our commitment to invest in the people of Scotland through delivery of social security is a critical part of that agenda. The Government will continue to focus on ensuring that we deliver financial stability and sustainability, and the work that we are taking forward will be articulated in our fiscal sustainability delivery plan.

Members can rest assured that the Scottish Government has balanced our books every year for the past 17 years, and we intend to continue doing that. We will meet our commitment to deliver for the people of Scotland by ensuring that the budget is fiscally sustainable.

**Michael Marra (North East Scotland) (Lab):** The Audit Scotland report, which is the fifth in just 15 months, calls on the Scottish Government to urgently deliver public sector reform and put the public finances on a sustainable footing.

Scottish Labour welcomes the idea of a fiscal sustainability delivery plan, but can the minister assure us that it will not just be about back-office functions but proper public service reform in Scotland?

**Ivan McKee:** We are clear that "back-office functions", as Michael Marra calls them, are a critical part of ensuring that we free up resources to the front line. In the interest of transparency, the cost of those back-office functions across the public sector is around £5 billion, which he will know from reading the work that we have published.

We will continue to bear down on those costs; we have saved hundreds of millions through the measures that we have already taken. Alongside that, we will continue to shift resources in the wider system to ensure that there is a continued

and increasing focus on activities that drive prevention. Michael Marra can rest assured that the work that I am taking forward on public service reform is addressing all those matters, and we will continue to communicate to the Parliament about the progress that we are making.

**Willie Rennie (North East Fife) (LD):** Audit Scotland's report was very critical of the failure to lead and invest in digital for the longer term. That is certainly the view of James Blackwood, the artificial intelligence lead at NHS Forth Valley, who has said that patients are missing out on advances in artificial intelligence. Why is the Government failing to lead in that important area?

**Ivan McKee:** The Government is very focused on that. Only this morning, I had a call to engage with our digital directorate on the work that is being taken forward in Government and across the wider public sector to roll out digital solutions and to ensure that we make increasing use of artificial intelligence.

Willie Rennie will be well aware that that technology is moving very fast, but we are very focused on making sure that the Government and wider public services avail themselves of the advantages to efficient public service delivery that digital technologies and AI can offer.

### Local Government Finance

**5. Pam Gosal (West Scotland) (Con):** To ask the Scottish Government what assessment it has made of the state of local government finance. (S6O-04197)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** The independent Accounts Commission has confirmed that the Scottish Government provided a real-terms funding increase to local government this year and in 2023-24 and 2022-23.

The 2025-26 Scottish budget will provide local government in Scotland with record funding of more than £15 billion. If Opposition parties support the budget, the local government settlement will increase by more than £1 billion, which represents a real-terms increase of 4.7 per cent compared with 2024-25.

**Pam Gosal:** A report from the Local Government Information Unit has shown that seven in 10 councils believe that they will be

"unable to pass a balanced budget within the next five years".

Council chief executives from my region, West Scotland, have also expressed concerns over the state of their council finances and indicated that they will have to take difficult decisions in the upcoming council budgets, such as increasing council tax. Does the cabinet secretary therefore

not recognise that 18 years of Scottish National Party mismanagement have left council finances in an absolutely terrible state?

**Shona Robison:** The independent Accounts Commission would disagree with Pam Gosal's assessment; it showed that we provided a real-terms funding increase to local government last year, which was 2023-24, and the year before that, which was 2022-23.

Pam Gosal has the same problem as Meghan Gallacher, in coming to the chamber to ask, apparently, for more money for local government—which, I have to add, was not raised by her party's finance spokesperson in our meetings—when the leader of her party in this place wants there to be £1 billion less in the budget. She cannot have more money for local government—or anything else, for that matter—if her party is proposing £1 billion less in the budget because it wants to provide unaffordable and uncoded tax cuts. Tory back benchers have to address that problem before they come here asking for more money.

**Kenneth Gibson (Cunninghame North) (SNP):** Under the Tories between 2018 and 2023, seven English local authorities, including the largest—Birmingham City Council—had to issue section 114 notices of bankruptcy. Not a single council in Scotland has gone bankrupt under this SNP Government. Given the Tories' abysmal record on local government, does the cabinet secretary agree that they are the last people from whom we should take lessons?

**Shona Robison:** I agree with every word of that. A decade of Conservative Party austerity measures left public services with very little resilience, and the facts about what has happened to English local authorities speak for themselves. The Scottish Government had to take very difficult decisions to protect local services and ensure that communities across Scotland continued to receive high-quality public front-line services. Although those were difficult decisions, the independent Accounts Commission confirmed, as I said in my previous answer to Pam Gosal, that the Scottish Government has provided a real-terms funding increase to local government in the past three years. Tory members might not like facts, but those are the facts.

**The Deputy Presiding Officer:** I ask Collette Stevenson to be very brief.

**Collette Stevenson (East Kilbride) (SNP):** Will the cabinet secretary outline the real-terms change in the budget that will be available to councils for day-to-day spending across Scotland in 2025-26, and will she confirm whether South Lanarkshire Council will have more cash to spend

on the local priorities that it has identified, based on the Scottish Government's draft budget?

**The Deputy Presiding Officer:** I ask the cabinet secretary to be as brief as possible.

**Shona Robison:** As I said earlier, if the budget is supported, the local government settlement will increase by more than £1 billion—a real-terms increase of 4.7 per cent compared with 2024-25. For South Lanarkshire Council, that would deliver an increase of £63.2 million to support vital day-to-day services, which is an additional 8.5 per cent compared with the 2024-25 budget.

### **Budget 2025-26 (Support for Rural Communities)**

**6. Maggie Chapman (North East Scotland) (Green):** To ask the Scottish Government how its draft budget 2025-26 will support local authorities to better serve rural communities, such as those in Aberdeenshire and Angus Council areas in the North East Scotland region. (S6O-04198)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** In 2025-26, local authorities in the north-east of Scotland will receive £1.79 billion, as part of our record £15 billion settlement to fund local services and meet local needs. That equates to an extra £125.5 million, which is an additional 7.5 per cent compared with the funding that was provided in 2024-25.

**Maggie Chapman:** I have been contacted by Aberdeenshire constituents who are very concerned about the low per capita funding that the council receives. Maintenance of transport and connectivity, including gritting roads and pavements and preserving the authority's more than 1,100 bridges, is vital for many rural communities. The shire also has an ageing population, with a projected 28 per cent increase in the number of those over the age of 65 by 2029. Those people will require additional funding for the services that they should be able to rely on.

Given the well-evidenced nature of rural inequality, can the cabinet secretary outline any plans to review the funding formula, and specify what is being done to ensure that rural communities are not cut off, further marginalised and facing worsening inequality?

**Shona Robison:** First, the funding formula is agreed with the Convention of Scottish Local Authorities and the 32 organisations that compose local government. Therein lies the rather big challenge in relation to changes to any funding formula.

I would note, however, that the funding floor provides an opportunity to address and recognise changes to census data, for example. I took the

decision to amend the funding floor for 2025-26 in recognition of that.

In 2025-26, Aberdeenshire Council will receive £615.3 million to fund local services, which is an extra £42.5 million, or an additional 7.4 per cent, compared with 2024-25. All councils are also getting additional capital funding. I am always keen to talk to local authorities—

**The Deputy Presiding Officer:** Briefly.

**Shona Robison:** —about any reforms and changes that they want to make, and I would be happy to have that discussion with Aberdeenshire Council.

**The Deputy Presiding Officer:** I will take a brief supplementary from Alexander Burnett.

**Alexander Burnett (Aberdeenshire West) (Con):** Scottish National Party cuts have now created an eye-watering £26 million black hole for Aberdeenshire Council, which is part of what Audit Scotland calls a "significant increase" in the local authority "funding gap". That has impacted on every aspect of local services: schools, libraries, bins, bridges, roads, and much more.

Across a large rural area, 16,500 street lights—

**The Deputy Presiding Officer:** Question.

**Alexander Burnett:**—now need to be replaced, which councils simply cannot afford.

Huntly is even looking to put lamp posts—

**The Deputy Presiding Officer:** I need a question, Mr Burnett.

**Alexander Burnett:**—into community ownership.

Will the cabinet secretary today promise to fight for a fair settlement for councils, or is she happy to see communities plunged into darkness?

**Shona Robison:** Local government is getting a fair settlement of £1 billion of extra funding—which is exactly the same figure that Alexander Burnett and his party would cut from the budget. If we listened to the Tories in this place, local government would not be getting any extra money, because there would be £1 billion less because of unfunded, unaffordable tax cuts.

I say to Alexander Burnett, and to any other Tory members, that they cannot come and ask for more money in this place when they want to cut the budget; let alone that they will not support this budget, which will provide £1 billion of extra support for local government.

### **Child Poverty Funding**

**7. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government whether it prioritised

funding for its mission to tackle child poverty when drafting its budget for 2025-2026. (S6O-04199)

**The Minister for Public Finance (Ivan McKee):** Yes, we absolutely did. The Scottish budget for 2025-26 prioritises action to eradicate child poverty, outlining wide-ranging investment to support the priorities for the national mission, as set out in our programme for government. That includes continued investment in measures such as the Scottish child payment and increased investment to deliver more affordable homes and to expand the provision of free school meals to an additional 25,000 pupils.

Importantly, we have also committed £3 million in 2025-26 to develop the systems required to mitigate the two-child limit, whose scrapping the Child Poverty Action Group estimates could lift around 15,000 children out of poverty in Scotland.

**Bill Kidd:** As the minister may be aware, Save the Children has urged MSPs to back the Scottish budget for 2025-26 so that

“children can benefit from the positive steps taken”,

such as mitigating the cruel two-child cap.

Does the minister agree that Opposition members across the chamber should listen to Save the Children and join us in voting through the budget so that we can continue this vital work to eradicate child poverty from Scotland?

**Ivan McKee:** Yes, I absolutely agree with the member. The Scottish budget for 2025-26 is one of delivery and hope and continues to allocate more than £3 billion to actions that tackle poverty and the cost of living for households. The Scottish Government will continue to do all that we can within our powers, leaving no stone unturned, as we seek to eradicate child poverty. However, we must recognise that collective action is needed, including across this Parliament.

We all have a duty to end child poverty, and I urge members to support the budget to ensure that measures are in place to achieve that.

**The Deputy Presiding Officer:** I will take a very brief supplementary from Brian Whittle.

**Brian Whittle (South Scotland) (Con):** Education is a significant battleground in tackling child poverty, and it used to be a priority of the Government. However, inequality of opportunity in the broader education sector—such as in sport, art, music and drama—has exacerbated the problem. Since 2011, the number of physical education specialists in our primary schools has been cut by 44 per cent. Why has the Scottish Government continually eroded investment into our education system so that opportunities are not there for all our pupils, which disproportionately

affects those in the most deprived areas according to the Scottish index of multiple deprivation?

**Ivan McKee:** We are increasing the budget allocation across those portfolios. I have outlined the significant amounts of money that we are investing as part of the Government’s overriding mission to tackle child poverty. The member should reflect on other calls from those on the Conservative benches that would lead to £1 billion-worth of cuts to public service provision, and he should reflect on the lack of credibility and the incoherence that is emanating from those on the Conservative benches on such matters.

**The Deputy Presiding Officer:** That concludes portfolio questions. There will be a brief pause to allow front-bench teams to swap.

## Business Motion

14:52

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is consideration of business motion S6M-16102, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on a stage 3 timetable for the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

*Motion moved,*

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

Groups 1 to 3: 1 hour 15 minutes

Groups 4 to 6: 1 hour 40 minutes

Groups 7 and 8: 1 hour 50 minutes.—[*Jamie Hepburn*]

*Motion agreed to.*

## Police (Ethics, Conduct and Scrutiny) (Scotland) Bill: Stage 3

14:52

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is stage 3 proceedings on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 29A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division at stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter the letters RTS in the chat function as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 2—Code of ethics

**The Deputy Presiding Officer:** Group 1 is on the code of ethics. Amendment 10, in the name of Katy Clark, is grouped with amendments 11 and 4.

**Katy Clark (West Scotland) (Lab):** I will speak to amendment 10 first and to amendment 11 later. I believe that the amendments are fairly straightforward. Their aim is to improve transparency and increase the amount of information that is provided to the Parliament.

Amendment 11, which I will speak to later, requires that, when the chief constable lays a revised code, they are also required to lay a statement before the Parliament that summarises any representations that have been made during the consultation and any representations that have not resulted in a revision to the code. The amendments seek to provide the Parliament with information about the arguments and representations that have been made that relate to the code.

The provision in amendment 11 is slightly different to the wording that I proposed in an amendment at stage 2.

My amendments in the group were submitted after discussion with the Scottish Government, and I thank the officials involved for their assistance in drafting them. I hope that the



amendments are now drafted in terms that will enable them to have wide support.

I move amendment 10.

**The Deputy Presiding Officer:** I call Sharon Dowey to speak to amendment 4 and other amendments in the group.

**Sharon Dowey (South Scotland) (Con):** One of the provisions in the bill is the creation of a statutory obligation on the chief constable to prepare a code of ethics for the police service, such as the code that currently exists on a non-statutory basis. The bill requires that the chief constable consults with a variety of stakeholders when preparing the code of ethics.

However, in the drafted list of stakeholders that the chief constable must consult, I noticed that one very important group of people is missing: individuals who have made complaints to the police in the past. These are the very people who have experienced the process that the bill is trying to improve; that is the very purpose of this piece of proposed legislation. The Parliament knows the importance of including people with lived experience in policy discussions, and the new code of ethics is no different.

My amendment 4 is simple. It requires that the chief constable consult with those who represent the interests of individuals who have lived experience of going through the existing complaints procedure. The amendment is drafted to ensure that those important voices are heard without potentially delaying the preparation of the code by requiring consultation with too wide a pool of people. It would achieve a balanced outcome between thorough consultation and practical considerations, and I encourage the Parliament to vote for it.

Katy Clark's amendments 10 and 11 would both make minor yet sensible changes to the bill. On amendment 11, it would be extremely helpful in the future to have a document that sums up any changes to the code of ethics and that also explains why any proposed changes were not implemented. The Conservatives will support those amendments.

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I am happy to have worked with both members on the three amendments in the group. The amendments will enhance the bill and I am grateful to the members for their engagement.

Katy Clark's amendments 10 and 11 will increase transparency and accountability. Amendment 10 will ensure that, if the chief constable decides not to revise the code when triggers for the review occur, they must give the

reasons for that and explain why no change is needed.

Amendment 11 will ensure that, if mandatory consultees suggest changes to the draft revision of the code but those changes are not included in the final revised code, the chief constable must publicly justify the reasons why that decision is made. That level of transparency will build public trust and confidence in our police service.

Importantly, Sharon Dowey's amendment 4 will ensure that, in preparing the code of ethics, the voice of people with lived experience of making complaints against the police will be heard. That input will help Police Scotland to achieve a culture of continuous improvement, transparency and inclusivity.

**Martin Whitfield (South Scotland) (Lab):** With regard to amendment 11, is it envisaged that only representations from people whose complaint has completed the complaints process would be considered by the chief constable or would it include representations from people whose complaint is still under way?

**Angela Constance:** I will clarify the purpose of amendment 11. It relates to the revised code of ethics that must be laid before the Parliament. The purpose of Ms Clark's amendment is to summarise any representations made during the consultation on the code of ethics and to put on record the reasons for any such representations not resulting in changes.

On Sharon Dowey's amendment 4, I hope that it is helpful to add that it is important that the chief constable has an obligation to consult and hear the representations of the bodies and organisations that have a role in representing people with lived experience. In many ways, that is quite separate from the complaints process. I hope that that is helpful.

To conclude, I urge the Parliament to support the amendments in group 1.

15:00

**The Deputy Presiding Officer:** I call Katy Clark to wind up and say whether she wishes to press or withdraw amendment 10.

**Katy Clark:** I press amendment 10.

*Amendment 10 agreed to.*

*Amendment 11 moved—[Katy Clark]—and agreed to.*

*Amendment 4 moved—[Sharon Dowey]—and agreed to.*

### Section 3A—Vetting code of practice

**The Deputy Presiding Officer:** Group 2 is on vetting. Amendment 12, in the name of Pauline McNeill, is grouped with amendments 13 to 18, 24, 19 to 23 and 25 to 27.

**Pauline McNeill (Glasgow) (Lab):** This group contains a number of amendments, so I will try to be concise and clear. I believe that we require a proper vetting process that will give the public confidence in policing and in Police Scotland officers, and Scottish Labour is clear that we support the vetting provisions and their modernisation.

Police Scotland carries out checks and manages all levels of police vetting. It has an administrative role in managing national security vetting, with the process being undertaken on Police Scotland's behalf by the Scottish Government. Currently, vetting includes recruitment vetting, which is the minimum level that is required for applications from all those who are seeking appointment as police officers or employment as members of staff in Police Scotland; management vetting; and vetting for a designated post.

HM Inspectorate of Constabulary in Scotland conducted a review of vetting policy and procedures in Police Scotland in 2023, and those new vetting provisions were inserted in the bill at stage 2 without adequate consultation with those with an interest, such as the Scottish Police Federation, staff trade unions and the Association of Scottish Police Superintendents. My amendments in the group seek to delete the vetting provisions, but I make it clear that I am probing the Government on the issue and inviting it to respond, particularly with regard to the lack of scrutiny of the provisions. That is my intention.

The Government indicated at stage 1 that it was considering putting vetting on a statutory footing. The Criminal Justice Committee's stage 1 report refers, on page 56, to a letter from the cabinet secretary in which she said that she was

"exploring the legislative basis for vetting, particularly in the context of the Police (Ethics, Conduct and Scrutiny) Scotland Bill".

The stage 1 report also refers to the "HMICS Assurance review of vetting policy and procedures within Police Scotland" report, which said:

"The Scottish Government should place into legislation the requirement for all Police Scotland officers and staff to obtain and maintain a minimum standard of vetting ... and the provision for the Chief Constable to dispense with the service of an officer or staff member who cannot maintain suitable vetting".

**Maggie Chapman (North East Scotland) (Green):** Will the member take a brief intervention?

**Pauline McNeill:** Sure—of course I will.

**Maggie Chapman:** Pauline McNeill has a range of amendments in the group. How else would we seek to act in a timely way on the HMICS review's recommendation that vetting is important and it should be put on a statutory footing, given that the bill is the most appropriate legislative vehicle for that? I am really concerned that some of Pauline McNeill's amendments seek to remove all provisions on vetting from the bill, because it is so important to every aspect of our justice system.

**Pauline McNeill:** I agree with Maggie Chapman that the vetting provisions are very important. However, as I said only a minute ago, I am not seeking to delete the vetting provisions from the bill. I am seeking to highlight that, in my view, there must have been some co-ordination between HMICS, which was conducting a review of vetting, and the Scottish Government. Whether that is the case or not, however, the Criminal Justice Committee got only a few days' notice of the specifics of the vetting provisions and we could not take any evidence on them. We could not ask the staff unions or the Scottish Police Federation whether they thought that the provisions were fair and reasonable. It is a matter of principle for me that we should not approach legislation in a way that could impact on those groups of staff. I am sure that Maggie Chapman understands that parliamentary procedures would not allow me to make that point unless I lodged amendments at stage 3. However, I reassure her that I wholeheartedly agree with her point that we need strong standards of ethics and vetting.

The Scottish Police Federation has said that it had a general discussion with the Government and officials regarding the vetting provisions, but that there was no consultation. The former Scottish Police Federation general secretary Calum Steele says in his column in *The Herald* today that the vetting intervention has led to one of the most flagrant abuses of parliamentary processes in recent years. He makes the point that

"no worker should be in a position where they can be sacked on the whim of their employer and never be told why."

That is why I hope that Maggie Chapman and others will consider the detail of my amendments.

A key concern is about the use of vetting as a substitute for misconduct regulations. In some cases, officers who have faced formal misconduct proceedings and received outcomes such as final written warnings could subsequently be dismissed through vetting processes. That would circumvent

the principles of due process and undermine the outcomes of the misconduct system.

The Scottish Police Federation says:

“transparency in vetting decisions presents a major issue. Officers who fail vetting are often left in the dark about the specific reasons for their failure, with data protection cited as a justification for withholding that critical information.”

It says that the

“application of recruitment vetting standards”

would be problematic if a serving officer with a moderately long career was held to the same vetting criteria as new recruits, and it adds:

“Scotland currently refuses to disclose detailed reasons for vetting failures to serving officers ... This lack of transparency breeds mistrust and prevents them from understanding or addressing the concerns raised.”

To ensure fairness and accountability, I believe that the service must look to disclose vetting issues where it can.

HMICS looked at 250 cases over a four-year period to review where vetting clearances were approved and where the applicant had previous convictions. It is unclear whether the new vetting procedures will have an impact on those cases. It is not a question of whether we think that that is right or wrong; the point is that we do not know whether the new vetting procedures will have an impact on those officers.

Although the bill does not specify the interval for new vetting, I think that HMICS has suggested that it would be every 10 years. The Association of Scottish Police Superintendents said that it is concerned that the proposals on vetting could be open to misuse through the service or authority seeking to create a fast-track or alternative method to dismiss police officers without notice. To put it simply, if the existing misconduct regulations and/or performance and capability regulations are not used correctly or are viewed as requiring more effort or creating a slower route to deliberation of an outcome, the failure or withdrawal of an officer's vetting status could be misused as an easy shortcut for dismissal. We might think that that would never happen but, when we are looking at legislation as parliamentarians, we have to account for all scenarios.

The Parliament has not been able to examine the new vetting provisions or issues such as whether there should be an appeals process, yet many officers do not know why they failed their vetting. It could be due to a third-party association or it could be the result of wrongful information that they are unable to correct.

I will now address the specifics of the amendments in the group. Amendment 13 would

insert a new subsection following the definition of vetting to clarify that it should not be an alternative to or substitute for misconduct proceedings.

Amendment 14 provides for an appeal if someone is dismissed or demoted as a result of a vetting outcome.

Amendment 15 makes a key distinction between misconduct and vetting. In a misconduct hearing, there is a process, and the person has the right to defend themselves against allegations, whereas in the vetting process there is not much scope for that. I want to ensure that there is a clear distinction between the two. The amendment provides that

“vetting cannot be triggered by the conclusion of misconduct proceedings where it was determined that ... behaviour or performance was not”

below the expected standard.

Amendment 16 would provide for the vetting code of practice to include a need for evidence. That evidence would be required to demonstrate that a person is not suitable to be a police officer.

Amendment 17 would require the code of practice to

“include provision for ... reasons to be provided”

if vetting leads to the vetted person being required to comply with conditions, redeployed, demoted or dismissed.

I turn to amendment 18. The vetting of a serving police officer cannot be the same as recruitment vetting. There should be different criteria. There are currently police officers who have been convicted of small offences such as speeding offences, and they may fail their vetting. They might have failed it if they had just joined, but they might now have 15 years' service. Amendment 18 would add wording to the definition of vetting in the relevant section to specify that it is separate from any assessment that is required as part of the recruitment process. The amendment provides that information that has previously been disclosed may not be used later as a reason to demote someone. If information has already been considered and accepted, it should not be used again. I accept that what is proposed is a belt-and-braces approach.

Amendment 24 would make a deletion.

Amendment 19 would make the same change in section 3B that amendment 14 would make in section 3A, because there are two sections to be considered.

Amendment 20 is a consequential amendment that is linked to amendment 19. It would remove the provision on appeals in proposed new section 50A(1)(b) of the 2012 act.

Amendment 21 provides that vetting may not be triggered by the conclusion of misconduct proceedings.

Amendment 22 would add to the definition of vetting to include that, in sections 3A and 3B, vetting is

“separate to any assessment required as part of the recruitment process”.

Amendment 23 would do the same as amendment 13 would do in section 3A. It says:

“For the avoidance of doubt, vetting is not a substitute for or alternative to misconduct processes where there are concerns around the standard of behaviour ... of a constable”.

Amendment 25 would leave out section 3B. As I have said, I do not intend to move that, and the same applies to amendment 26. Amendment 27 relates to the long title.

I apologise to members for the length of those comments but, given that the provisions were introduced at stage 2, I wanted to be quite thorough in trying to flush out some of the issues that we might all agree on and what might be fair and reasonable so that, if we sign up to this—if we vote for the bill at decision time tonight—the measures will at least have had some debate at stage 3.

I move amendment 12.

**Sharon Dowey:** My Scottish Conservative colleagues and I remain significantly concerned about the inclusion of vetting in the bill. Vetting was not included in the bill as initially drafted, so no evidence was taken on the vetting process at stage 1. The Scottish Police Federation has highlighted several issues with the current vetting process. When officers fail vetting, many are not given clear explanations as to why, with many not being afforded the opportunity to appeal the decision. David Kennedy has also highlighted concerns that vetting would be used as a substitute for misconduct proceedings. The federation is therefore understandably concerned about moving to a system of continuous vetting when those issues have not been rectified.

Although many of Pauline McNeill’s amendments seek to rectify the issues that I have just mentioned, the way in which sections 3A and 3B were tacked on at stage 2 without being scrutinised by the committee was wholly inappropriate. That said, it is of paramount importance that officers who do not meet the standards that are expected of them are weeded out, and a more rigorous system of vetting may help to achieve that, as would updating misconduct policies and practices. Although I still have reservations about the wording of sections 3A and 3B, enhanced vetting may, in principle,

improve public trust in the police, which is the entire point of the bill.

**Angela Constance:** Before I give a detailed response to each amendment in the group, I will just say that I listened carefully to Pauline McNeill’s remarks and, if I understood her correctly, I understand that her motivation is to be confident that the measures that have been introduced will prevent the abuse of vetting procedures. I very much hope to provide the appropriate assurances to her and other members this afternoon.

By way of background information, as I set out at stage 1, I intended to introduce provisions for the vetting of police constables and police staff, following a recommendation that His Majesty’s Inspectorate of Constabulary in Scotland made after the bill was introduced, to ensure that there is a requirement for all constables and staff to obtain and to maintain vetting, as well as a power to dismiss, should they be unable to maintain vetting. The Criminal Justice Committee also made a clear recommendation that I should lodge an amendment to provide the chief constable with the power to dismiss anyone who is unable to maintain vetting.

15:15

That was against the backdrop of Lady Elish Angiolini’s report into the murder of Sarah Everard by serving Metropolitan Police officer Wayne Couzens, which was commissioned by the then United Kingdom Home Secretary in November 2021 and published in February 2024. In it, she expressed concerns about a lack of periodic revetting in England and Wales, and, although the recommendations are for English and Welsh police forces, they are relevant to Police Scotland. I therefore lodged substantial and meaningful amendments that responded to that report.

The basis for placing vetting on a statutory footing is clear, and it will provide the appropriate levels of protection for the public by ensuring that all officers and staff meet and sustain the required standards and that the public are served by a workforce that they can trust.

The amendments from Pauline McNeill in group 2 relate to the vetting of police constables and police staff. I urge members to oppose all the amendments in the group apart from amendments 16 and 17, which I can support. I will set out my reasoning, but first I state, for the record, that we had a substantial and good debate on the issues at stage 2, and that, prior to and since stage 2, my officials have continued to engage with the statutory staff associations, through, for example, the Scottish police consultative forum.

**Maggie Chapman:** I have a question about concerns that were raised by the Scottish Police Federation—particularly about the ability of someone who fails vetting to appeal or to get support to make amends, if that is appropriate. Is the cabinet secretary of the view that, if the amendments that she agrees to pass and those that she does not agree to do not pass, the bill will allay the concerns that have been expressed?

**Angela Constance:** It is important for me to remind people of what is in the bill and what the stage 2 amendments provide for. The stage 2 amendments provide for provisions to be made on vetting. Once the bill passes and becomes legislation, as we hope that it will, work will need to be done to produce a code of practice and new and updated regulations. There must be consultation on those matters with the statutory and non-statutory staff associations.

Vetting is an area in which judgments will be made on the facts and circumstances of each case. However, when people are demoted or dismissed, they have the right of appeal to the police appeals tribunal, which hears appeals against police disciplinary actions. In future, the police appeals tribunal will cover vetting actions.

**Pauline McNeill:** Does the existing statutory appeals provision apply when an officer has already been dismissed and appeals the dismissal? In my amendments, I am trying to get at the fact that people should at least have a right to rectify any information that might be wrong and has led to their failing their vetting and their possible dismissal.

The cabinet secretary referred to the regulations. Would there be scope to ensure that the regulations included something that an officer could use to correct misinformation in relation to vetting?

**Angela Constance:** The purpose of regulations is to get into far more detail than would be appropriate in primary legislation. Members will appreciate that, when dealing with matters that are specific to a particular individual or circumstance, trying to cover each and every eventual possibility in primary legislation would lead to inflexibility that might be disproportionate and might disadvantage different officers.

As I will touch on when I get into the detail of the amendments, Police Scotland is clear that the provisions for recruitment vetting need to be different from those for in-role vetting. The provisions should recognise welfare issues, people's service and the need for proportionality.

I will provide some further information. The police appeals tribunal is made up of three independent lawyers, who are chosen by the Lord President of the Court of Session.

**Martin Whitfield:** I am grateful to the cabinet secretary for clarifying her view on regulations with respect to appeals that relate to the employment contract and appeals that relate to vetting errors. In principle, does she agree that, if there was an error in the vetting process, an appeal should be possible, which could be dealt with in regulations?

**Angela Constance:** The place for dealing with such an issue is in regulations, not in primary legislation, for the reasons that I mentioned a few moments ago.

I will address some of the specific issues with the amendments. Amendments 24 to 27 would entirely remove the vetting provisions from the bill. Notwithstanding Ms McNeill's comments, I am deeply concerned that proposals to remove the vetting provisions have been made at this stage, without any consultation with HMICS or Police Scotland and without any supporting evidence. If we do not use the bill to introduce statutory provision for vetting and dismissal, it is likely that any meaningful vetting changes—which most of us want and which are in the public interest—will be delayed until the next parliamentary session at the very earliest.

Following the lodging of those amendments, Craig Naylor, His Majesty's chief inspector of constabulary, and Deputy Chief Constable Speirs wrote to the Criminal Justice Committee to highlight their concerns about Ms McNeill's proposals and the case for a statutory framework for vetting. Victim Support Scotland also urges members not to back the amendments. It has stated its support for periodic revetting and has talked about the role that the bill's vetting provisions will play in the public continuing to have trust in Police Scotland.

I turn to other amendments in the group. I will refer to some together, because they would achieve the same effect in respect of the vetting code of practice, which will apply to police officers and police staff, and the regulations, which will apply only to police officers. I appreciate that the amendments might be intended to prevent abuse of the vetting procedures, but the proper way to prevent that is through a robust appeals process, rather than by inserting various provisions in primary legislation that could trigger unintended consequences. I assure members that the regulations will be developed in consultation with staff associations and that fairness for all will be at the heart of the process.

**Liam Kerr (North East Scotland) (Con):** I am genuinely interested in this debate. How would the cabinet secretary respond to Calum Steele's challenge this morning? He said that, because of how the provisions have come about, we have not heard evidence on them from people who will be directly impacted by them.

**Angela Constance:** I am grateful to Mr Kerr for his contribution. As I intimated earlier, we had a substantial debate on the issue at stage 2, although I appreciate that Mr Kerr was not on the committee at that point. I subsequently wrote to the committee, because there was some confusion or misunderstanding about the level of engagement that my officials had had, whether individually or collectively, with all the staff associations. I provided the committee with a series of dates on which my officials had engaged collectively with police and partners in the context of the Scottish police consultative forum and on which they had met the Scottish Police Federation, the Association of Scottish Police Superintendents and the Scottish Chief Police Officers Staff Association individually. I put on record—without reading out my entire A4 sheet, Presiding Officer—that intensive engagement took place at official level. I also meet staff associations regularly, as members would expect.

I remind members that my response was rooted in a clear recommendation from HMICS. In addition, the Criminal Justice Committee, in its stage 1 report, made a clear recommendation to me, as Cabinet Secretary for Justice and Home Affairs, to address the issue, and I gave that commitment to the Parliament during the stage 1 debate. I appreciate that the stage 2 amendments were somewhat involved and lengthy, but they needed to be so, as the matter cannot be dealt with in a few lines. I hope that most people would agree that I needed to meet the commitment that I made to the Parliament in response to a parliamentary committee.

Amendments 12 and 22 would amend the definition of vetting to say that recruitment vetting is separate from in-role vetting and that it is not an assessment as to character and so on. However, the assessment that is carried out at recruitment is a form of vetting and is an assessment as to suitability for the role, so the amendment would create an inaccurate statement. Although recruitment vetting and in-role vetting have different implications, they are both still assessments of suitability. The amendments could undermine the basis for on-going recruitment vetting by leaving a suggestion in primary legislation that recruitment vetting is not, and cannot be, an assessment of suitability, when that is in fact exactly what it is.

The amendments would also prevent the code of practice from being able to make provision about recruitment vetting. Given that Police Scotland's existing vetting manual of guidance and the equivalent version in England and Wales cover both recruitment vetting and in-role vetting, it is desirable for Police Scotland to have the ability to provide for recruitment vetting in its code, which

will help to provide for a consistent and coherent system of vetting.

Amendment 13 would provide that

“vetting is not a substitute for or alternative to misconduct processes where there are concerns around the standard of behaviour or performance of a constable or member of police staff.”

Amendments 13 and 20 would risk forcing the code to send cases down the misconduct route, even when vetting was appropriate, which could lead to increased costs and take up additional resources that were not warranted. That goes against the Angiolini review, which proposed to use alternatives to misconduct proceedings when that was reasonable and appropriate. The amendments could also open up vetting determinations to challenge, even when the use of the vetting procedures was perfectly appropriate, simply because misconduct proceedings were also an option.

Amendments 14 and 19 would set up the “consideration of alternative measures” as a separate procedure from the initial decision-making process and from appeal. Although there is no issue with the requirement for appeals, as it is intended that there will be an appeals process, the separate requirement for a “consideration of alternative measures” is problematic.

A decision maker must already have considered a range of possible outcomes and have selected the least serious one that meets the risk. A failure to consider less serious measures will be a good ground for appeal. The duplication of procedures that the amendments would require could lead to contradictory decisions, confusion, delays and costs.

15:30

Amendments 15 and 21 would provide

“that vetting cannot be triggered by the conclusion of misconduct proceedings where it was determined that the standard of behaviour or performance was not unsatisfactory.”

There are many good reasons for carrying out vetting that do not justify a finding that conduct or performance was unsatisfactory. Those reasons might come to light during misconduct proceedings or be part of wider facts and circumstances that were relevant to the conduct proceedings.

The whole point of introducing dismissal for vetting is to provide for cases in which someone poses a risk but their conduct and performance are not such as would warrant dismissal. Amendments 15 and 21 would seriously undermine that purpose.

Amendment 18 would require the code of practice to prohibit the use of information

“disclosed during previous vetting, either as part of the recruitment process or ongoing vetting,”

in subsequent vetting as a reason for the person who has undergone vetting to be subjected to a determination. I cannot support the amendment, as it would prevent a vetting decision from taking into account a cumulative pattern of behaviour that emerged over years. Something that can seem to be risk managed on a first occasion might become more worrying on a second or third occasion, and it would be necessary to consider the information in a subsequent determination. Stakeholders have grave concerns about the amendment and have cited the escalating pattern of behaviour in the examples of David Carrick and Wayne Couzens.

I am able to support amendment 16, because it would simply require the code to set down whether there were any limitations on the types of evidence that can be used to demonstrate suitability, or to list those types of evidence. I hope that that would go some way to alleviating the concerns that we have heard this afternoon.

I am also able to support amendment 17. Providing written reasons for a vetting outcome would promote fairness and transparency, which I would expect to be part of the process anyway.

**Pauline McNeill:** I thank the cabinet secretary for her thorough response and for acknowledging that, at this stage, I am seeking to go over the provisions with a fine-toothed comb to ensure that there is fairness and that there is reasonable application of something that the Parliament did not get a proper chance to discuss at stage 2.

The cabinet secretary is quite correct to say that, in our stage 1 report, the committee asked for the chief constable to have the power to dismiss an officer or a member of staff who was unable to maintain their vetting. However, the proposals that we are discussing now came after the stage 1 report. For my part, had I had the detail at stage 2, I might have taken a different view—or maybe I would not have. I make the point that I supported the stage 1 report for the reasons that I have mentioned. However, now that I have had sight of the proposals, I want to examine them in detail.

I get some satisfaction from what the cabinet secretary said about what she expects of the regulations. For example, I raised the issue of ensuring that evidence that was previously used to maintain vetting cannot in all cases be used at a later date. I am satisfied that some of that can be dealt with in the regulations.

I have noted what the cabinet secretary said about my amendments. Given the concerns that the Scottish Police Federation and the Association

of Scottish Police Superintendents have raised—I note that they did not get a chance to examine the provisions at stage 2—I was trying to ensure that vetting is not used when misconduct processes should be used. I plead for that to be clear as the regulations are taken forward.

As I indicated from the outset, I will seek to withdraw amendment 12, and I will not move my other amendments in the group, for the reasons that I have outlined—I have got some comfort on them. My one fundamental disagreement with the cabinet secretary relates to the appeals process. Forgive me, as I have not had a chance to examine the full detail of what an appeals process looks like under the statute, but it seems that someone could already have been dismissed. The thing that seems to be missing is the possibility of correcting something quite simple through some kind of corrections or appeals process.

**Martin Whitfield:** I share Pauline McNeill’s concern regarding appeals in relation to the vetting process. Appeal provisions apply under the English vetting system when errors have been made accidentally and information has then become available. I am a little disappointed that the cabinet secretary was unable to give a categorical assurance that the question of an appeal in respect of the vetting process could not be put in the regulations, although she indicated that it might be if that were sought by stakeholders.

**Pauline McNeill:** That is where I have some difficulty. We are creating a framework, but it seems to me that a right of correction or appeal should be in the legislation. My problem with the statutory proposal is that the person will already be dismissed at that point—but perhaps I am wrong.

**Angela Constance:** Perhaps I could put this to Ms McNeill so that we have clarity on the record. It is my view and the view of the Government that a key way to protect the rights of staff and constables, while allowing for a vetting regime that protects the public, is through a very robust appeals process. Police constables who are dismissed or demoted as a result of failing to maintain the minimum required vetting clearance will be able to appeal to the police appeals tribunal, which, as I outlined earlier, is an independent tribunal. Police staff already have full access to an employment tribunal.

In addition, as I have said that I will support Pauline McNeill’s amendment 17, to ensure that written reasons are given for vetting decisions, I intend to consult on further safeguards to be built into the vetting processes as part of the vetting regulations for constables. I hope that that goes some way to reassure the member.

**Pauline McNeill:** I was going to get to amendments 16 and 17. I fully welcome the Government's position on them, as it will make a substantial difference in relation to fairness. I welcome the Government's response.

I remain concerned about not having something in primary legislation on correcting information on vetting, but I am content for the most part. The only amendment in the group that I intend to move is amendment 14, on appeals; I will not seek to move the other amendments in my name. I thank the Government for the response on amendments 16 and 17.

*Amendment 12, by agreement, withdrawn.*

*Amendment 13 not moved.*

*Amendment 14 moved—[Pauline McNeill].*

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

**Members:** No.

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

As this is the first division of stage 3, I suspend proceedings for around five minutes to allow members to access the digital voting system.

15:39

*Meeting suspended.*

15:46

*On resuming—*

**The Deputy Presiding Officer:** We proceed with the division on amendment 14. Members should cast their votes now.

#### **For**

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)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Choudhury, Foysol (Lothian) (Lab)  
Clark, Katy (West Scotland) (Lab)  
Dowey, Sharon (South Scotland) (Con)  
Duncan-Glancy, Pam (Glasgow) (Lab)  
Eagle, Tim (Highlands and Islands) (Con)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Greene, Jamie (West Scotland) (Con)  
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)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Marra, Michael (North East Scotland) (Lab)  
McCall, Roz (Mid Scotland and Fife) (Con)  
McNeill, Pauline (Glasgow) (Lab)  
Mochan, Carol (South Scotland) (Lab)  
Mundell, Oliver (Dumfriesshire) (Con)  
O'Kane, Paul (West Scotland) (Lab)  
Ross, Douglas (Highlands and Islands) (Con)  
Rowley, Alex (Mid Scotland and Fife) (Lab)  
Simpson, Graham (Central Scotland) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Smyth, Colin (South Scotland) (Lab)  
Stewart, Alexander (Mid Scotland and Fife) (Con)  
Sweeney, Paul (Glasgow) (Lab)  
Villalba, Mercedes (North East Scotland) (Lab)  
White, Tess (North East Scotland) (Con)  
Whitfield, Martin (South Scotland) (Lab)  
Whittle, Brian (South Scotland) (Con)

#### **Against**

Adam, George (Paisley) (SNP)  
Adam, Karen (Banffshire and Buchan Coast) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Chapman, Maggie (North East Scotland) (Green)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Constance, Angela (Almond Valley) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don-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, Fergus (Inverness and Nairn) (SNP)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Gougeon, Mairi (Angus North and Mearns) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green) [Proxy vote cast by Gillian Mackay]  
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]  
 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)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 70, Abstentions 0.

*Amendment 14 disagreed to.*

*Amendment 15 not moved.*

*Amendments 16 and 17 moved—[Pauline McNeill]—and agreed to.*

*Amendments 18 and 24 not moved.*

### **Section 3B—Procedures for vetting**

*Amendments 19 to 23 and 25 not moved.*

**The Deputy Presiding Officer:** That concludes discussion on group 2.

### **Section 6—Procedures for misconduct: former constables**

**The Deputy Presiding Officer:** Group 3 is on procedures for misconduct. Amendment 5, in the name of Sharon Dowey, is grouped with amendment 6.

**Sharon Dowey:** Prior to the bill's enactment, a police officer whose behaviour was found to amount to gross misconduct would be able to avoid disciplinary proceedings simply by resigning or retiring. Fortunately, the bill seeks to close that loophole. However, when taking evidence on the bill, the Criminal Justice Committee heard concerns that officers might not be aware of that change. As such, a constable might resign, thinking that that would get them off the hook, only to realise, when it is too late to rescind their resignation, that proceedings will continue in their absence.

My amendment 5 therefore seeks to ensure that a constable is informed at the earliest possible opportunity that resignation or retirement is not a route to avoiding disciplinary proceedings. It does that by requiring notice to be given to a constable, following a determination that the allegation against them amounts to gross misconduct, that disciplinary procedures may be applied in relation to a person who resigns or retires. That means that, at the point at which the constable is informed that there are proceedings against them, they are also informed that those will continue whether or not they resign. The drafting ensures that notice is given at the most useful time, making sure that the constable has all the information that is available before they make any decision to resign.

Amendment 5 is very similar to an amendment that I lodged at stage 2. I thank the Scottish Government for working with me to bring it back at stage 3, ensuring that constables are kept fully informed of the new rules at the earliest possible opportunity.

I turn to amendment 6. The bill as originally drafted would allow for disciplinary proceedings to be conducted against police officers after they had left the force as long as they were being disciplined for gross misconduct. A caveat to that was that the bill also included a requirement that a time limit must be set out in regulations for disciplinary proceedings to be brought forward after a constable had resigned. That is sensible, in my view, as it is important to prevent stale allegations from being pursued against former constables for an indefinite or lengthy period after they have ceased to be a constable.

As such, the effect of my amendment 6 would require that those regulations set out that disciplinary proceedings cannot be brought against an officer more than a year after they have resigned or retired. That would ensure that investigations into an officer's misconduct were current and timely, and would prevent regulations from allowing for a time limit that is of an undue length. It would also ensure that stale allegations were not routinely pursued to the extent that the investigatory body was overwhelmed by historical allegations that limited its ability to investigate current and live officer misconduct.

That comes with two caveats. First, this is a presumption only, and the Scottish Government assures me that the regulations will set out tests or special criteria to determine whether it is reasonable and proportionate to apply the disciplinary procedures to a former constable after more than one year. I would appreciate it if the cabinet secretary would reaffirm that when she sums up.

Secondly, although amendment 6 means that disciplinary proceedings could not be pursued against an officer for an indefinite period of time, that would not prevent criminal proceedings from being brought against an ex-officer over historical allegations. That is a sensible measure to add to the bill.

I am happy to move amendment 5.

**Angela Constance:** Again, I am happy to have engaged with Ms Dowey after stage 2 on amendments 5 and 6, which I support. It was intended that requiring notice to be given to a constable that proceedings would continue in absentia should be provided for in regulations, so I support the principle of amendment 5.

A requirement that conduct regulations state a time limit of no more than one year from the date of resignation, after which misconduct procedures cannot be applied, is another provision that was intended for inclusion in regulations. I agree that it is important to prevent stale allegations from being pursued against former constables, but of course the time limit must be capable of being disapplied, when justice requires it.

The regulations will set out tests or special criteria that will determine whether it is reasonable and proportionate to apply the disciplinary procedures to former constables after more than one year to provide for exceptional cases.

I hope that Parliament will support the amendments.

**The Deputy Presiding Officer:** I call Sharon Dowey to wind up and to press or withdraw amendment 5.

**Sharon Dowey:** I have wound up, so I press amendment 5.

*Amendment 5 agreed to.*

*Amendment 6 moved—[Sharon Dowey]—and agreed to.*

### **Section 7—Scottish police advisory list and Scottish police barred list**

*Amendment 26 not moved.*

**The Deputy Presiding Officer:** We move to group 4, on minor and technical amendments. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 and 3.

**Angela Constance:** The three amendments in this group are minor tidying-up amendments.

The first relates to the advisory and barred lists provisions in section 7. It simply removes unnecessary repetition of a number—namely “59A”—to comply with standard drafting practice and does not have any practical effect.

Amendments 2 and 3 relate to the provisions in the bill that give the PIRC a new power to review a policy or practice of the police, where the PIRC considers that it is in the public interest to do so.

At stage 2, the Criminal Justice Committee supported an amendment lodged by Sharon Dowey to require that the PIRC must consult HMICS before undertaking such a review, which I supported. The provision that that inserted would better meet the intention if it appeared on its own and earlier in the process, so amendments 2 and 3 remove the provision from its current location and insert a new subsection requiring the PIRC to consult HMICS before deciding whether to carry out the review.

I ask all members to support technical amendments 1 to 3.

I move amendment 1.

**The Deputy Presiding Officer:** No other members have asked to speak, and the cabinet secretary does not have anything to add by way of winding up.

*Amendment 1 agreed to.*

### **After section 8**

**The Deputy Presiding Officer:** We move to group 5, on review of misconduct policies, practices and guidance. Amendment 7, in the name of Sharon Dowey, is the only amendment in the group.

**Sharon Dowey:** What good is a new code of ethics if it is not reflected in practice by Police Scotland? One of my biggest concerns about the new code of ethics would be that it becomes simply another piece of work that sits on a shelf and gathers dust for years, not making the change that was promised.

My amendment 7 creates a new free-standing section that places a one-off duty on the chief constable to review misconduct policies, practices and guidance. The chief constable is also required to make changes that are appropriate in light of the code of ethics, as soon as practicable. The amendment requires the review to take place within a year of the commencement of the new section, allowing time for the code of ethics to be published and the new set of conduct rules to be put in place before the review begins. That means that the review will be of the new policies, practices and procedures to ensure that they are fit for purpose.

It is our responsibility as a Parliament to ensure that the legislation that we pass is meaningful and effective. Amendment 7 goes some way towards ensuring that

I am happy to move amendment 7.

**Angela Constance:** I support amendment 7, which places a one-off duty on the chief constable to review misconduct policies, practices and guidance. I have worked constructively with Ms Dowey on it following her stage 2 amendments in this area. I agree very much with her intention of ensuring that practices, policies and guidance related to misconduct are aligned with the code of ethics, as appropriate.

Amendment 7 will mean that the chief constable will have one year from the commencement of the new section to carry out the review. That is important because it will allow the code of ethics to be published and the new set of conduct regulations to be made, ensuring that the review will be of the up-to-date policies, practices and guidance. I ask Parliament to support the amendment.

**The Deputy Presiding Officer:** I call Sharon Dowey to wind up and to press or withdraw amendment 7.

**Sharon Dowey:** I have nothing to add. I press the amendment.

*Amendment 7 agreed to.*

**The Deputy Presiding Officer:** Group 6 is on complaints handling: information provided to complainer. Amendment 28, in the name of Douglas Ross, is the only amendment in the group.

16:00

**Douglas Ross (Highlands and Islands) (Con):** I begin by thanking the Presiding Officer for accepting amendment 28. It is unusual—particularly at stage 3—to bring into the debate a topic that has not been discussed by the committee and did not face scrutiny by the committee, but I hope that I can explain in my opening remarks the reasons for the lateness of the amendment and my reasons for that.

Only one week ago, the First Minister and I met the family of murdered Nairn banker, Alistair Wilson. Veronica and Andrew Wilson came to the Parliament to meet the First Minister. John Swinney gave a commitment in the chamber to meet them, and he delivered on it.

During our discussions with the First Minister, the family raised issues about the system that is used to make complaints against Police Scotland. The First Minister and I mentioned the bill that is being debated today, but as I came out of that meeting, I realised that we had passed the deadline for lodging amendments. However, I was still keen to try. We therefore came up with the amendment that is in the *Business Bulletin* today, which was accepted by the Presiding Officer.

Amendment 28 seeks to provide complainers such as the Wilson family with information on the full resolution of their complaint. I will explain what the Wilson family went through. They put in a complaint about a very senior officer in Police Scotland, which was originally dismissed by Police Scotland. The family was clearly not happy with that, so they went to the Police Investigations and Review Commissioner. The PIRC said that Police Scotland should look at the matter again. The family went back to Police Scotland and their complaint was upheld: when it was reinvestigated by the force, Police Scotland said that the family was correct to put in the complaint and upheld it. However, the family does not know the outcome of their complaint against the officer about misconduct or about any sanctions that were applied to the officer.

When the family explained that to the First Minister, they made it clear that not knowing whether sanctions had been applied or what the sanctions were was almost as bad as the original complaint having been dismissed. The family do not feel that they have had the resolution that they are looking for.

I spoke to Andrew and Veronica last night via email. Andrew put it very well when he gave me his statement. He said:

“The amendment is hugely important for us, as victims of the police complaint system, but also for anyone who has put a complaint in against the force. The fact that we do not know the outcome of our complaint and that the officer remains in post suggests a lack of justice and punishment to the point that we do not know whether our upheld complaint was taken seriously or just brushed under the carpet.”

That is from a family who have suffered for more than 20 years because the killer of their husband and father remains at large. Concerns that they have against our force in Scotland were originally dismissed, then they were upheld, but they still do not know the outcome. Andrew also made in his statement the point that this is not only about Andrew and Veronica Wilson and their family: other victims have been affected in the same way.

That is why I was very pleased that Victim Support Scotland wrote to all MSPs last night, urging them to support amendment 28. Victim Support Scotland said that the amendment

“provides more transparency to victims of crime and families bereaved by crime who have made complaints against police officers, and it provides people with information as to the outcome of their complaint, which is vital to ensuring the safety of those who made complaints.”

I welcome that from Victim Support Scotland.

At this point, Deputy Presiding Officer—I include you in this, as spokesperson for justice for your party—I am extremely grateful to representatives of all the political parties whom I contacted during

the weekend about amendment 28 for the constructive way that they entered into discussion with me.

I am also grateful to the Cabinet Secretary for Justice and Home Affairs, who met me at very short notice this morning to discuss amendment 28 and its implications.

I have picked up from many members whom I have spoken to that there is a desire to get to the bottom of the matter and to rectify the problems that the family have articulated for many years, particularly about the complaint with Police Scotland.

I also recognise—I hold my hands up regarding my haste to get my amendment 28 lodged and accepted—that there are issues with it that I do believe cannot be resolved today. It is never my intention—I am sure that the cabinet secretary will go over this—to put any officer at risk due to their name being made public if it should not be made public.

However, I hope that there is also recognition that the system at the moment is not delivering for victims—it is clearly not delivering for Andrew and Veronica Wilson. As Victim Support Scotland tells us in its briefing, the system is not delivering for many of the victims whom it deals with daily. I will listen to the debate and I will hear what others say.

**Audrey Nicoll:** I recognise the trauma that has been experienced by the family that Douglas Ross referenced in his comments.

I want to put on the record the extent of the scrutiny that was undertaken at stage 1 by the Criminal Justice Committee—in particular, the evidence that was heard from people with lived experience of the complaints and misconduct process. Things are not great—that is for sure—so I just want to make sure that the member is aware of that scrutiny.

**Douglas Ross:** I am very much aware of it, and I record my thanks, as someone with an interest in the subject, to the committee for its deliberations at stage 1, stage 2 and again today. There were representatives from Victim Support Scotland at the meeting with the First Minister that I sat in on last week, and it also gave evidence to Audrey Nicoll's committee at stage 1. I know that that has been valuable in relation to the formulation of responses to get the bill to where it is today.

Another issue, which I am sure that the cabinet secretary will mention, is that my amendment 28 will perhaps not be required, because there are already provisions on the matter. She mentioned that this morning in our discussion, and in correspondence with the local MSP, Fergus Ewing, who, I have to comment, has been extremely helpful to me since I lodged the

amendment, and who has done—and continues to do—a lot of work for the Wilson family over many years.

However, in response to both me and Mr Ewing, the cabinet secretary mentioned the PIRC's statutory guidance from October 2022. Paragraph 150 goes over what the resolution of complaints should look like for complainers. It says that the response to the complainer must

“contain details of any action taken to avoid a recurrence of the situation which gave rise to the complaint, including any learning or improvement action”.

It also goes on to state that responses must

“where misconduct proceedings have been taken, advise of the determination made at those proceedings and any disciplinary action ordered, if permitted by the applicable legislation”.

The phrase

“if permitted by the applicable legislation”

led me to lodge amendment 28, because I felt that it was an opportunity to strengthen the applicable legislation.

Even though the process is in black and white in the statutory guidance from 2022, it is clear that it is not working. We know from the example of the Wilson family that I cited, and from many other examples that have been advocated for on victims' behalf by Victim Support Scotland and others, that that element of the complaints process is not being delivered. We would not be discussing amendment 28, or my and others' concerns, if it was being delivered. I am interested to hear what the cabinet secretary will say to that during the debate.

Amendment 28 seeks to improve the complaints system. In normal circumstances, people do not complain against the police unless they have good reason. There is a growing frustration about the system of complaints against the police, which is partly why we have the bill that is in front of us today. Not only will the legislation potentially not work, but the system is not working because of the number of complaints or the lack of officers looking into them.

I will cite examples. I wrote to the cabinet secretary about the matter this week. In the space of a few days, two constituents contacted me who are extremely concerned that, in their view, their complaints are not being treated seriously enough by the force. One constituent complained last summer and heard nothing for months, and the complaint has still not been allocated.

More worryingly, I received a response yesterday from a constituent who had received his ninth correspondence from Police Scotland about his complaint. The complaint was originally submitted in September 2023, and as of

yesterday, he had received a response from the professional standards department that did not say that his case had not been determined, but that it had not been allocated. A professional standards officer has not even looked into his complaint yet, although it was submitted in September 2023.

On nine separate occasions, the force has taken the time to write to, or email, my constituent to say that, because of workload pressures, the complaint has not yet been looked at. Nonetheless, for the complaint not to have even been allocated in well over a year is, I think, indefensible. We need to see improvement, and I hope that people in Police Scotland, and others, who are following the debate today, will take on board the fact that the complaints are serious matters to the complainers, who want resolution and believe that they are being fobbed off and not taken seriously because the complaints have been lying on a desk, unchecked and unallocated, for well over a year.

I will listen with interest to what is said before finally deciding whether to press or seek to withdraw amendment 28.

I remind members of my entry in the register of members' interests: my wife is a serving officer with Police Scotland.

I move amendment 28.

**Fergus Ewing:** It was on 28 November, in the year 2004, that my constituent Alistair Wilson was shot to death on his own doorstep at his home in Nairn, with the family inside the house. For the past 20 years, the family have pursued a campaign for justice, and they have suffered unending grief such as is unimaginable, I suspect, for all—or most—of us in the chamber.

As the constituency MSP, I have worked with Veronica and the family for some years now and have pursued certain concerns. Yesterday, I spoke again to the family, and they agreed that this is what they wish me to say on their behalf today. They wish me to express their extreme disappointment that the chief constable of Police Scotland—the top police officer in the land—has thus far refused to meet them. They hope that that is something that can be put right.

Following my intervention with the cabinet secretary last year, the Lord Advocate met the family. At that meeting, they heard that there had been the most serious failures in the investigation, such that a reinvestigation has had to be ordered after two decades—a reinvestigation which could, the family fear, take another five years. They appreciated the meeting with the Lord Advocate, who was honest and candid, but their requests thus far to meet the chief constable have not been agreed to. I will quote Veronica Wilson herself, who said:

“I cannot believe how little information I am given after a fight lasting 20 months”

in respect of the complaint. We heard the same from Mr Ross.

Surely the head of policing in Scotland should, as a matter of human decency, and taking account of the tragedy that has befallen the family and the grief that they have suffered, and continue to suffer, be willing to meet them.

I have always believed that the buck stops at the top, and the top person in every public body in Scotland is still a servant of the public. I hope that the cabinet secretary, in her remarks, can indicate, if possible, a wish that the chief constable should now meet the family and see that they can get answers to their questions, which have thus far eluded them.

I will not repeat the arguments that Mr Ross has put today—he has put them clearly and at length. I was pleased to work with him and with you, cabinet secretary. I appreciate your letter this morning setting out technical reasons why amendment 28 might not work. I accept that they are valid reasons and am therefore not minded that the amendment should be pressed to a vote today.

However, I think that Mr Ross is right that the current system is patently not working as it should. I hope that you can reflect further on that and perhaps give members a clear indication that you will continue to look at those matters to try to improve the service for victims, especially victims of the most serious crimes in Scotland.

16:15

**The Deputy Presiding Officer:** Thank you, Mr Ewing. Comments should always be through the chair.

**Angela Constance:** I have some fairly detailed remarks to make on the proposition that was put forward by Mr Ross. At the end of those remarks, I will share some of my own reflections.

I thank Mr Ross for his comments and for the constructive meeting that we had this morning. The Government recognises that the Wilson family has endured an unimaginable loss and that their anguish is compounded by the knowledge that those who are responsible for their loved one's murder have not yet been brought to justice. I very much recognise the support that Mr Ross and Mr Ewing have given to the Wilson family. As Mr Ewing has intimated, we have been in correspondence at length and have also spoken this morning.

As Mr Ross is aware, I cannot support amendment 28, which would be a major policy development that would require proper

consultation and consideration with partners that have helped to develop and inform the bill. That does not mean that we will not have further reflections on what happens next. Before I explain the Government's position in detail, I reassure Mr Ross, Mr Ewing and all members that much of what Mr Ross seeks to do through his amendment is already largely dealt with in existing provisions in a combination of primary and secondary legislation and statutory guidance.

The Police, Public Order and Criminal Justice (Scotland) Act 2006 requires Police Scotland and the Scottish Police Authority to have regard to the statutory guidance that is issued by the Police Investigations and Review Commissioner. Although the guidance applies to Police Scotland and the authority, it also applies to other policing bodies that operate in Scotland, whereas amendment 28 would not. The statutory guidance provides a detailed list of what a complaint response should contain and includes appropriate safeguards. The lack of such safeguards is what concerns me the most about Mr Ross's amendment 28.

Amendment 28 would mean that Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner would be compelled to provide the name of any officer who is involved in a complaint, the outcomes of that complaint and other information, no matter the possible sensitivity of that information, even if the complaint is false. That information could then fall into the public domain. It provides for no exceptions to the disclosure of the officer's name and the outcome of a complaint.

Police officers can be the subject of malicious or false complaints, and amendment 28 would provide more ammunition to people with malign intent to make complaints about unnamed officers in order to find out their identity. As we all know, officers undertake very difficult and, in some cases, sensitive and dangerous roles, and the amendment could lead officers to be vulnerable to exploitation or, more worryingly, physical harm.

The amendment would also force the disclosure of any information whatsoever that was sought by the complainer about the complaint. That could include the identity of other complainers who have complained about the same matter and might be read to include other highly sensitive information about members of the public or, indeed, victims or witnesses of a crime. The amendment provides no ability to refuse disclosure unless it is not reasonably practicable, but that test does not allow a judgment to be made about the lawfulness or appropriateness of disclosing the information that is sought.

The Scottish Government has engaged with the Police Investigations and Review Commissioner

on amendment 28, and it has serious and grave concerns about being compelled to share Police Scotland and officers' information and about the potential legal implications of doing so. We have also sought views from Police Scotland and His Majesty's chief inspector of constabulary, which have said that there are a series of circumstances in which it is not safe to reveal the name of an officer, such as when dealing with organised crime groups or working within specialist units such as firearms.

The amendment does not take any cognisance of that, and I have concerns that such a blunt requirement, without any safeguarding provisions, risks being contrary to the European convention on human rights. Supporting the amendment would therefore come with significant risk. As I said earlier, I can reassure the Parliament that a process is already in place around complainers being told the outcome of their complaints.

**Douglas Ross:** I recognise what the cabinet secretary is saying. How, therefore, does she view the fact that a family—and others—are clearly telling us that, despite the process being in place, they are not getting the information that they require? They have been through the process and an officer has been found guilty of misconduct, but they are not being told that any sanctions apply to that officer.

**Angela Constance:** I reassure Mr Ross and other members—I appreciate their patience—that I will shortly come to actions that I have taken today in response to the specific concerns and cases that Mr Ross has raised with me.

I want to point to some of the improvements that the bill will make, particularly around extending the powers and scope of the PIRC. The PIRC will be able to call in an investigation of a relevant complaint and will be able to carry out complaint handling reviews of its own volition. The PIRC will also be able to make recommendations about individual complaint handling reviews and called-in complaints, and Police Scotland and the Scottish Police Authority will need to respond to those, which will result in better transparency around how the PIRC's suggestions for improvements are dealt with. There is also the transfer of certain functions from the SPA to the PIRC. I am sure that we will discuss more of those measures later this afternoon.

I will make some remarks about how matters should be dealt with in accordance with the statutory guidance, and then I will share detail on further action. The statutory guidance requires that the names of officers who are involved in a complaint are provided. Importantly, unlike amendment 28, the guidance provides an exception to that, where identification would pose a risk to the officer, in which case unique

identification numbers are regarded as sufficient. Where misconduct proceedings have been taken, Police Scotland advises of the determination that is made at those proceedings and any disciplinary action ordered, if that is permitted by the relevant secondary legislation.

I can also provide the assurance that the guidance applies to details of all individuals, whether they are constables, staff or special constables, whereas amendment 28 would apply only to officers. Police Scotland, the authority and the PIRC are subject to freedom of information legislation, and individuals have the right to access and receive a copy of their personal data and other supplementary information.

In appropriate cases, consideration is also given to explaining the outcome of the complaint personally to the complainer, prior to the issuing of the final response. That strikes the balance between transparency and legal data protection. The SPA complaints and conduct committee scrutinises performance on that and holds Police Scotland to account where the proper balance is not being achieved. Of course, that speaks to the importance of personal contact, particularly when matters are complex and serious.

In Mr Ewing's direct questions to me, he articulated the Wilson family's wishes to meet the chief constable. The Parliament and Mr Ewing would not expect me to abuse my position as justice secretary by making requests or orders that are not appropriate for me to make, but I will share some of my reflections. As justice secretary, I always take the view that engagement is important, irrespective of how difficult it might be, and that, on balance, it tends to be more helpful than not.

Mr Ewing cited the example of the Lord Advocate. I believe that the Lord Advocate has a good track record of meeting victims and families, notwithstanding that she has very prescribed requirements around her distinct roles and her independence. I also believe that the First Minister often leads by example in that regard. As we all know, he is a man who is scrupulous about things being done properly and, as a former member of the Criminal Justice Committee, he is respectful and cognisant of the independent role and functions of various individuals and agencies in our justice system. He also manages, while respecting people's independent roles and functions, to be very open to engaging with families, particularly those who have experienced considerable distress and have undergone extremely traumatic and serious experiences that are beyond the experience of most of us. It is important for all of us to extend the hand of engagement, particularly to those whose

experience is beyond our own. It is important that none of us in this chamber has any blind spots.

On the amendments, in summary, where a person complains about the police, the name of the officer or police staff member can be shared. It is standard practice to issue information about outcomes and communicate clearly any service failings that are identified, and members of the public are informed of the outcomes of misconduct proceedings if they have arisen from a complaint.

Again, without casting any judgment or stepping into a space that I should not, I am very mindful that Mr Ross has narrated experiences of others that certainly seem to be inconsistent with the PIRC statutory guidance. Therefore, following my constructive meeting with Mr Ross this morning to discuss amendment 28, I confirm to him and to members that I have taken on board the concerns that he has raised on behalf of the Wilson family and the case study in the Victim Support Scotland briefing. Today, I have written to Police Scotland and the PIRC to set out concerns that have been shared with me and to seek their assurances that Police Scotland follows the PIRC statutory guidance at all times, in particular with respect to communicating outcomes to the complainer, and that any exceptions are wholly justified. I will also raise the issue in my next meeting with the chief constable, which will occur very shortly.

Presiding Officer, thank you for your indulgence. I hope that that provides Mr Ewing, Mr Ross and the chamber as a whole with an assurance of the seriousness with which I take these matters. I hope that members will accept my reassurances and that Mr Ross will not press amendment 28.

**Douglas Ross:** I thank Fergus Ewing for his contribution and I also thank the cabinet secretary for the detail that she provided and for the positive response that she gave at the end of her contribution.

I repeat what I said in my opening remarks: I accept the shortcomings in the amendment that I lodged. In time to come, it might be used as an example of why members should meet deadlines and get appropriate parliamentary committee scrutiny of their amendments. However, I hope that members will understand, as I sought to explain to the justice spokespeople of each party, the reason why the amendment came in as late as it did, and, in particular, the fact that the family wanted to have their meeting with the First Minister before taking things further.

16:30

I accept what the justice secretary said about the unintended consequences of amendment 28, should it be agreed to, and I am genuinely grateful for her efforts since this morning to contact the

PIRC and Police Scotland about the clear shortcomings for some complainants and victims of crime. Such shortcomings have an impact on them not just in the short term; in the case of the Wilson family, as Fergus Ewing articulated, the complaint was reviewed and reinvestigated for more than 20 months, but the situation is still unresolved because they do not know the final outcome. Therefore, I very much welcome what the justice secretary has said.

I did not mention this in my opening remarks, but I could not agree more with Fergus Ewing about the inaction by Scotland's chief constable, as he outlined. I cannot understand the thought process of the most senior police officer in Scotland—someone with significant experience at a high level both here and in forces in England. In relation to a high-profile case that has been one of the most talked-about and long-running murder investigations in Scotland's history, she continues to refuse to meet Veronica, Andrew and other members of the Wilson family.

Those of us who have been privileged to sit in on meetings with Andrew and Veronica will know that they are constructive and determined to get justice and that they just want answers. I do not think that that is an unacceptable request from people who have been waiting decades for answers. We should remember that Veronica opened the door to the killer and that Andrew still speaks about the image that he had—he was just a toddler at the time. They have been through unimaginable pain and suffering, which have been extended by the callous approach of Scotland's chief constable, who continues to refuse to meet them.

Last year, following a meeting with Veronica, I wrote to the chief constable again, urging her to respond. Just before Christmas, I got a letter back. It still annoys me that the chief constable could not even be bothered with the pretence that she had looked at my letter herself. She did not even add an electronic signature; she got one of her deputies to sign the letter.

I do not know what the chief constable is thinking, but I hope that people at Tulliallan and those in her office are watching today and have heard Fergus Ewing's strong advocacy for the family and the comments from the justice secretary, who is, within the confines of her office, urging the chief constable to look at the matter. If the Lord Advocate, the head of the Crown Office and Procurator Fiscal Service in Scotland, and the First Minister, the head of the Scottish Government, can meet the family, surely the head of Police Scotland can meet the family, too.

Once again, I thank Fergus Ewing for his contribution, I thank all the party representatives who engaged with me on the matter and I

genuinely thank the justice secretary for our meeting this morning and for the constructive way in which she will take forward the issues that I have raised.

I confirm that I will not press amendment 28.

*Amendment 28, by agreement, withdrawn.*

### **Section 11—Complaint handling reviews**

**The Deputy Presiding Officer:** Group 7 is on complaint handling reviews. Amendment 8, in the name of Sharon Dowey, is the only amendment in the group.

**Sharon Dowey:** If an individual who has made a complaint against the police is unhappy with the way in which the complaint has been handled, they can request that the Police Investigations and Review Commissioner conduct a complaint handling review. The bill expands that aspect of the complaints procedure to allow the commissioner to conduct a complaint handling review if they think that it is appropriate, instead of having to rely on the complainer to bring the matter to them.

At stage 2, I successfully amended section 11 to require the PIRC to notify the relevant complainer if they decide to conduct a complaint handling review, and I am glad that the Scottish Government agreed with me on that issue. However, my stage 2 amendment focused only on the new power that will be granted to the PIRC to conduct a complaint handling review of their own volition. It was my understanding that, if the PIRC decided to review a case at the request of a complainer, the complainer would be notified, but that is not the case, largely due to a defect in existing legislation.

Amendment 8 attempts to fix that situation by ensuring that the complainer is notified if a complaint handling review takes place, regardless of whether the complainer or the PIRC requested it. The amendment will ensure that, in every case, the complainer will be made aware that the PIRC will be reviewing the handling of their complaint, thereby keeping them informed and allowing them to engage with the review. It is a very simple amendment that I hope the Parliament will support.

I move amendment 8.

**Angela Constance:** I am pleased to have been able to work with Ms Dowey on the amendment, which is subsequent to an amendment that she lodged at stage 2, to place a duty on the PIRC to notify the relevant complainer that a decision has been made to carry out a complaint handling review of the PIRC's own volition. I supported that amendment and the policy intention of requiring the PIRC to notify the complainer of any decision



to carry out a complaint handling review, regardless of how it came about, in order to make the complainer aware that the PIRC would go ahead with a review. Amendment 8 will ensure that the complainer is, in every case, made aware that the PIRC will review the handling of their complaint, keeping them informed and allowing them to be engaged with the review. I ask members to support amendment 8.

**The Deputy Presiding Officer:** I call Sharon Dowey to wind up and to press or withdraw amendment 8.

**Sharon Dowey:** I take this opportunity to thank the legislation team, the cabinet secretary and the Government officials for their help in working with the amendments at stage 2 to get them passed at stage 3.

I press amendment 8.

*Amendment 8 agreed to.*

#### **Section 15—Review of, and recommendations about, practices and policies of the police**

*Amendments 2 and 3 moved—[Angela Constance]—and agreed to.*

**The Deputy Presiding Officer:** Group 8 is on the PIRC review of practices and policies of the police. Amendment 9, in the name of the cabinet secretary, is the only amendment in the group.

**Angela Constance:** The bill gives the Police Investigations and Review Commissioner a new power to review a policy or practice of the police when it considers that it is in the public interest to do so. It also provides the PIRC with protection from legal actions for defamation in relation to statements made in the course of that new function. However, the same protections are not currently in place for those persons making statements to the PIRC when the PIRC is carrying out that new function, and the amendment will ensure that those protections are put in place.

There is a concern that the absence of such protections for those making statements to the PIRC would affect the information provided to the PIRC in conducting that new function, to the detriment of the ability to report and provide recommendations. Therefore, after consultation with the PIRC on the matter, I lodged amendment 9 to allow “absolute privilege” to protect those persons making statements to the PIRC against defamation in relation to the PIRC’s new function to review and make recommendations about practices and policies of the police as set out in section 15. The amendment will ensure that the law is consistent with the protections from actions for defamation contained in the Police, Public Order and Criminal Justice (Scotland) Act 2006.

I move amendment 9.

*Amendment 9 agreed to.*

#### **Long Title**

*Amendment 27 not moved.*

**The Deputy Presiding Officer:** That ends consideration of stage 3 amendments.

## Police (Ethics, Conduct and Scrutiny) (Scotland) Bill

**The Deputy Presiding Officer (Liam McArthur):** As members will be aware, the Presiding Officer is required under standing orders to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill relates to a protected subject matter; therefore, the bill does not require a supermajority to be passed at stage 3.

16:38

*Meeting suspended.*

16:39

*On resuming—*

**The Presiding Officer (Alison Johnstone):** We move to the debate on motion S6M-16093, in the name of Angela Constance, on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. I would be grateful if members who wish speak in the debate were to press their request-to-speak buttons now.

I call the cabinet secretary to speak to and move the motion. You have up to seven minutes, cabinet secretary.

16:40

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I am pleased to open the debate on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. I express my thanks to the committees that took part in considering the bill. In particular, I thank the members of the Criminal Justice Committee for their detailed scrutiny and for gathering a wide range of views in written and oral evidence. I must also thank the clerks to the Criminal Justice Committee.

I thank everyone who has engaged with the committee and with the Government during the development and passage of the bill. I say a special thank you to those with lived experience of the police complaints and misconduct systems for their testimony, which was instrumental in developing the bill, and to Lady Elish Angiolini, whose recommendations formed the basis of the bill. I also want to make mention of, and express my particular thanks to, my bill team for their excellent support throughout the passage of the bill.

Police Scotland officers and staff work tirelessly to protect and support our communities. I reiterate how much I value the hard work and dedication of our police officers, who conduct themselves with integrity and professionalism, and that of the whole policing workforce.

The principle of policing by consent is central to the mutual bonds of trust between the public and the police, so it is of the utmost importance that the public have confidence in our police service. We need to have trust that those who serve in the police continue to meet the very high standards of behaviour and conduct that we expect throughout their careers. It is therefore essential that there are robust, clear and transparent mechanisms in place to investigate complaints or other issues of concern about the police, and that, if things go wrong, the police must be held to account, lessons learned and improvements made.

The bill has four main purposes: to raise and embed the ethical standards of the police service; to strengthen the statutory framework on vetting; to reform how police misconduct is dealt with; and, finally, to broaden the role of the Police Investigations and Review Commissioner and therefore provide greater independent scrutiny of police complaints handling in Scotland.

The bill cannot be viewed in isolation, however. It is a further step on the journey of transformative change that has been delivered since the independent review by the former Lord Advocate, Dame Elish Angiolini, of complaints handling, investigations and misconduct issues in relation to policing in Scotland. I will highlight some specific provisions that have the potential to bring about real and lasting change.

The bill enables the Scottish police barred list and the police advisory list, which will capture information about police constables who have engaged, or who are suspected of engaging, in serious misconduct. That information can then be shared as appropriate.

There is a strong public interest in dealing with allegations of gross misconduct that are made after officers leave the service. The bill will ensure that a conclusion is reached and, if that conclusion is that the officer would have been dismissed had they still been an officer, the person will be added to the barred list. The lists will improve police integrity, increase accountability of those who are dismissed from policing and support police vetting right across the United Kingdom.

The bill also puts a statutory obligation on the chief constable to prepare, regularly review and disseminate a code of ethics. There are extensive consultation requirements for the development and maintenance of the code, which reinforce its

significance and embed a human rights-based approach to policing.

Every person who holds the office of constable and has the powers of that office has a higher duty to account for their own actions and for the actions of others that they have witnessed in the execution of their duties. Therefore, the explicit duty of candour on constables, and also on Police Scotland as an organisation, is another significant provision in the bill.

Several features will strengthen the role of the Police Investigations and Review Commissioner, including the power to take over the consideration of complaints that are being dealt with by the chief constable or the Scottish Police Authority and the transfer of certain functions from the authority to the PIRC. Taken together, those provisions strengthen independent scrutiny of the police complaints and misconduct systems.

I have been open to making improvements to the bill throughout the process, while maintaining a firm focus on what it seeks to achieve. The committee's significant recommendation that the bill should include a power for the chief constable to remove someone who is unable to maintain their vetting was delivered at stage 2. As stated in his recent letter to the Criminal Justice Committee, His Majesty's chief inspector of constabulary reminded us that putting vetting on a statutory footing was vital and will ensure

"that all officers and staff meet and sustain the standards required and that the public are served by a workforce that they can trust."

I thank the members who have engaged with me throughout the passage of the bill to make improvements at each stage. That includes Sharon Dowey, who lodged an amendment ensuring that victims, survivors, witnesses or suspects and the accused have the opportunity to have their voices heard as consultees in the preparation of the code of ethics. She also lodged an amendment to create a one-off duty on the chief constable to review and make changes to the policies, procedures and guidance that relate to misconduct in light of the code of ethics.

Katy Clark's amendments increase transparency by obliging the chief constable to explain their reasons either for not revising the code or, in the case that it is revised, for why particular representations made by mandatory consultees did not result in a change. That will assure both officers and the public that the code is keeping pace with ethical standards.

The bill will ensure that the police complaints and misconduct systems are fairer and more transparent, accountable and proportionate, which will ultimately help to strengthen public confidence in policing in Scotland.

I move,

That the Parliament agrees that the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill be passed.

16:47

**Sharon Dowey (South Scotland) (Con):** The Scottish Conservatives will vote for the bill today, believing that it will improve the complaints process for members of the public and for police officers. I acknowledge that there are still some concerns about certain elements, not least from the Scottish Police Federation, and it is important that we all work with the federation in future to ensure that those can be resolved in the best way possible.

There appears to be widespread agreement that the current system fails both victims and the police. That is why we have worked hard on the bill, successfully lodging a number of amendments to ensure that it is as fair and robust as it possibly can be. There is no shortage of examples of people who have been let down by the system, and I am sure that we will hear about many of those during the debate. It is worth remembering, however, that the bill aims to protect police officers to the same extent.

Every single day, both as a regional MSP and in my work in a justice-related portfolio, I see the sheer selflessness of police officers as they go about their work of keeping us safe. When they go to work each day, they have absolutely no idea what they are going to face, or indeed any guarantee of returning home safely at the end of their shift. Often, they arrive at an incident and are forced to deal with a whole series of events over which they have little control. They have no opportunity to deal with, and no responsibility for, the minutes or hours leading up to an incident, or with the weeks, months and years of chaos in someone's life that leave them requiring the intervention of the law.

Police officers are sometimes themselves victims of vexatious complaints, often by some of the very worst people in society. When that happens, as unions repeatedly point out, they are guilty until proven innocent. That can mean being suspended or put on restricted duties—something that can be hugely damaging to an officer's career, confidence, self-esteem and mental health. With policing numbers being as low as they are, and with officers increasingly being called to incidents that are arguably outside their remit, society can hardly afford to have innocent, hard-working policemen and policewomen being forced off duty for no good reason.

I have huge sympathy for the Scottish Police Federation and the concerns that it has raised around vetting and the harm done to officers when

they are incorrectly accused of wrongdoing. That said, as the SPF said on a number of occasions, the police rank and file are merely a reflection of our society. In a 16,000-plus workforce, which replenishes regularly over time, it would be foolish to assume that every employee is perfect. Therefore, we must make sure that when misconduct occurs, it is dealt with swiftly and to the satisfaction of the complainer. I know that police officers are as keen as anyone for that to happen.

The bill is a very important piece of legislation that has involved good co-operation between all parties involved. It has not fallen victim to party politics or to petty point-scoring exchanges, and everyone can see the good motivation behind it.

It is crucial that we ensure that we pass good law in the Scottish Parliament, and that when legislation is introduced, those who are tasked with enforcing it are sufficiently resourced to do so. I hope that the Scottish Government works with Police Scotland to ensure that the finances are right, especially during a phase in which the senior leadership of Police Scotland is regularly forced to raise concern about resources, financial planning and the long-term security of the force.

On a personal level, I was pleased to secure five amendments to the bill at stage 3, which I will briefly summarise for the record.

The first is that the PIRC will immediately notify a complainer when it decides to conduct a complaint handling review, which is a straightforward requirement that will improve their experience within the process.

The next is that the chief constable must make appropriate changes in the light of the code of ethics as soon as possible. After all, what use is it if it sits on a shelf without ever being implemented?

Another amendment ensures that disciplinary proceedings cannot be brought against an officer more than a year after they have resigned or retired. That will ensure that stale proceedings cannot be pursued after an unreasonable amount of time has passed. That amendment will not prevent criminal proceedings from being brought in relation to historical allegations.

It is also important that officers are fully aware of the situation, and they should not be allowed to resign simply because they think that doing so will get them off the hook. Another amendment provides that a police officer must be informed at the earliest opportunity, if such a situation arises, that leaving the force does not safeguard them in the event of proceedings being launched.

The final amendment provides that, when the chief constable is preparing a code of ethics, they

must ensure that, among the many groups and organisations that are likely to be consulted, people who have made complaints in the past are included. Lived experience in such cases will be essential.

There are considerable concerns around the vetting amendments that came in at stage 2, not least because no evidence was taken on them. That is not a good way to make law, and the committee was split on whether the approach should proceed. The fear that vetting could be used as an excuse to dismiss officers rather than purely to address misconduct is entirely legitimate. There are many good points in the bill, but those specific concerns must be placed on the record.

I will be pleased to vote for the bill. I fully believe that it will be of benefit to the public and the hard-working police officers who sacrifice so much to keep the streets of Scotland safe.

16:53

**Pauline McNeill (Glasgow) (Lab):** Scottish Labour believes that we must act to ensure the highest standards in our police force. The power held by police officers and police organisations requires the right structures and standards to ensure that we can have confidence in our policing. Measures in the bill seek to introduce robust mechanisms to address unacceptable conduct and behaviours of a minority of police officers and staff.

I, too, thank all the witnesses and the victims who spoke up and gave the Criminal Justice Committee first-hand evidence of how police processes can impact on their lives. I also thank my colleagues on the committee, the bill team and our clerks, who worked very hard to produce a constructive stage 1 report.

The bill cannot be viewed in isolation and is only part of a wider piece of work that must be done to improve police complaints and conduct systems. The code of ethics and the duty of candour will not have any particular legal effect, but they set out the expectations. There was quite a lot of debate on those, particularly from victims organisations such as Victim Support Scotland, which wants the code to be more transparent and publicly available, and wants there to be consequences of breaches. However, we are clear that the code of ethics should be robust and reflect the challenges of modern policing. In its report, the committee asked to be able to review the draft code.

Separately from that, there is the duty of candour, which is a standard requirement to assist in investigations. The duty is different to following any other duty or order; it is fundamentally of a more serious nature. Some witnesses advised caution on whether the duty of candour will extend

in circumstances in which officers are off duty, but during the legislative process it has been made clear that it will do. However, that will not cut across the right of an accused person, whether they are a police officer or a member of police staff, not to self-incriminate in criminal inquiries. It is fair to put on the record that the Scottish Police Federation's view was that a duty was not necessary as, in any case, 99.9 per cent of officers co-operate when asked to do so during the course of any inquiries.

One of the critical matters for both the Criminal Justice Committee and Scottish Labour was the financial memorandum. We could not have supported the bill if the Government had not corrected it. As early as this morning, we heard again from the PIRC, who reiterated that the financial implications of legislative decisions are important to consider. The PIRC remains opposed to taking on the responsibility of presenting cases against senior officers, not just from a financial point of view but in terms of the process itself, because they do not think that they should be "judge and jury".

There are still things in the bill that are problematic, but because there are elements that we support, we will support it this evening. I hope that we can get a full update later in this session of Parliament on how it is proceeding.

One of the biggest issues with the bill is that it is not transformative in the way that the public might have liked. I do not know whether the public will notice any real difference in the handling of complaints, nor will the bill allow any new avenues for victims' families to raise concerns about police inquiries. I have raised the specific question of the Emma Caldwell inquiry; if a family had some concerns about the avenue being pursued by the police, there is not really a route for that. It is pretty clear that there is a lot of work to be done.

The introduction of the barred list is an important aspect of the bill. It seems like a lifetime ago that the Criminal Justice Committee examined the issue of the length of time that cases involving police officers take to come to court. The committee did a good job of trying to thrash out why that was the case. I had a good session with Lady Elish Angiolini about the issue, which I think is contained in the stage 1 report, and I hope we have come to a conclusion on it.

The criminal allegations against the police division in the Crown Office—known as CAAPD—which is responsible for the investigation of criminal complaints, has said that it expects to

"progress and conclude 75 per cent of the cases that are reported to us within six months".—[*Official Report, Criminal Justice Committee*, 15 May 2024; c 42]

Let us see whether that happens.

Although we have introduced new provision to pursue officers after they have left the service, I fully supported Sharon Dowe's important amendments to ensure that the timescale for doing so is not completely open ended.

I will not reiterate what I said earlier about the vetting provisions that apply to police officers and staff, but I emphasise the fact that we agreed in our stage 1 report to the chief constable having the power to dismiss officers and staff who do not maintain their vetting before we had sight of the detail of the vetting provisions. Who knows what view we might otherwise have taken of that power? Because the chief constable now has that power under the new vetting provisions, we need to be clear that there is balance and fairness in the system.

It is important that the Government accepted my amendment 17 on written reasons, because it will provide substantial fairness for police officers who think that they should get to know why their vetting has been refused. As I said when we considered the grouping on vetting, my only remaining concern relates to the fact that we need to be clear, in principle, that there should be a right of correction or appeal.

I took a lot from what the cabinet secretary said about the discussions that we expect to take place between the police organisations and representatives of the police unions and staff. I hope that, in those discussions, we can thrash out something that everyone feels is a fair conclusion.

16:59

**Maggie Chapman (North East Scotland) (Green):** I am pleased to open the stage 3 debate on behalf of the Scottish Greens and to support the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. I thank everyone who has worked on the bill, including the committee members, clerks and researchers, those who have given valuable evidence, and the successive cabinet secretaries with whom I have had positive and fruitful conversations. I thank all the organisations and groups that have sent in briefings or with which I have had very helpful conversations over the course of the bill's passage.

Most of all, I thank those people who have shared their personal stories so bravely and generously. Stephanie Bonner lost her first-born child—her son, Rhys—when he was only 19. That is more than enough grief for anyone to bear. However, the pain of his death was multiplied by the failure of Police Scotland to investigate it properly, the betrayal through the lies that she was told, the way in which her simplest questions were met with what she has described as a "wall of silence", and the four years that it took just to get

through the complaints process. Nothing that we do today can redress those wrongs. Her questions have never been answered. She does not even know where to lay her flowers.

What we can do, though, is to honour Rhys's memory and Stephanie's courage and compassion, for she does what few would be prepared to do: she speaks for not only herself but all who have experienced the pain and betrayal of police failures and the obstruction and intimidation that are used to defend the indefensible.

Others, including Magdalene Robertson and Bill Johnstone, have generously shared their own terrible experiences to help develop and scrutinise the work of the bill. We stand in gratitude, admiration and respect.

Our society, and the legislation that has been passed in this and other places, gives an extraordinary range and depth of power to its police officers. That power can be misused in the most horrific ways. The bill that is before us was instigated by the work of Lady Elish Angiolini. It represents one strand of response to the recommendations of her report on the police complaints system, which was published in 2020.

Between that report and the introduction of the bill, she was called on to chair another inquiry, which was into a crime that prompted grief and rage across the United Kingdom and the rest of the world. Sarah Everard was a young woman of 33 who was raped and murdered by an elite Metropolitan Police officer in an act of premeditated and deliberate femicide. She was murdered because she was a woman, because he was a misogynist predator, and because the recruitment, vetting and management processes that should have recognised his utter unsuitability for any position of power were broken or non-existent.

As Stephanie Bonner has been, Sarah Everard's relatives have been heroic and selfless in their determination to bring about change—to shine a light on that culture of misogyny, those institutional failures and that lack of attention, foresight and care. Those failures are perhaps especially evident in the Metropolitan Police, but no force, including Police Scotland, is entirely free of them.

Not only misogyny but racism and other forms of discrimination are embedded deep in institutional cultures, attitudes and processes. That fact has been acknowledged at the highest levels. That is why I end by remembering Sheku Bayoh and reiterating my sorrow, sympathy and solidarity with his family as they endure their own long wait for answers and accountability.

The work that we do here, this afternoon, can bear fruit only if it is part of a wider endeavour of

transforming our systems, challenging our institutions and making genuine, open and accessible justice a reality for us all.

17:04

**Liam McArthur (Orkney Islands) (LD):** I add my thanks to the committee and those who gave evidence. I also thank Lady Elish for laying the foundations for the important and necessary reforms that we are debating as part of the bill.

The vast majority of police officers conduct themselves with the utmost integrity and work tirelessly to keep people and communities across Scotland safe. They do so as the demands that are placed on them and the challenges that they face grow ever greater. Last month, at the Scottish Police Federation awards ceremony, I was privileged to witness the commitment, selflessness and bravery that are shown daily by officers around the country. That was truly humbling.

At the same time, to protect those in its service and those whom it serves, policing requires officers and staff to adopt the most stringent of ethics codes. Service in the force, while uniquely challenging, also provides a unique degree of power over fellow citizens. When that power is abused or misused, accountability and transparency must be paramount. Too often, however, that does not appear to be the case, and victims are often left feeling shut out from the complaints system. Scottish Liberal Democrats welcome the bill and the efforts that have been made to provide a clear regulatory framework and more robust vetting procedures, to increase the scrutiny role of independent bodies and to strengthen the consequences of misconduct.

The Angiolini report emphasised the need for a proactive approach, as well as an open and frank debate on the state of Scottish policing. Let us not forget that there are 2,000 unresolved complaints against members of the police force, of which 1,200 are yet to be even allocated an investigation—a point that Douglas Ross made in relation to his amendment. I therefore welcome the approach of the justice secretary and the Criminal Justice Committee in consulting those with lived experience of the complaints system—both civilians and those on the police side.

I commend and congratulate Sharon Dowe and Katy Clark on the amendments that they have had accepted at stage 3 today. I also welcome Pauline McNeill's moves to air a subject that needed to be debated around the vetting system. We accept the need for vetting, but there are genuine and reasonable misgivings about how it might be used inappropriately. The debate that we were able to have today was worth while, so I thank Pauline McNeill for allowing it to happen.

I echo Victim Support Scotland's assessment that it is not enough simply to have in place procedures that deal reactively with those who violate the code of ethics or engage in misconduct. Periodic vetting procedures provide scope for proactive scrutiny and reflect the intentions of the Angiolini report in that regard.

I recognise the concerns that have been raised by the Scottish Police Federation and by ASPSP in a meeting with me this morning. We will need to keep the issue under review. I welcome the reassurances and clarifications that the cabinet secretary has offered in response to the amendments. As she said, policing by consent demands that the highest ethical standards are upheld.

For the public to have trust, they must see and feel that systems are in place that are designed to protect them should they encounter misconduct. The points that Douglas Ross made in relation to his amendment indicate that there are still gaps, but the exchange with the cabinet secretary was very helpful. On the whole, I believe that the bill takes us much closer to that point, and the Scottish Liberal Democrats will vote in favour of the bill at decision time.

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

17:07

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** Although I am not speaking this afternoon in my capacity as convener of the Criminal Justice Committee, I put on the record my thanks to my committee colleagues for their commitment to effective scrutiny of the bill and for lodging a range of constructive amendments, as well as my thanks to the cabinet secretary.

The Police (Ethics, Conduct and Scrutiny) (Scotland) Bill outlines a range of provisions, at the heart of which is ensuring strong and transparent processes to investigate complaints and allegations of misconduct involving police officers and certain police staff. The vast majority of police officers and staff are absolutely dedicated and honest and they do an incredibly difficult job. A key objective of the bill is to ensure public trust and confidence that, when something goes wrong, a complaint will be taken seriously and dealt with in a timely manner. That came across loud and clear at stage 1, when the committee took evidence from members of the public who had made a complaint to Police Scotland or the PIRC, and from an officer who was the subject of a complaint. Much of their evidence demonstrated the profound impact that the shortfalls in complaints handling had had on them.

It is clear that, when the standard of behaviour of officers or staff falls short, there must be accountability. In that regard, I am pleased that the bill addresses the issue of enabling gross misconduct proceedings to continue or to commence when a person ceases to be a constable. I am pleased that that has developed further through stages 2 and 3.

Stage 2 saw a detailed debate on the bill's provisions, including on the vetting code of practice, which was the subject of extensive amendments this afternoon. I welcome the cabinet secretary's detailed rationale for the vetting code of practice. No one doubts the importance of a vetting process for officers and staff. However, the provision was a clear recommendation of the "HMICS Assurance review of vetting policy and procedures within Police Scotland."

Concerns about today's amendments were clearly set out by HMICS and Police Scotland in their respective correspondence to the Criminal Justice Committee on 9 January. As His Majesty's Inspectorate of Constabulary in Scotland set out in its report, vetting has historically been used to reduce corruption, with the focus being on the protection of police information and assets. For example, if intelligence is lost to serious and organised criminals, the harm to vulnerable people and the damage to public confidence and to the reputation of the police service can be considerable. It also undermines colleagues and the communities that they serve. Vetting policy is fundamental to reducing risk but, importantly, the application of a code of practice must be robust and effective.

I understand the spirit of amendment 28, which was lodged by Douglas Ross, in relation to the transparency of the process. Mr Ross set out his intention clearly, and I understand the shortcomings of the process. Should the amendment have been moved and agreed to, however, my concern would have been about the absence of consultation, which Mr Ross recognised, and the potential safety risks that are associated with the provision of personal information if it finds its way into the public domain. I am confident that that was not the intention of the amendment and I am pleased that the cabinet secretary responded to it in detail.

The bill provides a range of additional provisions that will allow greater scrutiny and transparency in the handling of complaints and allegations of misconduct. I urge members to support it at stage 3.

17:12

**Jamie Greene (West Scotland) (Con):** When I spoke in the stage 1 debate on the bill, I reiterated

the point, which has been made today, that we police by consent in Scotland. We ought to cherish that value, which can never be taken for granted. We all expect the highest standards of everybody in our police service, but we know that, by some, that trust has been well and truly broken. Equally, I make the point that passing laws that were born from a virtuous desire to root out malpractice or to fix procedural failures should never be done in a way that undermines greater morale among serving officers, nor should any such legislation be used as a loophole to remove unwanted characters from the force in situations in which conduct is not the issue but personality is.

Calum Steele did not mince his words when criticising the bill in *The Herald* today. I do not necessarily agree with everything that he wrote in his article, but he made some pretty prickly points. The loss of public confidence in Police Scotland is, in his view, largely thanks to a

“lack of training and organisational negligence”.

In his view, a litany of leadership issues have created the perfect environment for declining standards in Police Scotland. That is compounded by the fact that officers with limited experience are now serving as mentors to their peers and new recruits. When I was on my party’s front bench as shadow justice secretary, I recall raising on numerous occasions the fact that a loss of expertise in the higher ranks of Police Scotland would lead to newer and far less experienced officers making judgments that others might not have made.

That must all be seen against the backdrop of the vastly changed role of police officers in Scotland today. They are tackling a mental health crisis and picking up the pieces when every other broken public service has closed its doors and gone home. The backdrop also includes crumbling police buildings and cars, a lack of kit, information technology and software systems that leave much to be desired and, in my view, clear clashes in direction between those at the top of policing and those on the ground who are doing the work. I have witnessed and heard anecdotally that a glacial “them and us” environment exists between the leadership and the rank and file, and equally between civilian and commissioned roles in Police Scotland. The bill will not fix any of that; it conveniently ignores those long-standing organisational failures in Police Scotland.

David Kennedy, the current secretary of the SPF, wrote to every MSP yesterday and raised more worrying points about the bill. His concerns that vetting could be used as a poor substitute for misconduct practices and as a blunt tool to dismiss officers via the back door have been well debated today. I will not dance on the head of the procedural pin, but such substantive amendment

should not have occurred without proper consultation at stage 1. It is unsatisfactory.

The public deserve due and robust complaints procedures. Unfortunately, however, we are now faced with the conundrum of being asked to support a bill whose aims and ambitions are broadly welcomed by victims organisations, for which I have the greatest respect, but whose detail has been described as problematic and concerning by the body that represents front-line officers. That is far from ideal.

I have no doubt that there are bad eggs in policing—as there are in any large public body—so the beefing up of the misconduct rules is broadly welcome. I also believe that too many people have been let down in the face of very complex complaints procedures. That, too, must be fixed. For some people, trust in Police Scotland has been lost forever due to what they deem to be institutional cover-ups fuelled by colleague camaraderie or even misplaced loyalty.

I will therefore support the bill today but, in supporting it, let us never forget that it is always the tiniest minority of police officers who fall short of our high expectations. I want victims and the public to know that we take misconduct seriously, but I also want every serving police officer and civilian member of staff in Police Scotland to know that the Parliament has their backs, too. Striking that balance has never been easy and it will never be easy, but it must be done for all of our sakes.

**The Presiding Officer:** We move to winding-up speeches.

17:17

**Maggie Chapman:** In my opening speech, I spoke about some of the worst things that bad policing can lead to—about people lost to violent and early deaths and about families who hold, with their loving memories, clear visions for transformational change. Those are not random tragedies; they are deadly intersections of harm by individual officers with institutional, cultural and systemic patterns of prejudice, misogyny and intimidation.

That is why, to make effective change, our response must be threefold. First, it must address the individual, making sure that serious inquiry is made of all police officers and anyone who applies to join. That means scrupulous, robust and repeated vetting. I am grateful that the issue has been well discussed this afternoon, and I have no doubt that there will be on-going scrutiny of it and related issues in the coming months and years, because nothing that the police do is more important than ensuring that they are not the cause of serious harm.



Secondly, our response must address police culture, dismantling the “wall of silence” described by Stephanie Bonner and the toxic assumptions that enabled Wayne Couzens and others to abuse their power so horrifically. That requires a code of ethics that is not only disseminated but adhered to and internalised, with robust duties of candour and co-operation that are universally understood and enacted. I am sure that Sharon Dowey’s amendment will go some way to ensuring that.

Thirdly, our response must ensure that complaints are taken seriously and investigated properly, independently, swiftly and comprehensively with respect and humanity. That means having systems that are accessible, fair, trauma informed and appropriately transparent. Policing by consent, which has been discussed by the cabinet secretary, Liam McArthur and Jamie Greene, cannot mean mere public toleration but must mean active relationships of trust, communication and responsibility. That responsibility must include acknowledgement when mistakes are made and apologies to those who are harmed. In her evidence to the committee, Stephanie Bonner said:

“The system is absolutely designed to break you.”—  
[*Official Report, Criminal Justice Committee*, 17 April 2024, col 8.]

Presiding Officer, it is now time for healing. I reiterate Scottish Greens’ support for the bill. It is an important step in making Scotland’s policing more sensitive, just and accountable, but the bill alone, as many witnesses have testified, will not be enough. We need to change cultures and attitudes both within Police Scotland and in our wider society, and that will not be easy.

Can police officers maintain their camaraderie and concern for one another’s safety and welfare without the secrecy, impunity, prejudice and misogyny that too often accompany them? Can our media, our educators and we ourselves dare to shine a critical light on police institutions and activities while still recognising the good to which the vast majority of officers aspire? Can individual police officers speak out when their consciences require it, without being intimidated or ostracised?

As I suggested back in the stage 1 debate, if we were starting from scratch, we might create something very different from today’s police forces. However, this is what we have now, and it is the system with which we must engage. Reform will be an on-going and iterative process—sometimes painful and faltering—but our vision is clear. It is a vision of a future where policing is truly for the benefit of all, not only those of privilege; where wrong can be redressed; and where justice for all in Scotland is an active reality.

**The Presiding Officer:** Members will wish to know that we have a little time in hand.

17:21

**Katy Clark (West Scotland) (Lab):** I am pleased to close the debate on behalf of Scottish Labour. We will support the bill today, although we have had significant concerns about it during the scrutiny process.

We recognise that the bill comes to us as a result of the Angiolini review, and we accept that some of the changes should be made. We believe, however, that there still needs to be significant cultural change in our police service and that the bill in itself is not going to deliver that. The police service itself accepts that it is institutionally sexist and racist, and the Sheku Bayoh and Ian Packer cases, for example, highlight some of those concerns. The bill is technical and far from transformational, and we believe that it fails to address some of the legitimate concerns that are being raised by the public about policing and about the handling of complaints. We therefore agree with Maggie Chapman that the bill is unlikely to address some of the significant issues that are raised in high-profile cases.

At stage 1, there were significant concerns about the adequacy of the financial memorandum, and we are pleased that those have been addressed. We were also concerned specifically, as Pauline McNeill said, that the amendments relating to vetting procedures were lodged late and were therefore not scrutinised by the committee. The Scottish Police Federation and Unison have raised concerns about some of the potential implications for police officers and civilian staff. Scottish Labour has been concerned about both the level of engagement with the unions and some of the concerns that they are raising.

As I have said before, I warmly welcome the additional resources that have been put into vetting by the Scottish Government as a result of high-profile cases such as that of Wayne Couzens. We recognise that there is a need for vetting to be strengthened, but, given the lack of scrutiny during the bill process and what the cabinet secretary has said today, I very much hope that it will be possible to have a cross-party consensus as we proceed with the changes.

There is real concern about how the legislation will be perceived in the employment space and that it will be used as a disciplinary procedure. I understand that the Scottish Government’s position is that the duty of candour relates to institutions and does not impact on the employment rights of individuals. It would be helpful if the cabinet secretary could put that on the record today, given the specific concerns that have been raised by Unison and the Scottish Police Federation.

The Criminal Justice Committee heard evidence from a number of witnesses who complained about their treatment by the police and about the police complaints process. It is fair to say that some of the evidence that the committee heard was shocking and harrowing. Both Fergus Ewing and Maggie Chapman have spoken today about specific cases. However, it is far from clear that the bill that we are discussing will make any difference to the experience of such witnesses.

We recognise the very difficult job that our police service performs and the significant risks that the police take daily. However, public institutions must behave with candour. We pay tribute to all the campaigners whose activity has led to this type of legislation being lodged across the UK, although we recognise that the bill falls short of what is required to address some of those injustices and breaches of trust. We look forward to continuing to work with members across the chamber on the issues, recognising that the bill, if passed, is unlikely to make the significant differences that we believe are required if we are to meet the challenges that have been put to us.

17:25

**Liam Kerr (North East Scotland) (Con):** I have listened carefully to the stage 3 debate, having not been directly involved in the bill until shortly before the stage 3 consideration commenced. Since becoming an MSP, I have heard a number of members plead that we should not let the perfect be the enemy of the good. I fear that, by failing to seek perfection in the bill, which I think that we need to strive for when we are legislating, the Parliament risks settling for the bill being just about good enough. On the one hand, the bill is important and it will achieve important changes, as my colleague Sharon Dowey set out. That point was also reinforced by the persuasive submission that we received from Victim Support Scotland last night, which actively urged us to support the legislation.

The bill introduces changes such as the new code of ethics, which has been welcomed as a step in the right direction. Although the duty of candour has been welcomed, some stakeholders and members have questioned whether it will have a meaningful impact. Perhaps the cabinet secretary can allay those fears in her closing remarks when she answers the concerns of Unison and the SPF, as raised by Katy Clark. There are changes to the disciplinary processes to allow them to continue even after the cessation of engagement, and on the independent adjudication of senior officers, and there are significantly expanded powers for the PIRC.

**Douglas Ross (Highlands and Islands) (Con):** During the consideration of amendments, I cited a

constituency case of someone who made a complaint against the police 16 months ago but was told yesterday that the complaint has still not been allocated to someone to investigate it. Does the member agree that, if we are to have confidence in the system, Police Scotland needs to get an awful lot better at dealing with those complaints and resolving them, because complainants need answers?

**Liam Kerr:** That is a very important point, which goes towards what the bill will achieve. As I set out at the start, there are areas in which I think that the bill is far from ideal. Just this morning at the Criminal Justice Committee, the PIRC candidly admitted that it is unclear at this stage what the extent of the extra workload that it will be required to do will be. It acknowledged that it is running at full capacity already. Although it will, of course, do its best to meet all the objectives that are put on it, it will require adequate resource. At this stage, it is not in a position to say what additional costs the bill would impose. That is in a situation in which the PIRC has already said in its annual report that it is having to request additional funding for staff costs and temporary funding for legal fees.

Its uncertainty is understandable, given that, as Katy Clark highlighted, the financial memorandum's projections for the bill from last summer were at least £4 million lower than was necessary in order to meet the obligations as they existed at the time. The Government admitted at the Finance and Public Administration Committee that it had failed to take account of inflation and pay rises, and that it was using scenarios and figures that related to September 2022—yet the bill was being discussed in 2024. Of course, we have a new financial memorandum that was published in November last year, which the Government will say is authoritative. However, a whole raft of new features and requirements have been added to the bill, such as vetting and other items that will be developed as a result of the bill. My general position of having little, if any, confidence in the Government's financial projections has not changed.

Finally, like Pauline McNeill, I am deeply uncomfortable that something that is as important as vetting was introduced at stage 2, which means that it has not been subject to the usual call for views or consultation process. There is a wider point about how we legislate in the Parliament, which is for another day.

The fact is that we have heard in the past couple of days significant concerns from the SPF about those changes to the vetting process, as Jamie Greene flagged earlier. Those concerns worry me because, from listening to the amendment debates and reading the SPF's

concerns, I think that it seems more than possible that there is something to them.

As MSPs, we have done our best to amend the provisions, but will the amendments address the concerns? Will they head off the unintended consequences? It is difficult to say, because the provisions were introduced only at stage 2 and lack detail. Perhaps the cabinet secretary can in closing set out her response to the federation's concerns and, I hope, allay them, because that is the issue.

Given all the good things that the bill will bring in, I will vote for it at decision time. However, as with so many bills emanating from the Scottish Government, it is far from perfect. I hope that the cabinet secretary will make the case that it is good enough for now.

17:30

**Angela Constance:** I thank all members for their contributions and for the spirit of constructive co-operation that has, by and large, been evident throughout the journey of the bill, despite one or two feisty moments.

It is clear to me, from listening to the contributions of Maggie Chapman, Douglas Ross, Fergus Ewing and many others today and throughout the committee process, that they have been deeply affected and touched by the personal testimony of individuals and their families when matters have not been dealt with as they should have been. Members know the value of those who have lived experience of the complaints and misconduct system. That lived experience has been deeply informative to all our collective deliberations, not least in the journey of the bill.

In equal measure, it has also been apparent to me throughout the scrutiny of the bill that there has been a very deep desire to ensure fairness to our police officers. I pay tribute to Audrey Nicoll, the convener of the Criminal Justice Committee, who, as a former police officer, embodies the determination to have exemplar public services, particularly in policing, where we must always strive for greater and better, as well as the determination to ensure fairness to front-line staff. I pay tribute to her scrupulous approach and to her fairness and her determination, on behalf of all members of the committee, not just to raise issues but to follow matters up. The committee as a whole will never just raise a concern as a one-off but will always see issues through. I have seen that with regard to this bill and other work that the committee has pursued—particularly the work in relation to policing and mental health.

I echo the comments of Ms Dowey and other members that we will all have to continue to work together, not least because there will be a massive

amount of regulation to bring to the committee. I reiterate that, whether it is in relation to the issues raised by the PIRC on its new responsibilities, should the bill be passed, or the debate that we have had on vetting, there will be further consultation. That will happen at the Scottish police consultative forum, before regulations are brought to Parliament, or in the engagement that I have with individual organisations.

Our approach to improvement has been, first and foremost, to concentrate on Lady Elish Angiolini's non-legislative recommendations, and then to focus on the bill to take forward the legislative requirements. We now have to get into the business of regulations. With all of that in mind, I reiterate my thanks to my Scottish Government officials.

**The Presiding Officer:** Cabinet secretary, could you pause for a second? I am aware of several conversations taking place across the chamber, and I would be grateful if we focused on the cabinet secretary's remarks.

**Angela Constance:** I reiterate my thanks to the bill team and to officials from Government departments and policing bodies across the four home nations who have engaged with my officials to help form cross-border provisions, which the bill provides powers to enact. That includes officials from the Home Office, the Northern Ireland Executive, the Scotland Office and the College of Policing.

It is important to acknowledge the wealth of evidence that was submitted to the Criminal Justice Committee to help shape the bill, which came from organisations such as Amnesty International UK, Victim Support Scotland, the Equality and Human Rights Commission, the Scottish Human Rights Commission and the Scottish Biometrics Commissioner. Of course, I also thank again all those individuals with lived experience, police and stakeholders who have supported and informed the bill's development.

I will not reiterate the stage 1 and stage 2 debates, but I will say two things briefly. First, if I had ignored the recommendation of HMICS and the Criminal Justice Committee to lodge an amendment on vetting, I think that I would have received criticism that was equal to the criticism that I received for lodging it. Nonetheless, the debate in and around the detail of the vetting provisions has been well motivated and will strengthen our engagement as we go forward.

On Katy Clark's question about the organisational duty of candour, the individual duty of candour will apply only to those who hold the office of constable, while the organisational duty of candour will apply to those who are, in an indirect

manner, under the control of the chief constable—that is, constables and police staff.

I will end with two quotes that capture what we are all endeavouring to achieve. Last year, when Lady Elish Angiolini gave evidence to the Criminal Justice Committee, she said:

“the system in Scotland is possibly nearly as good as you can get it. It is always possible to improve the system, and to incorporate good ideas that could enhance it, but, generally, it is significantly better than it was when I started as a young fiscal depute.”—[*Official Report, Criminal Justice Committee*, 16 May 2024; c 11.]

Of course, our journey must continue. As Lady Elish wrote:

“Instant results are seldom possible and seldom sustained. Changing the culture is a long game but it is worth investing time, effort and resource now to lay solid foundations for a process of change that is absolutely essential.”

I commend the bill to Parliament, as it is another vital step forward.

## Business Motion

17:38

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

The next item of business is consideration of business motion S6M-16113, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 21 January 2025

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate:  
Compensation for WASPI Women

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 22 January 2025

2.00 pm Parliamentary Bureau Motions

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

*followed by* Scottish Conservative and Unionist  
Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 23 January 2025

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Social Justice

*followed by* Stage 3 Proceedings: Welfare of Dogs  
(Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 28 January 2025

2.00 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Topical Questions (if selected)  
*followed by* Scottish Government Business  
*followed by* Committee Announcements  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 29 January 2025

2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions:  
 Constitution, External Affairs and  
 Culture, and Parliamentary Business;  
 Justice and Home Affairs  
*followed by* Scottish Labour Party Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
*followed by* Approval of SSIs (if required)  
 5.10 pm Decision Time  
*followed by* Members' Business

Thursday 30 January 2025

11.40 am Parliamentary Bureau Motions  
 11.40 am General Questions  
 12.00 pm First Minister's Questions  
*followed by* Members' Business  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Portfolio Questions:  
 Education and Skills  
*followed by* Finance and Public Administration  
 Committee Debate: Scottish Budget  
 2025-26  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 20 January 2025, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Jamie Hepburn*]

*Motion agreed to.*

## Parliamentary Bureau Motions

### The Presiding Officer (Alison Johnstone):

The next item of business is consideration of Parliamentary Bureau motion S6M-16114, on approval of a Scottish statutory instrument. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move the motion.

*Motion moved,*

That the Parliament agrees that the Land and Buildings Transaction Tax (additional amount: transactions relating to second homes etc.) (Scotland) Amendment Order 2024 (SSI 2024/367) be approved.—[*Jamie Hepburn*]

17:39

**Craig Hoy (South Scotland) (Con):** I rise to speak against the increase in the additional dwelling supplement that is contained in the SSI. In the Finance and Public Administration Committee, Liz Smith and I voted against the change because of the likely effect on the housing market and because it amounts to another Scottish National Party stealth tax.

Although the Government says that its recent policy changes are not negatively impacting the buy-to-let market, that is not the evidence that we are receiving anecdotally from landlords who are leaving the market and those who are not adding to their portfolios. It is not what the sector says, either. Timothy Douglas, Propertymark's head of policy and campaigns, made that clear when he said:

"With the huge demand for private rented property and long-term rent control measures contained in the Housing Bill, the Scottish Government's decision to raise Additional Dwelling Supplement ... from six to eight per cent is ... out of touch with the housing needs of Scotland."

I concede that the change might have less of an impact on the build-to-rent market, because transactions that involve more than six properties are excluded from ADS. However, surely the Government must concede that many buy-to-let investors have only a couple of properties.

When the Minister for Public Finance gave evidence to the Finance and Public Administration Committee, he somewhat casually dealt with a point that cannot be easily disregarded. If somebody buys a buy-to-let property for £200,000, they will have to pay £16,000 in ADS, which will undoubtedly be passed on to the tenant through higher rent.

### John Mason (Glasgow Shettleston) (Ind):

Does Craig Hoy accept that the change will advantage first-time buyers and make it easier for them to compete with somebody who is buying to let?

**Craig Hoy:** I will address that point in a second.

As I pointed out to the minister, the tax will be a contributing factor to significant rent increases in Scotland, because it will constrain supply. Edinburgh has the highest rent rises in the United Kingdom, at 12 per cent, and Nationwide suggests that higher rents are now preventing some tenants who would become first-time buyers from saving for a deposit in order to buy their first home, which is the stated policy and objective of ADS. Nationwide said:

“house prices remained high relative to average earnings, which meant that the deposit hurdle remained high for prospective first-time buyers.

This is a challenge that has been made worse by record rates of rental growth in recent years, which has hampered the ability of many in the private rented sector to save”

for their deposits.

In evidence to the committee, the minister gave us little confidence that the policy intent of the tax rise was being met. He described the picture as being subject to “all kinds of factors”. However, the Government has announced that a review will be conducted to explore various aspects and elements of land and buildings transaction tax, which could include the additional dwelling supplement. I hope that, even if the tax rise passes tonight, the Government will still commit to a review of ADS.

The sad fact is that, in the committee, Scottish Labour voted for the tax rise. Anas Sarwar appears to be spineless when it comes to standing up to the Scottish Government on the Scottish budget. The increase in the additional dwelling supplement is just one bad element of a bad budget—a bad budget that will pass next month because Scottish Labour has caved in without getting concessions from the SNP.

However, the Scottish Conservatives will side with common sense and oppose the latest SNP tax rise.

17:43

**The Minister for Public Finance (Ivan McKee):** The Land and Buildings Transaction Tax (additional amount: transactions relating to second homes etc) (Scotland) Amendment Order 2024 increases the rate of the additional dwelling supplement from 6 per cent to 8 per cent, with effect from 5 December 2024. The increase is intended to further protect opportunities for first-time buyers and home movers by helping them to compete with buy-to-let investors and second-home owners. For example, someone who is purchasing a £200,000 property as an additional home will have to pay £16,600 more in tax than a first-time buyer would.

The increase is also forecast to raise much-needed revenue at a time when public finances

are under significant pressure. The Scottish Fiscal Commission estimates that it will generate an additional £32 million through ADS in the next financial year, thereby contributing to a forecast total for net ADS of £258 million. The forecast incorporates the SFC’s assumptions about the behavioural effects of the change, including the extent to which it will result in more main-market purchases by first-time buyers and home movers than would otherwise have been the case.

Some members have raised concerns about the measure’s potential impact on the provision of housing for private rent. Although the stated policy intent of the increase is to support further opportunities in the main market, in particular for first-time buyers, I recognise the private rented sector’s importance in Scotland’s housing system. I know that not everyone can—or wishes to—buy their own home or easily access affordable housing. We are committed to ensuring that the private rented sector in Scotland is an attractive and affordable option for those who make use of it. We are working to achieve that by ensuring that the sector provides good-quality homes through improved standards and effective regulatory systems. We also want to encourage investment in the sector, so I take those concerns seriously.

Although I appreciate that the circumstances might be different, similar concerns were raised when the ADS was first introduced and again when the rate was increased to 6 per cent in 2022. Although a range of factors, such as interest rates and general housing market performance, must be considered, I note that ADS transactions and revenue in 2023-24 were higher than was initially forecast.

I recognise that the tax is just one factor that will be considered, but I am not aware of any systemic evidence that the ADS has had a significant detrimental impact on the availability of homes for rent in Scotland. The latest available data from the Scottish Landlord Register, for example, indicates that landlord numbers have remained relatively stable since the beginning of 2022, and that the number of properties that are available for rent increased over that period. However, we will continue to monitor the situation and consider all available data concerning the private rented sector.

We are supporting the emergence of a larger-scale PRS by maintaining the relief from ADS when six properties or more are acquired in a single transaction. That has repeatedly been highlighted as a positive differentiator for Scotland in our effort to support the emergence of a larger-scale build-to-rent sector. We recognise build to rent’s role as a mainstream housing delivery model that makes an important contribution to the broader housing market. I look forward to

continuing our engagement with the sector on that matter.

Members have also raised concerns about the potential impact of the tax, where difficult or exceptional circumstances might apply—

**The Presiding Officer:** You must conclude, minister.

**Ivan McKee:** We are taking forward an ADS review, which will conclude in April 2024, to address many of those matters—

**The Presiding Officer:** Thank you, minister. I must ask you to conclude at this point.

**Ivan McKee:** Finally, Presiding Officer, I need to make—

**The Presiding Officer:** Finally, minister, I need to ask you to conclude in order to comply with our standing orders.

**Ivan McKee:** On a point of order, Presiding Officer. I need to refer members to my entry in the register of members' interests with regard to private rented property.

**The Presiding Officer:** That might not be a point of order, minister, but it is now on the record.

The question on the motion that has just been debated will be put at decision time.

**The Presiding Officer:** The next item of business is consideration of four more Parliamentary Bureau motions. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move motions S6M-16115 and S6M-16116, on approval of Scottish statutory instruments; S6M-16117, on committee membership; and S6M-16118 on substitution on committees.

#### *Motions moved,*

That the Parliament agrees that the Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025 [draft] be approved.

That the Parliament agrees that the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2025 [draft] be approved.

That the Parliament agrees that—

Katy Clark be appointed to replace Daniel Johnson as a member of the Delegated Powers and Law Reform Committee; and

Mark Griffin be appointed to replace Katy Clark as a member of the Social Justice and Social Security Committee.

That the Parliament agrees that Carol Mochan be appointed to replace Mark Griffin as the Scottish Labour Party substitute on the Social Justice and Social Security Committee.—[*Jamie Hepburn*]

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

## Decision Time

17:47

**The Presiding Officer (Alison Johnstone):** There are three questions to be put as a result of today's business. The first question is, that motion S6M-16093, in the name of Angela Constance, on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by division, so there will be a very short suspension to allow members to access the digital voting system.

17:48

*Meeting suspended.*

17:49

*On resuming—*

**The Presiding Officer:** We move to the vote on motion S6M-16093, in the name of Angela Constance, on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

Members should cast their votes now.

#### **For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Doney, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green) [Proxy vote cast by  
 Gillian Mackay]  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote  
 cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)  
 (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 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)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Regan, Ash (Edinburgh Eastern) (Alba)

**The Presiding Officer:** The result of the division on motion S6M-16093, in the name of Angela Constance, on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill is: For 116, Against 0, Abstentions 1.

#### *Motion agreed to,*

That the Parliament agrees that the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill be passed.

**The Presiding Officer:** The Police (Ethics, Conduct and Scrutiny) (Scotland) Bill is passed. [Applause.]

The next question is, that motion S6M-16114, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

**Members:** No.

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

#### 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)  
 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)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green) [Proxy vote cast by  
 Gillian Mackay]  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 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]  
 Marra, Michael (North East Scotland) (Lab)  
 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)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowe, 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)  
 Golden, Maurice (North East 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)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division on motion S6M-16114, in the name of Jamie Hepburn, on approval of an SSI, is: For 88, Against 29, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the Land and Buildings Transaction Tax (additional amount: transactions relating to second homes etc.) (Scotland) Amendment Order 2024 (SSI 2024/367) be approved.

**The Presiding Officer:** If no member objects, I propose to ask a single question on four Parliamentary Bureau motions. The final question is that motions S6M-16115 and S6M-16116, on approval of SSIs; S6M-16117, on committee membership; and S6M-16118, on a committee substitute, all in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, be agreed to.

#### *Motions agreed to,*

That the Parliament agrees that the Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025 [draft] be approved.

That the Parliament agrees that the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2025 [draft] be approved.

That the Parliament agrees that—

Katy Clark be appointed to replace Daniel Johnson as a member of the Delegated Powers and Law Reform Committee; and

Mark Griffin be appointed to replace Katy Clark as a member of the Social Justice and Social Security Committee.

That the Parliament agrees that Carol Mochan be appointed to replace Mark Griffin as the Scottish Labour Party substitute on the Social Justice and Social Security Committee.

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

17:54

*Members' business will be published tomorrow, 16 January 2025, as soon as the text is available.*

The full *Official Report* of today's meeting will be published online within three hours of the close of business today.

Members who wish to suggest changes to this draft transcript should email them to [official.report@parliament.scot](mailto:official.report@parliament.scot) or phone the official report on 0131 348 5447.



The Scottish Parliament  
Pàrlamaid na h-Alba