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Scottish Parliament

Thursday 20 February 2025

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

General Question Time

The Presiding Officer (Alison Johnstone): Good afternoon—morning, actually. The first item of business is general questions.

Waste Incineration (Environmental Concerns)

1. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government what discussions it has had with the Scottish Environment Protection Agency regarding how it will address any environmental concerns that arise from new waste incineration sites that have already received approval. (S6O-04330)

The Acting Minister for Climate Action (Alasdair Allan): As a statutory consultee to the planning process, and Scotland's environmental regulator, SEPA considers the environmental operation and management of waste facilities. That is a duty that is independent of the Scottish Government.

Through SEPA permits, waste incineration facilities must apply best available techniques, which were recently reviewed, to limit emissions. The new limits are now in force at all operational facilities. SEPA requires incinerator operators to publish emissions results and undertake their own monitoring to verify them, and it addresses non-compliance, in accordance with its enforcement policy.

Jamie Greene: I thank the minister for that helpful update. He might be aware of a new site in Irvine on the west coast that was given planning permission before the moratorium came into play. The permission was granted during Covid, and many local campaigners felt that the consultation process was not quite adequate. SEPA has yet to grant an operating permit for the site's opening.

I recently met outside Parliament campaigners who are concerned that local voices and concerns about the site have yet to be answered and that consultation and information sessions are not taking place with the new site's operator. Will the minister encourage the site's owners to engage with local community activists, and will he ask SEPA to take that into account when it assesses whether to grant a permit?

Alasdair Allan: It is fair to say that I would be reluctant to intervene in a conversation that SEPA is already having about an operating licence.

Suffice to say, I would expect communities to be involved in all those conversations.

The member alludes to the fact that no new planning permissions have been granted since the publication of the review on the matter. That continues to be the Scottish Government's policy nationally.

Clare Haughey (Rutherglen) (SNP): Alongside Blantyre, Cambuslang and Halfway community councils, I campaigned successfully against a proposed incinerator in Hamilton. I know that many local people welcomed the Scottish Government's announcement of a moratorium on new incinerator sites. Can the minister update Parliament on the actions that the Government is taking to limit and reduce the amount of waste sent to existing incinerators?

Alasdair Allan: We have met our target to reduce total waste in Scotland by 15 per cent against 2011 levels, and in 2022, our recycling rate in Scotland was 62.3 per cent, which is the highest since records began. The Government has made a significant investment in modernising recycling in Scotland.

Mercedes Villalba (North East Scotland) (Lab): Protecting our environment and communities from pollution and waste should be a priority of the Scottish Government. The waste management hierarchy lays out how waste should be prevented first of all, then reused, recycled, recovered and only then disposed of. Energy from waste incinerators should be the last step before disposal. During the passage of the Circular Economy (Scotland) Bill, Scottish Labour fought for a legal requirement to adhere to the waste management hierarchy, but how is the Scottish Government working to ensure that that hierarchy is followed in managing Scotland's waste?

Alasdair Allan: As I have mentioned, there are independent mechanisms by which some of that is overseen. The Scottish Government has set itself exacting targets, and Scotland has made significant progress in reducing waste; the overall recycling rate in Scotland of 62.3 per cent is the highest since records began, and official statistics show that we now landfill less than a quarter of all waste. As the member has mentioned, there is much still to be done, but I believe that Scotland is making significant progress in the right direction.

Community Resilience (Storm-related Disruption)

2. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government what consideration is being given to increasing community resilience and supporting communities' ability to respond to storm-related disruption such as power outages. (S6O-04331)

The Acting Minister for Climate Action (Alasdair Allan): The Scottish Government supports communities by providing national guidance to Scotland's statutory emergency response organisations, as well as advice and online learning through the Ready Scotland website and the public information campaign, and convening online and face-to-face events with communities and voluntary organisations to support the sharing of best practice.

Within Scotland's established resilience partnership arrangements, local authorities are the main link to communities, supporting them in developing emergency resilience activities and plans, including those for significant power outages. During storm Éowyn, local authorities, power companies, voluntary sector organisations and other local responders rose to the challenge and supported communities across the country.

Evelyn Tweed: Storm Éowyn left many people without power for days, and communities relied heavily on local authorities, energy companies and charitable support during that time. What steps are being taken to help communities support themselves during significant power outages?

Alasdair Allan: As I have mentioned, support exists through a number of channels, but supporting and building community resilience is key to all of that. As a Government, we recognise that communities are best able to address their own priorities. It is worth saying, too, that, at national level, the Scottish Government, through agencies such as the civil contingencies division, facilitates that conversation and that work in the voluntary sector resilience partnership.

Dundee Heritage Trust (Support)

3. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what support it can provide to Dundee Heritage Trust to ensure the long-term future of the organisation. (S6O-04332)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): I am aware of the challenges facing Dundee Heritage Trust, which is a very important organisation that is responsible for the RRS Discovery and the Verdant Works museum. I also recognise the challenges faced by heritage organisations across Scotland, which is why we are continuing to support the sector through the awarding of £4.2 million of funding in the draft 2025-26 budget to Museums Galleries Scotland and the development of a new £4 million culture and heritage capacity fund. We are continuing discussions with the trust and Dundee City Council with a view to the future.

Michael Marra: I welcome the conversations that I know the cabinet secretary has had with Dundee Heritage Trust. It does vital work in preserving Dundee's key tourism landmarks, including RRS Discovery and the Verdant Works museum, and, importantly, my community's heritage, for the next generation. Without the trust, Dundee City Council will be left with a very beautiful and very large old ship, but no one to care for it and no money to preserve it. Given that the budget for the organisation is being set today, will the cabinet secretary set out what he can do to give it some assurance that the Government can assist?

Angus Robertson: Michael Marra makes powerful points that have been the subject of discussions with Dundee Heritage Trust, the leader of Dundee City Council, Mark Flynn, and the constituency MSPs and MPs. I will make sure that Mr Marra is updated on progress, but I hope that he appreciates the important additional funding allocations for Museums Galleries Scotland and the new £4 million culture and heritage capacity fund, and that he will vote for those in the budget process next week.

Maurice Golden (North East Scotland) (Con): One way of providing resilience to Dundee Heritage Trust, and heritage sites more generally, is to boost visitor numbers. In that regard, will the Scottish Government explore a visitor incentive scheme for Tayside, as well as share best practice on interactive displays and exhibitions from iconic venues ranging from the national museum of Scotland to smaller venues?

Angus Robertson: I am open to any suggestions of the kind that Maurice Golden has made. Indeed, I welcome them very much, and I would be grateful if he could forward to me any further thoughts.

There is also the potential for integrated travel with visitor opportunities and the work that we are doing with festivals. I know that the question was specifically about locations rather than festivals, but I think that bringing together public authorities to support the heritage and cultural scene is part of the answer to the challenges that they face, as are the additional funds that I hope Maurice Golden will vote for in next week's budget process.

Gaelic-medium Education (Support for Local Authorities)

4. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government what support it is providing to local authorities to sustain and expand Gaelic-medium education. (S6O-04333)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We are committed to supporting the

growth of Gaelic-medium education throughout Scotland. A range of measures are in place to promote that growth, including capital and revenue funding, the provision of resources, professional support for Gaelic-medium education teachers, guidance for local authorities and support for parents. In addition, a range of additional measures will be included in the Scottish Languages Bill, which is making progress through the Scottish Parliament.

Michelle Thomson: Falkirk Council is due to decide on the removal of transport provision for pupils who attend GME in neighbouring local authorities and is engaging on the implications with Bòrd na Gàidhlig. As ever, costs are a consideration. Although the Scottish Government provides £13,000 directly to cover costs, the actual cost to the authority in 2024-25 was £83,000. Given the Scottish Government's commitment to enhancing opportunities for GME, what specific measures can the cabinet secretary outline to combat the significant shortfall in transport funding, which threatens opportunities for learners?

Kate Forbes: I say at the outset that I hope that the issue can be resolved in a way that allows young people from the Falkirk Council area to continue to have access to Gaelic-medium education provision. My officials have been in touch with the council on the matter. As Michelle Thomson says, I understand that any decision has been delayed for at least a month.

The Scottish Government provides £13,000 directly to Falkirk Council to support transport costs. Further to that, we have invited the local authority to work with us in relation to its Gaelic grant bids for next year, including in relation to school transport. Local authorities will receive additional support based on their need to transport Gaelic-medium education pupils to neighbouring authorities. For Falkirk Council, that support equates to an additional £19,000 in its local government settlement for 2025-26. I am happy to keep Michelle Thomson updated on the progress of the discussions.

Trade Barriers (Impact on Economy)

5. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government what impact trade barriers have on the Scottish economy. (S6O-04334)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): Trade barriers can pose significant challenges to our economy by restricting international trade—that depends on the countries and the products or services that are affected. Addressing trade barriers is important for economic growth, making it easier for Scottish

businesses to trade, improving efficiency and reducing costs and prices.

Gordon MacDonald: Recent analysis suggests that Scottish exports could be approximately 7 per cent lower than they would have been if we had continued to hold European Union membership, which equates to a loss of about £3 billion for sectors such as chemicals and pharmaceuticals, with output down by 9 per cent, computer and electronics equipment, with output down by nearly 8 per cent, and agrifood, with output down by 5 per cent. What representations has the Scottish Government made to the United Kingdom Government about forging closer co-operation with the EU to mitigate those impacts and reduce the trade barriers that are in place?

Kate Forbes: As Gordon MacDonald sets out, it is clear from the statistical evidence that Brexit has had a severe impact on Scotland's economy. Economic analysis such as that provides further evidence of the scale of that impact. It has been a major contributor to food prices going up and has wiped billions of pounds from the economy and tax revenues compared with EU membership—money that could and should have been spent on our national health service.

We continue to engage with the UK Government as it attempts to repair EU relations, and we support action to improve the trading environment, especially through a sanitary and phytosanitary agreement for our food, drink and agriculture sectors and regulatory co-operation to improve conditions for trade. However, as I am sure the member will agree, the best relationship that Scotland can have involves being in the EU.

Murdo Fraser (Mid Scotland and Fife) (Con): What assessment has the Scottish Government made of the cost to the Scottish economy of ripping us out of the UK single market and erecting trade barriers, such as a different currency, with our nearest neighbours and our largest marketplace?

Kate Forbes: It is a classic Conservative approach to ignore the damage that is being wrought on our industries and businesses—the very same industries and businesses that the Conservatives like to proclaim that they represent—and turn a blind eye to the damage being done to Scots and our workers, which is, indeed, a major contributor to the cost of living crisis that we are all grappling with.

Employer National Insurance Contributions (Public Sector Reimbursement)

6. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the Scottish Government whether it will provide an update on the representations that it has made to the United Kingdom Government

regarding reimbursements to the public sector in Scotland due to the increase in employer national insurance contributions. (S6O-04335)

The Cabinet Secretary for Finance and Local Government (Shona Robison): I have raised with the UK Treasury our concerns about the impact on public services if the reserved tax increase is not fully funded. On 3 January, the First Minister and the president of the Convention of Scottish Local Authorities wrote to the Chancellor of the Exchequer with their concerns. They were supported by 48 public and voluntary sector organisations, which demonstrates the wide-ranging concerns across Scotland.

The Treasury has confirmed that we will receive only a Barnett share of funding for UK departments, which will undoubtedly fall far short of what is needed. I will raise that further with the Chief Secretary to the Treasury when we meet next week.

Stuart McMillan: The cabinet secretary will be aware that a delegation from Inverclyde Council, including the chief executive and the council leader, recently travelled to London to discuss support for Inverclyde with the UK Government. With increases to employer national insurance contributions affecting every council budget, including that of Inverclyde, will the cabinet secretary advise whether she has received feedback showing that the issue has been raised in that way, and whether there has been any movement from the UK Government on the policy?

Shona Robison: I am not aware of any outcome of the meeting that Stuart McMillan refers to but, to provide some certainty for councils in Scotland, I announced an additional £144 million for local government, which is equivalent to a 5 per cent rise in council tax. That still clearly leaves a shortfall, and I repeat my call to the chancellor to fully fund the costs of the Labour tax rise, which will harm services and the third sector. As I said earlier, I will raise the issue further with the Chief Secretary to the Treasury when we meet next week.

Employer National Insurance Contributions (Impact of Increase)

7. Kevin Stewart (Aberdeen Central) (SNP): To ask the Scottish Government whether it will provide an update on the impact that the United Kingdom Government's decision to raise employer national insurance contributions will have on Scottish public services and the economy of Scotland. (S6O-04336)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The UK Government's decision to raise employer national

insurance contributions is undermining our efforts to support businesses in Scotland, jeopardising jobs and hurting employees' pay packages.

On 18 February, the Scottish Government published updated estimates of the impact of the increase in employer national insurance contributions on the Scottish public sector. Those estimates indicate that the combined impact on the public sector and commissioned services is more than £700 million. If the UK Government's reported allocation is all that is provided, the UK Government will be short-changing services that the public depend on by more than £400 million.

Kevin Stewart: The Labour Government's employer national insurance hike is not only a tax on jobs; it is also a tax on Scotland's public services, if the UK Government continues to refuse to fully compensate the costs of the increase for our health services, our care providers and our schools. In her previous answer, the cabinet secretary said that the First Minister and the president of the Convention of Scottish Local Authorities were joined by 48 organisations to pressure the UK Government to see sense on the issue. What can the cabinet secretary do to increase that coalition of concern, relay our thoughts to the UK Government and get it to see sense on the issue and pay up for our public services?

Shona Robison: I agree with Kevin Stewart that that coalition of concern, as he describes it, is very important to keep the pressure up on the UK Government and the Treasury. As I set out in my answers, the hike in employer national insurance contributions places a higher burden on businesses, the public sector and the third sector and is fundamentally a tax on jobs that will impact the Scottish economy. My concern, particularly around commissioned services, is that the hike will impact on the public sector at the end of the day, and that is not acceptable.

The Presiding Officer: I call Christine Grahame to ask the briefest of question 8s.

Inclusion (Presumption of Mainstreaming in Education)

8. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I anticipated your request to be brief, Presiding Officer.

To ask the Scottish Government what research it has recently completed into the efficacy and standardisation of the presumption of inclusion in mainstream education. (S6O-04337)

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Our young people should learn in the environment that best suits their needs. We continue to seek ways to improve the experience of inclusion for all our

young people, and the draft budget sets out an additional £29 million for additional support needs.

Our most recent relevant analysis, which was undertaken in the Morgan review in 2020, found no deficit in the legislative framework for additional support for learning. Indeed, the Standards in Scotland's Schools etc Act 2000 has clear exceptions to the presumption of mainstream education to enable children and young people to learn in a special school or in a specialist unit if that best suits their needs.

Christine Grahame: I fully support the presumption on inclusion that was introduced in legislation more than two decades ago. However, I know of several cases in which it simply is not working in the interests of the child or of the class. I know that there is a balance, so I ask the minister to keep it under review. We want the child and the class to get the best out of the situation.

Natalie Don-Innes: Last year, the Education, Children and Young People Committee led an inquiry into additional support for learning and considered the issues thoroughly. We accepted the committee's recommendations and are taking further action. I will keep the points that Ms Grahame raises in mind.

The Presiding Officer: That concludes general question time.

First Minister's Question Time

12:00

National Health Service (Single-sex Spaces)

1. Russell Findlay (West Scotland) (Con): Despite sustained efforts by my party, Scotland's Parliament does not want to talk about a case that everyone across Scotland is talking about. We are going to talk about it right now.

A female nurse with 30 years of dedicated service to the NHS faces the sack for her concerns about a man using a women's changing room. The employment tribunal will rule in due course, but there is absolutely no reason why MSPs cannot discuss the wider issues. Women's spaces must be for women and girls. Does John Swinney agree that every woman in Scotland should be entitled to that, and to say that, without losing their job?

The First Minister (John Swinney): Before I answer Russell Findlay's question, I want to take the opportunity to place on record the fact that, on Monday, I will attend a commemoration service in Edinburgh to mark the third anniversary of the illegal invasion of Ukraine. I am certain that when I go to the service, I will go with the whole-hearted support of every member of the Parliament who is repulsed by the invasion of Ukraine by Russia and stands in solidarity with the people of Ukraine.

I have, of course, been paying very close attention to the issues that have been raised by Mr Findlay and by Conservative members of Parliament. The Government has taken the view that we cannot comment on the on-going proceedings that Mr Findlay raises. The reason for that is set out in section 1 of the Judiciary and Courts (Scotland) Act 2008. Section 1, titled "Guarantee of continued judicial independence", says:

"The following persons must uphold the continued independence of the judiciary—

- (a) the First Minister,
- (b) the Lord Advocate,
- (c) the Scottish Ministers,
- (d) members of the Scottish Parliament".

Section 1(2) goes on to say:

"In particular, the First Minister, the Lord Advocate and the Scottish Ministers must not seek to influence ... judicial decisions through any special access to the judiciary".

If I was to comment on this case, I would be in danger of breaking the law. I believe in the rule of law, and nobody will persuade me to break the rule of law in the Parliament. [*Interruption.*] No questioning from Mr Findlay, no barracking, no

heckling—nothing will stop me from protecting the right to ensure that the law is upheld in this country. *[Interruption.]*

The guidance that is in place in relation to the issues that Mr Findlay raises on a general level explains:

“The Equality Act 2010 does allow the provision to exclude a trans person from single or separate sex facilities. These kinds of decisions must be made on a case-by-case basis. Managers must balance the needs of the trans person to use this facility against the needs of other members of staff. They should also consider if other staff members will experience any disadvantage if the trans person is allowed to use the facilities.”

That is the position in guidance that is supported by law. I hope that that answers Mr Findlay’s question.

Russell Findlay: I, too, look forward to attending the memorial service on Monday, and I whole-heartedly agree with the First Minister’s comments in that regard.

We can, indeed, talk about the generalities of this case, despite the First Minister’s selective legal interpretations. The Scottish National Party health secretary was warned directly last year about the NHS ignoring women’s fundamental rights under the 2010 act, but he did nothing about it.

Just weeks ago, Scotland’s NHS published what it described as a “Gender Transitioning Guide”. That official document confirms that women’s rights to single-sex spaces are not protected in the NHS. However, the document has now disappeared from the NHS website and the page appears to have been deleted. Has that guidance been scrapped? If it has not, will John Swinney scrap it?

The First Minister: I do not think that it is good enough for Russell Findlay to say that I have selectively expressed the basis of my position that I cannot comment on live legal proceedings. The law requires me not to do so. If Russell Findlay cannot respect and accept that, the Conservative Party is in a pretty dismal place.

I come back to the point that I made in my first answer. I am reading from the guidance that Mr Findlay is talking about:

“The Equality Act 2010 does allow the provision to exclude a trans person from single or separate sex facilities. These kinds of decisions must be made on a case-by-case basis. Managers must balance the needs of the trans person to use this facility against the needs of other members of staff. They should also consider if other staff members will experience any disadvantage if the trans person is allowed to use the facilities.”

That is the second time that I have put that on the record openly and candidly to Parliament. Mr Findlay should now start to adjust his questions,

because I have answered the point that he has put to me.

Russell Findlay: I will repeat this again and, for the First Minister’s benefit, I will do so very slowly. At no point have I asked him to comment on this specific case, although I note that his health secretary did exactly that yesterday.

This madness is happening not just in the NHS but in schools, prisons and rape crisis centres. Female pupils are too scared to use shared toilets over fear of sexual intimidation or assault. A male prisoner is serving life for murder in a women’s prison and is able to get an operation to reduce his Adam’s apple. Rape victims are being told that they are bigots for wanting to know the sex of their counsellor. Scotland’s public services waste too much time, energy and money on that nonsense, all because of SNP gender self-identification policy and legislation, with the backing of Labour, the Lib Dems and the Greens.

Yesterday, astonishingly, John Swinney said that he has no regrets. Does he really have no regrets about causing all that harm to women and all that cost to taxpayers?

The First Minister: The point that Mr Findlay skates past is the significance of the Equality Act 2010, which was enshrined in the legislation that this Parliament passed on gender recognition. It had to be enshrined; the 2010 act is a reserved piece of legislation, so we cannot change the law.

I have quoted to Mr Findlay the fact that the Equality Act 2010 makes provision for there to be single or separate sex facilities and for those rights to be put into practice and into place. I do not know why Mr Findlay is determined to keep pursuing his line of argument, which is about sowing division in our society, when the legal position is absolutely crystal clear that the 2010 act protects the ability to have single-sex spaces in our country. Mr Findlay should accept that.

Russell Findlay: One of two things is happening here: either John Swinney is in a state of complete denial or he is a very good actor—I am not sure which.

The SNP focus on the issue of gender has harmed Scotland’s public services. It has put its ideology not just before the rights of women and girls, but before NHS waiting lists, justice for victims and our children’s education.

Anas Sarwar and the Lib Dem leader are just as culpable as the SNP. Their collective support for this nonsense confirms how utterly disconnected Parliament has become from the real world.

My party believes that all Government time and money should be devoted to fixing Scotland’s public services, not to radical fringe policies. That is where we proudly stand, so what about John

Swinney? Will he do the right thing and bin his gender ideology, which is causing so much harm to our country?

The First Minister: Again, Mr Findlay ignores the point that I put to him about the significance of the obligations of the Equality Act 2010 and the requirement that all legislation is compatible with it and underpinned by it.

Mr Findlay asked me about my priorities. My priorities are absolutely crystal clear. I am in office to improve the lives of the people of Scotland by making sure that we eradicate child poverty, grow the economy, make the transition to net zero and strengthen the public services of Scotland. Next Tuesday, we will put before Parliament a budget that will put that into effect. The people who are standing in the way of the approval of a budget to improve the lives of the people of Scotland—*[Interruption.]*

The Presiding Officer (Alison Johnstone): Let us hear the First Minister.

The First Minister: The people who are standing in the way of that budget being approved—the people who are not interested in improving the lives of the people of Scotland—are members of the Conservative Party, which parades in front of Nigel Farage, whose support it is courting in Scotland today. *[Interruption.]*

I will take no lessons from Russell Findlay—*[Interruption.]*

The Presiding Officer: Members!

The First Minister: Mr Findlay has no interest in the prospects and the future of the people of Scotland. He is here only to support division; I am here to bring people together.

National Health Service

2. Anas Sarwar (Glasgow) (Lab): One in six Scots are on a national health service waiting list. There is an NHS crisis, with lives being lost. When will John Swinney, Neil Gray and the Scottish National Party Government stop focusing on disciplining a nurse and, instead, focus on supporting NHS staff, getting patients treated, clearing the backlogs, stopping the need for patients to spend thousands of pounds to go private and ending the 8 am rush for a general practitioner appointment?

The First Minister (John Swinney): If Mr Sarwar followed the speech that I delivered a few weeks ago—I think that he did, because he has raised some of those issues with me before—he would know that I am absolutely focused on tackling the issue of waiting times, on improving access to the national health service and on making sure that the needs of the people of Scotland are met by the national health service.

That is why my budget on Tuesday will include a record settlement for the national health service. As things stand, Mr Sarwar is not proposing to support the budget on Tuesday, but we have seen the rate at which he is flip-flopping on his positions on a daily basis.

Anas Sarwar: John Swinney has had 18 years to get to grips with the issues in Scotland, and the fact is that SNP incompetence has consequences. It promised 800 more GPs, but the number of whole-time equivalent GPs has fallen by more than 200. Everyone across the country will know the 8 am rush for a GP appointment, with many left hanging for hours but getting nowhere. Some will be sick of the daily texts that read, “Please do not call. There are no appointments left. Call tomorrow or go to accident and emergency.” It all comes back to the SNP’s failure to get to grips with waiting times.

As one GP put it to me,

“A patient waiting 2 years for a hip replacement, rather than the legal 12 weeks, means they are repeatedly presenting at a GP practice for pain relief, just adding further pressure and demand on our NHS.”

Why can John Swinney not see that his SNP Government has plunged our NHS into this vicious cycle?

The First Minister: The number of GPs per 100,000 of the population in Scotland stands at 82. In England, it is 64; in Wales, it is 67; and in Northern Ireland, it is 75. There are more GPs available in Scotland as a consequence of the investment that the Government has made, with 307 GPs being added since 2007. We have commitments to increase the number of GPs, and we are working to deliver them.

The performance of the national health service comes down to the way in which we tackle waiting times. According to the most recent available data, between October 2023 and September 2024, there was a 9.5 per cent increase in the number of procedures undertaken in the national health service. That is really welcome.

Over the weekend, Mr Sarwar was making a big thing about the increase in activity in England and Wales since the Labour Government came into office. That increase has been 7.6 per cent, and that is against the backdrop of strike action in England under the Tories, so it is no wonder that the number of procedures has increased in England. In Scotland, there has been a 9.5 per cent increase in the number of procedures. We should welcome that, and I am surprised that Mr Sarwar has not done so.

Anas Sarwar: More than 800,000 Scots are on an NHS waiting list, and that is the best answer that John Swinney can give. The reality is that he cannot even accept the problem, let alone fix it.

I will give an example. *[Interruption.]* I know that the health secretary has been sidelined, but perhaps he should listen to this. An expectant mother in south Edinburgh who should have had a GP-organised midwife appointment within eight weeks was instead left waiting months for an appointment. She said:

"I had to call the GP surgery over 50 times to try to get through at 8 am. It is not sustainable."

That is the harsh reality of healthcare under the SNP—pregnant women are left anxiously waiting, people in pain are forced to go to accident and emergency departments and people are unable to work because they cannot get the treatment that they need.

That is why, this week, I have set out my plan to end the 8 am rush for a GP appointment and ensure that every Scot who needs to be seen is seen in a GP surgery within 48 hours.

Is it not the truth that John Swinney cannot see the problem because he created it, and that he cannot fix our NHS because his SNP Government broke it?

The First Minister: On Tuesday, in the budget that Anas Sarwar is currently not going to support, there will be an increase in the resources available for general practice to the tune of £13.6 million. On Tuesday, Anas Sarwar and his colleagues can do the right thing by voting for the budget in order to start making the progress that he is apparently interested in making.

Mr Sarwar set out his commitment on GP appointments. He set out his plans and the promises that he is going to make. However, let us look at the Labour Party's record on the delivery of its promises. Mr Sarwar stood beside me in a Scottish television debate and promised that he would save Grangemouth—*[Interruption.]*

The Presiding Officer: Members!

The First Minister: —but the Labour Government has not lifted a finger to save Grangemouth. Labour promised justice for the WASPI women—women against state pension inequality—and it then turned its back on them. It promised that GB Energy would bring down energy bills, but energy bills have gone up. It promised jobs and stability, but employer national insurance contributions have gone up. The one thing that we can conclude is that Labour says one thing before an election and then does not deliver on it after the election. People in Scotland should remember that.

Abortion Services

3. **Lorna Slater (Lothian) (Green):** This week, US Vice-President JD Vance spread misinformation about laws that were made in the

Scottish Parliament. His claims about my colleague Gillian Mackay's Abortion Services (Safe Access Zones) (Scotland) Act 2024 are grossly misleading. Emboldened by Mr Vance's comments, anti-choice groups have already started to target patients outside the Queen Elizabeth university hospital in Glasgow, and more actions are planned in the coming weeks. Last summer, members of the Scottish Parliament agreed overwhelmingly that everyone should be able to access abortion services free from harassment.

What is the First Minister doing to correct false claims and to provide clarity to the public on what buffer zones mean for them? How will he protect safe access to healthcare in Scotland?

The First Minister: I recognise the seriousness of the points that Lorna Slater put to me. In relation to the protests yesterday, those are live issues in the criminal justice system, so I will not comment on them, for the same reasons that I gave to Russell Findlay earlier.

Obviously, the remarks that the Vice-President of the United States made last week about the safe access zones legislation in Scotland were untrue. They were incorrect, so I am grateful to Lorna Slater for providing the opportunity for me to say that to the Parliament openly and to clarify the position. The idea that private prayer in an individual's home is in any way contradicted or constrained by the legislation is just not correct.

On Lorna Slater's point about what the Government is doing on the issues, ahead of the act coming into force, we published clear guidance on NHS Inform and the Scottish Government website. We also issued letters to householders who were affected by the zones about what the act meant for their localities. I urge anyone with questions to read the online guidance that is available.

Lorna Slater: The White House manufactures mistruths, tech billionaires profit from them and bad-faith actors spread them. Disinformation is playing an increasingly dangerous role in our communities and our global politics. Promoting lies and misinformation at home and abroad can have serious consequences for all our communities. Friendly countries do not tell lies about one another.

Does the First Minister agree that political leaders everywhere must stand up to disinformation? Will he ask Keir Starmer to demand an urgent apology from the White House when the Prime Minister meets Trump next week?

The First Minister: The Prime Minister is well able to engage in dialogue with the President of the United States. I very much welcome the Prime Minister's engagement in the European dialogue

that took place earlier this week on the situation in Ukraine. That was a very welcome step, and I also welcome what the Prime Minister said last night on the Ukrainian situation into the bargain.

On Lorna Slater's general point, we are living in an era in which disinformation is regularly circulated in our political discourse, which is harming that discourse. We have plenty of evidence of it in the Parliament, and I want to be one of those individuals who stand up for the clarity of information, who speak truth to the Parliament and who express in detail—

Jackie Baillie (Dumbarton) (Lab): Seriously?

The First Minister: Yes, I say to Jackie Baillie, seriously. Speaking truth to the Parliament is what I am about. The Labour Party might want to deceive—*[Interruption.]*

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

The First Minister: For some reason, on an issue on which we are tackling disinformation in our society, Jackie Baillie believes that she should question the integrity of the First Minister speaking truth to the Parliament, which I do at all times. Neither she nor any other member can come to the Parliament and say otherwise, and it is a disgrace that such behaviour takes place in the Parliament.

The Presiding Officer: I remind all members that they should not shout from their seats.

Business Confidence

4. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the First Minister what the Scottish Government's response is to the recent labour market outlook survey by the Chartered Institute of Personnel and Development on United Kingdom business confidence. (S6F-03823)

The First Minister (John Swinney): That survey of employers across the UK shows just how damaging the Labour Government's decision to raise employer national insurance contributions will be, with nearly a third saying that they might have to cut jobs and more than 40 per cent needing to raise prices to cope with the additional costs. That affects consumers, who are still struggling with cost of living pressures. It demonstrates further how short-sighted and harmful the Labour tax hike is. It is, in effect, a tax on jobs.

Clare Adamson: Does the First Minister share my concern that, while the tax on jobs is causing business confidence to plummet, it is also having a devastating effect on our third sector and charitable organisations that do vital work in our constituencies to help people who are vulnerable,

in poverty and in recovery, and which are essential to the wellbeing of Scotland?

The First Minister: I entirely understand and sympathise with the point that Clare Adamson has put to me. We in the Government are very concerned about the impact on all sectors of the economy, but especially the impact on the charitable sector and the third sector. In particular, we are very concerned about the impact that the national insurance contribution increases will have on the social care sector, which includes organisations such as Clare Adamson has raised with me today. As the Cabinet Secretary for Finance and Local Government said in general questions before we started First Minister's questions, we have put those concerns to the United Kingdom Government and will continue to do so.

Craig Hoy (South Scotland) (Con): Audit Scotland has confirmed that, between 2017 and 2022, hard-pressed Scottish taxpayers paid £3.4 billion more in tax as a result of the First Minister's Government's high-tax agenda. However, slower economic growth in Scotland means that the net benefit to the Scottish budget over the same period is just £629 million—£2.6 billion is effectively disappearing down John Swinney's drain. When will the First Minister wake up to the simple fact that everyone else can see that the Scottish National Party's, and now Labour's, low-growth and high-tax policies have badly backfired?

The First Minister: I say to Craig Hoy that more people are coming to live in Scotland than are leaving Scotland—that is official data. If we followed the Conservative approach to public expenditure, we would have to cut it by £1 billion. The Conservatives have not come up with a scrap of evidence as to how that would be done. As I have pointed out previously, they have a "£950 million gaping hole" in their tax proposals.

On Tuesday, Parliament will have the opportunity to support a budget that invests in housing, the economy, growth in our public services, the national health service, education and culture. As things stand, the Conservatives will vote against all that benefit for the people of Scotland.

School Premises (General Requirements and Standards) (Scotland) Regulations 1967

5. Pam Gosal (West Scotland) (Con): To ask the First Minister whether he will provide an update on the Scottish Government's plans to update the School Premises (General Requirements and Standards) (Scotland) Regulations 1967. (S6F-03808)

The First Minister (John Swinney): The Government is committed to ensuring that our

school environments support every child and young person to reach their full potential for learning. The school premises regulations prescribe the broad minimum standards that school buildings must meet. They were last updated in 1979. It is therefore the Government's intention to refresh and modernise the regulations to ensure that they meet the needs of pupils in schools in Scotland. A consultation will take place this year.

Pam Gosal: Too many times in the chamber we have heard the Scottish National Party dismiss concerns about the safety of women and girls. Instead of safeguarding single-sex spaces such as school toilets, the SNP has spent years trying to undermine them, all in the name of dangerous gender ideology.

The case of Sandie Peggie has revealed that the SNP's dismissive attitude to women's safety has well and truly infected Scotland's public bodies. The lack of single-sex facilities puts the rights and safety of women and girls at risk, whether that is through girls being filmed in school toilets or women being forced to share changing rooms with biological males. Does the First Minister regret supporting Nicola Sturgeon's reckless self-identification law? Does he agree that single-sex facilities in schools should be a basic right for female pupils and staff?

The First Minister: First, the regulations that Pam Gosal has talked about were last updated in 1979. My recollection is that, in 1979, there was a Conservative Government. All the issues that are being raised in relation to that regulated environment are in age-old regulation that we need to review. That is what the question was about.

Secondly, local authorities are responsible for the design of their schools, and they take those designs forward through consultation and dialogue with the school community. I would expect them to do exactly that.

Thirdly, as a consequence of our investment programme, the Government has increased the proportion of schools that are in good or satisfactory condition from the 62.7 per cent that we inherited in 2007 from the Labour and Liberal Executive to 91.7 per cent in 2024, which is a tribute to the public sector investment that the Government has presided over.

Disability Employment Gap

6. **Colin Smyth (South Scotland) (Lab):** To ask the First Minister what action the Scottish Government is taking to reduce the disability employment gap. (S6F-03814)

The First Minister: The Scottish Government is committed to halving the disability employment

gap. In 2023, the employment rate for disabled people was 52.7 per cent, exceeding our first interim target by 2.7 percentage points. Through the implementation of our fair work action plan, we have reduced barriers and improved recruitment and retention of disabled people. We will take further actions, but we have to be cognisant of the fact that we have only limited powers in this area, as employment powers are reserved to the United Kingdom Government.

Colin Smyth: The disability employment gap shamefully remains above 40 per cent in Dumfries and Galloway. However, the future of The Usual Place—a community cafe in Dumfries that provides life-changing opportunities for young people with disabilities and additional support needs, and which helps many people into employment—is in doubt because of the difficulty in securing adequate funding.

I know that the First Minister is familiar with the project. Will he make a commitment that the Government and its agencies will urgently consider what support they can give to avoid the proposed redundancies at The Usual Place? Will he arrange for the cabinet secretary to meet me and a cross-party group of MSPs from South Scotland to discuss how, together, we can help to secure the long-term future of that transformative project and the futures of so many young people who depend on it?

The First Minister: As Mr Smyth knows, I am very familiar with The Usual Place. It is an organisation that I respect enormously. I respect the impact that it has on the lives of young people, so I was concerned to read about, and am familiar with, the challenges that it faces.

For completeness, I should say—I do not make this point pejoratively, but it is the hard reality of what we are dealing with—that the increase in national insurance contributions has been cited by the company as a contributory factor in its difficulties. I am committed to making sure that we do all that we can to support The Usual Place, subject to all the normal processes that we have to go through. I give the company my commitment that I will encourage and motivate our agencies to make sure that they do exactly that.

Oliver Mundell (Dumfriesshire) (Con): I recognise the First Minister's personal commitment to the project. Will he go one better and come to Dumfries to meet the young people and their families who are at the heart of the project and see at first hand how life-changing it is? Perhaps he will bring his famed deal-making skills and try to pull together a positive future plan for the organisation.

The First Minister: I should have said in response to Colin Smyth that I am very happy for

ministers to engage on that, but as Oliver Mundell is inviting me to go to Dumfries to have that discussion, I will certainly do all that I can to do so. He will appreciate that there are many pressures on my diary, but I will try to do that as early as I can. My “famed deal-making skills” will be available that day, although, of course, they could have an early outing on Tuesday. Since Mr Mundell is potentially in a position to be reckless now, as he will be standing down at the next election, I encourage him to break the whip and vote for the Government’s budget on Tuesday. *[Laughter.]*

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

Ukraine (Support)

Kevin Stewart (Aberdeen Central) (SNP): The Scottish Government has supported Ukrainian refugees since the beginning of Putin’s illegal aggression on Ukraine. Will the First Minister confirm that Scotland’s support for Ukrainian people living here will continue? Will he make it clear that the Scottish Government continues to condemn Russian aggression and that we stand by the people of Ukraine’s rights to freedom, democracy and self-determination?

The First Minister: I associate myself entirely with Kevin Stewart’s comments on the illegal invasion of Ukraine. Russian aggression needs to be repelled, and the territorial integrity and independence of Ukraine must be asserted. We as a country—through cross-party support—have done a lot to welcome Ukrainian refugees to Scotland. I express our solidarity with them and indicate that the Government will do all that it can to ensure their safety and security here in Scotland.

Cairngorm Funicular Railway

Edward Mountain (Highlands and Islands) (Con): The Cairngorm funicular railway opened in January 2023 after four years of repairs that cost £25 million. It closed months later because the repairs were defective. It has remained closed ever since. We were told in November that it would reopen for the 2024 season. The reopening date became 4 December, 20 December, early January and then early February—in time for the school holidays—none of which happened. In fact, it has remained closed. The incompetence of Highlands and Islands Enterprise has cost the taxpayers and local businesses millions of pounds. Will the First Minister support my calls for an inquiry into the fiasco and remove HIE from the management of our Cairngorm mountain after nearly six years of incompetence.

The First Minister (John Swinney): This is a difficult project in challenging conditions. The fact

that it is a funicular railway in the Cairngorms is an indication of the challenge and difficulty.

I have the utmost confidence in Highlands and Islands Enterprise. It is an excellent organisation. It commands my total confidence. It is well led and committed to doing good things for the Highlands and Islands. I have absolutely no intention of pursuing the approach that is suggested by Mr Mountain. I assure him that HIE is fully focused on securing the reopening of the funicular railway, which would be a great boost to the community in and around the Aviemore area. I know that it has the attention and is a priority of Highlands and Islands Enterprise.

Inverness Justice Centre (Radon Levels)

Rhoda Grant (Highlands and Islands) (Lab): The First Minister will be aware that dangerous levels of radon gas have been recorded in parts of the Inverness justice centre. Radon is a radioactive gas that is known to cause cancer. I understand that two areas of the building are subject to time-based access restrictions. However, staff are working in other parts of the building and they remain working there full time. What is the First Minister doing to resolve the difficult situation and to keep safe staff and visitors to the justice centre?

The First Minister (John Swinney): The absolute requirement is that all health and safety legislation in relation to access to the building must be followed while the issue exists. The first assurance that I give to Rhoda Grant is that those requirements must be followed.

The second point is that issues that have to be addressed about the environment in the building will be taken forward by the Scottish Courts and Tribunals Service. I am happy to provide Rhoda Grant with an update on the developments that are taking place to ensure that the fundamental issues are remedied.

Household Energy Bills

Keith Brown (Clackmannanshire and Dunblane) (SNP): The First Minister will be aware that the United Kingdom Treasury has forecast that energy bills could soar by more than £100 in April. It is the third rise since Labour came to power, despite Labour’s election promise that it would cut household energy bills by £300. Does the First Minister share my concern about what appears to be yet another broken election promise from Anas Sarwar’s Westminster bosses? Will the First Minister join me in calling on the UK Government to take urgent action to support families across Scotland with energy costs ahead of the next energy cap announcement, which is expected next week?

The First Minister (John Swinney): I agree with Mr Brown. The Labour Party promised a reduction of £300 in energy bills right away. From what has happened since the election and from the comments made by the chair of Great British Energy, we know that GB energy will not be delivering reductions in energy bills any time soon. Mr Brown raises an important point that Scotland should be aware of: the Labour Party says one thing before an election to get elected and does another thing after the election. People should be wary of promises from the Labour Party.

Increase in Obesity

Brian Whittle (South Scotland) (Con): Nearly every public health indicator for Scotland is concerning, and the situation is getting worse, with the pressure on our health service increasing week by week. We now have a report indicating a shocking rise in the number of overweight Scottish youngsters as young as two being referred for specialist obesity treatment.

Scotland is the most obese country in Europe, which is costing the Scottish economy £5.3 billion according to a Nesta report. However, the Scottish Government consistently cuts the budget of those organisations that are best placed to reverse the trend. We learn that, once again, sportscotland has had its budget cut and is looking to cut staff, and there is a continual erosion of council facilities.

There is much talk of a preventative agenda, but evidence shows that that is little more than empty rhetoric. Does the Scottish Government not realise that, by continually eroding opportunities to adopt a healthier lifestyle, all that it is doing is heaping ever more pressure on our health service and the health service budget?

The First Minister (John Swinney): My Government follows an approach that is designed to support early intervention to address the important issues that Brian Whittle puts to me. I point out to the Parliament that Brian Whittle is arguing for more money to be spent on sport and on local government. [*Interruption.*]

Mr Whittle has just asked me a question in which he has asked for more money for sport and for local government. The Government is putting a budget before Parliament on Tuesday. Mr Whittle proposes to vote against it, and his party wants us to cut public spending by £1 billion. That is completely and utterly incoherent. If Mr Whittle wants to make sure that the Government puts forward a budget that increases local authority expenditure, and if he wants to carry those things through, why can he not vote for the Government's budget and try to make things happen in Scotland?

World Cholangiocarcinoma Day

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Today is world cholangiocarcinoma day. For those who are unaware, cholangiocarcinoma is a rare and aggressive type of cancer that develops in the bile duct. How are the Scottish Government and NHS Scotland supporting those diagnosed with the condition and raising awareness of it? Will the Scottish Government give consideration to providing full national health service funding for genomic testing necessary for patients to access all Scottish Medicines Consortium approved therapies?

The First Minister (John Swinney): I recognise the importance of the point that Ben Macpherson raises. The Government's approach is directed through the detect cancer early programme—in which we are committed to raising awareness of possible cancer symptoms—and through our new primary care cancer education platform, GatewayC, which provides tools to support earlier diagnosis efforts and decision making at the point of referral.

We recognise that significant work is needed to develop the genomic testing that is available, including for bile duct cancer, and we have been working closely with partners to identify how expanded testing can be commissioned and implemented in the national health service.

Galloway Electricity Pylons

Finlay Carson (Galloway and West Dumfries) (Con): Early last week, my constituents in Galloway were outraged and astonished at the utterly shameful decision by Scottish ministers to grant consent for a massive pylon route in the heart of some of the most beautiful landscapes in Scotland and, indeed, the world. Yet again, it is an example of rural Scotland carrying a disproportionate weight to deliver net zero. Can the First Minister justify the decision to approve the Scottish Power Energy Network's plan for this major power line through an area of outstanding beauty, despite the public inquiry reporter's recommendation and overwhelming local opposition, and explain how it aligns with the Scottish Government's commitment to promoting Galloway's environmental assets and its possible designation as a national park?

The First Minister (John Swinney): I understand the points that Mr Carson puts to me. The Government must be mindful of the need to take decisions that will ensure that we have sufficiently strong and robust power networks to meet the needs of the population in every part of Scotland. That is part of the process of discussion and dialogue that the Government is engaged in. We engage substantively with communities and local authorities on such questions, but difficult

decisions must be arrived at to ensure that we have adequate energy security and the appropriate infrastructure in our country.

Cole Thomson

Monica Lennon (Central Scotland) (Lab): Cole Thomson is 12 years old and lives with a severe form of drug-resistant epilepsy. Medical cannabis is keeping him alive, but his mum, Lisa Quarrell, is running out of funds to pay for Bedrolite privately. The national health service has made a small number of exceptions in England and Northern Ireland for children in a similar situation, but there has been no such help in Scotland as yet, despite the best efforts of the chief pharmaceutical officer, who has been very helpful.

Time is running out. Will the First Minister ask the health secretary urgently to meet me and Cole's mum to explore all possible options to get Cole the support that he needs?

The First Minister (John Swinney): I am happy for that discussion to take place. I know that the chief pharmaceutical officer will have been of assistance and will have done what can be done, but the health secretary will meet Monica Lennon and Cole's mum and we will see what we can do to address the situation.

English Whisky (Proposed Geographical Indication Status)

Emma Harper (South Scotland) (SNP): Does the First Minister share my disbelief and outrage regarding the United Kingdom Government consulting on giving English whisky a geographical indication, which would give it the same status as Scottish single malt? If approved, that move—which has been entirely enabled by Brexit—would trample on the reputation and tradition of our whisky industry and our Scottish brand. Does the First Minister agree with the Scotch Whisky Association's view that the integrity of our single malt would be damaged by inferior whisky product, which could potentially harm industry, jobs and trade, including in the new distilleries in the south of Scotland and, indeed, across wider Scotland?

The First Minister (John Swinney): I share the concerns that have been expressed by Emma Harper and by the Scotch Whisky Association, which I know understands the importance of the designation of Scotch whisky. The association promotes and engages substantively with Parliament on that designation, which enables Scotch whisky to have such a powerful position in the international marketplace.

I assure Emma Harper that the Government will make all necessary representations on the issue

to protect the identity and the character of Scotch whisky.

The Presiding Officer: That concludes First Minister's question time. The next item of business is a members' business debate in the name of Kenneth Gibson. There will be a short suspension to allow those who wish to leave the chamber and the gallery to do so.

12:46

Meeting suspended.

12:47

On resuming—

Private Finance Initiative/ Public-Private Partnership Contracts

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a members' business debate on motion S6M-16287, in the name of Kenneth Gibson, on the on-going impact of PFI/PPP on Scotland's public finances. The debate will be concluded without any question being put.

Motion debated,

That the Parliament believes that the total unitary charge payments associated with Public Private Partnership/Private Finance Initiative (PPP/PFI) contracts that were paid across the public sector in Scotland from 2006-07 to 2022-23 amounted to £14.173 billion; understands that PFI/PPPs are long-term contractual arrangements between a public sector entity and a private sector provider, which were introduced by the Conservative UK administration in 1992 and then expanded by Labour following its 1997 election victory; believes that the total PFI and PPP unitary charge payments to be paid across the public sector in Scotland in 2025-26 will be £1.25 billion, the highest in a single year, with the remaining cost associated with PFI/PPP being £14.699 billion from 2023-24; understands that, by 2038, North Ayrshire Council will have paid £440.1 million for four schools that were built for £83 million; notes that research carried out by the National Institute of Economic and Social Research shows that successive UK administrations have made payments to private companies associated with PFI contracts at, on average, more than three times the cost of construction, with said companies distributing £300 million in dividends to investors from £1 billion in profits between 2005 and 2022; recognises that the scheme was abandoned by the UK Government in 2018, 11 years after being replaced with an alternative model known as non-profit distributing (NPD) by the Scottish Government to limit excessive private sector profits; notes with concern media reports that the Chancellor of the Exchequer, Rachel Reeves MP, is considering relaunching the PPP funding model frequently used by Tony Blair's Labour administration; considers PFI/PPP to have had a disastrous impact on Scotland's public finances, and notes the calls for the UK Government to end what it sees as its obsession with PFI/PPP.

12:48

Kenneth Gibson (Cunninghame North) (SNP): I say to Graham Simpson, "Come on in—the water's lovely." [*Laughter.*]

I thank Ross Greer, Maggie Chapman and my Scottish National Party colleagues, whose signatures ensured that the motion could be debated. I apologise for an error in the motion. According to updated figures, North Ayrshire Council will actually end up paying £3.3 million more than the motion suggests.

In August, the *Financial Times* reported that the Chancellor of the Exchequer was considering funding the £9 billion Thames crossing using a private finance initiative-style funding arrangement. NHS England chief executive Amanda Pritchard has made similar suggestions for the national health service. That should send a shiver down the spine of everyone who recalls the new Labour years.

PFI was introduced by John Major's Tory Government in 1992. The idea was that private companies would fund, build and operate public infrastructure using special purpose vehicles that would involve a consortium of companies, in return for long-term payments from the public sector. Sold as a way of financing public projects without immediate capital spend by the Government, the real purpose of PFI was to keep UK Government debt off the books in order to comply with the debt limitations that were set out in the Maastricht treaty of 1991.

In Scotland, PFI began under the then Secretary of State for Scotland, Michael Forsyth MP. The publication in 1996 of "Public Services and Private Finance: A Partnership for Scotland" gave the game away by outlining the scope for higher profits that the private sector would have access to. Exemplifying the worst of the pre-devolution political order, PFI was imposed despite widespread opposition from Scottish civic society, trade unions and every political party bar the Tories. The 85 SPVs that run Scotland's PFIs have 51 shareholders. Only seven companies own more than half the stock and debt: Barclays, Innisfree, Bilfinger Berger, Balfour Beatty, ABN AMRO, John Laing and HISL.

PFI was derided for waste, poor value for money, inflexibility—particularly in reference to highly complex contract termination procedures—and the huge profits generated. However, there is no zealot like a convert. Having railed against PFI in opposition, Labour in office opened the floodgates with an evangelical enthusiasm that few could have foreseen. When new Labour proposed changes to reinvigorate PFI, the unconcealed glee of financiers should have been an early warning sign. Under the new regime, the private sector would be allowed to earn profits without bearing any risks. The new PFI contracts—renamed public-private partnerships—lacked clauses allowing the Government to recoup windfall profits.

Under those lucrative terms, the private sector gorged itself on PPP deals, while Labour boasted that projects worth £14 billion would be agreed by the end of 1999, all while local authority capital budgets were cut and Chancellor Gordon Brown stuck to Tory spending rules. PPP fervour trickled down the Labour Party, and its parliamentarians,

too, were amazed by the level of investment and not concerned enough to ask many questions.

In this Parliament's first-ever SNP-led Opposition debate on 24 June 1999, Labour, Tory and Lib Dem MSPs came out to bat for PPP. Speaking in that debate, I took seven interventions from such illustrious colleagues as Jack McConnell, David McLetchie and Keith Raffan. Protests about PPP's obvious flaws were dismissed, with claims that if someone was against PPP, they must also be opposed to the new school or hospital in their area. Thus, Labour blithely condemned Scottish public services to unprecedented debt levels for decades.

Even now, nearly 18 years after Labour left office at Holyrood, the extent of its PPP profligacy is staggering. Labour built a debt mountain so high that we have yet to reach the top, but we will soon. Annual payments are still rising and will peak at an eye-watering £1,250 million this coming financial year. Total remaining PPP debt in Scotland is projected at £12,483 million for 2025-26. North Ayrshire Council will have to pay more than £16 million next year for four secondary schools that were built nearly two decades ago—schools that still had snagging problems two years after completion. That sum limits the council's ability to invest in jobs and services. By the time the contract ends in 2038, it will have cost £443.4 million for schools worth £83 million.

Michelle Thomson (Falkirk East) (SNP): The member is making a splendid speech. I remember my time in Westminster, when Meg Hillier, who was at that point the chair of the Public Accounts Committee, noted that the issue of debt in that type of contract was primarily to remove it from the balance sheet of UK plc, because neither Government wanted the people to know just how broke the UK was. Does the member agree?

Kenneth Gibson: I agree. I touched on that earlier in my speech, and I will touch on it later.

Kilmarnock prison was built for £32 million and went into operation in 1999. By the time the contract ended last year, taxpayers had shelled out £367.64 million. The contract for a £45.5 million waste water project in Levenmouth required an astonishing £721.2 million in repayments, which is a shocking 16 times the original cost. PPP remains a millstone around the neck of Scotland's public services. To put its impact on local authority finances into perspective, 31p in every pound of council tax raised in North Ayrshire goes towards the council's PPP obligations. Stuart McMillan will be interested to know that, in Inverclyde, it is 45p in every pound of council tax raised; in Clackmannanshire, it is 52p. As Michael Marra is the only Labour member present in the chamber, I advise him that, in

Dundee City, 32.4 per cent of all council tax raised will go in PPP payments this year.

In many cases, the public will not even own the buildings by the time that the contracts end. Research by BBC Scotland revealed that there are 11 PPP contracts expiring in which the public sector will have to shell out tens of millions to actually own the buildings that it has spent years paying through the nose for.

Thankfully, once in government, the SNP took swift action to abolish PPP. Through the non-profit-distributing model, schools and hospital construction projects were financed through conventional means or via the Scottish Futures Trust, with private profits capped at 5 per cent and surpluses directed to the public sector. NPD projects average 58 per cent of the repayment costs of PPP projects, with most of the costs going on interest payments. Had the projects that were funded through NPD been carried out under PPP, the Scottish taxpayer would have been on the hook for an additional £7,735 million over the life of those contracts.

Holding this debate is not just about giving a history lesson or taking a trip down memory lane, though; it should sound a warning. Although our current chancellor's CV might not be as impressive as Gordon Brown's, the situation in which she finds herself has parallels with his. We have a Labour Party Government that came to power by attacking to the centre and beyond; that is unsure of what it believes in; that promises investment to repair Britain's crumbling infrastructure, balanced against self-imposed fiscal rules that are aimed at wooing the City; and that has a large enough parliamentary majority to override scrutiny or backbench rebellions, albeit that 19 newly elected Labour MPs have already been expelled, suspended or resigned.

The attractiveness of PPP to Governments looking to keep debt off book diminished as Eurostat rules on accounting for European Union member states led to the majority of such projects being classed as public debt. However, following Brexit, there is nothing to prevent the UK from deviating from that in order to reconcile contradictory electoral promises.

The legacies of PFI and PPP are a stark reminder of the danger of prioritising short-term gains over long-term sustainability. We must never return to wasting tens of billions of pounds on PFI and PPP deals in Scotland, and we must ensure that future generations are not burdened by the same mistakes. That Labour would even consider the return of PFI shows that it cannot be trusted with Scotland's finances. The UK Government should rule out any return to PFI, and Labour in Scotland should make its own opposition crystal clear.

The Deputy Presiding Officer: We move to the open debate. I advise members that we are tight for time, given this afternoon's 2 pm start, and we must also leave sufficient time for security staff to clear the chamber. Therefore, I must insist that members stick to their allocated speaking time, which is up to four minutes.

12:56

Gordon MacDonald (Edinburgh Pentlands) (SNP): I thank Kenneth Gibson for lodging the motion so that we could have this important debate on the on-going cost to the public sector of using the private finance initiative.

PFI was first used in 1993 by the Tory chancellor Kenneth Clarke. In 1997, it was adopted by Tony Blair's Labour Government. We should remember that Labour's reason for doing so was as stated by the then Chancellor of the Exchequer, Gordon Brown, who struggled to provide a rationale for PFI other than that

"the public sector is bad at management, and ... only the private sector is efficient and can manage services well."

What is the reality of PFI construction projects here in Edinburgh, and in particular for my Edinburgh Pentlands constituents? The new Edinburgh royal infirmary, which was completed in 2003, is one of the most prominent PFI projects in Scotland. It was built at a cost of £184 million, but the total cost to taxpayers over the contract's lifespan is significantly higher, with estimates suggesting that payments could exceed £1.1 billion by the time of the contract's conclusion in 2027.

How has that contract performed? In 2022, NHS Lothian said that it was in dispute over the nature and delivery of maintenance and upgrades required for the hospital. The issue has been placed on NHS Lothian's risk register, where it warns that there is

"a risk that facilities in the RIE are not fit for purpose because of a failure to carry out required life cycle works and maintenance of the estate."

The risk register lists heating, ventilation, water and window maintenance as some of the life-cycle works that could present a problem. The health board also warned that it could, if necessary, retain some of the PFI payments to Consort Healthcare if the issues were not satisfactorily resolved. However, the complicated deal for the hospital means that, in 2027, NHS Lothian will enter a secondary contract period that could last until 2053, during which time it will still pay a management charge to Consort.

Then there is the Edinburgh schools debacle. In the late 1990s, the Labour-run City of Edinburgh Council embarked on a massive school rebuilding and refurbishment programme under PFI. The

total capital cost for the project was around £140 million. The PFI deal was structured over a 30-year period, with the total cost over the life of the contract projected to be much higher, with estimates at well over £500 million once maintenance, operation and finance charges had been factored in.

During a storm in January 2016, nine tonnes of masonry fell when a gable end collapsed at Oxfords primary school in my constituency. Fortunately, no pupils or teachers were injured. That resulted in 10 primary schools, five secondary schools and two additional support needs schools being closed because of concerns over the standard of construction across the city, impacting the education of around 7,600 pupils. The impact of those PFI projects in Edinburgh has been criticised for their inflated costs to the public sector, which are often much higher than if the project had been constructed using public borrowing and public procuring.

It is reported that Rachel Reeves may again be considering PFI. She should consider the words of a former chairman of the Royal Bank of Scotland, Sir Howard Davies, who, in 2018, made an admission on BBC One's "Question Time" when he stated that PFI had been a "fraud on the people".

13:00

Graham Simpson (Central Scotland) (Con): I was feeling a bit lonely over on the Conservatives seats—as lonely as Mr Marra is. I wanted to give my good friend Mr Mason some company, but apparently he did not want it.

I thank Kenny Gibson for bringing the debate to Parliament. It is a very political motion, but I think that that is fine; MSPs should be able to debate such things. He managed in the motion and in his speech to savage both Labour and the Conservatives, but not, apparently, the virtuous Scottish National Party. Of course, he is entitled to that view—perhaps he is seeking re-election. For me, the serious questions raised are entirely valid. The main question is whether PFI and PPP represent value for money and what happens when they end.

I will take the first part of that question first: are they value for money? There is not really an easy answer to that, because, as the Scottish Parliament information centre said in its blog on the subject in January 2018,

"For the 129 projects that have been privately financed in Scotland, repayment costs will total £39.7bn, more than four times the capital value of the projects. However, bear in mind that these repayments often cover more than just the construction costs and interest costs. They will include the costs of maintaining the building (or other asset) and may also include other services, such as cleaning and

catering, although this is less common with more recent projects.”

Kenneth Gibson: Is it not a major concern, though, that, in many cases, after shelling out huge amounts of money for those projects—I quoted the Levenmouth waste water project that cost 16 times the original estimate—the public sector does not always own them?

Graham Simpson: Indeed, and I am coming on to that issue.

The Auditor General for Scotland and Accounts Commission said in their report of January 2020:

“Using private finance contracts has enabled the Scottish Government to fund additional infrastructure investment. ...

“Private finance costs more than traditional forms of financing, such as public borrowing or capital grants. The Scottish Government has accepted these additional costs as part of its priority of investing in infrastructure”.

A number of private finance contracts are due to end, with some requiring a final payment to the private consortium. The private finance contracts in the health service that are due to expire are for Tippethill hospital in Bathgate and New Craigs hospital in NHS Highland, which expire in 2026; for Carseview centre in NHS Tayside and Larkfield in NHS Greater Glasgow and Clyde, which expire in 2027; for the Royal Infirmary of Edinburgh, which expires in 2028; and for Ellens Glen house in NHS Lothian and Wishaw general in NHS Lanarkshire, which expire in 2029. What happens after those dates is not clear.

That was also evident when I asked at the Public Audit Committee last year about the future of the police college at Jackton in East Kilbride in my region. The contract for that is due to end next year, but when Neil Rennick, the director general for education and justice, wrote to the committee on 26 July, he was not clear about what the costs would be for exiting; instead, he used a lot of Government-speak and talked about options, negotiations and a business case. It is important that we have greater clarity about that.

Looking ahead, and this is where Mr Gibson should be cautious, we have the mooted mutual investment model, which will apparently be used to fund parts of the A9. I call that a rent-a-road scheme. If we do not get it right, the same gripes about value for money and paying over the odds will just resurface.

13:05

Michael Marra (North East Scotland) (Lab): I welcome the debate that Kenneth Gibson has brought to the chamber. He uses the time usefully, given the long view that he brings as a long-term member of this Parliament and as a result of his service in local government.

After 14 years of Tory stagnation and decline, we can all agree that there is a vital need to drive growth and rebuild our public services. We have a Scottish national health service that is in perpetual crisis, crumbling schools and overcrowded prisons. Tackling those problems will require significant capital investment.

This Scottish Government and the next Scottish Government will work alongside the private sector and the public sector to deliver progress. I know that Mr Gibson agrees with that analysis, and he has set some of that out in his speech.

The first PFI contracts to which Mr Gibson referred—at length and rightly—were written when I was starting secondary school in St John’s high school in Dundee. They have been around for a long time, and Mr Gibson and other members are right to refer to the fact that many of them are still with us. It is essential that we learn the lessons that members are already setting out about the value in those contracts over time. It is particularly important to set out the context around historical examples and why some of those decisions were taken. However, there is no doubt that those contracts still place a heavy burden on council tax payers in parts of Scotland, even as many constituents continue to use the facilities that are in place.

The UK Chancellor of the Exchequer has unequivocally confirmed that there will be no return to PFI during her tenure. I have seen the reports that are referenced in the motion, but the chancellor has been quite clear about that.

As Mr Gibson pointed out, the Treasury is dealing with a time of constrained public finances, for different reasons than those that pertained at the time of the advent of the UK Labour Government in 1997. We have to make sure that we can get public finance off the ground in order to get key projects working and get the economy growing. Again, that is an agenda that many people would agree with.

It is right, however, that we draw a distinction between the original early PFI arrangements from a generation ago and the subsequent arrangements between public and private sectors to bring capital investment to the table. The non-profit-distributing model is a variation on that core principle, and it has to be said that the SNP Government’s involvement in those public-private arrangements dwarfs that of the previous Scottish Executive on the basis of longevity alone.

No SNP member can credibly claim that the dealings of this Government with the private sector have been trouble free. From Ferguson’s shipyard to the Lochaber smelter and the disastrous mishandling of the administration of the deposit return scheme, which has resulted in a private

company suing the Scottish Government, the taxpayer is on the hook for hundreds of millions of pounds.

We also have to think about this Government's chronic failure to deliver major capital projects. *[Interruption.]* I see that I am shedding some light on the chamber at the moment, for everybody's benefit. The A9 remains something of a Sisyphean task for this Government, although, to be fair to Sisyphus, at least he was doing something. Further, the replacement of HMP Barlinnie is now costing 10 times the original estimate, NHS capital projects are frozen, with no clarity for patients or staff about when major projects will even begin, and the Scottish Government's capital spending plans—first promised in December 2023—have still not materialised.

Crucially, the manner in which those things are done is hugely important, but actually doing them would be a start.

The Deputy Presiding Officer: I advise members that we are looking into the reason for the sudden increase in light in the chamber. Hopefully, we can resolve that.

13:09

Ross Greer (West Scotland) (Green): I thank Kenneth Gibson for giving us the opportunity to debate the issue of PFI legacy debt.

To be generous, PFI was introduced by Governments for the right reasons, or at least with the right motivation behind it: a need to improve our public infrastructure, schools, hospitals and so on.

It certainly compares well with what we have seen under 14 years of Conservative Government, which slashed capital budgets and oversaw a huge decrease in investment in our national infrastructure, both public and private, with all the resulting economic damage. It has left us with a heavy burden. In 2023, it was reported that £8.5 billion would be paid for £2.9 billion-worth of infrastructure in Scotland, and the English NHS will pay back £80 billion for £13 billion of infrastructure, according to the Institute for Public Policy Research.

It is not just a case of there being a transfer of money from the public to the private sector; much of the money has been transferred out of Scotland and out of the UK entirely. There is a huge amount of evidence showing that PFI profits have been offshored into tax havens. The model has no benefit for the UK economy whatever, and there are no benefits for private businesses that are based in the UK.

In 2019, the then First Minister, Nicola Sturgeon, announced that the Government would consider

setting up a national infrastructure company as one of the ways that it could move away from the model. The Infrastructure Commission for Scotland was tasked with considering that. In the end, it recommended against it, but we need an alternative. We need to look at how we can fund critical infrastructure. Giving the Scottish Government the same prudential borrowing powers that local councils have would certainly help, but, of course, any borrowing results in a debt that needs to be paid.

In 2019, at the same time that the then First Minister made her announcement, the Parliament passed the Planning (Scotland) Act 2019, which created a power for local government to charge an infrastructure levy on private housing developers—if they were to profit from the creation of large numbers of houses, it was only right that they made a contribution towards local services, such as schools and health centres, which would be required to create a community. I was disappointed when the Government announced last year that the introduction of the infrastructure levy power was being dropped, although I am grateful to the Minister for Public Finance for his offer to meet me to discuss that. I do not think that the existing section 75 contribution arrangements are in any way adequate. That is why the Parliament agreed to introduce the infrastructure levy power to fund critical local infrastructure.

There are other ways that we can address the issue. We could make existing processes more efficient. There is a lot to learn from the learning estate investment programme, for example, and the collaboration between the Scottish Government and local government on that. Having a central resource for local government to help it to manage projects at every stage, from design, financing, the management of construction and the management of the asset, would be incredibly helpful to councils, which cannot ever realistically have all the skills and expertise that they need for those projects in house.

I recognise that when the SNP came into government, it tried the non-profit-distributing model. I am not quite as positive about that as Mr Gibson; although I think that it was well intended, it has not effectively capped profits. Dumfries hospital is a good example of where it did not really work in practice.

As we heard from Mr Simpson, many, although not all, PFI contracts contain punitive clauses. In 2004, the then Scottish Executive ended the Skye Bridge contract and rebought it. In closing, I ask the Scottish Government to work with local authorities to review which PPP contracts could be brought back in or could be cancelled early at reasonable value for money for the taxpayer. That was done in Greece with some of its odious debt

on the back of its financial crisis in 2015. There is no easy way out, but we need to reduce the toxic legacy and be honest about how we develop the alternatives to pay for the infrastructure that we all agree is required.

13:13

Marie McNair (Clydebank and Milngavie) (SNP): I am grateful to my colleague Kenny Gibson for securing this motion for debate in the chamber. Like me, Mr Gibson has concerns about the negative impacts that the PPP and PFI burden has inflicted on the public sector. It is yet another real example of Labour's desire to replicate Tory party policy, and the debate serves as a stark reminder of why the Labour Party cannot be trusted to manage Scotland's finances.

PFI and PPP contracts have left a harmful and lasting legacy in Scotland. They were first introduced under the Tory Westminster Government in 1990 and fully embraced by successive Labour Governments in Westminster and Holyrood. However, although they were posed as effective solutions, they have instead burdened Scotland's public services and taxpayers with unsustainable financial sums for decades. According to Professor Ciaran Connolly,

"They produced projects with assets worth approximately £60 billion, which are costing the taxpayer £170 billion—that's a gap of £110 billion between what the assets are worth and what the taxpayer is paying for them."

Costs end up getting passed on to the taxpayer, which, as Professor Connolly has said, can constrain

"what authorities such as the NHS can spend on essential services, forcing them to reduce budgets accordingly. It has also created pressure to reduce project costs, leading to poorer infrastructure."

That impacts on local council budgets, too. In my constituency, 37.9 per cent of council tax in East Dunbartonshire and 41.2 per cent of council tax in West Dunbartonshire goes on PPP payments.

Labour's financial mismanagement has had severe consequences, and its wasteful PFI deals have foisted a £30 billion repayments bill on Scottish taxpayers, forcing us all to pay many times more than the original cost of the projects. The funds that are used to pay for those agreements would have been much better spent on our public services to support education or tackle child poverty.

Instead, it was left to the SNP to fix Labour's mess. Under the SNP Scottish Government, we moved away from that model to a model under which, importantly, surpluses do not go into the pockets of big investors, as Labour allowed. One perfect example is hospital car parking charges,

which are a terrible legacy of PFI; the Scottish Government scrapped the charges that were in place as a result of Labour PFI deals.

Scotland continues to pay extortionate amounts for Labour's incompetence. The 2023 figures show that the amount still owed under PPP for hospitals and schools is £15.4 billion, which is not even half of Labour's eye-watering total PPP bill.

The contracts are not just an enormously expensive way to borrow—they are often inflexible. A 2019 report by the JPI Media investigations team found that schools, hospitals and police forces have been locked

"in the iron grip of contractors",

and are paying extortionate extra charges. Examples in that report included a school being charged £25,000 for three parasols and a hospital trust paying £5,500 for a new sink. The contracts are extremely profitable for the private sector, but not for the taxpayer.

Nearly 18 years after Labour was kicked out of office in Scotland, we are still paying a heavy price for the disastrous PPP contracts. The Scottish taxpayers have had to shell out enormous sums of money above the actual cost of projects, while PPP contractors hoard huge profits. It is clear that PPP contracts have been disastrous for Scotland's public finances, so it is welcome that the Scottish Government recognises those options for what they are—extremely poor value for money and certainly not in the best interests of the Scottish people.

13:17

Collette Stevenson (East Kilbride) (SNP): I am grateful to Kenneth Gibson for bringing this debate to the chamber.

PPP and PFI are long-term contracts under which public sector organisations pay annual charges to private companies for capital projects such as schools and hospitals. The Conservatives might have introduced the schemes, but previous Labour Governments enthusiastically rolled them out. Given that the Scottish Government continues to face the most challenging financial situation since devolution, it is right that we look at the drain of having to repay dodgy PFI deals.

Labour has not been in government in Scotland for 18 years, yet, since it left office, Scotland's public services have been saddled with well over £14 billion in repayment charges. As Mr Gibson has pointed out, Scotland's public services will repay a shocking £1.25 billion in PFI and PPP charges in 2025-26. Over the years, the private companies that benefit from those deals have distributed hundreds of millions of pounds from their huge profits in dividends to investors. In other

words, cash is being diverted from front-line health, education, transport and justice services into investors' pockets.

I will focus on East Kilbride, where Hairmyres hospital was rebuilt more than 20 years ago with a capital value of £68 million. This year alone, NHS Lanarkshire will pay around £27 million in PFI charges for the hospital, enough money to pay the salaries of around 850 new nurses. Shockingly, the deal is a 31-year contract, and it is estimated that, overall, repayments for Hairmyres will total around £700 million, which is more than 10 times the original capital cost—and an absolute disgrace.

It is not just the NHS that is saddled with large payments. South Lanarkshire Council is paying around £43 million this year.

Graham Simpson: Will the member take an intervention?

Collette Stevenson: Yes, I am happy to.

Graham Simpson: Does the member agree that we need much greater clarity on what will happen when the deals expire, including those for the large number of health service facilities?

Collette Stevenson: I whole-heartedly agree that we need more information on what happens when the contracts expire, particularly given the scale of money that we are talking about.

This year, the charges for some schools mean that almost 32.7 per cent of council tax receipts will go towards PPP payments. Over the 33-year contract, the council will pay back an estimated £1.25 billion. On its website, this Labour-run council boasts that it

“is among the biggest UK-wide education public-private partnerships.”

Perhaps it should be straight with the public when talking about local government financing, because dodgy Labour decisions of the past are an on-going drain on public finances.

It gets worse. Despite warnings at the time that capacity would be an issue, the merging of six of East Kilbride's high schools into three superschools as part of a costly initiative is now having to be rectified, with more money having to be spent on expanding St Andrew's and St Bride's high school.

Labour's obsession with PPP and PFI is reckless. It has not been in government in Scotland for 18 years, but the deals have had, and will continue to have, a huge impact on public services. Councils, health boards and other public bodies are, on average, paying back more than three times the original capital cost to private companies as part of these long-term deals. In East Kilbride, the Hairmyres hospital deal has

offered a tenfold return to investors. That is a shameful legacy of the last Scottish Labour Government—

The Deputy Presiding Officer: Ms Stevenson, you will need to conclude.

Collette Stevenson: —which was rightly kicked out of office 18 years ago.

13:22

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate my colleague on securing this debate.

When PFI is mentioned to the public, it does not mean much to them—but it does matter. The abbreviation stands for private finance initiative. In practice, it means private companies building the likes of schools for local authorities, which enter into a contract to pay for the building over a period, often decades. That is key: ownership only passes to the council only at the end of the contract—generally speaking. After all, contracts do vary.

That seemed a whizz of an idea to Labour at UK level, and the party eagerly adopted it when it was in power in Scotland. Shiny new schools—what is not to like? When the SNP came into government, though, the approach was ditched—and for good reason.

Because of PFI, which just means “Build now and pay as you go”, three schools in the Borders—in Eyemouth, Duns and Earlston—that had a build cost of £72.5 million will, as a result of annual payment obligations, actually cost the council £350 million by 2037. By that time, the schools will be pretty old. It is rather like buying a car on hire purchase. We must always read the figures at the bottom of the contract; they can be eye watering, and by the time we own the car, it will be towards the end of its journey. It is the same for schools under PFI.

In comparison, the new Galashiels academy and Peebles high will not be built in that expensive manner. I understand that, in Midlothian, PFI contracts for five schools are costing the council around £1 million per month. I repeat—£1 million a month. We must never forget the damaging on-going costs of those contracts, which reduce by millions the funding that Borders Council and Midlothian Council could be using and putting to better use elsewhere.

Finally, the contracts often come with tough provisions such as paying for private maintenance. In England, private companies are now shirking their contractual repair and maintain obligations, particularly as the contracts come to an end.

The financial burdens bequeathed by Labour remind us not only that it is making an economic mess now; it made one before, and the Borders and Midlothian will continue to pay through the nose for that PFI mess for decades.

13:25

The Minister for Public Finance (Ivan McKee): I thank Kenny Gibson for securing this afternoon's important debate, and I thank all the members who participated.

Across the Parliament, we all agree on the importance of infrastructure investment, not just in creating and supporting jobs and economic growth today, but to ensure that Scotland's asset base is in place to support the economy of our communities well into the future.

The 2025-26 Scottish budget sets out more than £7 billion of capital spending to eliminate child poverty, grasp the opportunities of net zero, boost economic growth through our infrastructure plans and maintain high-quality public services and infrastructure. That includes using £167 million of financial transactions to support innovation and attract investment.

Although that increase to the capital funding from the UK Government is welcome, it is set within a challenging fiscal context. We still face significant pressures on our capital budget. For example, a high level of inflation experienced in the construction sector has permanently increased the cost of delivering projects.

The Scottish Government has always recognised that public-private partnerships are more expensive in cash terms than capital grant funding for any particular project.

Michael Marra: Can the minister tell us why those capital procurement contracts are so much more expensive to deliver in Scotland than in other parts of the UK? Why is there a particular gap—if he acknowledges that—between the cost of delivering a mile of road in Scotland and doing so in other parts of the UK?

Ivan McKee: I would need to check that that is indeed the case. I do not know whether the member is talking about the cost of projects, which will of course depend on a number of factors, including the geography and so on, or the cost of the private partnership itself, which is hugely expensive for projects across the UK.

In 2007, the new Scottish Government Administration made it clear that the PFI approach used in the past had not delivered best value for the taxpayer in Scotland. It was made clear that PFI was an expensive mistake and no longer a feasible option. The Scottish Government moved away from using PFI for any new projects from

May 2007, and it announced the non-profit distribution programme in November 2010. Prior to the NPD programme, the NPD model had been developed as an alternative to PFI in Scotland, and five NPD-type contracts were signed earlier, between 2005 and 2010. The NPD model was further developed by the Scottish Futures Trust, which manages the NPD programme. The programme was delivered through two channels, NPD itself and the hub, between 2010 and 2021, when the last project became operational.

In 2019, the Scottish Government signalled a new approach to revenue finance, due to the implications of classification changes affecting the NPD programme. The classification changes meant that the revenue-funded NPD and hub models were to be classified to the public sector, and they subsequently no longer provided additionality. Revenue-funded NPD and hub models have not been used for any new projects since then. The only private finance approach that is currently available is the mutual investment model, which will be considered alongside a range of other financing approaches.

We have always been clear about our concerns about the flexibility and value for money offered by historic PFI contracts. That is why we brought them to an end. The PFI contracts that remain operational are often complex and need active management, to which the Government remains committed.

However, the termination of any PFI contract is a matter for the public sector body that awarded it. PFIs are long-term contracts, where risk and reward were set at the outset. Early termination can be a complex and expensive process, and the costs of breaking long-term contracts are substantial. Each authority would require to consider value for money in that context.

The Government is committed to ensuring that contractual obligations are delivered and that contracts are as affordable as they can be. That is why we asked the Scottish Futures Trust to support public bodies to optimise value for money from their PFI contracts. That assistance is comprised of training and support for contract managers. The SFT can also support bodies in realising contract management improvements, including by rescoping services and optimising risk transfer.

Graham Simpson: I mentioned the mutual investment model, and so has the minister. Will he briefly explain why he thinks that that model will offer value for money?

Ivan McKee: The difference between the mutual investment model and other mechanisms such as PFI is that, in the mutual investment model, the public sector partner takes an

investment share in the vehicle that delivers the project. The public sector partner takes part in the investment and therefore shares in the profits that come back due to having that equity holding and the way that the project is funded and delivered.

The costs and benefits of pursuing public-private partnerships need to be thoroughly analysed in a transparent manner. In an environment where our ambitions for Scotland's infrastructure assets outstrip our grant funding from Westminster, the Government will always explore options for delivering capital investment. As members know, we have very limited capital borrowing limits, which constrains our ability to use capital grants to fund asset creation and investment.

Used appropriately, the correct PPP mechanism can allow us to create additionality in the capital budget and result in more investment in Scotland's assets than we would otherwise be able to deliver. It can transfer financial and maintenance risk from taxpayers to investors. Those risks can include project overruns, change orders, delays, and anything else that may increase the cost of a project.

To ensure that we are considering all the available options, the Scottish Futures Trust was asked to examine new profit-sharing finance schemes, such as the mutual investment model, to help secure the investment that we need and—very importantly—best value for the taxpayer. We are exploring whether to make use of the mutual investment model to invest in Scotland's infrastructure. Any use will only be considered when it provides value for money for the taxpayer.

The Scottish Government will never return to the PFI model because PFI was an expensive mistake. It simply did not deliver the best value for the people of Scotland. The only private finance approach currently available is the mutual investment model, which shares profits between the public and private sector. That model will be considered alongside a range of other financing options, and we are exploring whether and how best to make use of MIM to invest in Scotland's infrastructure going forward.

The Deputy Presiding Officer: Thank you to all members for their co-operation in respecting the time allocations for speeches, given our resumption at 2 pm.

13:32

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Social Justice

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business is portfolio question time, and the portfolio on this occasion is social justice. I invite members who wish to ask a supplementary question to press their request-to-speak buttons.

Homelessness (Care-experienced Individuals)

1. **Sue Webber (Lothian) (Con):** To ask the Scottish Government what discussions the housing minister has had with ministerial colleagues regarding what action is being taken to tackle homelessness in relation to care experienced individuals. (S6O-04338)

The Minister for Housing (Paul McLennan): Last year, I chaired a ministerial oversight group on homelessness meeting on youth homelessness, with a specific focus on care-experienced young people. I also met the Minister for Children, Young People and The Promise separately to discuss the steps needed to prevent care leavers from experiencing homelessness.

Since then, officials have been working across policy areas to progress the recommendations in the care leavers housing pathway and to ensure that young people's and care leavers' housing needs are reflected in new policy and legislation, including the Housing (Scotland) Bill and the proposed the Promise bill.

Sue Webber: Despite the activity that the minister outlined in his response, a constituent has contacted me to express their anger at the state of homelessness among care-experienced individuals in Scotland. He said:

"I retired seven years ago from working in the field of housing and homelessness, to read after all this time that so many are still slipping through the net on leaving care is depressing: and particularly that the underlying issues—lack of affordable housing; insufficient planning in advance of leaving care; not enough support once someone has left—remain unaddressed."

He found the statement from the Scottish Government that current action is sufficient as "particularly self-damning". My constituent has clearly identified areas that need to be addressed, yet the Government does not seem to see homelessness among the group as a priority. When will we see direct action being taken to tackle the issue?

Paul McLennan: I take the opportunity to say that I am sorry about the issue that Sue Webber

has raised. I am happy to meet her to discuss it in more detail.

We are taking forward recommendations in the care leavers housing pathway, which is important. That is reflected in a report on progress that was published by the Rock Trust on behalf of the "A way home Scotland" coalition in October 2024, which picks up some of the issues that the member mentioned.

We have made some progress with local authorities and we have taken action. There is £768 million in the budget for next year, a £2 million investment in empty homes and a £4 million investment for work with Crisis on pilot projects.

We also discussed with the City of Edinburgh Council how we could reduce the number of void properties. Edinburgh has seen a 55 per cent reduction in the number of void properties in the past number of months.

I am happy to take up the case that the member mentioned and to discuss further what we can do.

Joe FitzPatrick (Dundee City West) (SNP): The issue that Sue Webber raised is very important. Real investment in affordable housing is key to ensuring that everybody in Scotland has a safe and warm home that suits their needs. Will the minister briefly outline the additional funding for 2025-26 for the affordable housing supply programme?

The minister also mentioned voids. Will he give us an update on the work that is on-going to bring voids and empty properties across Scotland back into use for those who need them, which we know is a real problem?

Paul McLennan: I mentioned a few actions in the previous answer. I mentioned the investment of £768 million, which is an increase of £212 million on the £556 million that was in the original budget, as published. I mentioned the acquisition funding, which is £80 million across 2024-26 for acquisitions and voids, which is targeted at the local authorities that are under the most pressure in relation to reducing use of temporary accommodation. I also mentioned the £2 million to increase the scale and pace of bringing empty homes back into use.

Permanent Homes (Families with Children in Temporary Accommodation)

2. **Katy Clark (West Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on what action it is taking to help local authorities to move families with children out of temporary accommodation into suitable permanent homes. (S6O-04339)

The Minister for Housing (Paul McLennan): We are taking decisive action to reduce the number of households with children in temporary accommodation. Increasing affordable and social housing is the best way to reduce time in temporary accommodation. I encourage the member to vote for our budget, which delivers investment of £768 million for 2025-26, enabling delivery of more than 8,000 homes.

I come back to the specific target of reducing that number of households in five local authorities. Given the sustained pressures, we are investing £42 million this year in the areas that I have mentioned, thereby increasing the supply of affordable homes through acquisitions and bringing empty homes back into use, including through the purchase of larger homes that are suitable for families.

Katy Clark: I welcome the work that is being undertaken. The Scottish Government has declared a housing emergency, as have many local authorities. When does the minister believe that they will be in a position to report that no children in Scotland are living in unsuitable temporary accommodation?

Paul McLennan: I think that we are making progress in some areas. Twelve local authorities have reduced the number of households in temporary accommodation in 2023-24 compared with 2022-23. On the specific issue that the member mentions, 20 local authorities have also reduced the number of children in temporary accommodation.

In line with the action of investing £768 million that I mentioned, we are targeting the local authorities that face the most pressure with a £42 million investment that will include addressing empty homes. We hope to get there as soon as possible. We are seeing signs that 20 councils are reducing the number of children in temporary accommodation.

The Deputy Presiding Officer: There are a couple of brief supplementary questions.

Kevin Stewart (Aberdeen Central) (SNP): Can the minister comment on what effect the United Kingdom Labour Government's freeze of local housing allowance rates is anticipated to have on efforts to get families out of temporary accommodation and to help to end homelessness in Scotland?

Paul McLennan: I am glad that the member asked that question. The UK Government's decision to freeze local housing allowance rates will impact on thousands of low-income private renters in Scotland, as it widens the gap between housing support and market rents. It will also make it harder for families who are experiencing homelessness or are in temporary accommodation

to move into the rented sector. The last freeze, which lasted three years, resulted in an extra 20,000 households not having adequate rent support, with an average shortfall of £1,500 a year for those on universal credit.

I wrote to the secretary of state in January, urging him to reverse the decision to freeze rates. As yet, I have not heard back.

Willie Rennie (North East Fife) (LD): The minister knows that the number of children in temporary accommodation has got worse, not better, since we declared a housing emergency. His actions are clearly not having the immediate effect that we want.

Has the minister spoken to his education colleagues about the impact that that is having on those young people and their educational performance? I worry about the long-term effects on so many children of living for an extended period in temporary accommodation.

Paul McLennan: I mentioned previously the ministerial working group on homelessness, in which we have discussed that.

On targeted action, we have seen reductions in 20 local authorities and £42 million is being invested in the five local authorities where there is the most pressure. We have also seen a reduction in the number of voids—for example, by 55 per cent in Edinburgh.

We will continue to have discussions through the ministerial working group on those issues. That issue is the very reason why I started the homelessness group to discuss cross-portfolio interests.

WASPI Campaign (Compensation)

3. Clare Haughey (Rutherglen) (SNP): To ask the Scottish Government what discussions the social justice secretary has had with the United Kingdom Government regarding the Women Against State Pension Inequality campaign and potential compensation for women in Scotland. (S6O-04340)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The Scottish Government has always supported the WASPI campaign and has repeatedly called on successive UK Governments to compensate the affected women in line with the Parliamentary and Health Service Ombudsman report recommendations. We have written to the current and previous UK Government on three occasions since that report was released.

Most recently, following the debate and unanimous agreement in this Parliament for compensation to be paid, I joined colleagues from the Scottish Liberal Democrats and Scottish

Greens in writing to the UK Government. It is disappointing, but perhaps not surprising, that neither Labour nor the Conservatives took up the offer to sign that joint letter.

Clare Haughey: The Labour UK Government, like the Tories before it, has failed the WASPI women. Before taking power, countless Labour politicians pledged a resolution, yet now they try to gaslight the very same women, claiming that most were aware of the state pension age changes and should not be given compensation. That is certainly not the view that is held by many of the WASPI women who have contacted me over the years.

Can the cabinet secretary advise whether she has had any correspondence—other than the cross-party letter that she said she has not had a response to—on any of the issues that have been raised in the chamber about the alleged informing of those women about the changes?

Shirley-Anne Somerville: I pay tribute to Clare Haughey for the work that she has done, and will no doubt continue to do, on the issue, particularly by ensuring that members get regular opportunities to meet the WASPI women. I wish that we did not have to and that the UK Government had listened to the recommendations on compensation from the report, but while that is not the case, we will continue to do everything that we can.

It is disappointing that we have not had a response to the letter that I signed with Scottish Liberal Democrats and Scottish Green Party colleagues asking the Prime Minister to reverse his decision. Because of Clare Haughey's continuing campaign, the WASPI women's continuing campaign and the Scottish Government's continuing support, the matter will not go away, either. I am pleased to say that many members across the parties continue to campaign alongside the WASPI women.

Financial Literacy (Children)

4. Ash Regan (Edinburgh Eastern) (Alba): To ask the Scottish Government what discussions the social justice secretary has had with ministerial colleagues regarding how it can improve financial literacy levels among children, in light of reports that it is a key driver of inequality, which affects attainment and perpetuates the cycle of generational poverty. (S6O-04341)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We are absolutely committed to meeting our statutory child poverty target and will continue to do everything that we can within our powers and budget to deliver the change that is needed.

We recognise the importance of financial education in equipping learners with important life skills. That is why financial literacy is embedded in the curriculum in Scotland through numeracy and maths, business studies and personal and social education. The Cabinet Secretary for Education and Skills already engages with Education Scotland on the development of the curriculum to ensure that it meets the needs of learners across the country.

Ash Regan: The programme for government prioritises eradicating child poverty, but the Joseph Rowntree Foundation reports that 26 per cent of children in Scotland still live in relative poverty. Although the Scottish child payment is crucial, we cannot merely react to poverty outcomes: we must change outcomes by breaking the cycle that traps so many families in poverty by going upstream to stop people falling into debt.

Education is critical in tackling the scourge of financial exploitation by empowering Scotland's children with financial literacy from primary school age, so will the Government commit to supporting game-changing financial literacy initiatives, such as those that RedSTART Educate runs in my constituency, to break at its roots the cycle of generational child poverty?

Shirley-Anne Somerville: In line with the curriculum improvement cycle, we are updating the curriculum framework to better reflect the place of financial knowledge, skills and attributes that prepare learners for life after school. Ash Regan points to a very important life skill that is, and will continue to be, part of that curriculum development.

Education Scotland has provided financial education resources, such as "Money Talks: Family Finances", that cover topic insights, including on bank statements, job opportunities in the finance sector and dealing with unexpected expenditure shocks.

Again, I note that Ash Regan is right to point to the importance of prevention as well as helping people in times of crisis. There is an important role for the education sector to play in that, whether through the pupil equity funding that the Scottish Government distributes to headteachers or through the work on financial literacy.

Liz Smith (Mid Scotland and Fife) (Con): In relation to the financial literacy of young people, does the Scottish Government now regret removing the funding from Young Enterprise Scotland in October, given how much work it does with primary and secondary pupils to improve financial literacy?

Shirley-Anne Somerville: Kate Forbes has answered many questions on that and has reassured members—including, I hope, Liz

Smith—that there are many opportunities for young people to be assisted, encouraged and inspired by the role that enterprise can play in schools.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

5. **Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what steps it is taking to ensure that current and future legislative processes further embed the principles and aims of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. (S6O-04342)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We are committed to fostering a proactive culture of everyday accountability for children's rights and to ensuring that our legislation aligns with UNCRC requirements. That is why we introduced the act, which requires us to publish child rights and wellbeing impact assessments when developing new bills and Scottish statutory instruments. The act also introduces a duty to publish statements of compatibility for most legislation.

That demonstrates our commitment to children's rights, and we look forward to sharing our first children's rights scheme later this year. The scheme will outline how we plan to give better and further effect to children's rights.

Bill Kidd: I welcome the direction that has been taken. Does the cabinet secretary agree that, in order to ensure success, be it through legislation, policy or action, children and young people must be at the heart of decision making? What steps is the Scottish Government taking to ensure that children understand their rights and how to access and advocate for them?

Shirley-Anne Somerville: I thank Bill Kidd for that important question, which is all about bringing rights to life for our children and young people. On my visits as a constituency MSP and as a minister, I am always impressed by the work that goes on in our schools, for example, to ensure that children understand their rights.

The Scottish Government is committed to ensuring that the views of children and young people are a primary consideration in the decisions that affect them, and that is an important part of their rights. Children and young people represent the views of their peers in the annual meetings with the Scottish Government Cabinet and the executive team, for example. Policy teams across the Government also support meaningful engagement with children and young people on matters that affect them. My ministers and I endeavour to do that as efficiently and effectively as possible.

We are developing a comprehensive UNCRC awareness plan, including a targeted focus on those whose rights are most at risk, and we are co-designing a resource to help children to understand how to access and claim their rights if they feel that they are not being respected.

The Deputy Presiding Officer: A number of members want to ask supplementary questions on this matter and others, but I will get to them only if answers are a bit briefer.

Brian Whittle (South Scotland) (Con): Although it was very welcome, the redress scheme might contravene the UNCRC act. I am sure that the cabinet secretary will agree that any child abuse, including historical abuse, is an abhorrence. The suffering of people in the education environment—for example, the Fornethy women—remains outside the scope of the scheme. The First Minister stated that the redress scheme is for those for whom the state had taken the role of the parent, but the education bill refers to “in loco parentis”. Given the precedence of error in relation to UNCRC consideration, with a similar scheme having to be amended after being introduced—

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

Brian Whittle: —what consideration has the Scottish Government given to expanding the redress scheme to include those who were abused in education, such as the Fornethy women?

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

Shirley-Anne Somerville: The redress scheme and its terms of reference have been discussed in the chamber many times. The Government's position on that has not changed, but I will be happy to reflect that in writing to Mr Whittle, or the minister who is directly responsible for the matter will write to him.

Two-child Benefit Cap (Release of Data)

6. **John Mason (Glasgow Shettleston) (Ind):** To ask the Scottish Government whether it will provide an update on its negotiations with the Department for Work and Pensions regarding the release of relevant data pertaining to the two-child benefit cap. (S6O-04343)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We will invest £3 million in the next financial year to develop systems at pace, but we need the DWP to work with us in order to deliver the work as quickly and as safely as possible. Therefore, I have written three times to the DWP and provided it with a detailed breakdown of our data requirements.

Although I have received a welcome response to my first letter, I am still waiting for replies to my follow-up letters.

In the meantime, our officials are continuing constructive discussions with the DWP, as has been the case throughout the social security devolution programme. I anticipate continuing to work collaboratively to deliver the payment to families as quickly as we can.

John Mason: It is a bit concerning that the cabinet secretary has not had replies to her letters. Is her overall feeling that Westminster and the DWP are positive about the Scottish Government's proposals or that they will drag their heels? Is there a deadline by which she will have to say that what is planned will not be possible for 26 April?

Shirley-Anne Somerville: I reassure John Mason that we are not anywhere near that stage at the moment. We have had reassurances directly from the Prime Minister to the First Minister and from the Secretary of State for Work and Pensions to me that they will work constructively with us. The easiest and quickest way to make progress would be for the DWP to remove the two-child cap at source, so that the Scottish Government does not have to mitigate Westminster policies.

However, as I said, officials are having constructive discussions. Despite our differences on welfare and social security systems, the discussions have been constructive, even under the previous Conservative Government. At this point, I have no concerns that that attitude has changed, but I am sure that I will update the chamber if there is a change.

Single-sex Spaces (Public Sector Buildings)

7. **Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government, regarding the application of equalities legislation, what its position is on the provision of single-sex spaces in public sector buildings, including hospitals. (S6O-04344)

The Minister for Equalities (Kaukab Stewart): The Equality Act 2010 allows for separate and single-sex spaces when they are

“a proportionate means of achieving a legitimate aim.”

It is the responsibility of service providers to interpret and comply with the act. The Equality and Human Rights Commission is responsible for enforcement. The commission has produced specific guidance for organisations, such as statutory codes of practice and a guide for separate and single-sex service providers. The guidance also states that organisations might need to consider the impact of other legislation,

such as legal requirements for health and safety in workplaces.

Rachael Hamilton: Time and again, the Scottish Government has shirked its responsibilities for ensuring the safety of women and girls. Even the First Minister is tone deaf to the issue. No woman should feel under pressure to undress in front of a male colleague. That is why women across Scotland are fed up with the Scottish National Party putting gender ideology before their safety. Will the minister make an urgent, unequivocal statement supporting the rights of women who work in public sector buildings and who expect suitable single-sex facilities—yes or no?

Kaukab Stewart: I have answered several questions on that issue. I fully support the law. The Equality Act 2010 is generally reserved, and the Equality and Human Rights Commission is the body that is responsible for enforcing the 2010 act.

The Deputy Presiding Officer: There have been requests for a couple of supplementary questions—both will need to be brief.

Ash Regan (Edinburgh Eastern) (Alba): Almost one in three working women in Scotland are employed in the public sector—many in health and social care. The Government has a duty to ensure that all policies of publicly funded bodies uphold legal and regulatory protections. Will the Government make a clear statement that the provision of same-sex spaces for women is a legal obligation and that gender self-identification is not the law in Scotland?

Kaukab Stewart: I restate that the Equality Act 2010 allows for separate and single-sex spaces when they are

“a proportionate means of achieving a legitimate aim.”

Craig Hoy (South Scotland) (Con): Will the minister guarantee that NHS Scotland policies ensure that staff are treated fairly and consistently, in line with the Equality Act 2010, when it comes to separate, single-sex facilities?

Kaukab Stewart: As the Scottish Government has already stated, we expect all organisations to comply with the Equality Act 2010.

Child Poverty

8. **Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government whether it will provide an update on its national mission for tackling child poverty. (S6O-04345)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The Government remains absolutely committed to the statutory targets on child poverty, and we will continue to

work, within our powers and budgets, to meet them.

Elena Whitham: I know that the cabinet secretary agrees with me that no child in a country as prosperous as Scotland should live in poverty. Recent analysis by the Joseph Rowntree Foundation indicated that Scotland will be the only place in the United Kingdom where child poverty will fall over the next five years. Does the cabinet secretary agree that that can be attributed to Scotland-specific policies, including those relating to welfare, and that the report must act as a clarion call for the UK Labour Government to work in tandem with the Scottish National Party Government on its efforts to end child poverty, including by abolishing the hugely damaging and pernicious two-child limit?

Shirley-Anne Somerville: I agree that the JRF was clear that,

“if the rest of the UK were to see the same reduction”

as was predicted for Scotland,

“800,000 fewer children would be in poverty.”

Policies unique to Scotland, such as the Scottish child payment and the baby box, are important parts of our work to eradicate child poverty, and that now includes abolishing the two-child limit.

We would wish the UK Government to abolish the two-child limit and to make progress towards an essentials guarantee. However, if the UK Government does not listen to the Scottish Government or to the debates in this Parliament, I suggest that it should listen to the chief executive of the JRF, who said last month that the UK social security system

“is not only failing to do its job but, worse, actively pushing some people into deeper poverty, through cruel limits and caps.”

The UK Government has the ability to act, but it does not have the will.

Scottish Income Tax Rate Resolution 2025-26

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-16531, in the name of Shona Robison, on the Scottish income tax rate resolution 2025-26. I remind members that rule 11.3.1 of standing orders requires the question on the Scottish rate resolution to be put immediately after the debate. I would be grateful if members who wish to speak in the debate were to press their request-to-speak buttons. I call the cabinet secretary, Shona Robison, to speak to and move the motion.

14:26

The Cabinet Secretary for Finance and Local Government (Shona Robison): Before starting, I draw the Parliament's attention to the procedural connection between this debate and rule 9.16.7 of the standing orders, which states that the Scottish rate resolution must be agreed to before stage 3 of the budget bill can proceed.

The rate resolution debate gives the Parliament the opportunity to take one step closer to the delivery of a budget that addresses issues that matter to this country, such as tackling child poverty and improving our national health service. In response to the unprecedented challenges that we have faced in recent years, we have raised revenue in a fair and progressive manner that has helped to sustain our investment in vital public services.

Despite the usual comments from the doomsayers, the Scottish economy remains resilient. Real-time information data for 2022-23 and 2023-24 shows that earnings growth per head was stronger in Scotland than in the rest of the United Kingdom. The Scottish Fiscal Commission's 2025-26 budget report forecasts gross domestic product growth of 1.6 per cent, which is up from the 1.3 per cent that was forecast last year. It also anticipates earnings growing faster than in the rest of the UK over the forecast horizons. Those figures demonstrate the resilience of the Scottish economy, both now and into the future. Indeed, for the ninth consecutive year, the 2024 Ernst & Young UK attractiveness survey maintained Scotland as the top-performing region of the UK outside of London for foreign direct investment projects.

The budget and the rate resolution provide businesses with the stability that they need to continue investing in our economy. The budget and resolution do not contain the unfunded tax policies that other parties in the chamber seem all too happy to advocate.

First, we had the Conservative Party argue for a £595 million income tax cut without setting out which public services it would reduce to pay for it. Now, we have the Labour Party saying that it would raise the higher rate threshold to £50,270. We estimate that that change alone would cost more than £700 million in 2025-26. As the Fraser of Allander Institute pointed out previously, making that change revenue neutral would likely require increases to the basic and intermediate rates of tax. My challenge to the Labour Party is to set out how it would pay for that: would it increase tax for those in the basic and intermediate rates or simply cut public spending? Those are the questions that the Labour Party has to answer.

Let me turn to the proposed income tax policy for 2025-26. In the run-up to the publication of our tax strategy, we engaged with 65 different organisations across Scotland, including businesses, think tanks, academics, civil society groups and tax professionals. We listened to the views of those stakeholders and we recognise the importance of having certainty after a period of significant changes to our income tax system. Many have welcomed this approach, particularly our commitment to further evaluate the effects of previous changes in Scottish income tax policy.

Although annual policy will always depend on parliamentary support, we have made it clear that we wish to provide a period of stability for income tax for the remainder of this parliamentary session.

Liz Smith (Mid Scotland and Fife) (Con): Does the cabinet secretary recognise that, when it comes to the question of stability, one of the big issues that the Deputy First Minister has cited recently is the fact that the Scottish tax base is not sufficiently wide and that there is considerable uncertainty as a result?

Shona Robison: At the start of my statement, I set out the performance of the Scottish economy. Allied to the action that we are taking to grow the Scottish economy and, therefore, the tax base is the fact that we have positive net in-migration to Scotland, across all tax bands. That is something that we want in order to continue to grow the tax base, because we recognise its importance.

We do not intend to introduce any new bands or increase the rates of Scottish income tax for the remainder of this parliamentary session, and we commit to uprating the starter and basic rate bands by at least inflation. We will maintain the higher, advanced and top rate thresholds at their current levels, and we will continue to deliver on our pledge to protect lower-income households, ensuring that more than half of taxpayers pay less than they would elsewhere in the UK for the remainder of this session.

The SFC has confirmed that, as a result of those decisions, our income tax policy will raise an additional £52 million in 2025-26, and it estimates that Scotland's income tax policy will raise a record £20.5 billion in total for the Scottish budget in 2025-26—that is £745 million more than it forecast for the Scottish budget last year. Members should make no mistake about what that means: more money for nurses, general practitioners, teachers and the police as a direct result of the decisions that we have taken on tax.

A full-time public sector employee in Scotland earned, on average, around £1,250 more than the UK average in 2024. If members across the chamber wish to recognise the hard work of Scotland's vital public sector workers, they need to support our income tax policy, which raises the revenue required to agree fair public sector pay settlements.

Let me set out what that means in practical terms. Our progressive approach to income tax policy underpins the entire budget settlement that we have been debating in the Parliament this month. It includes continuing to support the most generous social contract in any part of the UK, which includes things like free prescriptions and free higher education and support such as the Scottish child payment. It also supports the revitalisation of our NHS by delivering a record £21.7 billion of funding for health and social care, including an increase of £2 billion for front-line NHS boards. Finally, it will enable us to capitalise on new green technologies that will provide future prosperity across the country by funding the expansion of our offshore wind capacity to the tune of £150 million next year.

Those are just some examples of the investments that the proposed income tax policy that I have set out today supports. It is important to remind members that those positive changes will go ahead only if the Parliament votes for the Scottish rate resolution today and for the budget overall.

The Government is clear on what its priorities are: we are choosing to invest to eradicate child poverty, to grow the economy, to tackle the climate emergency and to provide high-quality and sustainable public services. That is why I ask members to vote to ratify the proposed changes to Scottish income tax in 2025-26.

I move,

That the Parliament agrees that, for the purposes of section 11A of the Income Tax Act 2007 (which provides for Income Tax to be charged at Scottish rates on certain non-savings and non-dividend income of a Scottish taxpayer to be charged above the personal allowance), the Scottish rates and limits for the tax year 2025-26 are as follows—

(a) a starter rate of 19%, charged on income up to a limit of £2,827,

(b) the Scottish basic rate is 20%, charged on income above £2,827 and up to a limit of £14,921,

(c) an intermediate rate of 21%, charged on income above £14,921 and up to a limit of £31,092,

(d) a higher rate of 42%, charged on income above £31,092 and up to a limit of £62,430,

(e) an advanced rate of 45%, charged on income above £62,430 and up to a limit of £125,140, and

(f) a top rate of 48%, charged on income above £125,140.

13:24

Craig Hoy (South Scotland) (Con): In 2021, the Scottish Government set out the principles of its approach to taxation: certainty; proportionality; convenience; engagement; effectiveness; and efficiency. I agree that the Scottish National Party Government has remained true to some of those principles. There is certainty: it is certain that the SNP Government will find new ways to tax Scots and tax them more than if they lived elsewhere in the UK. However, I challenge ministers on whether their tax policies are either effective or efficient.

Effective taxes should raise the expected revenues and achieve their intended aims. They should also minimise the opportunities for tax avoidance. However, any analysis reveals that the opposite is taking place in Scotland today. There is mounting evidence to suggest that there has been behavioural change and that Scotland's high-tax, low-growth economy has in turn impacted earnings growth.

John Mason (Glasgow Shettleston) (Ind): Does the member accept that, rather than Scotland having tax that is too high, the UK has tax that is too low, and that that is why we have such poor public services?

Craig Hoy: John Mason can continue to live in la-la land and argue that high taxes are a good thing when growth is low, but all the evidence suggests that that is not the case.

Despite the publication of its tax strategy, I still do not believe that the Scottish Government has a handle on how its tax policies have affected Scots' behaviour. In the 2024-25 Scottish budget, the top rate of income tax was increased from 47 per cent to 48 per cent. The Scottish Fiscal Commission projected that £53 million of revenue ought to be raised from that in 2024-25, but it went on to estimate that the net amount was likely to be around £8 million, once behavioural responses were factored in. The risk is that people will work fewer hours or retire earlier. It is certainly the case that some people are moving away or are not moving here.

The Minister for Public Finance (Ivan McKee): Craig Hoy keeps making the point that we do not have information on behavioural

change, and then he goes on to quote a raft of information on behavioural change. Will he make his mind up?

Craig Hoy: I am saying that the Government does not have the evidence that it would like to have to support its argument that there is no behavioural change. I will give some evidence to the contrary. Earlier this year, research by Scottish Financial Enterprise found that 81 per cent of its members were concerned about the impact of tax divergence on retaining staff, with 66 per cent saying that the changes in the tax regime had harmed investment. That is independent research from an independent organisation.

Others are concerned that there are people in Scotland who are now incorporating to avoid the SNP's high-tax regime and that the proceeds of that incorporation—the taxes—are now being paid to the UK Treasury rather than to the Scottish Government. Those are direct consequences of the SNP's high-tax regime.

We also need to look at the SNP Government's tax decisions and the impact that those have had on the wider performance of the Scottish economy. In January, Audit Scotland said that, although income tax revenues are continuing to rise—I concede that point—the impact on the Scottish budget

“is significantly reduced by relatively slower economic growth in Scotland compared to the rest of the UK.”

That is partly because of higher tax, which, in itself, and alongside the SNP's other policies, is making Scotland a less attractive place in which to work, invest or grow.

Between 2017 and 2022, Scottish taxpayers paid an additional £3.4 billion as a result of devolved tax policy differences. However, slower economic growth in Scotland meant that the net benefit to the budget over the same period was the much lower amount of £629 million. When I raised that with the First Minister earlier today, he had no answer. The situation led Audit Scotland to warn:

“This current economic performance gap underlines the importance of relative economic growth to Scotland's public finances and should be a key area of focus for the Scottish Government in the coming years.”

We do not think that there is enough in the budget to enable the Government to say that its approach will work.

This week, the Cabinet Secretary for Finance and Local Government sidestepped my question about whether the SNP's complex set of income tax rates leads to higher compliance costs, but everyone can see that it clearly does. Other than enabling the Government to grab meaningless headlines on its claim that people in Scotland are

paying less tax, regardless of how much less they are actually paying, there is no rational or economic case for our tax structure being more complex than that of the rest of the UK.

We now have a personal allowance, a starter rate, a basic rate, an intermediate rate, a higher rate, an advanced rate and a top rate, whereas the rest of the UK has a basic rate, a higher rate and an additional rate. The top-end rate is higher here than it is in England—48 per cent rather than 45 per cent—and, at the mid and upper levels, the rates are 42 per cent and 45 per cent, rather than the simple 40 per cent rate that exists south of the border.

Ross Greer (West Scotland) (Green): Mr Hoy was present at the Finance and Public Administration Committee meeting when I asked the Institute for Fiscal Studies about its view on the alleged complication that is caused by Scotland having more income tax bands than the rest of the UK. We heard that there is no evidence of negative effects from our having more tax bands. I can understand why the Conservatives do not want those on higher incomes to pay more, but could Mr Hoy explain exactly what he thinks the harms are of having more tax bands? The Institute for Fiscal Studies could not find any evidence of harms.

Craig Hoy: If the member spoke with the Institute of Chartered Accountants of Scotland, he would understand that it is saying that there are compliance costs from this additionally complex and flawed tax system, given that it is not bringing in what the Scottish Government hoped it would bring in.

The reality is that someone earning £50,000 is now paying £1,500 more in tax, and someone lucky enough to earn £100,000, such as ministers on the front bench, is paying £3,300 in additional tax. The SNP's high taxes no longer fall only on high earners; they also fall on nurses, teachers and police officers. It is clear in our budget submission that we would like a reduction in taxes on ordinary Scots. In the budget, we called for the abolition of rates to give a tax cut to hard-working Scots. Our recommendations would also have made Scotland a more competitive place on tax at the mid levels than the rest of the UK.

However, it is clear that ministers are on a different path: one of high tax and low growth. The SNP's tax plans that we are debating not only contradict the very principles that the SNP set out in 2021 but mean that more people will be paying more tax in Scotland. That will undoubtedly hamper growth and undermine competitiveness. It is for those reasons that the Conservatives will not support the motion on the Scottish rate resolution.

14:41

Michael Marra (North East Scotland) (Lab): Rule 9.16.7 of standing orders dictates that Parliament must agree to a resolution before stage 3 proceedings of a budget bill can begin. As such, Scottish Labour will support the rate resolution this afternoon.

With an additional £5.2 billion added to Scotland's budget, this is the largest budget in the history of devolution. That is only possible because of decisions taken by the UK Labour Government to raise revenue and invest in public services. We will not stand in the way of this budget, because we want Labour's record investment to have a chance of reaching the front line of public services.

Instead of seizing the opportunity to transform Scotland's public services and set a new direction for our country, the budget would correct some of the most egregious and recent SNP mistakes. Far too much of it is more of the same from the SNP. More of the same will not deliver more NHS appointments or cut waiting times. More of the same will not improve attainment in schools or solve the funding crisis that is besetting our higher education sector.

Shona Robison: Will the member take an intervention?

Michael Marra: Not at the moment.

There is none of the reform required to improve our public services and bring real change to communities across Scotland.

Although our UK Labour Government this week delivered an extra 2 million NHS appointments ahead of schedule, Scotland's NHS remains in perpetual crisis and, without intervention, terminal decline.

The Cabinet Secretary for Health and Social Care (Neil Gray): Will the member give way?

Michael Marra: No, sir. I will not.

To spend money on public services, we first have to raise it. The resolution will achieve a portion of that, but the lion's share comes from decisions taken by the Chancellor of the Exchequer. Having opposed every revenue-raising measure proposed by the Labour Government, the First Minister suggested that the UK Government should have raised income tax in England. Surely the man who negotiated the fiscal framework should know that that would have slashed Scotland's budget. The First Minister was promptly slapped down by the Fraser of Allander Institute, which said:

"Since the start of the year, the First Minister John Swinney has been making the case that ... the UK Government had alternatives for raising revenue—for

example, they could have followed the Scottish Government's example to raise income tax."

It went on to say that,

"if the UK Government increased income tax ... the deduction to the block grant would be larger and the Scottish Budget would be worse off."

The institute calculates that the First Minister's proposal would have cut Scotland's budget by £636 million.

Shona Robison: On the point about cutting budgets, will Michael Marra explain the policy that was set out by his leader, Anas Sarwar, to raise the higher rates threshold to £50,270, which would cost more than £700 million? How would he pay for that? Would that be achieved through spending cuts or by an increase to the basic and intermediate rates of tax?

Michael Marra: I appreciate the cabinet secretary's intervention. It is a legitimate aspiration to try to simplify—

Shona Robison: It is an aspiration—

Michael Marra: I am explaining to the finance secretary that it is a legitimate aspiration to try to simplify the system. We know that the vast bulk of tax rises and tax revenue resulting from the Government's approach has come through fiscal drag. People earning between £40,000 and £50,000 are paying ever more and getting ever less from this Government. It is an entirely legitimate aspiration to seek to grow our economy and make sure that we can address that issue.

Despite recently telling the Parliament's Finance and Public Administration Committee that she agreed with the First Minister, the finance secretary could not propose a single alternative approach through which the UK Government could have raised revenue this year in order to fund its budget. The Scottish Government has no constructive suggestions or new ideas. The country deserves much better than this tired Government, which has lost its way. Scotland needs fresh ideas and a new direction.

14:45

Ross Greer (West Scotland) (Green): Scotland has the most progressive income tax system anywhere in the UK. I am proud of that fact, as I think all of us should be. Most people here pay a little bit less, but those on higher incomes pay more, which, in this year alone, will raise £1.7 billion for our public services. That will fund everything from free bus travel for young people to the Scottish child payment and the baby box—policies that are unique to Scotland and are making a transformational impact on the lives of people across the country, especially our most vulnerable families.

I am proud that Scottish Greens have delivered the major changes to income tax since the point at which it was devolved. It is true that a bit more could be done to change our income tax system to make it a bit more progressive, although not a great deal more, and certainly not in terms of revenue yield. However, income is far from the whole picture here. Of course, the wealthiest people in this country manage their finances in such a way that regular income plays only a very small part in them. Income taxes do not tackle generational wealth inequality.

Property is the obvious area in which to address such inequality through the devolved powers that are available to us. I am glad that we have, once again, increased the additional dwelling supplement that is paid by people who are in the fortunate position of purchasing a home that is not their primary property—generally, second or holiday homes or buy-to-let properties. The main property tax that we have available in Scotland is the council tax. We all agree that is a totally broken system. It has not been in date since a time some years before I was born. The last time that council tax was based on accurate valuations was almost a decade before the Scottish Parliament was reconvened.

In her evidence at this week's meeting of the Finance and Public Administration Committee, the cabinet secretary was very honest about the challenges in achieving council tax reform—which, preferably, would mean its replacement—or even just revaluation. Any major change to our tax system would produce winners and losers—that is the nature of politics. As I pointed out at Tuesday's committee meeting, given how grossly unequal the council tax system currently is, any winners from such a change are likely to be people on lower incomes or in smaller-value properties, depending on how the change is made. The losers would be people who currently reside in much higher-value properties, which are generally much larger—the wealthier people in our society, who have much more political and social capital with which to cause grief for Governments and political parties that decide to make that change.

However, I am proud of the small tweaks that we have made to the system. For example, Scottish Greens secured a doubling of council tax on second or holiday homes. The Scottish Government consulted on going further than that doubling approach. In Wales, council tax of up to 300 per cent is charged on second or holiday homes, and there was overwhelming public support for that. I intend to lodge amendments to the Housing (Scotland) Bill to give councils the power to set whichever council tax rate they wish for such homes. Such decisions on local tax should be for them to make—not us. Other new tools secured by Scottish Greens have been, or

will be, introduced, such as the visitor levy and the cruise ship levy, which will empower local government further.

However, collectively, we need to grasp the thistle. It is incredibly frustrating to have the same debates about council tax reform over and over again without substantial changes being made. We even retreat from the point of revaluation. No significant reform can take place without having accurate data. Surely we can all agree on the necessity of holding a revaluation exercise towards the end of this parliamentary session or the beginning of the next one.

We need to tackle the big challenges that this country faces: the climate emergency, child poverty, our ageing population, and the social care and health demands that come with those. Tackling each of those issues costs a substantial amount of money, but doing nothing will cost far more. We need to be honest about where that money comes from. I am proud that, over and over again, in this country, we have taken the decision to ensure that those with the broadest shoulders should bear the greatest responsibility for funding public services that deliver and meet the needs of the people of Scotland.

14:49

Willie Rennie (North East Fife) (LD): I will carry on from where Ross Greer finished.

Much has been said about the progressive nature of our taxation system, which has been a feature of our budgets for some years now. John Swinney, when he stepped in for Kate Forbes as finance secretary, made a slightly different argument. He said that the situation was extraordinary and that there was an emergency. It was just post Covid, and we were dealing with some deep financial problems. He said that that required an emergency rise in tax, and I asked him whether, when the emergency was over, tax would go back down again. He was reluctant to plan future budgets, as he put it at the time, but, as we have seen, those increases have been embedded into the budget, so it was not really an extraordinary emergency situation at that point—it was another means to raise taxation.

Then Humza Yousaf took over, and all went wild. He talked about ever greater progressivity in the tax system, egged on by the Green Party. That is a valid point of view, but the problem is that it broke trust with the public; they did not know where the Government was going with that progressive taxation. When trust on taxation is broken, it is invidious and creates difficulties for people's individual choices about their behaviour. I am not talking about people leaving the country; I am talking about individual behavioural changes in

relation to how people work, such as early retirement, going part-time or moving over to corporation status.

People make all sorts of choices, and we have seen that there has been an effect from behavioural change, but not only because of individual budget decisions. People can live with individual decisions. It is the cumulative effect over time and the uncertainty that is caused by the rhetoric that goes with it that have an impact. That was certainly the case with Humza Yousaf.

We proposed a tax rise in 2016, but the difference was that it was a penny for a purpose—for education. It was defined, and we said that that was it. We did not say that it was going to go on forever as a progressive campaign over years. We said that it was defined, and we believed that we would retain public confidence with that method.

The people whom I worry about in relation to behavioural change are people such as NHS consultants, who can be mobile and can make a decision at certain points in their careers to leave the country, go down south or go elsewhere because of better taxation systems. They will not decide in the middle of a contract to go somewhere else, but the pressure is there, combined with all the other pressures that exist in the system.

Neil Gray: I appreciate Willie Rennie raising the need for competitiveness for our consultants and our wider NHS staff. Does he appreciate the pay deal that was secured last year, which meant that we have competitiveness for consultants, and that the majority of healthcare staff in Scotland are paid more than their counterparts elsewhere in the UK?

Willie Rennie: That reinforces the point that we have a system of plugging the holes that are caused by other parts of Government policy, which is where we need to be careful, because we are not just talking about NHS consultants. Are we going to plug the holes for all the critical people we require to run the economy, health services and education systems? Of course we will not, because that would undermine the whole purpose of the taxation system. I recognise Neil Gray's point, but it proves my point that we need a tax system that people trust, that has long-lasting effects and that people believe in, so that people do not change their behaviour as a result.

Having said all that, we will support the tax resolution, because we believe that we need to get people paid and get the tax raised, which is an essential part of the process. We have negotiated a good deal in the budget process for GPs and dentists and on long Covid, housing, hospices, drugs and careers—the list goes on for a long time. Therefore, we will vote for the budget. At

least the tax resolution is stable, and the fact that the Cabinet Secretary for Finance and Local Government indicated that that stability will last for the remainder of the parliamentary session is a good thing, too.

I will conclude on this point. These debates are very different from what they used to be. We used to debate in Parliament how we were going to spend money rather than how we were going to raise it. The change has resulted in far better debate and a far better Parliament. We are thinking about the effects on people's pockets and about investment in public services at the same time, which is a good thing.

14:54

The Minister for Public Finance (Ivan McKee): I will start by picking up on the point that Willie Rennie just made, because it is important, although he perhaps does not realise its full implications. He is absolutely right that the Parliament has moved from just talking about spending to talking about raising revenue, as we acquire more and more of the powers of an independent state. As we continue down that journey towards full independence, I am sure that he will join me in welcoming the Parliament's ability to talk about all the issues that affect an independent state.

Willie Rennie: The minister will know that we can stop at times.

Ivan McKee: Perhaps it was the enthusiasm and momentum behind Willie Rennie's dialogue that made me sure that he was on that journey with us.

Today, Parliament is being asked to vote on a policy that will raise much-needed revenues for public services while continuing to see the majority of taxpayers in Scotland pay less than they would if they lived elsewhere in the UK. Analysis of our tax and social security policies shows that, on average, households in the lower half of the income distribution are £450 a year better off than they would be south of the border, and the SFC estimates that our income tax policy will bring in £20.5 billion for the Scottish budget in 2025-26, which is £745 million more than it forecast for 2025-26 at the time of the Scottish budget last year.

During our tax strategy engagement, we heard the business community loud and clear when it asked for greater certainty and no further increases to income tax. That is what the budget delivers. It is a proposal that is constructed in a balanced way and provides a period of income tax stability for taxpayers while allowing businesses to invest in a growing economy in Scotland.

That point about a growing economy is important, because we hear some of the naysayers in the chamber talk down Scotland's economy. The last available data on an annualised basis shows that Scotland's economy is growing at 1.2 per cent, which is higher than the 1.0 per cent across the rest of the UK; Scotland's unemployment is at 3.8 per cent, which is lower than the 4.4 per cent across the rest of the UK; and, for the ninth year in a row, inward investment in Scotland is higher than it is in every other part of the UK outside of London. Scotland's economy is not doing as well as it could do, but it is doing better at the moment than the economy of the rest of the UK.

Ross Greer: Does the minister agree that the response to those in the Parliament who demand that we widen the tax base and, by implication, take people who are out of work and on social security into work is that the solution is not to slash their social security payments but to provide them with the employment training and support that is required to get them into the workplace, if they so wish, and that that costs money, which we need to raise through this progressive tax system?

Ivan McKee: Ross Greer makes a valid point. Of course, we want to get as many people working in the economy as we can and provide them with the skills to contribute and to fill the many gaps that there are in skills as Scotland's economy continues to grow and create opportunities.

Our approach ensures that we can continue to support vital services such as the ones that Ross Greer mentioned that provide the most generous public service offering available in any part of the UK, ensuring that Scotland remains a great place in which to live, work, study and do business. We contrast that with the almost £600 million in tax cuts that the Tories call for, which would directly impact our ability to provide those services, and the £700 million that, as my colleague the cabinet secretary just highlighted, Labour wants to take out of the availability for public spending in Scotland through what passes for its income tax policy, plans for which were hastily cobbled together on the back of an envelope.

That funding allows the Scottish economy to regain momentum and prosper after the years of Covid and the challenges resulting from Brexit. It will support continued renewal of our NHS and allow us to seize the opportunities of the green energy transition.

I hope that members will vote positively for the motion, and I thank those who have already indicated that they will do so, including, it appears, Labour members. I lost a small wager with my colleague Shona Robison on how Labour might vote this afternoon. Of course, the inconsistency around Labour voting for the tax policy but not

voting for the budget seems typical of its muddled positioning at this point in time.

The budget chooses a path of stability in our income tax choices to provide certainty for our taxpayers regarding their take-home pay after years of high inflation, certainty for our businesses after the damage of EU exit and the insecurities facing the world economy, and certainty for our public services, with record investment. I encourage all members to support the motion.

The Presiding Officer: That concludes the debate on the Scottish income tax rate resolution 2025-26.

It is now time to move to the question on the motion. The question is, that motion S6M-16531, in the name of Shona Robison, on the Scottish income tax rate resolution 2025-26, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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

15:00

Meeting suspended.

15:05

On resuming—

The Presiding Officer: We move to the vote on motion S6M-16531, in the name of Shona Robison, on the Scottish income tax rate resolution 2025-26. Members should cast their votes now.

The vote is closed.

Tess White (North East Scotland) (Con): On a point of order, Presiding Officer. I could not vote. I would have voted no.

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

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer. I could not get my device to connect; I would have voted no.

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

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

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

Finlay Carson (Galloway and West Dumfries)

(Con): On a point of order, Presiding Officer. I was unable to connect; I would have voted no.

The Presiding Officer: Thank you, Mr Carson. We will ensure that that is recorded. *[Interruption.]*

Pam Gosal (West Scotland) (Con): On a point of order, Presiding Officer. I am sorry about that; I was trying to put my vote through and I was running in to the chamber at the same time. I was going to vote no.

The Presiding Officer: Ms Gosal, in this instance, I will accept your point of order, and we will record your vote, but I ask all members to ensure that they are somewhere where they can vote. This will not happen again.

Daniel Johnson (Edinburgh Southern) (Lab): On a point of order, Presiding Officer. Although I do not ask for an answer now, what has just happened sets a precedent that raises a great number of questions across the chamber. I politely observe that I do not think that any member can be in two places at once. While taking part virtually, members need to be present at their terminal. I query whether all members were in that position when the vote took place. Some consideration should be given to what has just occurred.

The Presiding Officer: Mr Johnson, fortunately, this is an extremely rare occurrence. I would like to think that I have made it quite clear that this will not set a precedent. Never again will this happen. We who sit in the chamber have a great privilege in that we are able to represent our constituents and vote on their behalf. I am always keen that every member has the opportunity to exercise that right. In this instance, I will accept Ms Gosal's vote, but this will not happen again.

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)
 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)
 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, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 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)
 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)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-16531, in the name of Shona Robison, on the Scottish income tax rate resolution 2025-26, is: For 86, Against 27, Abstentions 0.

Motion agreed to,

That the Parliament agrees that, for the purposes of section 11A of the Income Tax Act 2007 (which provides for Income Tax to be charged at Scottish rates on certain non-savings and non-dividend income of a Scottish taxpayer to be charged above the personal allowance), the Scottish rates and limits for the tax year 2025-26 are as follows—

- (a) a starter rate of 19%, charged on income up to a limit of £2,827,
- (b) the Scottish basic rate is 20%, charged on income above £2,827 and up to a limit of £14,921,
- (c) an intermediate rate of 21%, charged on income above £14,921 and up to a limit of £31,092,
- (d) a higher rate of 42%, charged on income above £31,092 and up to a limit of £62,430,
- (e) an advanced rate of 45%, charged on income above £62,430 and up to a limit of £125,140, and
- (f) a top rate of 48%, charged on income above £125,140.

The Presiding Officer: There will be a momentary pause before we move on to the next item of business.

Independent Review of Sentencing and Penal Policy

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-16532, in the name of Angela Constance, on an independent review of sentencing and penal policy.

15:12

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Since October 2023, I have updated Parliament on a number of occasions about the rising prison population, the challenges that that brings and what the Government is doing about it. I have been clear on the need for on-going action to continue to reduce crime and ensure that we have a sustainable prison population. It is vital that our prisons can operate safely and effectively, with public safety and the rehabilitation of prisoners at the core.

Despite recorded crime being down 39 per cent since 2006-07, the prison population has increased by 60 per cent since 1990. Between 2011-12 and 2017-18, the population reduced by 9 per cent, driven by a reduction in the number of young people sent to prison, before it rose again in 2019-20. Between March and June 2020, we saw a temporary drop as a result of the pandemic, but the prison population has continued to rise since then.

The harms caused by such a high prison population should not be underestimated. His Majesty's Inspectorate of Prisons for Scotland regularly describes the "nine evils of overcrowding". I will not rehearse them all, but I will highlight a few. Those who work in prisons have

"less time to devote to screening prisoners for the risks of self-harm or suicide";

resources in prison are stretched so that prisoners

"have less access to programmes, education, training, work";

prisoners spend more time in their cells; and family contact and visits are restricted.

We all want people who leave prison to successfully reintegrate into their communities, to contribute to society and to be less likely to reoffend. The harms associated with having a high prison population reduce the impact of prison in preventing reoffending.

Let me be clear: the Scottish Government is not changing its position on the use of prisons. Prison will always be necessary for those who pose a risk of harm or threaten the delivery of justice. Our independent courts must continue to have the

ability to remove an individual's liberty when appropriate. Protecting victims and the public from harm is, as always, my absolute priority.

We need to reconsider the kind of justice system that we want to have. I have said repeatedly that there needs to be a shift in the balance from custody to justice in the community. Debate around community-based sentences is often hostile and misinformed. We need to ask ourselves difficult questions about how to further tackle public health problems that lead to higher rates of offending, such as addiction, poor mental health and poverty, with more effective community-based action. Do we truly believe, as a country, that the only solution is to build more and more prisons, with significant economic and social cost?

We need to face up to the reality of how counterproductive short prison sentences are, given their profound and negative effects.

Jamie Greene (West Scotland) (Con): I am sorry to pre-empt what may come next, but there already is a presumption against short sentences in Scotland. The cabinet secretary is dancing on the head of a pin on that issue. What I and the public want to know is this: what crimes for which people are currently incarcerated does the Government believe that people should not be incarcerated?

Angela Constance: There is indeed a presumption against short-term sentencing in Scotland. This Government took that very decisive action. I know that that has had success, in that the proportion of sentences that are short term has reduced by 10 percentage points, but there is still a high use of short-term sentences in this country. Therefore, it is incumbent on me, not to act as judge or jury, but to do everything that I can—which I am doing, and will continue to do, through investment—to continue the increase that we are seeing in community payback orders. Ultimately, I believe in accountability and in reparation as much as I believe in rehabilitation.

We know that prison can, by its very nature, disrupt the factors that can help to prevent offending. Imprisonment can have damaging effects through the breakdown of family relationships, cause housing instability and homelessness, negatively impact on employability and lead to job losses, and weaken other societal ties and support networks.

I urge members to be willing to think differently and progressively about community-based sentences and to acknowledge their clear benefits to our society. The evidence tells us that those sentences are more effective than short prison sentences at addressing underlying causes of offending behaviour and, ultimately, at breaking

the cycle of reoffending. Yet, so often, those sentences are referred to as soft justice. Among all of us in Parliament, there needs to be a shift in our mindset that prison is the only effective punishment for people who commit offences.

Last year, I indicated that I would establish an independent review of sentencing and penal policy. I inform Parliament today that we have established the commission to conduct that review.

I am pleased to announce that Martyn Evans, the former chair of the Scottish Police Authority, has agreed to chair the review. In addition to his work at the SPA, he has a wide range of experience in the voluntary and public sectors and has chaired successful commissions and inquiries across the United Kingdom and Ireland. He will bring the same level of dedication, professionalism and expertise to the review as he has done to his past work.

Mr Evans will be ably supported in that by five members of the commission, who collectively bring a great deal of expertise and experience to the table. They are Catherine Dyer, CBE, chair of the board of Community Justice Scotland; Dr Hannah Graham, senior lecturer in criminology at the University of Stirling; the Labour Minister for Justice between 2003 and 2007, Cathy Jamieson; Sheriff David Mackie; and Lynsey Smith, chair of Social Work Scotland's justice standing committee. I am grateful to them all for taking on this significant and vital task.

The review will consider how imprisonment and community-based interventions are currently used and how changes to that use might contribute to our having a sustainable prison population. I have asked the commission to focus initially on community sentencing, bail, and remand and release from custody. I have also asked it to provide detailed and actionable recommendations for improvements by the end of the year, with an interim report in autumn. In carrying out its work, the commission will engage with stakeholders, victims and those with experience of the justice system on how best to respect and protect the interests of victims, while maintaining the rights of those who are accused of crime.

It is clear to me that there is scope for the review to set out a transformative approach to sentencing and penal policy, and I ask that members in other parties engage with and support that process. As we all know, Scotland has one of the highest uses of custody in western Europe, but there is nothing intrinsic about our country that means that it should not and could not have a penal policy that stops us being an outlier.

Although we cannot import our solutions wholesale from elsewhere, we can learn from what

other countries have done differently to reverse the trend of a growing prison population. Countries such as Sweden, Finland and the Netherlands have made long-term investments in non-custodial options. Finland introduced tighter regulations on the available sentence range. More individuals have been kept out of prison entirely through alternatives such as suspended sentences, electronic monitoring or fines in countries such as Germany and the Netherlands. Sweden and a number of US states are focusing on rehabilitation, drug treatment and housing support.

The international evidence tells us that a whole-system approach is required, not just for the criminal justice agencies but for health and welfare partners. To achieve that, we need strong political support and cross-party consensus, building on a shared recognition of the challenges and the commitment to solutions.

We have taken many steps to ensure that we have a sustainable prison population and we will continue to do so. The Scottish Prison Service has taken steps to optimise the use of home detention curfew. We took the difficult but necessary step of emergency early release. The Prisoners (Early Release) (Scotland) Act 2025 came into force last week and brings a new release point for most prisoners serving short-term sentences of less than four years. In 2024-25, we increased further the funding for community justice further by £14 million to £148 million in total. I confirm to Parliament that the new bail test and the Bail and Release from Custody (Scotland) Act 2023 will come into force on 14 May 2025. The reforms to the bail law recognise the negative impact of short periods of imprisonment while ensuring that public and victim safety are at the heart of the court's decision making.

The Government has shown a clear commitment to strengthening alternatives to custody and ensuring that imprisonment is used only when appropriate by taking decisive action such as introducing electronic monitoring for bail and community payback orders, introducing the presumption against short prison sentences and removing all our children from prisons. However, significant and sustained progress in that area is not readily or easily achieved. It involves balancing urgent responses with long-term societal and cultural change while respecting the operational independence of our justice partners.

It is clear to me that this is the time for us to be bold as a society and rethink our attitude to how we deliver justice and reduce offending. We have the opportunity to think differently, strategically and over the long term about how we achieve the goals that, ultimately, all members share: less crime, fewer victims and safer communities.

I move,

That the Parliament notes that Scotland has one of the highest proportions of prisoners in Western Europe; recognises the action that has been taken to establish a sustainable prison population and shift the balance between the use of custody and justice in the community, while protecting the public from harm; acknowledges the need for an independent review of sentencing and penal policy to consider how imprisonment and community interventions are used; further acknowledges the key role that the third sector can play in the effective delivery of justice services that reduce reoffending, and support rehabilitation and reintegration into society; agrees that there is a need for strong partnership working and co-ordination between third sector organisations, justice social work and the Scottish Prison Service to provide support and improve outcomes for those leaving prison, and believes that the Parliament has an important role to play in discussing the use of imprisonment and the best means for addressing offending behaviour, by both effective prevention and appropriate rehabilitation, and for reducing crime and keeping communities safe.

15:23

Liam Kerr (North East Scotland) (Con): The Scottish Conservatives have been demanding a review of sentencing and penal policy for years. I am pleased to hear that progress has finally been made and we look forward to contributing positively to that, but the cabinet secretary announced almost a year ago to the day that she planned

“to commence an externally led review of sentencing and penal policy.”—[*Official Report*, 27 February 2024; c 13.]

In the meantime, rather than getting going with the urgency that is required, we have seen a series of panic-stricken knee-jerk reactions to the crisis of the prison population. Responsibility for that lies entirely at the feet of the Scottish National Party Government, which has been in charge of Scotland's justice system for 18 years. That is 18 years without the Government having developed a holistic, coherent strategy to understand why the prison population is so high and propose whole-systems approaches to address it. It is 18 years of the Government introducing admittedly extremely important legislation to address appalling crimes such as historical sexual offences and domestic violence but failing to adequately prepare for and provision the wholly predictable resultant increase in prisoners.

It is 18 years of failure to replace and increase capacity in an antiquated prison estate, which is consequently incapable of providing the rehabilitation opportunities required to break the cycle of reoffending that the cabinet secretary rightly talked about.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Does the member recognise that England and Wales are going through exactly the same situation and have encountered exactly the same problem as we have, and are taking steps to address it?

Liam Kerr: My starting point is always to consider bespoke Scottish solutions to Scottish challenges. It is very important that, where we have a fully devolved matter and different systems, we do not blindly mirror solutions in other legislatures. That is why I lodged the amendment that I did: the time for the warm words that we see in the Government's motion is long past.

If we are going to have a sentencing review, that has to start with levelling with the people of Scotland. It is quite difficult to be sent to prison these days. In 2022-23, only 13 per cent of convictions for a crime resulted in prison, which is hardly surprising when we consider the Government's introduction in 2022 of an instruction that criminals under the age of 25 would not get prison unless

"no other sentence is appropriate"

and that any prison sentence for them would be shorter than for an older person committing that offence. The result of that was a 31 per cent reduction in the number of under-25s being given custodial sentences, including a teenager who left a fire officer with life-changing injuries but got a community payback order. In that case, if it had not been for the sentencing guidelines,

"the court would have imposed a significant custodial sentence."

In 2019, the Government introduced a statutory presumption that a court must not pass a sentence of imprisonment for a term of 12 months or less. If a criminal got a sentence of four years or less, that used to mean automatic release at the halfway point, without restriction, supervision or consideration of the crime or the victim, regardless of whether the criminal was rehabilitated. I used the past tense there because, just this week, that timeline changed to less than half the sentence.

I thought it instructive when Lynn Burns, who is the victims expert on the Scottish Sentencing Council and whose son, Sam, was murdered in 2013, said on Tuesday that

"40 per cent of a sentence"

is insufficient time

"to rehabilitate."

What is even more concerning in what has hitherto been an unevidenced knee-jerk policy is that, as the cabinet secretary admitted on Tuesday, the Government does not even know how many of those who are released are violent offenders. The cabinet secretary's Tuesday interview was instructive, because she said that

"the *raison d'être* of the legislation is that we need to achieve a sustained reduction in the prison population."

I would have thought that the safety of the people of Scotland should be the overriding objective. It is

no wonder that a furious Linda McDonald, survivor of a brutal attack by Dundee murderer Robbie McIntosh, says in *The Courier*:

"I worry about public safety and believe there will be more victims."

Indeed, Kate Wallace, from Victim Support Scotland, is surely right when she says that

"resources are taking priority over victim and public safety."

It certainly sounds like it, when only 2 per cent of victims of prisoners released early by the SNP last summer were informed, and nothing substantive has been changed in the victim notification scheme since then. That is the real issue.

The motion has warm words, but we have heard them all before and they have never before been backed by plans, resources or holistic thinking. That is why the reconviction rate rose in 2020-21—with the CPO reconviction rate rising significantly.

Angela Constance: I appreciate very much that Mr Kerr wishes to campaign for changes in the victim notification scheme. I will certainly be with him on at least part of that journey, depending on what his proposals are. On the need to reduce the prison population, would he like to outline any specific proposals and what he is for as well as what he is against?

Liam Kerr: That is a fair challenge. What we would have done is build capacity such that the new HMP Barlinnie would not be 10 times over budget—it costs nearly £1 billion and is going to be delayed again. We would have ensured that that would not happen.

I agree with the cabinet secretary on many things. There has to be a holistic strategy and a holistic policy that look at the whole environment to ensure that the right people go to prison, that public safety is protected and that those who should not be in prison are not in prison. If the new group that the cabinet secretary has put together is looking at that, I am absolutely with her on that, and I look forward to contributing to it.

To finish my point, in summer, 477 prisoners were released early, but one in eight re-offended within weeks. That is why we need—and should have had previously—action, resources and evidence-based policy making, not warm words. The reason why I want to finish on this point is that, six years ago, I brought a motion to the Parliament. It was a simple one-sentence demand that urgent action, including the abolition of automatic early release, be taken to restore public trust in the justice system. The then justice secretary, the never knowingly effective and now rarely seen Humza Yousaf, amended it to have a go at the United Kingdom Government. However,

in an unusual and unexpected dalliance with sound policy making, his amendment said that

“future reforms to sentencing policy should be informed by evidence of what works to reduce reoffending and take appropriate account of Scotland’s current internationally high rate of imprisonment.”

Lamentably, it seems to have taken six years for the Government to get to that point, while instead making panic-stricken, unevidenced, knee-jerk responses such as early release of criminals.

I suspect that the cabinet secretary will agree that the time for warm words is over. The time for proper, evidence-based policy making with proper resources and honesty in sentencing is now.

I move amendment S6M-16532.1, to leave out from “Scotland” to end and insert:

“as a result of, non-exhaustively, significant and long-standing pre-COVID-19 pandemic court backlogs, a high remand population and a failure to timeously build additional prison capacity, Scotland’s prison system is now struggling to house the number of prisoners incarcerated and sentenced as a result of independent decisions made by judges; further notes with disappointment that these capacity issues still persist, despite numerous Scottish Government policies, which were aimed at reducing the prison population, such as changes to automatic early release, which allows many offenders to leave prison after serving 40% of their sentence, a general presumption against short sentences, sentencing guidelines that treat under 25-year-olds differently and an increase in diversion from prosecution; raises concerns that, despite repeated warnings about the need for new prisons, HMP Highland and HMP Glasgow are both delayed and over budget, with the former rising from £52 million to £209 million, and the latter increasing from £100 million to £998 million; understands that reoffending rates were up 2.6% for the 2020-21 cohort; recognises that one-in-eight of those released as a result of emergency early release reoffended, and believes that the role of the independence of the judiciary should not be undermined by government, and that any review of penal and sentencing policy should always prioritise victims over offenders.”

The Deputy Presiding Officer: I remind members who wish to speak in the debate to check that they have pressed their request-to-speak buttons. I call Pauline McNeill to speak to and move amendment S6M-16532.2.

15:31

Pauline McNeill (Glasgow) (Lab): Our prisons are bursting at the seams and we are being forced to release prisoners early, causing deep public concern. We have some of the highest levels of incarceration in Europe, so it is clear that one of the answers to this situation is to focus on sentencing.

It is also obvious that, to do so, we have to give the courts serious alternatives to imprisonment. I do not know how many times that that has been said in the chamber, but it is a failure of SNP justice management that we have not made

progress in that area. For example, the number of community payback orders has slumped over the past decade. In 2014-15, there were more than 19,000 orders, but nearly 10 years later, that figure is just over 15,000. To me, it seems extraordinary that we are going backwards.

If we want to send fewer people to prison, where that is appropriate, and relieve our bulging prison estate, it is important that we run our prisons better from within. The point about the importance of being able to work with offenders has been rehearsed many times. It is all about the work that we do with them, about their conditions in prison and about staff being given an opportunity to do the job that they were employed to do inside the prison.

Research suggests that community sentencing can have a positive effect on both the chances of the perpetrator reoffending and the public purse. What is crucial in those cases is that it makes sense to use it and that it has the confidence of the public and the judiciary—we all know that. It is not an easy fix, and it requires a serious focus to make it work. To that extent, I agree with the cabinet secretary and assure her that Scottish Labour thinks that this is a matter on which there should be cross-party working.

I have heard this many times, but one reason for community payback orders not being used as much as they should be is that judges do not seem to have the confidence in some of the programmes or in the ability of the convicted person to complete them. We need to improve the suitability of community payback orders, particularly for those with addictions and those who lead chaotic lives. The Criminal Justice Committee heard as much fairly recently, when Karyn McCluskey, the chief executive of Community Justice Scotland, pointed out that

“We must imprison those whom we are afraid of, and not those we are mad at. People enter our justice system with mental health issues, addiction problems, homeless, from the care system and many who’ve been victimised as children.”

However, for those who receive a jail term, we need to improve access to throughcare services. Such services involve trying to get people who are coming out of prison back into their homes and communities, something that many third sector organisations such as the Wise Group are, as we all know, brilliant at.

The throughcare budget is around £5 million, but it has been estimated that providing throughcare for everyone who comes out of prison will cost nearly £19 million. Given that the majority of sentences are short term, and that many people with addiction issues cycle through the system time and again, it is a false economy not to invest more in those systems.

I have had many letters from constituents who have written to me from prison, frustrated that they cannot get on to the courses that they are willing to go on to demonstrate that they have been rehabilitated. I confess that I do not have the data, so this is somewhat anecdotal, but the suggestion is that there are long waiting lists in prison for people who want to go on rehabilitation courses, and it has also been suggested that someone could be waiting on the list, but someone else could go above them. It seems a bit unfortunate that there are issues inside prisons with trying to do that kind of work, and it would be helpful to get more data on that.

At the moment, the Scottish Labour position is that we are not in favour of a sentencing policy review. I have to say that this is the first time that I have heard the cabinet secretary's intentions. I will reconsider, but that is our position at the moment.

Liam Kerr: Does it concern Pauline McNeill that there is no specific budget line in next year's budget for throughcare?

Pauline McNeill: It dumbfounds me at times. I have been taking part in debates on this issue for two decades now—indeed I have—and we know that the answers lie in throughcare and supporting prisoners. However, we are nowhere near doing that. A budget line that demonstrated the Government's commitment to throughcare would definitely be appropriate.

I want to set out why we are not convinced by the policy review.

Angela Constance: I wonder whether Ms McNeill welcomes the fact that the new throughcare contract has been agreed and will be in force for the next financial year, with increased investment now reaching £5.3 million.

Pauline McNeill: I absolutely do welcome it, but the two points are not mutually exclusive. I would like it to be visible, but of course I welcome the commitment. What I have been demonstrating is that a lot of the answers to the problems are already known.

There was confusion over the sentencing policy for under-25s, partly because the Scottish Sentencing Council did not seem to take any soundings from the Parliament before it arrived at it. However, there has not been a lot of discussion in the Parliament about that. There is lengthy guidance, as Liam Kerr has already said, which has been quite controversial, and there is a case to be made for the Criminal Justice Committee to look at sentencing, too.

The point that I want to make to the cabinet secretary is that there must be transparency around this important debate. One of my concerns about another review on sentencing is that it will

put it behind closed doors, but the Parliament needs more transparency in the discussion. I do not fully understand what approach the Crown Office and Procurator Fiscal Service is taking, for example, although it seems to be using its discretion more often not to take young offenders to court. I am not commenting on the rights and wrongs of that, but there should be more up-front openness about what is happening.

If the Government wants cross-party support on sentencing, it follows that we need to know exactly where the Government is heading on that, and we need to discuss what the alternatives will be. We believe that the job of the Government is to get on with it and not kick it into the long grass with a review.

In many debates, we have noted that 2,000 people are on remand in Scotland, which is a problem that needs to be discussed. We need answers on how to deal with remand prisoners in overcrowded jails, where, for obvious reasons, there are no programmes, and we need to think more about the conditions in which we hold remand prisoners.

People on remand suffer some of the same issues as convicted prisoners. I am sure that the cabinet secretary is aware of this, but the Wise Group has told me that one of the things that happens when someone goes to prison is that, along with losing their home and job, they are removed from the register of their general practitioner's surgery—and that seems to be the case even when someone is in prison on remand. One small change that could be made would be not to do that. Indeed, the Criminal Justice Committee has successfully argued for prescriptions in the prison system to make that more joined up; small things can be done that will make a difference to prisoners, and that is one that the Government should look at.

I will listen carefully to what the Government has to say. However, at the moment, our position is this: let us get on with the job. We know where the answers lie. The Government will get our full co-operation. However, we do not want to see this happen behind closed doors.

I move amendment S6M-16532.2, to leave out from "recognises" to end and insert:

"acknowledges that prisons remain severely overcrowded, with prisons operating above capacity even after the Scottish National Party (SNP) administration's emergency early release of prisoners, impacting on the ability to rehabilitate offenders; is concerned by the high numbers of women in prisons; condemns the SNP administration's failure to tackle high reoffending rates, which result in offenders returning to custody due to the lack of robust alternatives; agrees that the third sector can play a significant role in the effective delivery of justice services that reduce reoffending, and support reintegration into society; calls on the Scottish Government to urgently

increase the availability of robust community payback orders, and invest in safe and secure GPS electronic monitoring to drive down the remand population and give more public confidence to non-custodial sentencing; further calls on the Scottish Government to expand access to throughcare services, which are essential in assisting offenders to reintegrate into society and to stop offending; believes that a review of sentencing and penal policy will not address the urgent crisis in Scotland's justice system, and resolves that the SNP administration should take immediate action based on parameters set by the Parliament to address these concerns, rather than focus on a review that will not take the prompt action needed to fix the justice system and keep Scotland's communities safe."

15:40

Maggie Chapman (North East Scotland) (Green): I welcome the information that the cabinet secretary has shared with us about the commission that will be chaired by Martyn Evans. I look forward to receiving regular updates on the work of that body.

Research published in the medical journal *The Lancet* this month puts this debate into context. More than 11.5 million people across the world are incarcerated, and that number is rising; indeed, it increased by around a third of a million from 2023 to 2024 alone. At least one in seven of those people has a severe mental illness, and very many are in poor physical health.

Behind those figures lie two stark realities. The first is that whether or not someone is incarcerated depends not so much on the harm that they have caused but on who they are, what their childhood was like, where they live and what illnesses they live with. Between a half and three quarters of people charged in court have mental illness, compared to around one fifth of the general population.

The second reality is that, for most people, prison makes their mental health worse. Prison is not a safe place, and it does not make the world outside prison safer either—not for survivors of violence, not for wider communities and not for people who have been incarcerated, who are at serious risk of avoidable death in their very first week after release.

The motion highlights that Scotland is part of the problem, but it also reflects the fact that most of us want to be part of the answer, too. Against a backdrop of brutality from Washington—and, tragically, from Westminster—Scotland wants to be different, and we in the Scottish Greens are ready to work to make that difference happen.

That means having a radical ethics of care and compassion. It means recognising that genuine security is about wellbeing rather than control. It means giving restorative and community justice a chance to work and giving survivors well-founded confidence that, when properly implemented, non-

custodial sentences will keep them safe. It means giving individual attention to people who need support, whether it be in primary prevention, in the community or in prison. It means managing cases swiftly and efficiently, making the necessary connections between civil and criminal cases. It means legal aid that works for all those who need it, including in relation to child contact.

It also means recognising and rewarding the difficult and vital work done by all those in the justice sector, including the third sector, with its invaluable expertise; the forensic specialists at the University of Dundee's Leverhulme research centre, which, shockingly, senior management plans to close; our increasingly overstretched prison officers; and the staff, whose pressures have been described so vividly in the Public and Commercial Services Union's recent "Rough Justice" report.

I do not underestimate how difficult any of that will be. However, that is why the independent review is needed: to find out exactly what is happening, why so many people are still being sent to prison, what needs to change and how that can happen. It needs more than that, though. It needs resources—of funding, of course, but also of political and public will.

As we know, poverty and adverse childhood experiences make people vulnerable to involvement in crime—as victims, as survivors and as those convicted—yet we still see traumatised children being described in utterly dehumanising language by irresponsible media and political figures. I hope that this debate will be free from that kind of contempt. I hope that we can find consensus on positive ways of making Scotland a safer, more just and more compassionate place, and I look forward to hearing, and talking later, about some of the transformational pieces of work that are already happening, that need support and which must continue.

15:44

Liam McArthur (Orkney Islands) (LD): I, too, welcome the debate and the independent sentencing review. I know that it is dangerous to prejudge such things, but I confidently expect such a review to confirm the blunt reality that our justice system is too reliant on prison.

My confidence is reinforced by the fact that part 1 of the UK independent sentencing review's report, which was published earlier this week, came to that very conclusion. That review is headed by former Conservative justice secretary David Gauke, who was withering in his criticism of what he described as the "penal populism" of some politicians. I have far too much respect for Liam Kerr—as he knows—to accuse him of such,

but the repeated mantra of some in his party, who talk about soft-touch justice when our country has the highest prison population level per capita in western Europe, seems to fit Mr Gauke's description rather well.

Although some of the criticisms in the Tory amendment are entirely valid, the apparent desire to lock up even more of our population is not. I urge Liam Kerr to follow the advice of his former colleague David Gauke. After all, it appears to be common sense.

Of course, prison is and will remain the best and only option for those who pose a danger to society. Even then, public safety demands that every effort be made to rehabilitate as well as to punish. We know that, in many instances, prison sentences are an ineffective deterrent and increase the likelihood of reoffending. If our number 1 priority really is, as it must be, to keep communities across Scotland safe, we need to recognise that there are often more effective tools for reducing crime than prison.

It is true that such decisions are for an independent judiciary but, as politicians, we have a role to play, partly in resisting the "penal populism" identified by David Gauke, but also in ensuring that the alternative options that are available to judges and sheriffs are properly resourced, robustly enforced and consistently available. That is not the case at present, as others have observed. Although that will certainly come at a cost, that cost is dwarfed by the cost of building more and more prisons to lock up more and more people, who will then be released to continue reoffending more and more often. I believe that sentencing and penal policy should reflect that reality and be guided by the evidence.

Although it cannot be the primary motivation, the review needs to reflect the context of the dangerous overcrowding that we see in our prisons. That overcrowding is dangerous for staff, for prisoners and, ultimately, for communities. Even though the Government was warned about the developing crisis for years, its action was, I would argue, slow and insufficient. It is certainly fair to argue that actions can take time to have an effect, but that argument becomes less persuasive over time.

Even now, there seems to be a lack of urgency. As Liam Kerr fairly noted, the cabinet secretary first announced her intention to commission a review of sentencing exactly a year ago. In that time, Scotland's prison population has continued to balloon and Parliament has been asked to sanction two separate emergency prisoner releases, while granting sweeping future powers to ministers.

Although I welcome the review and believe that it is necessary, and I certainly wish Martyn Evans and his colleagues well, I think that Pauline McNeill is right to argue that it will take time for the review group to carry out its work and to come forward with recommendations. That is time that Scotland's prison population can ill afford.

Scotland's prisons are at a tipping point. That was the stark warning that Teresa Medhurst, the chief executive of the Scottish Prison Service, gave last year. She was right to highlight the consequent risks for staff, for prisoners and, ultimately, for communities, to which I have already referred. Scottish Liberal Democrats support efforts that will reduce the use of prison sentences in favour of alternatives that we know are more effective and keep our communities safe. However, I cannot help feeling that the time that it has taken to get to this point suggests that the Government is still not fully facing up to the scale and urgency of the action that is required, and that must change.

The Deputy Presiding Officer: We move to the open debate. I advise members that back-bench speeches should be of the agreed slot of up to four minutes and that we have no time in hand. Any interventions will have to be absorbed within the agreed allocated time.

15:49

Fulton MacGregor (Coatbridge and Chryston) (SNP): Today's debate examines the difficult issue of prison populations, the justice system and ensuring that the Scottish public are kept safe from harm. If we look at the current environment, we see that rising prison populations are causing issues for Governments across the whole UK. Here in Scotland, the prison population often exceeded 8,300 last year, and projections indicate that the numbers will continue to rise, potentially to record levels. It has been made clear to me and my colleagues at meetings of the Criminal Justice Committee that those numbers are unsustainable without intervention.

Further instability will put the effective functioning of our Prison Service at risk, including the ability to rehabilitate offenders, so it is critical that we explore a range of actions to ensure that the system operates safely and effectively for staff and prisoners alike. The announcement of an independent review of sentencing and penal policy is a step towards ensuring that the risk does not become a reality.

It might be inferred that larger prison populations indicate that Scotland is becoming more dangerous but, as we have heard, recorded crime has continued to trend downward over the past two decades. There are numerous reasons

for the increasing prison population, including increased sentencing lengths, more convictions for historical offences and increasingly complex situations regarding separating groups of prisoners from one another—all issues that we hear about regularly in the Criminal Justice Committee. In exploring the topic, we have previously heard evidence that those who are released from short custodial sentences are reconvicted at a rate that is almost twice that of those who are sentenced to a community payback order. Such statistics remind us that, although appropriate in many cases, short prison sentences are often not the best way to reduce reoffending.

So far, the Scottish Government has taken a range of actions to address rising prison populations. They include extending the presumption against short-term sentences, introducing electronically monitored bail and enabling that time served to be taken into account at sentencing, and strengthening alternatives to remand. Those steps are mitigatory, so it is necessary for further in-depth research to take place on imprisonment and community-based sentences. Therefore, as I have said, I wholeheartedly welcome an externally-led review of sentencing and penal policy.

As with so many issues, addressing the topic will cost money. The Scottish Government has increased the justice allocation in the budget for the second year running. If my colleagues across parties support the budget, they will be supporting an investment of almost £4.2 billion in justice, which is an increase of nearly £400 million. That is my call to the other parties in considering supporting the budget.

The cabinet secretary will not be surprised to hear—in fact, she mentioned it herself—that if we want to change radically the balance between community rehabilitation and custody, we need to fund that. I welcome the continued investment in criminal justice social work services. We cannot change the balance overnight, but we need to change it gradually over a set period. There should be increased investment year on year until that balance is achieved.

Liam Kerr: Will the member take an intervention?

Fulton MacGregor: I have four minutes, and we have been asked to co-operate. I am sorry, Mr Kerr.

I am fully aware that the funding increases are being made at the same time as the Labour UK Government is changing employer national insurance contributions, which, unless the UK Government commits to a full funding of the potential shortfalls, could cost the justice portfolio millions. Those shortfalls will affect not only major

public bodies but third sector partners in areas such as community justice and victim support. I call again on Labour colleagues in this Parliament to ask the UK Government to rethink that policy and approach.

With increasing prison populations, Scotland is facing a potential crisis. An independent review of sentencing and penal policy will be an invaluable resource for exploring ways in which we can address the issue, while ensuring that victims and the public at large across Scotland are protected from harm. Recent reviews in the rest of the UK have shown similar trends, which require radical interventions. The Scottish Government's increased justice allocation in the proposed budget underlines the SNP's commitment to keeping Scotland safe.

15:53

Jamie Greene (West Scotland) (Con): It was not long ago that we debated the Bail and Release from Custody (Scotland) Bill. The Scottish Conservatives argued that the bill would do very little to reduce the prison population. The Government argued very much to the contrary, saying that our burgeoning prison population was the very reason why we had to think about remand and release. It argued that extraordinary times called for extreme measures. We were told that, although such measures would be unpopular with the public, we would just have to suck it up, because otherwise there might be mass unrest and disorder in our prisons. It was the same again last year—we were asked twice to release prisoners early due to overcrowding and, again, the Government asked us to consider automatic early release after just 40 per cent of a sentence had been served.

All that is against the backdrop of a system in Scotland in which there is already a presumption against short sentences of less than two years. There has already been a considerable rise in the number of non-custodial alternatives being handed out by judges. There has been a considerable rise—20 per cent—in the electronic tagging of offenders, and there have been sweeping changes to the sentencing criteria for under-25s.

The Government assured us that all that would reduce our prison population, but quite the opposite has happened. In 2022, the prison population was just over 7,400. Last year, it was 7,850 on average, and it hit 8,300 just last week.

We were hoodwinked into thinking that the ruse of allowing automatic and emergency early release would somehow make for safer prisons—forgetting that it might not make for safer streets, which should surely underpin any sentencing policy.

I suspect that the Government is not willing to say what it thinks, which is that judges are sending too many people to prison. The cabinet secretary will not say on the record which crimes for which people are currently sent to prison would not be under potential review in future. I do not have a problem with review of the penal system—or, indeed, sentencing—but the public expect honesty from the Government and the Parliament on their understanding of what would happen as a result.

Many times, I have stood in the chamber and recounted my thoughts about why our prisons are full. As Pauline McNeill said, the answers have been obvious and staring us in the face for two decades. Our remand population currently sits at nearly 2,000 prisoners, which is a quarter of the prison population. If we were to speed up processing the backlog of court cases, many of those people could perhaps come out of prison. We could reduce prisoner numbers overnight if there were no remand population. That surely would address overcrowding. At the moment, those involved in 23,000 cases in the system are still waiting to have their day in court. Some of those prisoners have been waiting for up to three years to have their cases dealt with. Such delays affect victims as well as accused persons.

We have seen a huge surge in the backlog of cases of serious crimes, including those involving historical sexual crimes, serious organised criminal activity and, of course, convictions as a result of new legislation that we have passed. Here is the thing: the Government cannot, on one hand, laud itself for clearing the backlog of court cases and, on the other, lament the fact that the by-product is that more people are going to prison. The cabinet secretary cannot have it both ways.

What of the review that is the subject of the motion?

Angela Constance: Will the member give way?

Jamie Greene: I do not have time.

I have great respect for many of the individuals who have been named on the new review panel, but I fear—I hope that it is just that—that the panel will simply tell the Government what it wants to hear as an outcome. The panel must be fully independent and must consider all options, including, in particular, the voices of victims. In the cabinet secretary's opening remarks, I do not think that I heard the word "victims" once. I will check the *Official Report*, but I hope that that approach can be amended. Surely putting victims at the heart of any penal reform—putting them first—is what matters. All the representatives of victims organisations to whom I have spoken share that concern.

I will end on this note. Whether we like it or not, the perception is that the balance of the justice

system in Scotland has moved towards those who have erred and have been convicted, not those who have been harmed. That might be a perception or it might be true, but, in either case, we must fix that and put victims at the heart of any reform.

15:57

Rona Mackay (Strathkelvin and Bearsden) (SNP): Per capita, Scotland has one of the highest prison populations in western Europe. We are simply locking up too many people, and that cannot continue. I welcome the Scottish Government's action to establish a review of sentencing and penal policy to consider the most effective ways to address offending behaviour and lower the number of victims. I am extremely pleased that, as we have heard, it will be chaired by Martyn Evans, the former chair of the Scottish Police Authority, who will be supported by five expert commissioners. The panel will examine how imprisonment and community-based interventions are currently used in Scotland. It is clear that we need to look at alternatives to custody. The Scottish National Party Government's commitment to strengthening community justice services by investing £159 million in 2025-26 reaffirms that.

Scotland is not alone in facing the challenge of prison overcrowding. The previous and current UK Governments have taken action to respond to the rising prison population in similar ways. Interestingly, the recently published Gauke review, which Liam McArthur mentioned and which was conducted by a former Tory minister, highlighted an increased prison population in England and Wales despite a reducing crime rate. Like Scotland, the UK has embarked on the early release of prisoners when it is safe and appropriate to do so to alleviate overcrowding.

Protecting victims and the public from harm is the absolute priority. Prison will always be necessary; for some offenders, it is essential. However, I question whether prison is the best place for many who are sent there. As convener of the cross-party group on women, families and justice, I am aware of how damaging incarceration is to families and children, and it often does nothing to rehabilitate the offender. We know that short prison sentences are often not the best way to reduce reoffending. Community-based interventions are more effective in doing that and in assisting with rehabilitation. Ultimately, that leads to fewer victims and safer communities.

There are far too many women in custody and on remand. In January this year, 330 women were incarcerated, and about 30 per cent of them were on remand. I agree with Jamie Greene's and Pauline McNeill's comments about remand,

although I am not sure how it would be possible to have no one on remand. We have to tackle that issue.

It is estimated that as many as 90 per cent of women in custody in Scotland have addiction problems with alcohol or drugs. It is further estimated that 80 per cent of women in prison have brain damage due to head injuries caused by domestic violence, and that a similar number of women suffer mental illness to some degree. Prison is no place for women whose addiction and chaotic life experiences have led them down the wrong path. They need holistic help, because no one chooses that lifestyle.

Scotland's amazing third sector organisations do an incredible job of helping people in a holistic and trauma-informed way when they leave prison. For many people, particularly women, they are a lifeline and are essential to getting them back on track, but, sadly, the damage to families and children has often already been done. The new women's custody units in Glasgow and Dundee are a huge step in the right direction. They are designed to help women to move slowly back into a normal routine.

I am delighted that the Scottish Government is working with our justice partners to look at how we can offer alternatives to custody. We need to steer a better path and have confidence in alternative pathways. Prison should be the exception, not the rule.

16:01

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Since this parliamentary session began, the challenges that the justice system faces have featured prominently in chamber business. Justice touches absolutely everyone. Injustice anywhere is a threat to justice everywhere.

Back in 2022, the new strategy, "Vision for Justice in Scotland: three year delivery plan", set out the timely and welcome approach that was being taken across Scotland to grasp the nettle of reforming our justice system so that it meets the needs of a modern and contemporary Scotland. Scotland's prison population remains among the highest, per capita, in western Europe, and front and centre of virtually every debate on the subject in this parliamentary session has been the need to reduce that population.

We understand the factors behind the stubborn upward trend. Many members have referenced the complexities of the prison population, longer sentences and the unrelenting legacy of Covid. Those factors are not unique to Scotland, but meaningful and sustained change has been difficult to achieve.

Although I support modernisation of our prison estate, I strongly disagree that creating more prison space as part of the solution to the current prison population challenge fits remotely with a contemporary justice system.

Liam Kerr: Will the member give way?

Audrey Nicoll: I will not, if Liam Kerr does not mind, as I am short of time.

In response, Scotland has undertaken a range of proactive steps, including a broadening out of community justice, interventions, the presumption against short-term prison sentences, and the enactment of the Bail and Release from Custody (Scotland) Act 2023 to support more effective use of bail and more effective release planning. The provisions in the Children (Care and Justice) (Scotland) Act 2024 that ensure that under-18s are no longer sent to prison are also hugely welcome. I agree entirely with Rona Mackay's comments with regard to community custody units that aim to effectively support women as they transition out of a prison environment and back into the community.

On the forthcoming budget for 2025-26, I am pleased to see the Scottish Government's commitment to strengthening community justice services through an investment of almost £160 million, and I urge all members to support the budget next week. We cannot call out perceived failures in the system on the one hand without supporting the solutions on the other.

I note the comments of Dr Hannah Graham and her academic colleagues in their submission to the Criminal Justice Committee relating to the recent early release of prisoners. They said that

"the prison population and jail conditions are important issues which have been raised for decades. It will take political will, moral courage, resources, and action on several fronts to achieve meaningful change."

I therefore welcome the cabinet secretary's update on an independent review of sentencing and penal policy to examine how custodial sentences and community interventions can be used to best effect, including, importantly, whether and how they can be developed further.

I am also delighted to hear that Martyn Evans will chair the commission. He will bring a wealth of insight and experience to his role, as will the other commissioners who have been referenced today, and I do not think for one second that he will simply tell the cabinet secretary what she wants to hear.

The cabinet secretary noted that the review will focus initially on community sentencing, bail and release from custody. However, I hope that the issues around remand are also included as part of that early work. Perhaps, in her closing remarks,

the cabinet secretary can jog my memory about whether remand is to be included.

I support all proposals to enable Scotland to continue on its journey towards a reformed and effective justice system. I welcome the announcement and look forward to following the progress of the review.

16:05

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am grateful for the opportunity to speak in the debate on this important subject, and I welcome the establishment of the independent review.

I agree with what others have said about the chair and the other members of the review, and I particularly welcome the inclusion of David Mackie, whom I have had the privilege of dealing with on a number of occasions. I pay tribute to the work that he has done on the prevention of crime since retiring as a sheriff.

I hope that the establishment of the review will mean that the people who undertake the work will have access to all the data that is available across the Government and more widely, and that they will be able to commission the procurement of any data that they require. That is an important part of making sure that the review is a success, and I know that prominent academics such as Professor Lesley McAra would emphasise that point.

Of course, the review is happening because the current situation that we find ourselves in collectively is extremely challenging, with the number of people in our prisons exceeding 8,300 last year, and there is a need for action.

As part of that, the Government's commitment to provide significant further investment in community justice in the budget, which I hope that Parliament will pass on Tuesday, is important. I hope that that will be part of a continuing increase in that budget, because the evidence that we heard at the Criminal Justice Committee in favour of increased investment in the criminal community justice part of the portfolio suggests that it can only help us in the collective challenge of reducing reoffending and reducing instances of crime.

The third sector is also referenced in the Government's motion. I cannot, on the basis of my constituency experience, emphasise enough how important its role is in the collective challenge. The support that Fresh Start, Circle Scotland, Turning Point and other groups based in my constituency provide to those who are leaving prison and the families of those who are either in prison or leaving prison is important in making sure that we tackle the challenge of reoffending, break the

cycle and have throughcare in place. I know that the review will look at that issue.

One question that I wanted to pose—I am sure that it will be under consideration by the Government and the review—concerns housing. Over the years, I have had a great amount of casework involving single men who have left prison coming to my constituency surgeries or writing to me about the challenges that they are experiencing—I note that Edinburgh's housing crisis is the most acute in Scotland. How do we improve the housing offering for individuals in that situation and make sure that that is part of their support?

The other challenge, which is part of the immediate issue but is also about how we build a better situation in the future, is why so many people end up in prison and engaging in crime. In line with the Christie principles, which we collectively committed to 10 years ago, we need to ask how we mitigate the social and economic circumstances that have been referred to that contribute to a situation in which individuals engage in crime.

We still have an issue in Scotland with a culture of violence. As I have raised in Parliament in recent times, I am particularly concerned about our young people in that regard. Greater opportunities for sport, third sector engagement and youth work will make a difference in reducing the prison population in the future.

We could say a lot more on the topic, and I hope that, in future debates, we will have more time to talk about challenging and serious issues of the rule of law in our society, as well as prevention and rehabilitation.

The Deputy Presiding Officer: We move to closing speeches. Maggie Chapman will close on behalf of the Scottish Greens.

16:10

Maggie Chapman: In my opening speech, I spoke about language—the language of contempt and the language of care. I have been encouraged by the fact that we have not heard any of the language of contempt during the debate. Indeed, despite the differences between the motion and the amendments, there is quite a lot of agreement in the chamber, including a recognition of the need for urgent action to tackle our too-high prison population.

As Liam McArthur pointed out, our justice system is too reliant on prison, and we know that, too often, women are most affected by that. Yes, there is a new Washington consensus of cruelty towards migrants and refugees, transgender and non-binary people, the people of Palestine—

whose genocide is now part of a grotesque real estate proposition—and the present and future victims of climate injustice, but Westminster does not have to follow every step quite so assiduously. In Holyrood, we certainly do not need to. Keir Starmer may have thrown out his human rights commitments with his pre-Downing Street spectacles, but we, in the Scottish Greens, are holding on to ours.

A central and foundational part of enabling a better society is the creation of a better justice system that does not scapegoat the powerless while enabling the crimes of the powerful—of corporations, elites and law-breaking states—and that gives survivors real agency and genuine security and requires those who cause harm to take responsibility for their actions, seek and find the help that they need and use their experiences to help others to change. Instead of the vicious circle of offence and reoffence, and of intergenerational and community damage, we could have virtuous circles of infectious rehabilitation. The slow violence of prison is the worst soil in which those seeds can grow.

I am encouraged by the work that is being done in the north-east, especially by third sector organisations that are using their expertise to provide care and invaluable help to those who are already involved in the criminal justice system and those who are at risk of involvement. Those organisations include the Tayside Council On Alcohol, which is working in Dundee and Angus on initiatives including its holistic beyond mentoring service for women in Dundee, which bridges the gap between statutory support services and what happens when they move on. Positive Steps, which is also based in Dundee, helps people who are leaving incarceration to access housing and services, and it recognises how vital the right support is, especially in those crucial first days and weeks post-release. Of course, much of the work that is carried out by third sector organisations and by statutory agencies is about mitigating what other parts of the system are getting wrong. It addresses the damage that is caused by incarceration and the failure to act on the evidence of what works, including alternatives to custody and earlier prevention and diversion, which we have just heard about from Ben Macpherson.

We welcome the independent review, which I hope will address the serious knowledge gaps in the area, including why non-custodial sentences are not being used more. I ask the cabinet secretary to say a bit more about how third sector partners will be included and engaged in the review, because they do so much of the heavy lifting.

For those reasons, we are not able to support Pauline McNeill's amendment, although we agree

with many of the points that she makes in it, particularly those about women in prison and the importance of throughcare services.

The independent review must be robust and speedy both in its reporting and, as appropriate, in its implementation, but it must not be used as an excuse not to do the rest of the work that is needed. That includes the work that we already know about, which can, with courage, will and resources, save lives, break the cycle of trauma and help individuals, families and communities to live safer, healthier and fairer lives.

The Deputy Presiding Officer: Katy Clark will close on behalf of Scottish Labour.

16:14

Katy Clark (West Scotland) (Lab): Thank you, Presiding Officer, for the opportunity to close the debate on behalf of Scottish Labour. We believe that there is a consensus, across the Parliament and the Criminal Justice Committee, on many of the issues that we are debating. The real challenge is why the consensus that exists and has existed for many decades on how our courts deal with criminal behaviour has not been implemented.

Ben Macpherson rightly raised the issue of why we have high levels of crime, particularly violent crime, in Scotland, and those are issues that the Parliament should be engaging with. However, today's debate is more about how we deal with offending behaviour once it has happened. As the cabinet secretary said, there has been a 60 per cent increase in Scotland's prison population since 1990. It reduced slightly as a result of a change in policy in relation to young offenders, who were largely taken out of the criminal justice system, but the population has since increased. Scottish Labour does not accept that we have a sustainable prison population. Per capita, we have the highest number of people in prison in Europe and the highest number of people on remand, which is not sustainable.

Little rehabilitation happens in prison. Prisoners do not have access to the programmes that they need that might mean that they do not reoffend, and prison staff are under massive pressure. Many prisoners who are held on remand are either found not guilty or are immediately released when found guilty at trial due to the length of time that they have already spent in custody. We have high levels of reoffending by people who go through the justice system. As Liam Kerr said, that issue is not being dealt with with any urgency.

Our criminal justice system is in crisis, and our view is that that is not sustainable. As has been said by many speakers in the debate, including Rona Mackay, Liam McArthur, Maggie Chapman,

Fulton MacGregor and, indeed, the cabinet secretary, the evidence suggests that, for most crimes, non-custodial sentences are the most effective in preventing reoffending. The Parliament has received, and the Scottish Government has commissioned, many reports, statements and policy documents to that effect.

The cabinet secretary spoke about some of the negative impacts of being in prison. I listened to her opening contribution with interest, particularly in relation to the review, because I have to say that the justice team for Scottish Labour became aware of this work only when the motion was lodged, and the only detail that we have had was in the cabinet secretary's contribution today. There needs to be a genuine open discussion in the Parliament about these issues, and the framework of the justice system in Scotland often prevents that from happening. For example, some of the policy on the sentencing of young offenders—under-25s—was not debated with any seriousness or consequence by this Parliament. I agree with the cabinet secretary's motion, which says that

“the Parliament has an important role to play in discussing the use of imprisonment and the best means for addressing offending behaviour”.

I hope that that discussion will happen more in the future.

I agree with what the cabinet secretary said about the approach in many Scandinavian countries and what we need to learn from international experience. However, her speech simply repeated what has been said in the chamber on many occasions since the creation of this Parliament. In 2008, the Scottish Prisons Commission, which was also known as the McLeish commission, published its report, “Scotland's Choice”. The commission examined Scotland's prison system and prison population and the factors that influence those. It set a target to reduce the prison population to 5,000 people per day and to use more community sentences.

It is unclear how the work that is being proposed today differs from that and other pieces of work that have been commissioned. It would be helpful if the cabinet secretary could respond to that in her summing-up speech. There are not significant differences between Scottish Labour's position and the Scottish Government's policy on the use of prison. However, it is clear that the Scottish Government has not taken the action that is required to implement that policy. It would be useful to know why the cabinet secretary believes that the piece of work that she is suggesting today will make the shift to get the action that is needed.

As predicted, the Scottish Government's recent early prison releases led to high reoffending rates, due to the failure to allow time for effective planning. As Pauline McNeill said, work with

offenders in the prison system is vital for offenders who need to be incarcerated, but the courts need to have the confidence to use community disposals, which will be the appropriate disposal on many occasions. The evidence that the Criminal Justice Committee has heard on a number of occasions is that that confidence simply does not exist in the judiciary and the sheriffdoms.

We know that community justice budgets make up less than 5 per cent of the total justice budget. I was pleased that there has been an increase this year, but we know that it still does not provide the levels of funding that are needed to match the ambitions that the Scottish Government has set out over many decades. From responses to freedom of information requests, we also know that, in many cases in which community disposals are made by the courts, they are never implemented.

As Pauline McNeill said, Scottish Labour will give our full co-operation to any attempt to drive the use of community disposals in Scotland where they are appropriate. In particular, we will support any attempts to increase community justice budgets. We are pleased that the debate is happening today, but we are concerned about the lack of focus on victims and the need for restorative justice. Jamie Greene was correct when he said that the word “victim” was not used at all in the cabinet secretary's opening speech. The cabinet secretary spoke about international comparisons. One of the significant differences between our system and those of many of the countries that she referred to is the role of the victim.

As I said, I believe that there is a great deal of consensus in the debate. I very much hope that we will be able to focus on how the Parliament can start to deliver on that consensus and on making sure that we make the changes in the criminal justice system that will make a difference to communities in Scotland.

The Deputy Presiding Officer: I call Sharon Dowey to close on behalf of the Scottish Conservatives.

16:21

Sharon Dowey (South Scotland) (Con): This debate takes place in the shadow of the emergency release of prisoners, many of them dangerous criminals, who are walking free after serving just 40 per cent of their sentence. That development tells us everything that we need to know about SNP priorities when it comes to justice. Its own failures—covering infrastructure, court business and rehabilitation—have led to a situation in which jails are too full.

It is a self-inflicted crisis that spilled more dangerous offenders out on to the streets, where we know that many will almost immediately reoffend, if they have not already. All the while, victims of crime are failed and left to live in fear about what their tormentors, who are supposed to be safely incarcerated, might do next.

The justice secretary's motion begins by lamenting the fact that Scotland's prison population is the highest per capita in western Europe. The SNP has been in charge of the very justice system that has presided over that statistic for almost 18 years. What is more, the SNP has also been in charge of the numerous other portfolio areas—not least education but also health and social care—that can contribute to the likelihood of someone falling into a life of crime in later life.

We need to be clear, especially to victims, that the failings in Scotland's justice system lie squarely at the door of the Scottish Government.

Ben Macpherson: Will the member take an intervention?

Sharon Dowey: I will see how much progress I make and what time I have.

I recently attended a summit on violence among young people, and the examples given by victims and their families were extremely powerful. We heard how attacks against young people by their peers were routinely not dealt with in a way that reflected the seriousness of a crime. Cases that ought to have been put through the sheriff courts were diverted to the Scottish Children's Reporter Administration. The schools felt powerless to take any action, and the police would tell families that they wished that they could do more, but that their hands were tied.

The Scottish Government puts much effort into looking after the interests of young criminals; so much so, it does not believe that criminals under 25 should get jail time at all, even for very serious crimes with grave consequences for the victim. We know that the Government has made schools so powerless that, at best, violent and aggressive pupils simply have to be placated.

At the round table, young people told us that they felt that they were forgotten. They said that, regardless of someone's age and gender, they are responsible for their actions, and actions should have consequences. Why does the Government put so much effort into pandering to young criminals but so little effort into protecting and looking after young victims?

I turn to members' contributions. As my colleague Liam Kerr said, it is actually quite difficult to be sent to prison these days, but that is hardly surprising when a Government that

repeatedly says that it will not interfere with courts and sentencing introduced an instruction in 2022 that criminals under the age of 25 will not get prison unless no other sentence is appropriate.

As Jamie Greene said, safer streets should be the issue underlying any policy. He spoke of the need to clear the number of people who are being held on remand, which would help to clear our prisons. Liam McArthur said that every effort should be made to rehabilitate and keep people out of prison, and I totally agree with that. He also spoke of penal populism. There are cases where the safest place for a person to be—for that person and the public—is a secure location, and we need to ensure that that is where they are when it is needed.

The cabinet secretary spoke of a review that is to be chaired by Martyn Evans, which was welcomed by a number of members in the chamber. Maggie Chapman asked about getting regular updates on that commission's work. The cabinet secretary said that an interim report from the commission would come out in the autumn, but I wonder whether she can tell us more about what updates there will be and whether they will be shared with Parliament.

Pauline McNeill said that we need to run our prisons better from within. We must ensure that those who want rehabilitation are given the opportunity to take courses. She also said that the answer lies in throughcare, a point that Fulton MacGregor and Ben Macpherson also highlighted.

Rona Mackay and Audrey Nicoll spoke about strengthening community justice. Criminal justice and social work services do a great job, but the issue is that they have been underfunded for years. I welcome the proposed funding increase for them this year, but we need to ensure that community justice, as well as the third sector, get the funding that they require to provide the throughcare that is needed for people who come through prison.

The Scottish Government needs to spend more time focusing on the justice system so that it is fit to protect Scotland's public in 2025 and beyond. We need to end automatic early release; introduce Michelle's law to exclude dangerous criminals from the communities that they used to plague; make the victim notification scheme more transparent; give whole-life sentences for the worst criminals; and reform the ridiculous guidelines that advise against jailing under-25s. Maybe if criminals feared the prospect of going to jail, more of them would stay out of trouble, which would help to solve the SNP's jail crisis for it.

Victims of crime deserve so much better. I support Liam Kerr's amendment.

The Deputy Presiding Officer: I call the cabinet secretary, Angela Constance, to wind up on behalf of the Scottish Government.

16:27

Angela Constance: I have always vowed never to be one of those politicians who only tell people what they are really thinking after they have left office. Therefore, I will not permit Opposition politicians to put words into my mouth and I put on record—right here, right now—what I have said before: our prison population is too high and we need to reduce it, and there are some people in our prisons who should not be there.

That is not an attack on the independence of the judiciary, which deals with the facts and circumstances of individual cases and makes decisions based on the information and options that are available to it—Liam McArthur touched on that. The judiciary needs safe, credible and robust community justice options. I am very pleased that, in my time as Cabinet Secretary for Justice and Home Affairs, I have delivered an increase in funding for community justice not just for this financial year but for the next financial year. I accept entirely that the judiciary needs to have confidence in robust community disposals.

Having listened to Sharon Dowey's contribution, I also question whether the consensus that Katy Clark spoke of really exists. I think that, if Ms Clark had to respond to and comment on some of the press releases from others that come across my desk, she would have a different view.

Once upon a time, as a prison-based social worker and a hospital social worker, it was my job to assess and respond to the risks and needs of individuals. As Cabinet Secretary for Justice and Home Affairs, my job is to assess and act on the risks and needs of our prison population and of our criminal justice system as a whole. Of course, we collectively have every right to use the Parliament's powers, but there are people in the care of our prisons who could and should be suitable for alternatives to remand or custody and, indeed, there are people who would be better cared for in hospital or in a care setting.

Pauline McNeill: Will the cabinet secretary take an intervention?

Angela Constance: I will struggle for time if I do so; if I have time left, I will come back to Ms McNeill.

We need to find better ways and pathways for progression for the people who are in our care. There have been big changes since the McLeish report. When I was a prison social worker, the prison population was 5,000. The numbers have changed, as has the complexity and vulnerability

of the population, and I just cannot have that. We have 38 per cent of the prison population with a disability, 41 per cent with a long-term illness and 15 per cent with mental illness, while two fifths have experienced difficulties with drugs in the community. This might not be a populist thing to say but, irrespective of whether someone lives in the community or is incarcerated, they deserve the best medical care.

The purpose of the debate is for us collectively to move on from narrating the problem to being more focused on the solutions. The purpose of the review is to take a thorough and independent look at how sentencing policy aligns with the ambitions that many of us have for a modern, proportionate and rehabilitative justice system. It is intended to inform the longer-term thinking and action; it is not instead of action.

I agree entirely with Pauline McNeill's points about transparency. I am confident that the commission will engage fully with victims, the Parliament and individual MSPs. I am pleased that Liam Kerr has unequivocally welcomed the review and is committed to engaging with it.

On Audrey Nicoll's question, I have asked the commission to focus initially on community sentencing, bail, remand and release from custody. Remand is a priority, which is why the new throughcare contract includes men for the first time.

There is not a binary choice between being a champion for victims or a prison reformer. In the few years that I have been Cabinet Secretary for Justice and Home Affairs, I have overseen the Bail and Release from Custody (Scotland) Act 2023 and sponsored the Children (Care and Justice) (Scotland) Act 2024. We are all in the midst of the Victims, Witnesses, and Justice Reform (Scotland) Bill. Only yesterday, we debated in committee the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. I have laid regulations on GPS technology, and I will come back to committee with regulations on home detention curfew.

Of course, Maggie Chapman is correct to speak to the value of the third sector. After all, it has been pivotal in the national throughcare contract. There are also third sector organisations in my constituency, such as the Scheme Livi, which does invaluable work in HMP Addiewell.

I hope that the debate is an opportunity for members to say what they are for as well as what they are against. If I have heard correctly, there are members who are in favour of the replacement prisons that are being built and are critical of the cost of that. I understand that criticism, because every public pound is under pressure, but the reality is that the new HMP Glasgow will be almost

twice the size of the plans that were originally debated and that the 62 per cent increase in the price of precast concrete is far more of an issue than a few birdie boxes and a few trees.

I am pleased to have secured the funding to get the contract signed. It will deliver £450 million of economic benefit. However, I do not want to build another £1 billion prison over and above the new HMP Glasgow. We cannot build our way out of this problem; we could, and should, be building our way into safer communities.

David Gauke, when reflecting on the principles of sentencing policy—such as punishment, crime reduction, public protection, victims, rehabilitation and reparation—said that sentencing policy needs to be rooted in public sector reform. There are many questions to be asked about the value of a prison place that costs almost £50,000 a year; if we had the imagination and the commitment to be transformative, that public investment could achieve better outcomes not only in relation to the rehabilitation of offenders but in relation to safer communities.

I will close by referring to speaking our minds and saying what we think. Yet again, we have heard some people deride the sentencing guidelines for young people. Of course, that is a matter for the independent Scottish Sentencing Council. That is not an SNP council; it was set up as a result of legislation that was approved by the Parliament. I assure members that it is independent, and that I would never, for a minute, undermine that. After standing in the chamber and committing to deliver on the recommendations that were made in a fatal accident inquiry on the death of two young people, I will defend those young people guidelines day in, day out, if I need to. I believe—I am being utterly transparent here—that criminal justice policy should take account of age and inexperience and recognise the greater possibility of change in our young. Punishment by imprisonment will always exist and be with us, but imprisonment is about the loss of liberty and autonomy, not about the loss of humanity.

The Deputy Presiding Officer: That concludes the debate on the independent review of sentencing and penal policy. There will be a short pause before we move to the next item of business.

Great British Energy Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-16526, in the name of Alasdair Allan, on a legislative consent motion for the Great British Energy Bill, which is United Kingdom legislation. I invite members who wish to participate in the debate to press their request-to-speak buttons. I call Alasdair Allan to speak to and move the motion.

16:37

The Acting Minister for Climate Action (Alasdair Allan): I thank the Parliament for giving us further opportunity to debate the Great British Energy Bill and the supplementary legislative consent memorandum that was lodged in Parliament on Monday. I seek that the Parliament gives consent to the UK bill and to the UK Government's new clause on sustainable development.

During the UK Government bill's report stage in the House of Lords, four amendments were made to the bill as recently as 11 February, one of which required the supplementary LCM from this Parliament. That amendment introduced clause 7A, which requires Great British Energy to keep "under review"

its impact

"on the achievement of sustainable development in the United Kingdom".

That clause will likely touch on areas in the legislative competence of the Scottish Parliament, such as the environment and planning.

I note that a further amendment to the bill was tabled as recently as Monday. It would require the UK Secretary of State to "appoint an independent person"—

Daniel Johnson (Edinburgh Southern) (Lab): Will the member give way?

Alasdair Allan: Yes, I will.

Daniel Johnson: On that technical point, why is the Government not waiting until the final reading to wrap up the LCMs into a single decision for the Parliament?

Alasdair Allan: This is a matter for the UK Government. The bill is proceeding at great pace and my understanding is that royal assent will be granted very soon—within the next few weeks. We must respond quickly to a bill that might quickly become law.

I note that the most recent amendment, tabled on Monday, is not covered by the supplementary LCM that we are debating today, as the UK

Government tabled it too late for inclusion in this LCM. That, I am afraid, is how last minute some of those changes have been made at the UK Parliament end.

Douglas Lumsden (North East Scotland) (Con): Will the member take an intervention?

Alasdair Allan: I have to make progress in the little time that I have available.

It is important to note that the Scottish Government was given very little notice of the tabling of the amendment dealing with clause 6A, and that was also the case with the clauses that are covered by today's supplementary LCM. I note the Net Zero, Energy and Transport Committee's concerns about not having sufficient time to scrutinise today's LCM. I will be clear that the Scottish Government recognises the importance of Parliament having sufficient time to scrutinise legislation—indeed, we share the committee's concerns on that point. The lack of time that is afforded to the Scottish Parliament to scrutinise the amendments is the result of decisions on timing taken by the UK Government due to the speed at which the bill is moving through the UK Parliament towards royal assent.

I have raised those points with UK ministers and I have emphasised the importance of the Scottish Parliament and its committees having sufficient time to consider matters. I also made it clear that amendments being made at an extremely late stage in the UK bill's parliamentary passage make it extremely challenging to facilitate the Scottish Parliament's consideration of motions on legislative consent ahead of the bill getting royal assent. I hope that members will therefore appreciate that the Scottish Government shares some of the concerns that have been expressed and that those concerns have been communicated to the UK Government.

On the substance of the UK bill, I am aware that there is a considerable level of interest in how GB Energy will operate. In the past few months, in parallel with our legislative discussions, my officials and I have worked with the UK Government to establish how GB Energy can help Scotland to seize the boundless opportunities that the energy transition will have here. Despite already having a strong pipeline of clean energy and growing supply chain opportunities, there are still so many opportunities for Scotland to grasp as we advance our position as one of the world's leading countries in renewable energy production. We are engaging with the UK Government—I believe constructively—on funding priorities across the spectrum of Scottish clean energy interests to ensure that Scottish projects will benefit from GB Energy funding in 2025-26 and beyond.

In discussions with the UK Government, I and the acting Cabinet Secretary for Net Zero and Energy have been clear that GB Energy must deliver real benefits for the people of Scotland and support a just energy transition. It certainly has the potential to do that.

I move,

That the Parliament agrees that all relevant provisions of the Great British Energy Bill, introduced in the House of Commons on 25 July 2024 and subsequently amended in relation to sustainable development (clause 7A) on 11 February 2025, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Deputy Presiding Officer: I call Edward Mountain to speak on behalf of the Net Zero, Energy and Transport Committee.

16:43

Edward Mountain (Highlands and Islands) (Con): Here we go, yet again, debating a legislative consent motion on the GB Energy Bill. The first legislative consent motion was lodged in August last year. It did not set out a clear position on consent or provide much detail at all. That might have been okay if the Scottish Government had followed up on its own clear undertaking to provide a substantive update by September, but it did not. It took until late December to do so, following repeated requests from the committee to get an update by way of a letter. The supplementary LCM then followed in January, setting out progress made in intergovernmental decisions to reach a common position. It came so late in the day that the committee had the time only to take quick evidence and rush out a short report.

Alasdair Allan: Will the member take an intervention?

Edward Mountain: No, not at the moment.

We did our best under the circumstances, and the report added usefully to the debate, but the committee should have been spared that white-knuckle ride. I make no apology for bringing that up again, because, to be frank, I do not feel that the cabinet secretary engaged with those points when we last debated the bill two weeks ago. They were raised in good faith by the whole committee to ensure that the process works better.

I turn to the second supplementary LCM, which the committee first saw late on Monday night. We then had to produce a report in time for today's debate. That left us with no realistic prospect whatsoever to come to a considered position on the bill amendment that triggered the new memorandum—far less take any evidence.

Therefore, as a committee, we can express no collective informed view on consent.

The concerns that we raised in our earlier report bear repeating. If there are delays in information reaching the Parliament, we end up as bystanders and not participants in the process, as we should be. We end up where we are today, whereby a committee has literally gone through the motions to produce a report that meets the formal requirements of standing orders but does not meaningfully contribute to the policy debate.

I said in the previous debate, and I repeat today, that the committee is all for constructive intergovernmental discussions aimed at hammering out agreement on legislative consent. I know that the Scottish Government can be blindsided, like the rest of us, by amendments that are tabled late in the day at Westminster, as we have heard. However, in the present case, I wonder aloud—especially given the dates that the minister has told us—when Scottish ministers were first told by a UK Government minister that the amendment would be tabled. We have been told that that was more than seven days ago, and there is a seven-day gap between an amendment being tabled and an LCM appearing.

With respect, the new LCM does not provide much analysis of the new clause and its implication for devolved competence. It mainly repeats observations about supporting the broad aims of GB Energy.

Getting the LCM a bit earlier would have given the committee more chance to do the job that standing orders have given us to do, and which we have every right to do. I urge both Governments to work together to ensure that this Parliament has as much time as possible to meaningfully scrutinise LCMs. Otherwise, the risk is that the committee's role in the consent process is reduced to that of undertaking an empty ritual, which, as a parliamentarian and convener, I find totally unacceptable.

16:47

Douglas Lumsden (North East Scotland) (Con): It is a pleasure to speak to the motion, which is on my favourite topic—the myth that is GB Energy.

GB Energy will do nothing for my constituents. It is a fraudulent front that seeks to rob hard-working oil and gas workers of their livelihoods. What is worse is that my constituents are expected to be grateful for GB Energy being based in Aberdeen, for new pylons covering the countryside and that they were promised 1,000 jobs, only for the chair of GB Energy to roll back on that commitment and tell us that it might be 200 jobs over the next five years. We were told before the election that GB

Energy would reduce bills, but what we see is bills increasing.

I will give way to Daniel Johnson to tell us when bills will decrease.

Daniel Johnson: The word “fraud” has a very precise meaning. Perhaps Douglas Lumsden could explain his use of it.

In case he is not aware of the way in which legislation works, I note that the bill is not yet passed, and that GB Energy will not be able to be up and running until it is passed. Perhaps he wants to reconsider his language somewhat.

Douglas Lumsden: It is fraudulent when we are promised 1,000 jobs but the chair of GB Energy then says, “Well, those jobs will perhaps come in 20 years’ time.” That is what I call fraudulent: it is a joke.

We have Labour and the SNP—two partners in crime—determined to destroy the countryside with pylons, and both turning a blind eye to the desecration of the north and north-east of Scotland. We have Labour and the SNP—two partners in crime—determined to destroy the oil and gas industry and, with it, tens of thousands of well-paid jobs.

It is common sense not to have a ban without a plan. We on this side of the chamber understand that, and Unite the union understands it. Like Unite, I will fight for my constituents and to save the jobs of the North Sea oil workers. It is shameful how few Labour MSPs have signed up to Unite's campaign. It is a party that is meant to stand up for workers. Instead, it is siding with its donors and Just Stop Oil.

Like GB Energy itself, the process that we are being asked to follow in approving the LCM is a joke. We had an LCM a couple of weeks back and a supplementary one was lodged on Monday, which—as the convener said—gave no time for the Net Zero, Energy and Transport Committee to scrutinise the impact before the Parliament makes the decision today. That is complete disrespect for this Parliament. It sounds as though we might have another LCM coming next week.

What will the LCM change? From what I can gather, it will add amendments on sustainable development. The definition of sustainable development is:

“development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

What about the future generations who will have their countryside ruined by the overindustrialisation that we are seeing? What about the future generations who will have prime

agricultural land taken away and replaced by battery storage sites, substations or solar panels?

Earlier this week, I met the Angus Pylon Action Group. It has asked to speak to Gillian Martin, but its request has fallen on deaf ears, as have requests from all other campaign groups. Members of the APAG are devastated by what they are facing. They feel ignored and abandoned by the Government, which talks about engaging with communities but does not want to listen to them. They have real concerns, but are struggling to get answers.

That is where the Scottish Government is also to blame. In the weeks since the last time that we had this debate, there has been no news on the energy strategy. That strategy is now years late. There is no strategy, no plan and no clue. That sums up this devolved Government. We are still working under the shadow of its presumption against new oil and gas, and its presumptions that we should import oil and gas rather than use our own resources, that we should protect jobs in Azerbaijan rather than in Aberdeen and that we should make ourselves poorer while we make the Saudis richer.

We need a commonsense strategy for our energy that puts our own resources and workers at its heart. This Government does not care about oil and gas and it certainly does not care about the people working offshore or in the supply chain. Oil and gas from the North Sea is good for Britain, good for Scotland, good for the environment and good for jobs.

Let us drop the pretence that GB Energy will bring down bills, or be good for investment or for my constituents, because it simply will not.

16:52

Sarah Boyack (Lothian) (Lab): Members will remember that, in the debate two weeks ago in which when we agreed to the LCM on the Great British Energy Bill, it was flagged up that there would be subsequent amendments that would require our approval in the Scottish Parliament.

The amendment states that GB Energy

“must keep under review the impact of its activities on the achievement of sustainable development in the United Kingdom.”

It is a crucial amendment because it ensures that we have more joined-up thinking, which some of us have been calling for for a long time—and continue to do so; for example, in my upcoming wellbeing and sustainable development bill.

Many of the sustainable development goals that need to be addressed fall under the remit of the Scottish Government, so our Parliament needs to

debate the issue and give its consent to the LCM. Scottish Labour will support the LCM today.

GB Energy will incentivise new and emerging technologies, such as marine renewables and floating offshore wind, so that we can maximise the new job opportunities and get the range of new clean energy and heat supplies that we urgently need to support supply chains and investment in green manufacturing.

In my previous speech on the issue, I focused on the need for a “more joined-up approach” between the new UK Government, the Scottish Government and our councils. However, we also need to focus on decent job opportunities. Financial support for offshore wind developers so that they invest in their areas, including in traditional oil and gas communities, is part of the clean industry bonus deal.

As Ed Miliband said, this is our clean energy “superpower” mission. Part of the transition is about kick-starting growth, delivering energy security and transforming towns and cities, from the ports of Nigg and Leith to the manufacturing hubs of Blyth and Hull. We need to be part of that process and we need a just and fair transition. If we are to get sustained, inclusive and sustainable economic growth, full and productive employment, decent work for all and the building of resilient infrastructure and the promotion of inclusive and sustainable industrialisation, we need to see GB Energy delivering in practice. As I raised with the First Minister this week, the work of the Scottish Government sits alongside that, including the

“long-awaited energy strategy and just transition plan”.—
[*Official Report*, 18 February 2025; c 39.]

Graham Simpson (Central Scotland) (Con): Does Sarah Boyack think that this Parliament has had sufficient time to consider the LCM?

Sarah Boyack: The irony is that we are debating a very straightforward amendment, because we have debated sustainable development on numerous occasions in the Parliament.

The point is about the end of a stage of a bill. We have the same issue in the Scottish Parliament when we go from stage 2 to stage 3, when, suddenly, key actors see events coming up in stage 3. The point that was made by the convener of the Net Zero, Energy and Transport Committee was well made, as it was the last time.

We have to debate the issue now. We need to take decisive and rapid climate action. That is more urgent than ever. We cannot just have another negative debate promoted by the Tories. We have to make sure that we are engaged in the process and that we take it seriously, because the climate emergency will impact on our economy

more regularly. The last Friday in January, when Scotland pretty much shut down, is a good example of the negative impact of the climate emergency.

Although the UK Labour Government is serious about delivering for Scotland and our planet, and the SNP Government now reluctantly admits it, the Tories are determined to drag us away from progress. That is desperate politics: our constituents and our communities need more grown-up politics.

Douglas Lumsden: Will the member take an intervention?

Sarah Boyack: I certainly will not. I am winding up.

Our UK Labour Government has taken more climate action in six months than the Tories did in 14 years in government. That says it all.

16:56

Willie Rennie (North East Fife) (LD): It is very Edward Mountain to consider a legislative consent motion that is based on an amendment in the House of Lords on the Great British Energy Bill to be a “white-knuckle ride”. That is the kind of rock-and-roll life that he lives.

However, Edward Mountain made a valid point about the legislative process. The Parliament gets a lot of things wrong, but the one thing that it does pretty well is the legislative process. It takes a long time for consultation, pre-stage 1 reports, stage 2 amendments and then, in the chamber, stage 3. It takes as long as it takes. I have experienced the Westminster system and, to be fair, that is a white-knuckle ride. It is rushed and there is not enough time to consider all the consequences. That is what we are feeling today, to be fair to the minister. I hope that, in the long run, we will see changes to the legislative processes in the House of Lords and the House of Commons.

One of the amendments that was passed in the House of Lords that does not affect the LCM was won by one of our members, who secured an amendment on community energy, which is incredibly important. It will mean that GB Energy is required to collaborate with local communities on boosting local economies, jobs and investment for community energy projects, which is a good thing.

We will support the LCM today because GB Energy could be broadly a good thing. It is led by Jürgen Maier, who is a dynamic force. He was previously chief executive officer at Siemens and he knows the territory. He will make a difference and we should support things that make a difference.

I want to return to the points that I made in the debate two weeks ago about the use of community benefit funds and licensing revenues. We need to consider several questions. First, how much do we require from the companies? My colleague Angus MacDonald wants to increase the £5,000 per megawatt installed capacity to a higher level and he has a case for that. We need to make sure that it is not so much that it discourages development, but that there is capacity to increase it.

There is also a question about who we do it with. Will it be done through community equity and community ownership, or should the funds be given to local authorities or other vehicles for delivery? After Tom Arthur’s statement earlier this week, we should take the opportunity to explore community wellbeing in more detail.

The area that requires a much more substantial change is what we use community benefit funds for. Many communities have benefited significantly from community facilities such as astro turf pitches, village halls and the like, which are good things and they require to be invested in. However, only so many astro turf pitches can be built in communities. There is a crying need for improvement in infrastructure and in roads and housing in certain communities—particularly in the Highlands and Islands, where we will be installing not just wind turbines but pump storage facilities that will put quite a lot of pressure on the local road network and increase demand for housing. We should be looking to use some of those revenues and funds for investment in local communities to make sure that the funds have a lasting legacy that outlasts the projects themselves, so that people can see longer-term benefits for their areas.

We will support the LCM today, but I hope that the minister will take on board the arguments about wider benefits and community benefit.

16:59

Jackie Dunbar (Aberdeen Donside) (SNP): Presiding Officer,

“The untapped resources of the North Sea are as nothing compared to the untapped resources of our people.”

Fifty-three years after Jimmy Reid uttered that line as part of a speech entitled “Alienation”, those words still hold true, as does so much else of that speech. Today, folk are feeling alienated. Many feel themselves to be victims of economic forces beyond their control. They are feeling frustration, hopelessness and despair. Eight months ago, many of those people voted for change. They voted for their energy bills to be £300 lower. They voted for Scotland to be the powerhouse of a

clean energy mission. They voted for a GB Energy based in Scotland that would see 1,000 new jobs created.

So, where are we now? My constituents' bills are not £300 lower—they are £279 higher. Some are double that amount out of pocket after Labour took away their winter fuel payment. Funding for the Acorn project, which would move a just transition on leaps and bounds, has been put on pause. When the Labour UK Government announced £22 billion for carbon capture, Scotland did not even get a mention. At Grangemouth, where Labour pledged to save the refinery and jobs, the workers have been betrayed by the UK Government, while Scottish Labour has been shamefully silent.

Meanwhile, in my Donside constituency, we finally got the news that GB Energy was going to be based in Aberdeen, which was always the obvious choice. I welcomed it, but then the news got taken back because, of course, Labour conference was just around the corner, so any investment got put on pause until it could be reannounced. A month later, a chair was announced for Aberdeen-based GB Energy, and he was going to be based in Manchester. Those 1,000 jobs that we were promised are apparently still coming. We just need to wait for 20 years.

It is no wonder that folk feel betrayed and alienated. Do not get me wrong. I welcome any investment in a just transition. I welcome any investment in clean and green energy. I welcome any new jobs coming to Aberdeen. I welcome and support those things, because they will benefit the folk who I represent. I will support the motion, but I really wish that I was welcoming more.

North Sea oil has given Scotland, and the north-east in particular, a lot of advantages, the biggest of which is that the north-east now has a workforce that is world leading in many ways. Some of those folk were born and raised in Aberdeen and have spent their whole careers there. Some learned their skills there, travelled the world, gained experience and came back. Some moved to Aberdeen because of the industry and have put down roots there. Wherever they are from, they are some of the best in the world, and we are lucky to have them in Aberdeen. However, if we want to keep those workers there—if we want their help in delivering a just transition, guaranteeing our energy security and making our energy supply cleaner, greener and cheaper—we need to invest properly in the north-east and give them a reason to build their futures in Scotland, while they build Scotland's future. If the UK Government will not go far enough and fast enough, let Scotland deliver it herself. We have the energy; we just need the power.

17:03

Daniel Johnson (Edinburgh Southern) (Lab):

It is somewhat ironic to hold a debate on energy at this point on a Thursday afternoon, so let me try that witticism to begin with.

In some ways, Jackie Dunbar is absolutely right to articulate frustration. The burning imperative in front of us is that we have to make the just transition in energy work. However, there is some irony in being frustrated about what GB Energy should be delivering when we have not yet passed the bill. Notwithstanding the frustrations of the legislative process, what we are here to do is to agree to the LCM. Let us focus on the aim of the LCM. We need GB Energy to be up and running.

Let me deal head on with the assertions and the, frankly, slightly wild accusations made by Douglas Lumsden. Let us be clear. He treats the issue as though it is binary—that we have the option of either using oil and gas or turning to renewables. However, that is a false choice. Whether we like it or not, there needs to be a transition. Whether we listen to the North Sea Transition Authority or the Wood Group, it is clear that more than 90 per cent of the extractable resource of the North Sea has been extracted. Peak oil was in 1999. We need to transition our North Sea energy sector regardless of the net zero imperative. When people talk to representatives of the oil and gas sector, as I do, they will not hear them asking whether we should have GB Energy; they want to get on with it, because they recognise the need to transition.

Douglas Lumsden: I absolutely accept that there is a need for transition, but a plan needs to be in place. I have signed Unite the union's campaign pledge for no ban without a plan. I think that Jackie Dunbar has, too. Has Daniel Johnson signed it?

Daniel Johnson: What does Douglas Lumsden think GB Energy is about?

Douglas Lumsden: We do not know. Where is the plan?

Daniel Johnson: It is central to the plan. If Douglas Lumsden wants a plan, he should back GB Energy. For goodness' sake, we cannot, on the one hand, say that we need a plan and then oppose GB Energy. The Tories should not be ridiculous—seriously.

The reality is that we need a transition. We also need GB Energy, for two critical reasons. First, the transition has to happen at such a pace that, if there were no state intervention, it could not occur. Secondly, it will rely on innovation, technology and engineering that we do not yet have in place. Unless we derisk the process and the investment, the transition will not happen and we will squander

the legacy of the North Sea. When people talk to industry representatives, one thing is abundantly clear: our North Sea legacy gives us the ability to do engineering work offshore, at sea, in the harshest of conditions, which we will need to do if we are to reap the benefits of the energy transition.

Kevin Stewart (Aberdeen Central) (SNP): I agree that we need to reap those benefits. We also need to keep the workforce.

I recognise what Mr Johnson said about the legislation not being passed, but we have already seen pledges being rolled back on. That is of deep concern to the people of Aberdeen, the north-east and elsewhere. Will Mr Johnson use his good offices to talk to his colleagues in London and get them to tell us exactly what all this means?

Daniel Johnson: I do not need to talk to them in London. I talk to them here, because they are up here regularly. I was talking to Michael Shanks just this morning, and I will be talking to colleagues over the weekend. I talk to Ian Murray regularly. Believe you me—Scottish Labour wants to get this done, as do our UK Government colleagues. If members want to see a plan, let us get on with establishing GB Energy.

I understand members' frustrations. We live in difficult times, and we want to see as much investment as possible flow through GB Energy. If that frustration is tempered, it is by the appalling legacy that the previous UK Government has been left by the Westminster counterparts of the Scottish Tories sitting across the way in the chamber. That is the reality. I understand the frustrations of the legislative process, but let us be clear about getting on with the transition and backing GB Energy.

17:07

Graham Simpson (Central Scotland) (Con): Like Edward Mountain, I take the Parliament's work very seriously. I like things to be done properly, whatever the outcome. The consideration of the LCM that is before us today is an example of how not to do things properly.

Murdo Fraser (Mid Scotland and Fife) (Con): I agree with Mr Simpson on the question of parliamentary scrutiny. In that respect, does he share my concern that not a single member of the Scottish Green Party has contributed to the debate? None of them is in the chamber this afternoon. It is as though they do not care about the issue of green energy.

Graham Simpson: Yes, I certainly do. It is rather bizarre.

I agree with the convener of the Net Zero, Energy and Transport Committee, who has set out

the issues very clearly. We cannot expect a committee to do its work properly with so little time for detailed scrutiny. Committees of the Parliament are not rubber-stamping bodies. When the NZET Committee says, in its hastily written report on the LCM, that the

"agreement of this short report amounts to ... an almost literal case of a committee going through the motions",

it is correct. That is treating the Parliament with contempt—something that I thought the Government was against. If this had been a Conservative Government bill, the reaction would have been howls of derision. How times change.

I have listened with interest to members, not least to Douglas Lumsden, who went off on one of his regular tirades—for good reason, of course. If we cut through the amusing froth of Mr Lumsden's strident contribution, he makes a very good point indeed, namely that GB Energy is a myth, a sham.

Members—including Jackie Dunbar, in an excellent speech—have spoken about how Aberdeen and the north-east were promised one thing but are to get quite another. Labour told us that it would cut our energy bills, but the reverse is happening, and Ed Miliband's net zero obsession is more likely to increase costs. None of us, least of all the Labour members, can truly say whether we are any clearer on what GB Energy is for or what it will do. Daniel Johnson obviously did not get an answer to that when he spoke to Michael Shanks earlier.

There is no evidence that GB Energy will drive down costs and bills—for that to happen, there needs to be a plan to do so, and there is not one. That is not to say that the state, local or regional authorities cannot do that, because they can. There are examples elsewhere in the world of that happening, but it will not happen here, and we all know it.

What is before us is not the whole bill but just one clause—clause 7A. It says:

"Great British Energy must keep under review the impact of its activities on the achievement of sustainable development in the United Kingdom."

"Sustainable development" could mean whatever you want it to mean. It is very woolly language to use in a bill. The amendment was lodged by energy minister Lord Hunt of Kings Heath, who really should have known better. He said:

"We see sustainable development as a broad category."—[*Official Report, House of Lords, Vol 843, 11 Feb 2025; c 1204.*]

He can say that again. The vagueness of the clause makes it so close to being meaningless that it pushes me to say that it should not be in legislation. It might be harmful or it might not be; it

depends on how he interprets it, and that is not good enough.

However, the main reason for rejecting the LCM is the lack of time to properly scrutinise it. I call on Parliament to back itself and to reject the LCM.

17:12

Alasdair Allan: I thank all the members who have contributed usefully to today's debate, as well as Mr Lumsden. I recommend that Parliament votes to give consent to all clauses in the bill, including the new clause 7A. As I said earlier, I am very disappointed with the length of time that the Parliament has been given to consider the new amendments by the UK Government. I nonetheless believe that it is important that we look at ways to ensure that the opportunities that GB Energy can provide to Scotland are realised. I believe that the agreement to give consent to the LCM will help to support that effort.

Mr Rennie and others have expressed concerns about process and timings. I hear those concerns loud and clear and I share many of them. I reiterate to the UK Government the importance of our parliamentary process and the need to give the Scottish Parliament sufficient time to scrutinise legislation, including late-stage amendments. Given the fact that the bill requires the consent of this Parliament, it is crucial that members are given sufficient time to consider proposed changes. That process has at points not met that test, and I have made that point to the UK Government.

To pick up on Daniel Johnson's very sensible question about why we could not have waited until later in the UK bill's progress to deal with an LCM, I should perhaps clarify that LCMs have to be lodged within 14 days of a Government amendment being taken, which I hope explains our reasoning on that.

On Edward Mountain's point about what has been happening since last summer on these issues, I make no apology at all for seeking assurances from the UK Government that would ensure that the interests of this Parliament would be assured in devolved areas when the bill becomes law.

By way of conclusion, despite the concerns that have rightly been expressed by members and the justified scepticism from Jackie Dunbar about the Labour Government's election commitments, it is sensible for us to continue to work with partners, including GB Energy, the UK Government and our public bodies, to continue to grow the community energy sector.

Kevin Stewart: The other week, the cabinet secretary said that there had been good

conversations with the UK Government. Can the minister assure us that he and the cabinet secretary will express the ire of this Parliament regarding the fact that we are dealing with this issue very late in the process and that there is not enough time for scrutiny? At the very least, UK ministers need to take into consideration the views of this Parliament on devolved issues. I think that that is part of the problem that was expressed by Mr Mountain earlier.

Alasdair Allan: I can confirm that I have already done that and will seek to do so again.

We will continue to work with partners to continue to grow the community energy sector, clean energy and supply chain opportunities. We look forward to further engagement to support those important priorities, which are vital for Scotland's economic growth and net zero ambitions.

I urge the Parliament to back the motion granting legislative consent to all clauses within the UK bill, including clause 7A.

Decision Time

17:15

The Presiding Officer (Alison Johnstone):

There are four questions to be put as a result of today's business.

I remind members that, if the amendment in the name of Liam Kerr is agreed to, the amendment in the name of Pauline McNeill will fall.

The first question is, that amendment S6M-16532.1, in the name of Liam Kerr, which seeks to amend motion S6M-16532, in the name of Angela Constance, on an independent review of sentencing and penal policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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

17:16

Meeting suspended.

17:17

On resuming—

The Presiding Officer: I remind members that, if the amendment in the name of Liam Kerr is agreed to, the amendment in the name of Pauline McNeill will fall.

We come to the vote on amendment S6M-16532.1, in the name of Liam Kerr, which seeks to amend motion S6M-16532, in the name of Angela Constance. Members should cast their votes now.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (Alba)

Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 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, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 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)
 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, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division on amendment S6M-16532.1, in the name of Liam Kerr, is: For 28, Against 69, Abstentions 14.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-16532.2, in the name of Pauline McNeill, which seeks to amend motion S6M-16532, in the name of Angela Constance, on an independent review of sentencing and penal policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

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)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 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]
 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)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-16532.2, in the name of Pauline McNeill, is: For 16, Against 97, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-16532, in the name of Angela Constance, on an independent review of sentencing and penal policy, 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)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dorman, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)

Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 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)
 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, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Regan, Ash (Edinburgh Eastern) (Alba)

The Presiding Officer: The result of the division on motion S6M-16532, in the name of Angela Constance, on an independent review of sentencing and penal policy, is: For 70, Against 42, Abstentions 1.

Motion agreed to,

That the Parliament notes that Scotland has one of the highest proportions of prisoners in Western Europe; recognises the action that has been taken to establish a sustainable prison population and shift the balance between the use of custody and justice in the community, while protecting the public from harm; acknowledges the need for an independent review of sentencing and penal policy to consider how imprisonment and community interventions are used; further acknowledges the key role that the third sector can play in the effective delivery of justice services that reduce reoffending, and support rehabilitation and reintegration into society; agrees that there is a need for strong partnership working and co-ordination between third sector organisations, justice social work and the Scottish Prison Service to provide support and improve outcomes for those leaving prison, and believes that the Parliament has an important role to play in discussing the use of imprisonment and the best means for addressing offending behaviour, by both effective prevention and appropriate rehabilitation, and for reducing crime and keeping communities safe.

The Presiding Officer: The final question is, that motion S6M-16526, in the name of Alasdair Allan, on a legislative consent motion on the Great British Energy Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Health and Social Care (Neil Gray): On a point of order, Presiding Officer. [*Interruption.*] Oh—I apologise; I can see that my app has now connected. I wanted to check that my vote had been recorded.

The Presiding Officer: I confirm that your vote has been recorded, Mr Gray.

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)
 Bibby, Neil (West Scotland) (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)
 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, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 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)
 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)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-16526, in the name of Alasdair Allan, on a legislative consent motion on the Great British Energy Bill, which is UK legislation, is: For 84, Against 28, Abstentions 0.

Motion agreed to,

That the Parliament agrees that all relevant provisions of the Great British Energy Bill, introduced in the House of Commons on 25 July 2024 and subsequently amended in relation to sustainable development (clause 7A) on 11 February 2025, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time.

Meeting closed at 17:26.

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