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DRAFT

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Scottish Parliament

Tuesday 1 April 2025

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Laura Gillespie of the Humanist Society Scotland.

Laura Gillespie (Humanist Society Scotland): Presiding Officer and members, I am a Highland-based celebrant with the Humanist Society Scotland. Those words, which describe my location and my identity, make me think of the importance of belonging in a place and in a group. Belonging is what gives us a feeling of security and support; it is about feeling accepted and included.

I spent part of my childhood in Yorkshire, where a seven-year-old little Scottish me was paraded around the classrooms to recite Scottish poetry—not Burns, but “The Sair Finger” and that classic about Kirkcaldy “The Boy in the Train”. Even at seven, I knew that a by-product of that experience would be that I was viewed as different. I spoke with a different accent, and I was not like everyone else. That troubled me. Meanwhile, my younger brothers decided to adopt the Yorkshire dialect, just to fit in.

Then, 28 years later, I moved to the Highlands, and to the shores of Loch Ness. I remember being told, partly in jest, that I would never be a local. That stuck with me, because it reminded me of those old, uncomfortable feelings about identity and difference. I wanted to belong. I also wanted all incomers to be welcomed and seen as having something to contribute. As the philosopher Patricia Churchland rightly said:

“We long to belong, and belonging and caring anchors our sense of place in the universe.”

Before those life events of mine, I had not really thought about what belonging meant, but I was always aware of where I felt comfortable and valued. Sometimes belonging starts with being able to value ourselves, as that can help us to engage most confidently with our families, in our workplaces and in our social and community lives.

However, not everyone believes that they can ever be valued and accepted. It is true that our sense of belonging is influenced by how we feel, think and behave, but it is also influenced by wider societal forces. If belonging is both felt and ascribed, how can we influence both? We can

start by being compassionate and reaching out to incomers, just like me, which encompasses immigrants and people who are seeking asylum. We can include people who seem different, just as I was. After all, embedded in humanist values—in those that we all share and live by—are being fair and respectful, and recognising the dignity and potential in all people.

Finally, and just to let you know, I have been accepted in the Highlands. I feel valued in a great small community, where I do belong.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-17058, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to the business programme. I call Jamie Hepburn to move the motion.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Wednesday 2 April 2025—

delete

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

followed by Ministerial Statement: Heat in Buildings
Bill

and insert

2.00 pm Motion of Condolence

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

delete

5.30 pm Decision Time

and insert

6.00 pm Decision Time

(b) Thursday 3 April 2025—

after

followed by Ministerial Statement: Project Willow -
Unlocking Grangemouth's Potential

insert

followed by Ministerial Statement: Heat in Buildings
Bill

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time.—[*Jamie Hepburn*]

Motion agreed to.

Topical Question Time

14:04

**Female Teachers
(Physical Abuse and Violence)**

1. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government what its response is to the recent NASUWT survey, which recorded that 49 per cent of female teachers in Scotland had reported physical abuse or violence in the past 12 months. (S6T-02457)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Violence or abusive behaviour in our schools is completely unacceptable. We want our schools to be safe and consistent learning environments for all. Last year, the Scottish Government published guidance on responding to gender-based violence in schools, including in instances where staff members are affected. That guidance was developed in partnership with our professional teaching organisations, including the NASUWT.

The survey represents the views of 476 NASUWT members who responded in Scotland, who were absolutely right to state that schools cannot respond alone to these challenges. The horrifying increase in violence towards women is a broader societal challenge that will only be resolved when men and boys change their behaviour.

Liz Smith: I agree with the cabinet secretary on that. I know that, for months, she has been trying various initiatives to improve pupil behaviour. However, quite frankly, virtually nothing seems to be working. The incidence of physical abuse against teachers is, rightly, a badge of shame for Scotland. Is it not time for radical interventions, including a review of the principle of mainstreaming? Mainstreaming is all very well in theory but, in practice, it is undermining discipline in far too many classrooms.

Jenny Gilruth: It is worth putting on the record that Scotland is not alone in responding to some of these challenges. Across the world, there has been a global shift in relation to behaviour and relationships in our schools. Across the United Kingdom, the Department for Education said only this week that it is

“committed to turning the tide on poor behaviour”

in schools. The Welsh Government is also following our lead in holding its own behaviour summit to identify what action is required to respond to challenges in Wales.

Liz Smith rightly talked about a range of different actions that I have taken to try to support better

behaviour in our schools. I very much recognise the scale of the challenge. She will also be aware that, on Friday, we updated our published “Behaviour and Relationships in Schools” action plan in relation to a range of different measures. I also mentioned the framework for gender-based violence.

We need to work with local government on improving behaviour in our schools. Later this week, I will convene the first meeting of our education assurance board with the Convention of Scottish Local Authorities to talk about exactly this issue.

Liz Smith: I go back to the point that, I am sorry to say, very little is changing, which is a badge of shame for Scotland. The cabinet secretary knows full well that there are statistics at the moment that show that pupil absences are increasing in our schools. Does she acknowledge that part of the problem is caused by some pupils being frightened by the poor discipline that they encounter at school? Is that not another reason to review mainstreaming?

Jenny Gilruth: The latest data showed a very slight improvement of 0.1 per cent in the number of absences. However, I accept the scale of the challenge.

I also draw Liz Smith’s mind back to the programme for international student assessment 2022 data set, which was published at the end of 2023 and which showed that pupils in Scotland were less likely to witness issues with behaviour in schools than pupils in other parts of the UK. For example, pupils in Scotland were less likely than the UK average to report having

“witnessed a fight on school property in which someone got hurt ... heard a student threaten to hurt another student,”

or experienced “any type of bullying” on a weekly basis. They were also less likely to report that they were “threatened by other students” or

“got hit or pushed around”,

or that “other students made fun” of them on a weekly basis. That UK-wide comparison is welcome.

Liz Smith asked a question about the presumption of mainstreaming. That is still the policy position that I and my party support. I think that there is still broad-based support for the policy in the chamber, although I hear the challenge that she is making.

More broadly, as we approach the 2026 election, all parties will have to reflect on the policy approaches that we take in this space, not least in relation to additional support needs.

On that point, I was particularly struck by a members’ business debate in the chamber on a

motion on that very issue from Mr Alexander Stewart, who is not here just now—oh, I see him over there; I apologise, Presiding Officer. Although I will not stand against the presumption of mainstreaming, because I think that it is important, we need to look at how it is resourced on the ground.

Liz Smith will also be au fait with the Audit Scotland report that was published two weeks ago, which talked about the requirement for us to have better granularity in the funding. I can talk at the national level about reaching those in our schools who need that most, and I look forward to engaging with Audit Scotland on that report in the coming days.

The Presiding Officer: We have a great deal of interest in asking questions. Concise questions and responses will enable more members to be involved.

Emma Roddick (Highlands and Islands) (SNP): I agree with the cabinet secretary that violence towards women is a wider societal issue that will be resolved only if men and boys change their behaviour. Will she outline what work the Scottish Government is doing to address gender-based violence in schools?

Jenny Gilruth: I am clear that violence is neither inevitable nor acceptable, which is why our equally safe strategy prioritises prevention. That preventative approach tackles and challenges attitudes that underpin violence against women and girls. The equally safe delivery plan also includes a range of actions to build a robust and joined-up approach to delivery in education settings, including in schools. That includes funding and support programmes to address gender-based violence and sexual harassment in our schools, such as the Equally Safe at School programme that was developed by Rape Crisis Scotland and Zero Tolerance. In addition, last year, I published “Preventing and Responding to Gender Based Violence: A Whole School Framework”.

Pam Duncan-Glancy (Glasgow) (Lab): The cabinet secretary mentioned the “Behaviour and Relationships in Schools” action plan, but I do not think that it is enough. Research by Zero Tolerance last November highlighted that boys are absorbing incel attitudes and are copying influencers such as Andrew Tate.

Things are getting worse, as we have seen from the latest data. Girls and women should feel safe at school, but it is not just a secondary school problem—it is also happening in primary school. In facing that, schools are being asked to respond without the tools that they need. The Government’s updated action plan says that it has not even defined the problem yet.

Without statutory backing for measures such as the gender-based violence guidance or the Equally Safe at School programme, schools cannot reach the people they need to reach, and the implementation of those measures is limited. What new, additional and concrete steps will the Government now take to ensure that every school is an equally safe environment for girls and young women?

Jenny Gilruth: The member mentioned a range of issues. I will try to touch on them, but I am cognisant of the time.

As of January, 133 schools were registered for the Equally Safe at School programme, which I spoke about in my previous answer. We are also working with the Association of Directors of Education in Scotland to increase uptake. I am meeting ADES later today, and I will raise the point with it directly.

I very much recognise the concern that Ms Duncan-Glancy has raised about misogyny in our schools. We know that that is an emerging challenge. She talked about the importance of online influencers, and some of the behaviour in Scottish schools research that the Government published in November 2023 highlighted those issues more broadly.

I was in Cathkin high school, which I think might be the member's former school. I can see that she is shaking her head; I think she must have visited it recently, then. I was there to launch the new Digital Discourse Initiative, which has been led by the Time for Inclusive Education campaign. That resource really helps to support teaching staff to respond to these instances. It was a fantastic opportunity for me to meet teachers and to listen to the training that they have been provided with through the module, which has been done in conjunction with the TIE campaign and broader work that has been undertaken in Germany. I very much commend it to members if they are interested in engaging on the work that is being undertaken in our schools.

As I said, I look forward to engaging with ADES on these issues later today.

Douglas Ross (Highlands and Islands) (Con): At last week's Conveners Group meeting, the First Minister admitted to me that he has sleepless nights because of the rising level of violence in Scotland's schools. Does the cabinet secretary share those concerns? Eighteen years after the Scottish National Party came to power, with education fully devolved in Scotland, does she also accept that SNP education ministers past and present must accept responsibility for the rising level of violence in our schools?

Jenny Gilruth: Mr Ross asks whether I share those concerns. Of course I share them. He

knows, too, that I am a former teacher, so I recognise some of the challenge. He understands the national action plan that the Government has set out. A broader update on that was published last Friday and provided to Parliament.

When we talk about some of the causation factors, we need to look at the impact of the pandemic. That has been recognised by the United Nations and by a number of education secretaries from across the United Kingdom. However, the point that Mr Ross does not allude to is the impact of poverty in our classrooms. The NASUWT has said that

"a greater focus on exploring correlation between behaviour issues and poverty is required."

Last month, the general secretary of the Educational Institute of Scotland said:

"since the onset of austerity, we have seen rising incidents of violent, aggressive, dysregulated, distressed behaviour in classrooms and growing incidents of additional support needs."

I take my responsibilities on that extremely seriously, but I hope that Mr Ross can reflect on some of the policy decisions that his party took when in government that might also contribute to the challenges in our classrooms.

Kenneth Gibson (Cunninghame North) (SNP): A primary school teacher in a neighbouring local authority told me that, after being sworn at and shouted at by a 10-year-old boy in front of the class, she had to respond—following guidance—by first apologising to him for saying something that might have caused offence. Does the cabinet secretary agree that overreliance on restorative approaches to physical and verbal abuse can exacerbate behavioural problems in our schools, undermining teachers and distressing staff and pupils alike? Will she advise us on what proven methods of behavioural control the Government recommends?

Jenny Gilruth: I would be keen to hear more detail from Mr Gibson regarding the guidance that he speaks of. Our schools across the country can, and do, use a range of strategies and programmes every day to help improve relationships and behaviour. They include good behaviour management and behaviour support teams, solution-orientated, restorative and nurture approaches, and programmes to help develop social, emotional and behavioural skills. It is important that those approaches to addressing behaviour focus on supporting a young person and addressing their needs in order to prevent recurrence.

We have a highly skilled teaching workforce, who know the children in their classrooms best. However, to support schools, we are working with the Scottish advisory group on relationships and

behaviour in schools on new guidance on consequences, which will be published in the coming weeks.

Willie Rennie (North East Fife) (LD): The cabinet secretary says that behaviour in schools is better here. It must be atrocious elsewhere, because it is intolerable in this country, and we are asking teachers to put up with far too much.

The Government's plan is clearly not working yet. Therefore, will the cabinet secretary support a thematic inspection, as recommended by the NASUWT and similar to what the Office for Standards in Education, Children's Services and Skills has introduced in England, to look at violence against women and girls in our schools and ensure that the action plan that the cabinet secretary has set out is working?

Jenny Gilruth: Mr Rennie will be aware that, in 2023, I tasked our interim chief inspector of education with ensuring that inspections document the accurate picture of behaviour in schools. I spend time every week reading through school reports from across the country, and it is important that they capture the granular detail of what is occurring in our schools. That work has been helpful to that end. I am more than happy to put Mr Rennie's suggestion to the chief inspector when I next meet her.

Miles Briggs (Lothian) (Con): We should thank the NASUWT for the survey, which should act as a wake-up call for ministers. One of my greatest concerns relates to violence that was reported to the police, where 100 per cent of female teachers and 57 per cent of male teachers said that no action was taken against the pupil or parents. The quote says:

"The police told me it would not be worth taking it further as nothing would happen due to their age. They also said ... it could make things worse for me in school once the individual knows there are no consequences. So I decided against making an official complaint to the police".

What is the Scottish Government doing in relation to that policy? The police must be involved when extreme acts of violence happen in our schools. What is the Scottish Government's position on what should happen?

Jenny Gilruth: I echo Mr Briggs's thanks to the NASUWT for its report. I met with it very recently and I engage with it regularly on the topic.

The member talked about incidents involving the police. It would be difficult for me, as the cabinet secretary, to comment on specific incidents, because any issues that relate to criminality are a matter for the police.

The member alighted on the challenges in relation to consequences—that was a key feature of the summits on behaviour that I held last year.

As I said in a previous response, we will be publishing updated guidance on consequences. It is worth stating that there are consequences for our children and young people in classrooms every day—teachers use them regularly.

It is difficult for me to comment on criminality aspects, but I will take away from the question issues around how the police engage with our schools, because that is important, as and when such incidents take place.

Katy Clark (West Scotland) (Lab): Does the cabinet secretary agree that we need a cross-campus strategy to address violence and abuse against women and girls in schools and that we need more education to ensure a better understanding of why abuse and violence are unacceptable? What more does she believe can be done to support staff in schools? Given what she just said about criminality, does she agree that there is a role in this for the police and the criminal justice system?

Jenny Gilruth: The member spoke about a cross-campus strategy, and my understanding is that that would mean cross-school community support. One of the challenging issues that has been raised by, I think, the NASUWT—it might not have been in the most recent report, but I have certainly discussed it with Mike Corbett—is teachers' understanding when there is a behaviour action plan in their schools. What seems to shine through from the NASUWT report is the challenge of translating our work at a national level into action in our schools. We need that to be translated into action in our schools.

Strong behaviour action plans or strong behaviour management plans in schools always have the buy-in of parents and carers. Ms Clark talks about the buy-in of the whole school community, and I think that having the buy-in of parents and carers for how that approach works in schools is absolutely key. I very much agree with her on that.

In response to Ms Duncan-Glancy, I spoke about the work on misogyny, but I very much agree with the sentiment behind Ms Clark's question. There is undoubtedly a need for further education, and I look forward to working with members on a cross-party basis to address the issue, which is not going away. We need to educate our boys about such issues, but we also need to educate our girls and provide our teachers with the skills and support that they need to respond to the challenges.

Ash Regan (Edinburgh Eastern) (Alba): A culture of disrespect and violence is clearly developing across society—there is almost a dehumanisation of women and girls—so it is no surprise that we are seeing that more and more in

our schools. It is clear that some of the Government's policies and choices, both in wider society and in school grounds, are contributing negatively to promoting that negative culture. Will the Government realise its role and work towards improving the culture so that it upholds women's boundaries and promotes respect for women and girls?

Jenny Gilruth: I am cognisant of my role in that regard, and I have set out the action that the Scottish Government will be taking. More broadly, on the issues that Ms Regan raises about misogyny, some of the issues in our classrooms are overspill issues from broader challenges that we face in relation to the role of women and girls in society. I include in that the role of women and girls in politics, where we see an increase in violent terminology online and in violent communication being directed at female politicians. That is spilling into our classrooms, and we should all be cognisant of that.

Stephen Kerr (Central Scotland) (Con): The issue deserves a ministerial statement or, indeed, a full debate in Government time. I see that the Minister for Parliamentary Business is in the chamber, and I hope that he will consider that as a serious request from me.

Pam Duncan-Glancy was absolutely right when she talked about the lack of definition of the problem. The cabinet secretary will be well aware of the serious disquiet among teachers and school staff in general about the lack of a common reporting standard. There is still no national common reporting standard. Will the cabinet secretary commit today to bringing forward, without any further delay, a national reporting standard for violent attacks on school staff?

Jenny Gilruth: In communication with business managers, I have been open to making a further statement on the issue. As I think I said in response to a previous question, through the update to the behaviour action plan, we will have more to share with Parliament in the coming weeks, particularly in relation to consequences. We debated that topic about two years ago, when Mr Kerr brought the issue to the chamber, so I recognise the issues. I want to give Parliament a fulsome update, and I am happy to give a statement or to consider debating the issue more broadly in Government time, as we have done previously.

Mr Kerr asked about a common reporting standard. As he well understands, the challenge that I have as cabinet secretary is that the statutory responsibility for delivering education rests with our local authorities. As the member knows, local authorities do different things on reporting. However, I accept the point that he has made. As I mentioned in response to a previous

question, later this week, I will convene the first meeting of the education assurance board with COSLA. I will raise at that meeting the issue that Mr Kerr has raised, because it is important that there is a consistent approach to reporting.

One challenge that we often see in this space is a reticence among teachers to report. We want to encourage more reporting—as cabinet secretary, I certainly do—because we want a granular understanding of the real picture of what is happening in our schools. I hope that Mr Kerr will take some comfort from the action that I have outlined today.

The Presiding Officer: That concludes topical question time.

Fuel Poverty

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Alasdair Allan on “Tackling Fuel Poverty in Scotland: Periodic Report 2021-2024”. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:24

The Acting Minister for Climate Action

(Alasdair Allan): Today is a key milestone, as we publish our first three-year fuel poverty periodic report, in line with the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, setting out the progress and steps that we are making in Scotland, with the limited powers at our disposal, in tackling fuel poverty.

This statement is timely, because Ofgem’s latest energy price cap rise comes into effect at a United Kingdom level today. The price cap rise marks the third increase in a row, and it means that energy bills will be 9.4 per cent—or £159—higher than they were this time last year, despite the new UK Labour Government having promised that it would bring energy bills down by £300.

Nothing could be a starker illustration of the necessity that drives the Scottish Government’s action in this area or of how policies that are driven from outwith Scotland sometimes run counter to what we seek to achieve in this Parliament. I know that the implications of that are being felt keenly by consumers across Scotland. All that said, the fuel poverty statutory periodic report sets out the real and important progress that has been delivered within the limitations of our devolved powers, such as the actions that we have taken to raise household incomes, reshape our social security system and provide financial support through our heat in buildings schemes.

The report crucially highlights two important points as to why the fuel poverty rates have increased since the fuel poverty strategy was published, in December 2021. First, the volatile nature of energy price increases has outweighed gains in energy efficiency and household incomes, which has led to increased rates of fuel poverty and extreme fuel poverty. Secondly, it is only the UK Government that can and must act to use the fundamental policy and fiscal levers at its disposal, especially in relation to fuel prices, in order to help to eradicate fuel poverty in Scotland.

The global events that we have witnessed in the past three years, which continue to unfold, have had a substantially negative impact on the progress that was being made in tackling fuel poverty. Together with that, an enduring cost of

living crisis has led to a sharp rise in our energy bills, alongside the cost of other essentials, which has impacted all households across the country and worsened the poverty premium that is faced by those on the lowest incomes, who are at the sharpest end of price rises.

Our published scenario modelling reinforces the impact of high energy prices on fuel poverty rates in Scotland. To emphasise that point, the modelling shows that, under a scenario in which 2023 fuel prices remained at 2019 levels, the fuel poverty rate would now, with all other factors being equal, be around 19 per cent, which is 472,000 households. In other words, if fuel prices had not gone up since 2019, the efforts that we are making in Scotland would have led to a decrease of 15 percentage points—around 389,000 households—from the current fuel poverty rate of 34 per cent, which is 861,000 households. To put it even more simply, fuel poverty would now be going down were it not for the rise in fuel prices.

However, the average weighted index price of fuel in Scotland almost doubled between 2019 and 2023—it increased by 96 per cent—which is why we invested more than £63 million in short-term crisis support through the fuel insecurity fund, to help with household energy bills. We continue to provide on-going support through the Scottish welfare fund and have committed to the further delivery of our islands cost crisis emergency fund in order to support our island communities.

That is together with our collective policies in support of raising household incomes, with more than £3 billion to tackle poverty and the cost of living crisis for households this year. The package spans a range of support for energy bills, childcare, health and travel, and social security payments, such as the Scottish child payment, that is either not available anywhere else in the UK or is more generous here.

Despite those challenges, we are committed to tackling fuel poverty. We want to build on the success of the warmer homes Scotland scheme and the area-based schemes delivery programmes. That is why, this year, we are investing £300 million in improving the energy efficiency of our housing stock. In total, 56 per cent of all households now have an energy performance certificate rating of C or above.

More than £65 million is being provided across our three winter heating benefits this year, which will provide vital support with heating costs to more than 630,000 people. Crucially and relevantly, we will introduce a universal pension-age winter heating payment of £100 for every Scottish pensioner household that is not in receipt of relevant benefits, with those in receipt of a relevant low-income benefit receiving £200 or £300 depending on their age.

We know that tackling fuel poverty requires a long-term, sustained effort and a whole-sector approach with suppliers, consumers, the regulator and, most importantly in this context, the UK Government. Making changes requires the use of fundamental policy and fiscal levers—which only the UK Government can use and which the previous UK Government continually failed to use—to protect household energy bills and address the legacy of soaring levels of energy debt.

Over the past six months, the Scottish Government has been working closely with the energy industry and consumer organisations. That work has involved co-designing a deliverable social tariff scheme that would rise to the challenge and actually make a difference. I am pleased to update members that the social tariff working group's final report has now been shared with the UK Government. The group's outputs demonstrate to the UK Government the strength of cross-sector commitment to delivering a targeted bill support scheme. In addition, I have set out a clear set of asks of the UK Government as it undertakes a review of its fuel poverty strategy and targets. I am committed to working closely together on delivering that crucial policy, alongside wider fundamental UK Government policy actions, as a matter of urgency.

The fuel poverty progress report that we have laid in the Parliament today only reinforces the point that, although considerable strides have been made, the fuel poverty rate in Scotland being at 34 per cent is largely due to inaction to date from the UK Government on the fundamental issue that affects everyone: fuel prices. We will continue to engage with a range of stakeholders across Scotland, including the Scottish fuel poverty advisory panel, and we will duly consider the recommendations in its report when it is published.

Like other members across the chamber, I am all too aware of the human consequences of fuel poverty and rapidly rising energy bills. Despite the formidable factors outwith our control that I have mentioned and the sometimes counterproductive policies that have originated elsewhere, the Scottish Government is committed to countering, mitigating when possible and, ultimately, tackling fuel poverty, which affects the lives of so many families across our country.

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

Douglas Lumsden (North East Scotland) (Con): Frankly, it is no surprise that this devolved Government is trying to play the people of

Scotland for fools by shirking all responsibility. The Labour Government's decisions have been absolutely disastrous, but the rise in fuel poverty has the Scottish National Party's grubby fingerprints all over it. Thanks to the SNP, across Scotland today, council tax is up, rail fares are up, ferry fares are up and water bills are up.

Labour's callous decision to ditch the winter fuel payment coupled with the shared disdain of Labour and the SNP for our domestic oil and gas industry means that the cost to families of simply keeping warm will only increase. Those two left-wing Governments are choosing to squeeze household finances with more and more taxes, and the people of Scotland are worse off as a result.

What assessment has the Scottish Government made of the impact that the growing tax burden will have on households in fuel poverty? Does the minister have any clue when the energy strategy will be published? The 2021 report "Tackling Fuel Poverty in Scotland: A Strategic Approach" promised an increase in the number of whole-house retrofits for households in fuel poverty. How many whole-house retrofits have been completed so far?

Alasdair Allan: In among that rhetoric, there were some important questions that I will try to address.

At the outset, I point out that, in all of that, Douglas Lumsden overlooked the fact that the single biggest factor in driving fuel poverty is the cost of fuel—otherwise, it would not be called fuel poverty. As a result of the increase in the cost of energy, a massive counterbalancing factor has been employed against everything that the Scottish Government has been doing to increase the incomes of the very people to whom Douglas Lumsden referred.

For instance, the figure for those who are in extreme fuel poverty—who spend 20 per cent of their income or more on keeping warm—would now be down to 7 per cent. That would still be too many people, but it would mean that we were on target to meet our ambitions to deal with that in Scotland.

The inaction of successive UK Governments—

Douglas Lumsden: The war in Ukraine.

Alasdair Allan: The member mentions the war in Ukraine. I do not deny the importance of that, but the inaction of successive UK Governments to deal with the fundamental issue, which is the cost of fuel, is why we have fuel poverty.

Paul O'Kane (West Scotland) (Lab): I thank the minister for advance sight of his statement. The update follows the debate that we had on the issue just a few weeks ago. What came out of that

debate was a solemn realisation across all parties of the stark and numerous pressures and changes that we have seen across the globe. Indeed, the minister acknowledged global events in his statement to some extent, but we have seen the war in Ukraine, wider inflationary pressures and now the challenges of a changing global economic order, not least in the United States in the past five months.

Although the minister's modelling seems to want to wish those things away, we cannot escape the reality of those five months. The minister might wish to face both ways, but we cannot ignore the positive steps that the UK Labour Government is taking today to raise the national income wage, for example, to give a pay rise to 200,000 of the lowest-paid Scots to deal with the low pay that he speaks about in his statement.

The Scottish Government has more to do against the global challenges. It was the Scottish Government that ended the fuel insecurity fund at short notice in the middle of the reporting period, removing critical support from those who are most at risk of fuel poverty. Has the Government done any analysis of that and of how many people would not be experiencing fuel poverty if the fund had not been cut?

Secondly, in previous years, the Government has also cut energy efficiency budgets and massively underspent the £1.3 billion that it intended to spend over the reporting period. Has the Government done any analysis of that and of how many people would not be experiencing fuel poverty if the Government had lived up to its commitments?

Alasdair Allan: As I said a moment ago, I would not attempt to take away from the important international events to which the member refers, not least the illegal full-scale invasion of Ukraine. However, not very long ago, the member's party told us that fuel bills would be coming down by £300.

The member asks what the impact on poorer groups would be, and it is relevant to say that the impacts are aggravated by the winter fuel payments situation that pensioners have faced. As I have mentioned, the Scottish Government is attempting to undo some of that impact as best we can.

I come back to the statistics that I mentioned in my statement. The efforts that the Scottish Government and the wider Scottish body politic are making to bring down fuel poverty are having beneficial effects, but they cannot outweigh a lack of action at the UK level to deal with the fundamental cause, which is the cost of energy.

Kevin Stewart (Aberdeen Central) (SNP): During the general election, the Labour Party

pledged to cut household energy bills by £300. Instead, we have seen price hikes, the cap rise and household bills rise by almost £300. We have also seen the slashing of winter fuel payments for our older folks, and we are about to see Labour benefit cuts.

I was pleased to hear in the statement that the energy social tariff working group has finished its work and that the minister intends to pass on its findings to the UK Government. Has the UK Government been interested in looking at a social tariff to help those folks who are the poorest and most vulnerable in our society, so that they can afford their bills?

Alasdair Allan: Despite the significant criticisms that I have made of the UK Government, I have to say that we have had a good conversation and, more than that, good co-operation with the UK Government in attempting to progress the issue. However, as I mentioned, what was significant about our conversations about a social tariff is that people want it to be based on a simple system, not an applications system that, almost by definition excludes the most vulnerable people. They want it to include factors such as income, rurality and benefit entitlement. The most important thing that came through, however, was that the system must not be based on an applications process, because that will simply exclude the very people who need it.

Meghan Gallacher (Central Scotland) (Con): Roughly 900,000 Scottish pensioners were denied access to the winter fuel allowance last year because of decisions taken by the UK Labour Government and the SNP Scottish Government. Has the Scottish Government made any assessment of its failure to pass on the devolved pension-age winter heating payment and the impact that that has had on pensioners living in, or on the cusp of, fuel poverty?

Alasdair Allan: The Scottish Government's attempts to mitigate the worst of the UK Government's actions in this area have brought 800,000 people within the benefit of our scheme, so I do not feel any need to apologise about that.

It is worth saying that no Scottish Government can ultimately mitigate every act of vandalism that the UK Government performs against Scotland, but we do our best in the areas where we feel we have the resource and where we wish to prioritise it.

Evelyn Tweed (Stirling) (SNP): What engagement has the Scottish Government had with the UK Government regarding Ofgem's standing charges proposals, given concerns from charities that a more complex billing system will disadvantage vulnerable people?

Alasdair Allan: There has been a consultation on Ofgem's standing charge option within the price cap. The consultation suggests that any changes will not fix the fundamental issue with the standing charge system. Failing to address the unfair cost of standing charges and overcomplicating bills is perhaps not an effective way of dealing with the ever-increasing debt in the system. It is worth adding that it is doubtful that much of the energy debt will ever be paid.

We welcome Ofgem's original consultation on standing charges. Many people are continuing to struggle with high energy bills, and standing charges of more than £350 not only contribute to higher levels of fuel poverty; they also undermine energy efficiency improvements. We would look for reform in that area.

Colin Smyth (South Scotland) (Lab): More than half of older people in Scotland live in homes that have poor levels of energy efficiency, with an EPC rating of D or below. Why is awareness of the Scottish Government's energy efficiency schemes so utterly woeful? According to the Chartered Institute of Building, just over a third of people—39 per cent—have not even heard of any of the schemes, and awareness is lowest among people over 55. It is little wonder that the Government consistently underspends on those schemes and leaves so many older people unnecessarily in the cold.

Alasdair Allan: The Scottish Government is investing £300 million in our heat in buildings energy efficiency delivery schemes. The Scottish Government is always open to finding new ways of sharing information about those schemes, but the evidence is that the people who take up that option are pleased with the schemes that we have. They see a difference in not only the carbon footprint of their house but their energy bills. The Scottish Government will continue to put resource into that area as a priority, as it recognises that it is one where policy on fuel poverty and policy on carbon go hand in hand.

Emma Roddick (Highlands and Islands) (SNP): A third of residents in the Highlands experience fuel poverty, similar percentages do so in the Argyll and Bute, Orkney and Shetland council areas, and as many as 40 per cent of people do so in Na h-Eileanan an Iar. Does the cabinet secretary agree that it is outrageous that communities in energy-rich parts of Scotland, which are the linchpin of our renewables capabilities, have such high levels of fuel poverty and that Scotland does not have the full powers to remedy the situation?

Alasdair Allan: The Scottish Government is certainly conscious that the current wholesale electricity market is not fit for the delivery of our

net zero ambitions or, as the member highlights, for tackling fuel poverty.

Electricity market reforms and wider energy policy interventions must have the aims of reducing costs for Scottish consumers and businesses, ensuring that communities feel the benefit of the energy transition, protecting investment in our renewables industry and supporting decarbonisation.

We are determined to address the higher levels of fuel poverty that are found in rural communities such as the one that I live in, and we have already taken action to ensure that our energy efficiency schemes seek to achieve that end by spending more per head on installations in those areas where we know that costs are higher.

Patrick Harvie (Glasgow) (Green): The minister seems to acknowledge that, fundamentally, the crisis is driven by volatile fossil fuel prices, yet his statement comes just two days before the Government is widely expected to dilute, downgrade, delay or ditch the only serious policy measure that it had among its proposals—to get Scotland off the gas grid and, instead, to use cheap, clean, renewable electricity for our heating. There seems to be no chance of reaching the £1.8 billion investment target that the Government previously committed to. With fuel poverty rising and climate targets being missed, most rational people would say, "Let's speed up." Why is the SNP slowing down?

Alasdair Allan: Patrick Harvie is right to point to the volatility of fossil fuel prices. I myself have referred to that issue and pointed to it as one of the primary reasons for fuel poverty. He will appreciate—indeed, he has indicated this—that there is not much that I can say two days before the statement on the heat in buildings bill, other than to pick up on one of the questions that he asked. There will be a bill and, as the Acting Cabinet Secretary for Net Zero and Energy has indicated, that bill will have to meet twin objectives: dealing with the very real climate crisis that Patrick Harvie alludes to and ensuring that we do not put people in fuel poverty.

Liam McArthur (Orkney Islands) (LD): I thank the minister for providing early sight of his statement. I certainly look forward to seeing how his strategy of blaming fuel poverty entirely on the UK Government, while talking up his chances of working collaboratively with UK ministers, pans out.

On the issue of area-based energy efficiency schemes, which have proved effective in reducing bills, heating homes and cutting emissions, the minister will be aware of concerns that local authorities have raised about a lack of notice of funding allocations, which has led to an estimated

underspend in the budget of around £60 million. What steps is the Government taking to increase the notice period that is given to councils or to enable funds to be reallocated in time to allow councils in areas with the highest levels of fuel poverty and extreme fuel poverty, such as Orkney Islands Council, to do more?

Alasdair Allan: I am happy to correspond with Liam McArthur on the issue that he raises specifically on Orkney. I acknowledge the point that he makes about island areas having among the worst fuel poverty rates in the country, so I will happily try to be of help.

On Liam McArthur's first point, I do not see a contradiction in seeking to work constructively with the UK Government where we can on issues such as a social tariff, while pointing out the error of the UK Government's ways. Its inactivity on the cost of fuel is leading directly to making people fuel poor.

Stuart McMillan (Greenock and Inverclyde) (SNP): The minister and colleagues across the chamber will be aware that electricity regulation, generation, transmission and distribution are reserved to the UK Government, so the Scottish Government cannot legislate to require the provision of shared ownership from renewable energy developments. Has the Scottish Government undertaken any modelling of what the impacts would be on levels of fuel poverty if Scotland were able to mandate community offerings from renewable energy developments?

Alasdair Allan: That is another area in which we have had constructive conversations with the UK Government. We continue to call on the UK Government to explore mandating community benefits from renewable energy developments to maximise a just energy transition. Only the UK Government has the power in law to change that. However, the greatest impact will come from introducing a social tariff mechanism in the short term, to ensure that energy consumers are protected against high costs. Stuart McMillan's point is well made.

Liz Smith (Mid Scotland and Fife) (Con): I return to the rural issues that were discussed in earlier questions. What action is the Scottish Government taking to ensure that the roll-out of smart meters increases? Frankly, in rural areas, it is pretty appalling.

Alasdair Allan: Liz Smith has my sympathy on that point. The Scottish Government is more than disappointed about that, not just because of the slow roll-out in some areas of smart meters, but in relation to radio teleswitch service—RTS—meters. There are more than 140,000 of those in Scotland, as she will be aware, yet we have little idea how they will operate after the proposed ending of the signal to them in June.

Obviously, those are matters over which the Scottish Parliament and Government have no legislative power, but I assure the member that I am not slow in raising them with energy companies and with the UK Government, because we must get a solution to the issue before June.

Collette Stevenson (East Kilbride) (SNP): High energy prices remain the single greatest driver of fuel poverty. This year, the SNP Government will reinstate universal winter fuel payments for pensioners to help them with their bills, following the reckless decision by the UK Labour Government to scrap that lifeline policy. Will the minister set out how the reintroduction of universal support for older people will help to tackle fuel poverty in Scotland? Does he agree that the British energy market should have zonal pricing, which the chief executive officer of Octopus Energy said could result in Scotland having the lowest electricity prices in Europe, given our levels of renewable energy production?

Alasdair Allan: On the member's first point, introducing the universal benefit to which she refers will, as I said, provide around 812,000 pensioner households with support each winter from an investment of £101 million, although it is clear that a number of pensioners who are not eligible for pension credit or other low-income benefits also require additional support.

On the member's point about zonal pricing, we recognise that there are trade-offs and complexities in the debate on that subject and are aware that it must be introduced in a way that does not have significant impacts for all market participants. However, as I also said earlier, the current system is not fit for purpose and requires urgent reform.

Foyso Choudhury (Lothian) (Lab): The Scottish Government supports the adoption of heat networks to improve energy efficiency and tackle fuel poverty, but such systems are not covered by the Ofgem price cap, and my constituents report that developers are increasing prices by 150 per cent. On the issue of fuel poverty, can the minister advise us how the Scottish Government is protecting residents who use heat networks from being overcharged by developers or factors? Will the Scottish Government raise the issue with Ofgem or the UK Government?

Alasdair Allan: I sympathise with some of what the member says. There is clearly a need to ensure that heat networks are regulated. As he suggests, that power lies with the UK Government and its agencies, but we make that point to the UK Government, because, if we are to see an increase in the use of heat networks across Scotland, as I hope we will, we must also undertake the work that is necessary to reassure

consumers that they are dealing with a fair market and not one that is subject to the problems that the member has mentioned.

The Presiding Officer: That concludes the ministerial statement. I will allow a moment for front-bench members to organise themselves.

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-17003, in the name of Angela Constance, on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 1. I ask members who wish to speak in the debate to please press their request-to-speak buttons.

14:54

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I start by thanking the Criminal Justice Committee for its stage 1 report on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill and for its support for the bill's general principles. I am also grateful to all individuals and organisations that provided written or oral evidence to the committee. They have significantly contributed to scrutiny of the bill, which has two very important aims. The first is to provide resilience to the criminal justice sector through modernisation, and the second is to establish a gold standard domestic homicide and suicide review process, so that individuals and communities are better supported by public services and deaths can be prevented.

The first part of the bill seeks to make permanent some of the temporary provisions that are set out in the Coronavirus (Recovery and Reform) (Scotland) Act 2022. Today is the fifth anniversary of the passing of the first coronavirus bill in Scotland. That was an unprecedented bill for an unprecedented time that impacted on everyone's lives and forever changed the way in which we deliver public services. I pay tribute to everyone in the justice sector, as well as members of this Parliament, who worked swiftly to get that emergency legislation developed and passed so that we could continue to provide essential services to the public and keep people safe. The actions that we took then laid the groundwork for the modernisation and transformation of the justice landscape that we will debate today.

During stage 1, stakeholders supported the provisions in the bill, highlighting the essential role that they play in the justice system and how they are vital to the modernising of reforms. A majority of the provisions have now been in place for five years and they have been scrutinised by the Criminal Justice Committee annually since 2022, with stakeholders contributing their views each time. It is important that, where provisions have been shown to work well in practice, they are

largely retained in their current form to ensure continuity and minimise disruption. The temporary provisions that are part of the 2022 act will expire on 30 November 2025. It is therefore critical that this Parliament passes the bill to enable the provisions to be in place from 1 December this year.

I acknowledge that, during the stage 1 evidence sessions, some concerns were raised about some of the provisions, and those concerns are captured in the recommendations in the Criminal Justice Committee's stage 1 report. I am committed to considering those recommendations and working with members to see what improvements can be made at stage 2.

Part 1 of the bill also seeks to introduce two new provisions that will support greater use of digital technologies. I welcome the committee's support for those provisions—as well as its recommendations—as they will allow us to further maximise the benefits from the digital evidence sharing capability programme.

The temporary justice measures that were put in place in 2020 also extended the time limits that apply in criminal justice proceedings. The bill as introduced does not make any provision on time limits. Of the seven extended time limits that were originally legislated for in 2020, five have been expired and two are continuing for a final year until the end of November 2025. It has always been my commitment that we will revert to pre-pandemic time limits as soon as is feasible.

During the stage 1 evidence sessions, justice agencies and victim support organisations highlighted concerns about whether the court system will have the capacity to meet the required timescales when the provisions expire. In its report, the Criminal Justice Committee indicates its support for retaining the current temporary time limits for those cases that have reached the relevant point in the system prior to 1 December 2025. I thank the committee for that practical support, which will ensure a smooth and orderly transition from the current extended time limits back to the pre-pandemic time limits.

I also welcome the committee's recommendation and comments on the provisions in part 2 of the bill and the proposals for what will be Scotland's first domestic homicide and suicide review model. As I outlined to the committee during stage 1, our work in this area has been guided by a multi-agency and multidisciplinary task force. My comments continue to reflect that process and the feedback from task force members, whom I thank for their valuable contribution to the model development and their continued commitment and constructive challenge.

I recognise the point that was highlighted by the committee on ensuring that the provisions in the bill should not undermine the widely understood and recognised definition of "domestic abuse" in Scottish law.

I also accept the views of the committee that, in the bill, we have, and should have, an approach that enables wider deaths and events—for example, so-called "honour" killings—to be encapsulated in the review model, and that doing so is supported by the task force and committee, although it would mean a further departure from the definition of "domestic abuse" in Scotland. I assure members that the review model and its scope do not in any way undermine the definition in the Domestic Abuse (Scotland) 2018 Act, as the purposes are different and distinct: the 2018 act created a new and specific criminal offence of domestic abuse, whereas the bill focuses on learning from deaths in which there have been, or appear to have been, domestic abuse behaviours.

I fully recognise that the use of language and definitions are of paramount importance when it comes to the review model. I will, therefore, ensure that the distinction is reaffirmed and made clear in the statutory guidance and the consultative process that will be part of its development.

In addition, I will use the explanatory notes to set out clear definitions and different ways in which the expressions "child of" someone and "young person" are used in the bill. Although we consider that the definitions in the bill are clear and have discussed them with task force members, we will add further detail and examples, to ensure that the distinction is understood.

I have noted the committee's comments about the relationship between the domestic homicide or suicide reviews and other multi-agency reviews, and the desire to ensure that reviews do not duplicate existing processes. I fully recognise and support that in principle. The bill makes provision for joint reviews to minimise duplication, but it is imperative that, in addressing the gap in the current review landscape, we do not lose or dilute the domestic lens that has been missing from reviews across the sector. Again, the task force approach has allowed that discussion to progress and develop, as I articulated in my written response to the stage 1 report, including highlighting the stakeholder event that will take place in May.

On the question of training and the need for it, I am clear that no one will be appointed to a role in the review process unless they have all the relevant core skills and have completed the necessary training, details of which are being worked up under the auspices of the workforce and training group of the task force.

Jamie Greene (West Scotland) (Con): The cabinet secretary will be well aware of the many delays in fatal accident inquiries, for example. What risk is there that, by creating new statutory review processes, we will simply overload the system with more cases for which there is not enough resource to enable them to be dealt with, thus causing people to wait years for the outcomes of the reviews?

Angela Constance: There is no risk of that. Fatal accident inquiries are led by sheriffs and the courts. Obviously, there is a role for prosecutors in that. The statutory review would be on a par with, say, a child protection review or a child death review, so it would involve different mechanisms. However, I accept Jamie Greene's point about the need for reviews to be well enough resourced to ensure that there are no undue delays, and I have given reassurance to the committee that, as I am taking forward the legislation in my name, I have a responsibility to ensure that it is well resourced.

I outlined that and a number of other issues in my written response, and I will keep the committee updated on that range of issues. The point that I made about ensuring that sufficient resources are available is a key component of the successful delivery of the review model. I have put on record my views and commitment on that.

I also confirm that we will provide further details on how reports would be sufficiently anonymised and what level of detail would be in the public domain following a review, while ensuring the flexibility to take an alternative approach if that is requested or required by family members. I will provide more detail to the committee on that ahead of stage 2.

I will finish by again thanking the committee for its support for the bill, which will allow us to deliver effective and sustainable public services through modernising the justice system and putting in place a robust review process to prevent domestic abuse and deaths.

I look forward to working with the committee and members on the next legislative stage, and I invite members to work with me on this significant bill.

I move,

That the Parliament agrees to the general principles of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill.

The Deputy Presiding Officer: I call Audrey Nicoll to speak on behalf of the Criminal Justice Committee.

15:05

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am pleased to open on behalf of the Criminal Justice Committee in the

stage 1 debate on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill.

The committee has taken time to consider the proposals in the bill carefully, and we agreed our stage 1 report unanimously. I thank our clerking team, Scottish Parliament information centre colleagues and everyone who supported our consideration of the bill, and everyone who assisted our scrutiny by providing valuable written and oral evidence.

I will highlight some of the main findings set out in our stage 1 report. As we have heard, it is a two-part bill. Part 1 makes permanent a number of the temporary court procedures that were introduced during the Covid-19 pandemic to enable courts to continue functioning safely. It also introduces two new procedures to modernise how courts operate. Many of those provisions were broadly welcomed in evidence, and they attracted our support, too.

There was widespread support for the proposal to make permanent the electronic signing and sending of certain legal documents. However, we highlighted the need to avoid digital exclusion for those who find it difficult to use technology. The Government's response highlights that the bill does not provide that the electronic signing and sending of documents will be a requirement; rather, it allows for certain documents to be signed and sent electronically.

There was broad support for the proposal to allow digital images to be used in court in place of physical evidence—typically a weapon or an item of stolen property—which will help the efficiency of the wider criminal justice system. However, we think that the right for any party to require the actual physical evidence to be produced in court should be strengthened in the bill. We also recommended that the retention policy for physical evidence should be updated to reflect the new provisions in the bill; we do not want important evidence to be disposed of prematurely.

The bill proposes to make permanent the recent increase in the levels of fiscal fines. In certain circumstances, fiscal fines allow a person to pay a fine, thereby avoiding being prosecuted and obtaining a criminal conviction. We understood the logic behind that approach. If fiscal fines are being used by prosecutors for particular types of offence, the level of the fines will need to keep pace with inflation. However, we heard some concerns about the potential for non-payment to increase, as well as calls for victims to be informed when a fiscal fine is accepted. Those issues will need to be monitored.

A particular area of interest in our evidence sessions was the proposal to make permanent the

current rules on virtual attendance at court. In principle, we are not against the concept of virtual attendance at court. It has been seen to deliver efficiencies in the use of court time and improvements for some users of the justice system, particularly professional witnesses.

In principle, we are supportive of making aspects of the current temporary arrangements permanent, but we think that the bill must include clearer rules setting out how the courts should use those powers. For example, we think that there should be additional criteria for the Lord Justice General to take into account before making a general determination in favour of virtual attendance in particular types of cases. We also think that clearer rules are required as to the types of location from which it is appropriate that virtual attendance can take place.

We also think that the practical concerns expressed about the current operation of virtual custody courts need to be addressed. I note the Government's response to the committee's recommendation on that aspect, which says that

"the current tests are well understood by the courts. The test of whether something is contrary to 'the interests of justice' is used in a wide range of different situations in criminal procedure".

Another proposal that attracted interest was the proposal to make permanent the provision for a national jurisdiction when courts are dealing with the initial stages of a custody case. We support the idea that the current temporary measures should be made permanent. However, we feel that there must be greater clarity about the point at which national jurisdiction ends. In our view, that should be the point at which full committal takes place. That is in the interests of preserving the important principle of local justice, which benefits users of the justice system. I note that the Government's response clarifies the circumstances in which national jurisdiction can be used and the point at which it ends, in both solemn and summary proceedings.

Part 2 of the bill establishes a new system of domestic homicide and suicide reviews. The committee welcomes the principle of having such reviews, which will fill a gap in the review landscape in Scotland. Crucially, they will allow lessons to be learned, identify areas for change and improvement, and help to prevent future abuse and deaths.

I will highlight the committee's main conclusions relating to part 2. We acknowledged that the scope of the review process is broader than the current definition of domestic abuse, which amounts to criminal conduct. We heard conflicting views on whether the definition in the bill was too wide. However, the committee recognised that many people who experience domestic abuse do

not report their abusers to the police. As such, we felt that the wider definition in the bill will allow greater opportunities to learn lessons and to prevent future deaths.

The bill also contains provisions to allow future expansion of the scope of such reviews, such as including deaths in the context of honour-based abuse. I note the Government's commitment to include other types of deaths, including so-called honour killings, within the model.

The committee heard concerns about where domestic homicide and suicide reviews would fit into the already complex review landscape in Scotland. We recommended that the Scottish Government provide detail on how joint and multi-agency reviews will work in practice. It is crucial that, where possible, such reviews intersect with existing processes but do not duplicate them, so as to minimise the impacts on grieving families. Following the conducting of such a review, an anonymised report would be published. Given the relatively small population of Scotland, we have concerns about the ability to truly anonymise such reports. It is clear to us that there is a risk of further traumatising families by making reports publicly available. We ask that the impact on surviving family members be central to consideration of how reports are published, shared or distributed.

The committee welcomed many of the bill's provisions. In some areas, we commented on specific provisions and, on occasion, we made recommendations to the Scottish Government to strengthen its proposals. Overall, however, we are content to support the general principles of the bill. If the Parliament agrees to the general principles today, we are ready to scrutinise the bill at stage 2.

The Deputy Presiding Officer: I call Liam Kerr to open the debate on behalf of the Scottish Conservatives.

15:14

Liam Kerr (North East Scotland) (Con): This weekend, I enjoyed reading a thought-provoking and well-articulated opinion piece in which Edward Mountain, who has been the convener of two of the Scottish Parliament's more heavyweight committees, sought to highlight the amount of, let us say, legislation with flaws that comes out of this place. He referred to Holyrood as

"one of the most powerful devolved parliaments in the world",

which, rightly, seeks to legislate accordingly. Mr Mountain drew attention to the workload of committee MSPs and staff; the pressure to interrogate, understand and stress test legal principles and to grapple with often unfamiliar

concepts; and the need for much reflection on the detailed evidence that is given. He proposed solutions that some members may agree or disagree with. He also focused on committees, which are absolutely essential in a unicameral Parliament that does not have a revising chamber to fix oversights.

For the past three weeks—plus tomorrow and possibly Thursday—the Criminal Justice Committee, the cabinet secretary, the minister, many parliamentary staff, special advisers and MSP staff have worked on the Victims, Witnesses, and Justice Reform (Scotland) Bill and its several hundred amendments to ensure that it is as good as it can be.

Members across the chamber, including the convener of the Criminal Justice Committee, the deputy convener—which is me—and various others whose views and experience merit respect, have made representations to the Minister for Parliamentary Business not to risk the legislative process, not to downgrade the bill that is before us today, which we have all already put a huge amount of work into, and not to prioritise legislating cursorily over legislating competently. They asked him instead to postpone this debate so that both bills can be given their due. Regrettably, the Minister for Parliamentary Business—whose busy diary appears to have kept him from the chamber for this debate—seems to prefer process to prudence.

That being said, the Scottish Conservatives will vote in favour of the principles of this bill at decision time. Although I remain to be convinced that conjoining two fundamentally different principles together like this is the best way of doing things, because that requires committees to be creative in their evidence taking, I agree with what each part of the bill is intended to do.

Part 1 is focused on introducing some of the criminal justice measures that are contained in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 on a permanent basis. Reassuringly, the various stakeholders that the committee heard from largely welcomed that part of the bill.

The committee has advised that, at stage 2, the Parliament will wish to consider provisions on virtual attendance and how those who give evidence are protected and where they might give that evidence from. Concerns were also raised in committee about national jurisdiction and the principle of appearing in one's local court. Pauline McNeill MSP has been particularly exercised on that point, so I will leave her to elaborate on it later.

I want to flag something that the cabinet secretary raised earlier. I was concerned in committee that the bill does not seek to address

the current temporary provisions that extend some time limits in solemn cases. We heard evidence from Malcolm Graham, the chief executive of the Scottish Courts and Tribunals Service, who said that the court system will still not be ready to return to the pre-pandemic time limits by November. That point was picked up in our committee's report, which suggested a solution and amendments for stage 2.

The cabinet secretary's letter on 28 March provided an alternative and seemingly complementary solution, which is welcome. I listened carefully to the remarks that she made earlier. It would be useful if she could say, in her closing speech, whether she has any further details on when she might lay regulations to address that issue.

A key concern that a number of stakeholders expressed about part 1 of the bill was to do with finances. For example, there were concerns about the cost of virtual court appearances, with the Faculty of Advocates noting that remote hearings depend on courts having reliable and properly resourced technology. Furthermore, it was highlighted that the financial memorandum does not provide figures for the costs of expanding virtual attendance.

Those financial concerns continue with regard to part 2 of the bill, which will introduce a mechanism for domestic homicide and suicide reviews. Again, the principle is sound, but the committee heard Police Scotland and the Convention of Scottish Local Authorities explicitly suggest that the bill's financial memorandum does not provide enough funds to deliver the intention effectively or provide on-going support to families.

In the context of there now being more than 900 fewer police officers than there were in 2020, ever more demands on police time, 140 police station closures and the police being forced into a situation of not investigating some crimes, it must surely concern us to hear Police Scotland say that the financial memorandum is

“silent on the anticipated financial impact on the police budget.”—[*Official Report, Criminal Justice Committee*, 29 January 2025; c 27.]

Angela Constance: I make Mr Kerr aware of the correspondence that I sent to the Finance and Public Administration Committee, which dealt with his issues in full. I also point to a quote from Police Scotland that said:

“It is probably a bit early to apply specific price tags.”—[*Official Report, Criminal Justice Committee*, 29 January 2025; c 5.]

I remind Mr Kerr that all but two of the measures in part 1 of the bill have been in place for five years.

Liam Kerr: That is noted. I am grateful to the cabinet secretary for that clarification. However—and bearing in mind that I am talking about part 2—it was not just Police Scotland that had concerns. COSLA said:

“The financial memorandum does not reflect the costs and capacity needs of local authorities and their strategic community planning partners”

to do all the things that they need to, including providing support to families during the review process. It seems to me that the organisations that take part in the reviews must be provided with the necessary resources to enable them to do so effectively, otherwise I worry that we risk letting down victims and their families.

To pick up on Jamie Greene’s intervention, we must do all that we can to prevent a lack of resources during the review process from allowing key failures to go unexposed. I am sure that the cabinet secretary agrees with that. However, the Government’s response to the issue in its letter of 28 March runs to only two sentences, suggesting that it is up to the domestic homicide and suicide review task force to identify the costs. In her closing speech, perhaps the cabinet secretary might commit to properly quantifying those costs by stage 2.

Furthermore—this picks up on a point that was made earlier—Social Work Scotland, COSLA, NHS Tayside, and EmilyTest all raised concerns about the duplication of processes, particularly the strain that its impact could put on children and families. I listened to the cabinet secretary’s comments on that earlier, and I note that the Government seeks to address the point in relation to children by saying that only one review should take place into a child death “unless this is unavoidable”. Perhaps the cabinet secretary could add a definition as to what circumstances would constitute a second review being “unavoidable”.

I do not think that the Government’s letter addressed how overlapping would be avoided in practice for adult deaths. Perhaps the cabinet secretary could address that in her closing speech, too.

The Scottish Conservatives will support the principles of the bill at stage 1 this evening, as both parts are commendable and largely achieve what they are designed to do. There are, of course, areas that can be improved—I associate myself with the convener’s remarks about helping the cabinet secretary to do so—and I am particularly worried about the finances. I hope that the cabinet secretary will be able to address my points in her closing speech.

The Deputy Presiding Officer: I call Pauline McNeill to open on behalf of Scottish Labour. Ms McNeill is joining us remotely.

15:22

Pauline McNeill (Glasgow) (Lab): I agree with Liam Kerr’s remarks about the volume of work that the Criminal Justice Committee has undertaken, and I hope that we have done justice to the bill.

The Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill does two distinct things. First, it sets out extremely important provisions on domestic homicide and suicide reviews, aiming to identify what lessons can be learned and potentially applied following a death where abuse is known or suspected, in order to help to prevent future abuse and deaths. Scottish Labour wholeheartedly supports the Government in that regard.

Secondly, the bill sets out fundamental and permanent changes to the way in which evidence can be given in court and where the court can hear the initial stages of the court case virtually. The use of virtual attendance has its place, and it is being used in courts. However, its use is key to some victims giving evidence, and it can revolutionise the opportunity for victims to give their best evidence.

We must scrutinise the bill to ensure that the new arrangements can work fairly for everyone, especially given that the provisions that were put in place during Covid will become permanent if the bill is passed into law. We have already established giving evidence by commission in our courts—that has worked well for victims, and the courts are getting used to that.

There are two broad strands to the evidence that the committee received on virtual attendance. First, there was evidence about the principle of allowing virtual attendance and whether the framework for permitting virtual attendance in the bill was appropriate. In that respect, we note that the bill sets out the circumstances in which a court can issue a direction as to whether a physical or virtual attendance should take place. I note the convener’s helpful remarks that drew out where the committee thinks there should be more detail on that.

The bill sets out the framework within which the courts can take such a decision, rather than being prescriptive as to how virtual proceedings should be run. Of course, the provisions have been in place on a temporary basis since 2020. The bill seeks to make these provisions permanent, but I am concerned about the lack of detail on how such decisions can be arrived at. I think that there should not be a blanket decision on types of cases, but that each case should be judged on its merits, at least until we see how the approach can be run efficiently.

The second strand of evidence was about the practicalities of implementing virtual attendance.

There are currently many flaws in the system. In fact, some organisations noted that the success of virtual attendance would depend on the availability of reliable, effective video connections. Written submissions from the sheriffs principal stated that they observed

“that virtual hearings are heavily dependent on the adequate resourcing of technology and infrastructure.”

In its written submission, the Faculty of Advocates was supportive of the bill’s provisions on virtual attendance and noted that

“the use of Webex to conduct preliminary hearings in the High Court of Justiciary works extremely well”.

However, it also noted that

“These undoubted and important benefits do come at a cost to the justice system”,

because

“Valuable court time is regularly lost due to delays in establishing remote links and re-establishing failed remote links.”

That is not good enough, and that is why the committee has asked for more certainty on that issue.

There were also concerns about the practical difficulties associated with virtual custody courts. Simon Brown of the Scottish Solicitors Bar Association told the committee that he had participated in a pilot scheme for a virtual custody court in Kilmarnock sheriff court that was “a singular failure”. He noted that those

“Courts took four or five times as long, regularly running until 8 o’clock in the evening,”

and that

“the communication with clients was very poor.”—[*Official Report, Criminal Justice Committee, 22 January 2025; c 5.*]

According to him, the difficulties included insufficient rooms being available in police stations, limited time with clients and the inability of solicitors to obtain follow-up meetings with clients because of a lack of space.

Paul Smith from the Edinburgh Bar Association pointed out that the lack of facilities in Edinburgh for virtual custodies caused delays, and that for

“clients who have not been through the system before and do not know a solicitor, and for whom this is their first point of contact, virtual custody makes it ... more difficult for the solicitor to form an impression and, in effect, a personal bond with the client.”—[*Official Report, Criminal Justice Committee, 22 January 2025; c 6.*]

As I noted, there were also concerns about Kilmarnock sheriff court, where it had not gone so well.

Stuart Munro from the Law Society of Scotland commented:

“the trouble is that the virtual systems that we have had

so far have tended to be pretty inflexible.”

He noted that

“that is not really something for the bill,”

but that it should

“inform the decisions that are made around the bill.”—[*Official Report, Criminal Justice Committee, 22 January 2025; c 12.*]

However, as far as I am concerned, in many ways, it is for the bill, because, before we permit the further use of those provisions, those matters must be resolved.

Malcolm Graham from the Scottish Courts and Tribunals Service acknowledged the concerns that arose from the pilots and gave a commitment to the committee that the service is focusing on such feedback to ensure that those provisions can be used effectively.

We also heard from representatives of the users of the justice system that any arrangements for virtual attendance should take account of particular needs. Adam Stachura from Age Scotland highlighted the importance of avoiding digital exclusion in relation to the bill’s proposals, pointing out that the fact that someone can go online does not mean that they

“are very good at using the internet.”—[*Official Report, Criminal Justice Committee, 22 January 2025; c 38.*]

There is a lot to consider when it comes to ensuring that everyone feels that attending virtually is accessible.

Surprisingly, although the provisions on virtual attendance are welcomed by Police Scotland as streamlining processes and because, it says, they can reduce impact on the front line, it also stated that

“there are real questions about the feasibility of implementation”.—[*Official Report, Criminal Justice Committee, 29 January 2025; c 3.*]

A running theme can be seen in the feedback from many organisations that are already using virtual attendance in our court system. It is fundamental that we ensure that there is the technology to support that model.

The proposal of a national jurisdiction for custody cases is another aspect of the bill. I want to ensure that the concept of local jurisdiction remains and that we are quite clear where national jurisdiction starts and where it ends.

Finally, on digital productions, it makes sense that the bill suggests that a digital copy could be used and stored instead of being presented to the court, but we must not lose the right of the jury to see, for example, the actual weapon that is used in a murder case. We need to make sure that it does not become a default position that there will

be digital productions and that the prosecution or the defence can argue unencumbered if they want the court to see an actual item on display.

There is a lot to unpack in stage 2 of the bill; however, I will support the general principles of the bill.

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

15:29

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Greens, I welcome the bill and thank all those who have worked to bring it this far, including the many who responded so thoughtfully and carefully to the consultation.

The bill has two important aims. In its first part, it aims to make the criminal justice system work more efficiently and accessibly, and, in its second part, it aims to address and reduce the tragic deaths that far too often result from domestic abuse. Both are valuable objectives, and we support the principles of both parts. However, as other members have stated, the measures will need more work, both during the bill's progress and in implementation, to ensure that those outcomes are really achieved.

I will speak first about part 1. During the Covid pandemic, reforms were carried out that made court processes more straightforward and efficient. Those included the use of appropriate technology to share documents and allowing people to attend courts virtually. It is important that, where those reforms have been successful, they are put on a permanent basis. Some of that should have been done a long time ago—in the justice system and other systems, we could say. We owe a collective apology to all those, including many disabled people, who were excluded from participation in collective life by being told that in-person attendance was necessary when it really was not.

I hope that the reforms will recognise that, as Kate Wallace of Victim Support Scotland has pointed out, for survivors and witnesses, it is often not only the experience of giving evidence that is traumatic, but the experience of being in the same building as the person who has harmed them and that person's friends and family.

However, we must be careful that we are not creating new forms of exclusion and risk. Being online is not the same as being able to use the internet safely and confidently, especially in situations where people have good reason not to ask neighbours or family to help. Witnesses need a safe place from which to give evidence, and they need support before, during and, perhaps

especially, after their evidence is heard, and home will not necessarily be that safe place. I look forward to hearing more about how appropriate, accessible and supported spaces can be created and maintained.

For defendants, too, virtual attendance might not always work. People who are charged with a crime must have full and secure access to legal advice and assistance, including legal aid, where they need it. That is particularly an issue during somebody's first encounter with the criminal justice system, when they might not know what to do, what will happen, how things will work, what to listen out for or even who their lawyer is. We need flexibility and choice, but we also need consistency in how the choice is offered, whether that is about giving evidence remotely or being able to use paper documents instead of a screen.

The Scottish Women's Convention raised an important issue about fiscal fines. The increase to the maximum fine is reasonable in view of inflation since the current maximum was set, and fiscal fines are a sensible way to deal with some offences that do not require a court hearing. However, we need to look at who is being fined and what effect that has on them and their families. The Scottish Women's Convention written submission included the following quote:

"They'll ... say that they're letting them off lightly with a fine, but no, that's not letting them off lightly if you can't afford to pay, and if you can't afford to pay that, then you can receive a custodial sentence."

The Scottish Solicitors Bar Association made a similar point, saying:

"given that the default position is that non reply equals acceptance then there will inevitably be incidents where people face a custodial sentence of up to 28 days for a fine that they never knew they had."

I am sure that the committee and the cabinet secretary will want to address that issue.

Angela Constance: Does Ms Chapman welcome section 227M of the Criminal Procedure (Scotland) Act 1995, which says that the court cannot impose imprisonment for fines that do not exceed level 2, which is £500? I hope that that reassures Ms Chapman on the fiscal fines issue.

Maggie Chapman: It gives me some reassurance, but it is worth looking at the issue again, especially considering the inequality of impact that even a £500 fine can have on different families.

On part 2, the Scottish Greens welcome the bill's recognition that domestic abuse's fatal effects go far beyond cases of direct homicide—given the figures, we perhaps ought to say "femicide". The bill's provisions are important and overdue, although we have some concerns about how they will operate in practice.

One concern is about the duplication of enquiries and the stress, re-traumatisation and emotional and practical burden of having to repeatedly tell a painful story without knowing what information has already been shared. The second concern is about privacy and confidentiality, especially in relation to children. Is it right or safe that details can be made public, even if the identities are anonymised, given that social media users might find the identities all too easily?

My final concern is about who will be on the panels and committee. If the people who ask the questions are drawn from the same type of agencies as the people who have made the decisions, they are unlikely to ask the awkward, unexpected questions that lead to the most valuable insights. It is hard to see the wood when you are one of the trees.

That is why it is essential that the committee and panels have meaningful and mandatory representation from other sectors, such as those who have expertise in domestic abuse and children's rights. I hope that we will hear more about that at stage 2.

The Scottish Greens welcome the bill and look forward to working with colleagues from across the chamber in order to make it as fair, inclusive and effective as it can possibly be.

15:36

Liam McArthur (Orkney Islands) (LD): Like others, I thank the Criminal Justice Committee for the stage 1 report. To pick up the point made by Liam Kerr and Pauline McNeill, the report rather suggests that the committee is as legislatively inundated as its predecessor was in the previous session, and therefore, as well as offering my thanks, I offer my condolences. I also thank all those who have informed the report through written and oral evidence.

As colleagues have observed, the bill's two parts are quite different. As Liam Kerr alluded to, ideally, they merit being treated separately, although I appreciate the constraints on parliamentary time and Government resources.

Let me take each part in turn. As we have heard, part 1 deals with the looming deadline for temporary pandemic provisions coming to an end. I note and welcome the general consensus that there seems to be around the need to maintain the provisions, which have clearly and demonstrably assisted our justice system, while finding a sensible pathway back to the previous time limits.

The move towards the electronic signing and sending of documents, and changes relating to copy documents, are positive outcomes, which

were spurred on by Covid but are perhaps long overdue in any event. Maggie Chapman strongly made that point, and, indeed, we have seen evidence of that in the Parliament's workings. The increase in fiscal fines also seems reasonable as it reflects the inflationary pressures since the last levels were set—although I note the concerns that were raised by colleagues who are on the committee.

More problematic, however, is the move to make the current court powers around virtual attendance permanent. In principle that could increase flexibility, speed up our justice system and allow for better access. However, virtual attendance was an emergency stop-gap during the pandemic, and the committee has heard that serious practical concerns would need to be addressed properly before such changes are made permanent. That point formed a large part of Pauline McNeill's speech, which I found to be very helpful.

Virtual attendance can create difficulties for those who are attending court for the first time and can make it harder for solicitors to speak to their clients and develop relationships with them. That is already an issue in my constituency, and we are seeing problems around access to legal aid support in many rural and island areas. Lawyer-client relationships are clearly integral to ensuring that our justice system is accessible to all and functioning as we would hope.

Those of us who represent rural and island communities are also well aware that not everyone has access to reliable or affordable internet. More generally, the Law Society of Scotland has raised concerns that witnesses might be prompted off-camera and that testimony could otherwise be insecure, and Police Scotland is worried that it does not have the resources to keep up with a significant expansion in virtual attendance. As such, there could be more delays to justice, rather than more flexibility and efficiency. That is perhaps reinforced by the evidence that the committee heard about the virtual custody court pilot in Kilmarnock, which, as Pauline McNeill reminded us, took four or five times longer than normal to hear cases and was called "a singular failure" by the SSBA.

All that said, virtual attendance clearly has benefits for the accused and for victims. Therefore, like the committee, I find myself supporting the principle, subject to the bill including more detail on the framework for virtual attendance. Broad guidelines do not seem to be sufficient in this instance. The cabinet secretary argued in her letter to the committee that courts are familiar with the existing test of whether virtual attendance would be contrary to the interests of justice. Even so, given the significance of such a

change, ministers and the Parliament need to be as clear as possible about our collective expectations.

Turning briefly to part 2 of the bill, I understand that the proposal for domestic homicide and suicide reviews is aimed at closing a gap in Scotland's current review landscape. The move appears to have been broadly welcomed by many of the people who gave evidence to the committee, but COSLA and Social Work Scotland have raised concerns about how the proposals will interact with the already complex review landscape in Scotland. At national and local levels, Scotland has multiple systems for mandatory and discretionary reviews, some of which already partly overlap.

Reforms and modernisation are certainly needed. Indeed, Scottish Liberal Democrats have consistently highlighted the failures of Scotland's FAI system, with delays dragging on for years in some instances. Jamie Greene made that point very well in his earlier intervention.

I know that ministers are aware of those challenges, and the proposals for joint and multi-agency reviews are not unhelpful in that regard. However, the lack of detail about how such reviews would be implemented in practice means that there is a risk that existing problems of complexity and co-ordination could be exacerbated. As Social Work Scotland warns,

"Layering on additional Review processes onto a cluttered and unaligned landscape adds to complexity within the system."

The cabinet secretary seemed to acknowledge that in her opening remarks. There is a need for wider and more fundamental reform of Scotland's system of inquiries into deaths. However, in the absence of that reform, I do not think that it is right to make the perfect the enemy of the good.

As with any bill, more detail, more clarity and some changes are required, but Scottish Liberal Democrats will support the bill at decision time. I very much look forward to working with colleagues across the chamber and with the Government to improve the bill ahead of stage 3.

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

15:42

Fulton MacGregor (Coatbridge and Chryston) (SNP): Speaking as a member of the Criminal Justice Committee, I put on the record my thanks to all those who gave evidence at stage 1 and, of course, to our excellent clerking team. Liam Kerr mentioned the issue of timing with the various bills that we are considering, and it is important that we remember the clerks in that

regard, because the Criminal Justice Committee is an extremely busy committee.

As the cabinet secretary acknowledged in opening the debate, the committee agrees with the general principles of the bill. The bill will support the Scottish Government's ambition to deliver effective and sustainable public services by ensuring that our justice system keeps up to date with technological advances and by creating a robust review system that will identify areas in which improvements are needed with regard to homicides and suicides.

As we have heard, the bill is divided into two parts. The first part includes the modernisation aspects of the bill, and the second part focuses on a new review process, which the committee believes will ensure that improvements will be delivered, thereby preventing deaths in the future.

All of us know that legislative processes are often slower than digital advances. Although that might be frustrating to some, it is important that, in the democratic system in which we live, the development and the scrutiny of legislation take place at the proper pace. The bill will allow the criminal justice system to utilise digital technology to a greater degree. Many of the measures were introduced through necessity during the pandemic, but it is now time for us to legislate to make some of them permanent features of our justice system. Those provisions include providing for the electronic signing and sending of documents in criminal cases; allowing virtual attendance at a criminal court; removing geographical limitations that courts have to deal with in the initial stages of a case; and introducing higher fiscal fines.

I reiterate that those measures have been in place since 2020—as Maggie Chapman said, they should possibly have been in place for longer—but the bill will move them from being temporary reactive measures during Covid to procedures that will be underpinned in our legal system. The measures have already delivered better outcomes and experiences for those who engage with our justice service in Scotland, and they had general support among stakeholders during stage 1. I therefore believe that now is the proper time to make them permanent, before they are due to expire, in November.

Two new provisions in the bill focus on digital innovation: any use of digital productions instead of physical evidence, and allowing digital copies to be treated as equivalent to items that have been copied without the need for additional authentication. There are some obvious concerns about those new provisions. The committee agreed that there will always be occasions when it is necessary for a physical object to be produced in court. Therefore, the cabinet secretary's response to our stage 1 report was reassuring, as

she highlighted that a safeguard was built into the bill whereby a court would have the power to direct that an image of physical evidence may not be used in place of the physical evidence. I welcome the fact that, in the same letter, the Government has also committed to exploring further safeguards and clarity around how those provisions might operate in practice.

The second part of the bill lays out the statutory framework to create Scotland's first national multi-agency domestic homicide and suicide review model. Before I go into detail about that part of the bill, I reiterate that one death involving domestic abuse is one too many. Sadly, a significant number of victims are killed by a partner or ex-partner every year, with the vast majority of victims being women. Although we are now legislating with the intention of preventing deaths, the change that we all want to see will happen only when those who perpetrate domestic abuse, the majority of whom are men, change their actions and behaviour. That responsibility is on all men, including all men who are in the chamber today.

Speaking about the bill also gives me the opportunity to highlight the short film, "Bruised", which was directed by my constituent Carla Basu and won a Royal Television Society Scotland student award. The film was recently shown here in the Parliament, and the minister was in attendance. It is a very powerful documentary, and I encourage all members who have not already seen it to view it.

Coming back to the bill, it allows for reviews to identify what lessons can be learned and applied following a death when abuse is known or suspected, in order to prevent future abuse and deaths. Those reviews would not be conducted to attribute liability, but to work with relevant agencies to learn any wider systemic lessons. Reviews could be carried out not only when there was or appeared to have been abusive behaviour in a relationship, but when abusive behaviour has or might have resulted in the death by suicide of an abused person.

Reviews would be carried out by a review oversight committee at its discretion. That committee would decide when to review a death based on the likelihood of identifying lessons and whether public authorities or voluntary organisations were or could have become involved in circumstances leading up to the death.

I understand that the fact that the committee has discretion over which deaths to review might cause unease, certainly in circumstances as emotive as losing a loved one. The bill allows the Scottish Government to direct a review to be held even if the committee decides not to, as it is important for families to be able to escalate a case

if they consider that a review should be undertaken.

The committee noted that creating a committee with a panel of members from diverse bodies and backgrounds might result in committee members having differing levels of training and competency, which is why I was reassured by the letter from the cabinet secretary last week that confirmed that a robust and comprehensive training programme will be completed by those who participate in reviews.

In summing up, the bill has been shaped through extensive engagement with key justice partners and third sector groups, whose views have been invaluable in forming the policy positions in the bill. The provisions that have been outlined will help to deliver effective and sustainable public services in Scotland by modernising our existing systems and creating a review process that will help us to learn from and improve current procedures. I therefore urge all members to support the general principles of the bill at decision time this evening.

15:49

Pam Gosal (West Scotland) (Con): As many members already know, I take the issue of domestic abuse extremely seriously. From a young age, I remember my mother helping women in distress who would come to our shop on Argyle Street in Glasgow. I was young and did not understand what was happening, but, I later realised that they were survivors of domestic abuse.

Unfortunately, to this day, domestic abuse has not been eliminated. The latest Scottish Government statistics show that more than 64,000 incidents of domestic abuse were recorded by Police Scotland in the year 2023-24. That is one incident every 10 minutes. Those figures also represent a 3 per cent increase on the previous year. In the year ending December 2024, 2,409 crimes relating to the Domestic Abuse (Scotland) Act 2018 were recorded, compared with 1,963 in the year ending December 2023, which is an increase of almost a quarter. As for homicide figures from the past 10 years, 60 women were killed by a partner or ex-partner in that time.

As has been outlined by the Cabinet Secretary for Justice and Home Affairs, the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill includes two parts. Part 1 modernises procedures in criminal courts, which is very much needed, as victims have now been waiting years for justice due to delays in the court system.

Today, however, I will focus on part 2 of the bill, which will put in place a new robust review process following the death of a partner, ex-

partner or child where abuse is known or suspected. A panel will be responsible for reviewing those deaths, whether they are homicide or suicide.

Presiding Officer, I am sure you are aware of the case of Emily Drouet. Emily was an 18-year-old student at the University of Aberdeen when, in 2016, she took her own life because she experienced physical assault and threatening messages from her on-and-off boyfriend, who was also a student and lived in the same university halls as Emily.

Emily tried to get help, but nobody was listening. As the cause of her death was classified as suicide, her abuser received only 180 hours of community service. There were no domestic homicide and suicide reviews in place in Scotland. Emily's mother, Fiona, launched EmilyTest, a charity aiming to remove the scourge of gender-based violence at institutions of higher education.

I have been in touch with Fiona, who has welcomed the publication of the bill. She has said:

"These reviews have the power to change that for others and as a family, we greatly welcome their implementation. They will ensure bereaved families are not left to navigate systems that are alien to them completely on their own. The reviews will ensure vital lessons are learned and that lives are protected in the future."

However, while the bill is a step in the right direction, more needs to be done, especially when it comes to preventing abusive behaviour from happening in the first place. That is why I have lodged my proposed domestic abuse (prevention) (Scotland) bill, which would introduce a domestic abuse register.

Last week, I spoke to a woman who was a survivor of domestic abuse. She said that the abuse that she had faced from her partner forced her to move homes and to leave everything behind, just to escape from him. Eventually, her abuser was arrested and convicted, but it turns out that he had abused women before and after dating the woman I spoke to. A domestic abuse register could easily prevent more victims falling into the hands of domestic abusers. I hope that the cabinet secretary will consider supporting my proposed bill in order to stop this horrible crime at its source and to protect victims.

I once again emphasise that there is no easy solution to eliminating domestic abuse. However, it is our duty to work across party lines to do everything that we can to protect survivors and to seek justice for those who have lost their lives. That is why I support the general principles of the bill before us.

15:54

Rona Mackay (Strathkelvin and Bearsden) (SNP): The Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill will be a huge step forward in bringing Scotland's justice system up to date, which I believe is badly needed. As we have heard, part 1 of the bill makes changes in relation to criminal cases, mainly to internal processes, many of which were introduced during the Covid pandemic and are now felt to be beneficial enough to make permanent. Those include using electronic signatures for court documents, sending court documents electronically and attending criminal court hearings virtually. However, the committee heard concerns during evidence taking about the practicalities of virtual trials, such as location, solicitor-client engagement, technical reliability and resources.

I am pleased that the cabinet secretary's response to our stage 1 report makes it clear that the default position is for in-person attendance, mirroring the approach of the temporary measures, and that the bill

"retains the Lord Justice General's power to issue determinations to change the default mode of attendance to virtual attendance for certain types of hearings or in certain circumstances."

Further, she confirms that

"the court must issue a direction which sets out how the person is to appear by electronic means before the court."

I expect that more detail on that will be forthcoming. The cabinet secretary also states that each case will be considered on an individual basis, rather than there being

"a prescribed list of suitable locations from which evidence may be given",

and that,

"Importantly, parties have the opportunity to be heard and may raise objections to the location proposed."

Both the SCTS and the Crown Office and Procurator Fiscal Service provide guidance to witnesses giving evidence remotely, which seeks to ensure that the rules of evidence are complied with and that, when a witness gives evidence remotely, they do so untainted by outside influence.

It is important to remember that these provisions are separate from those that are already in place to support vulnerable witnesses, many of whom can give evidence remotely and have done so for some time through the legislative framework that provides for special measures.

I am fully supportive of virtual courts for a variety of reasons, but mainly because they give victims and witnesses a choice in where they can give their best evidence without fear and intimidation.

That is particularly important for victims of sexual and domestic abuse, because it can minimise stress and greatly reduce trauma. The committee has heard heartbreaking testimony from rape and sexual violence victims about the trauma of having to appear in the same room as the accused. Virtual appearances would also free up professional witnesses, such as police officers, from having long waits to give evidence in person.

A national jurisdiction for first callings from custody, allowing the initial stage of some criminal cases to be taken in any sheriff court in Scotland, is being proposed. The committee debated the pros and cons of introducing such a system. The cabinet secretary notes:

“the national jurisdiction will never be able to be used for a trial: in a case where an individual pleads not guilty and the case goes to trial, it can apply only for initial appearances from custody and for subsequent procedural hearings.”

Part 2 of the bill is incredibly important, and the provisions in it are long overdue. It aims to create a process for reviewing deaths and suicides that relate to abusive behaviour in relationships. The committee heard moving and passionate evidence from Fiona Drouet, who was alluded to by our colleague Pam Gosal. Fiona is the mother of Emily Drouet, who tragically took her own life as a result of gender-based violence. Fiona’s tireless campaign has inspired the EmilyTest charity, and I applaud her determination to protect young women in the name of her beloved daughter.

The reviews under part 2 would look at what lessons can be learned in relation to a death to try to prevent similar things from happening again. An independent oversight committee and case review panels would manage the reviews. The provision, which exists in England and Wales but not in Scotland at the moment, is absolutely crucial.

However, the committee heard the view that the definition of domestic abuse in the bill diluted its meaning according to the definition in the Domestic Abuse (Scotland) Act 2018. To that end, the committee sought assurances that the bill would not do that, because domestic abuse is clearly defined in the 2018 act.

As the cabinet secretary articulates, the bill

“focuses on learning from deaths where there has, or appears to have been, domestically abusive behaviour by person A ... towards person B”,

and it

“takes a broader position in relation to children to ensure that more deaths are covered by the review model. We know that the impact of domestic abuse or the ‘ripple effect’, particularly where there is a death, is far reaching.”

She continues:

“We have committed to including other types of deaths

within the model, including ‘so-called honour killings’ which are not captured under the 2018 Act”.

One death involving domestic abuse is one too many, and we must capture its terrible, far-reaching effects. However, ultimately, as my colleague Fulton MacGregor said, the change that we need to see will happen only when those who perpetrate domestic abuse—the majority of whom are men—change their actions and behaviour, and there is a culture change in society.

There is broad stakeholder support for the bill, and the Scottish Government has engaged extensively with key justice partners and third sector groups. Now is the time to modernise the justice sector and make it fit for the future. I urge the Parliament to agree to the general principles of the bill.

15:59

Rhoda Grant (Highlands and Islands) (Lab):

As others have said, the bill has two distinct parts. The first deals with the modernisation of courts and the justice system, which is welcome, and the second deals with reviewing deaths that relate to abusive behaviour within relationships. Both aspects of the bill are important, but they are quite separate and distinct.

Part 2 looks at reviewing deaths that relate to abusive behaviours within relationships. Too often, we hear about abusers killing their partners, which is murder and leads to a criminal investigation. Learning from those brutal murders should help us to better protect those who are subject to domestic abuse.

One all-too-common issue is the murder of children within a family. Despite that risk being well understood, family courts and social workers appear to ignore it when looking at contact with and access to children. I hope that the reviews of deaths will shine a light on that issue and will change practices to protect victims and their children from abusers.

What is much less recognised and understood is the suicide of those who have experienced domestic abuse. The person facing the abuse is unable to escape, even when they have left their abuser. They see no end to the abuse, which often continues to be perpetrated through access to children or via family, friends and every other means at the abuser’s disposal. The victim sees no way out and takes their own life. When a death is accepted as being a suicide, evidence is not gathered as if it were a crime, so I hope that the reviews will ensure that detailed evidence is gathered, because that lack of evidence often leaves a lasting doubt as to whether the person actually took their own life or was killed by their abuser. The reviews should also ensure that there

is more knowledge of on-going abuse, how it is perpetrated and the impact that it has on victims. I hope that that will lead to a deeper understanding of, and therefore more protection against, continuing abuse long before the victim feels so hopeless as to consider suicide.

The bill itself will not do any of those things, but reviewing those deaths should lead to more intervention that will prevent murders and suicides from happening in the future. I hope that it will also mean that evidence of those crimes is gathered, giving families some confidence in the process. Knowledge of what has happened also helps families to process their loss and, although it does not make the loss any easier to bear, gives a degree of closure.

I will turn to part 1 of the bill. There is a need to modernise the court service. A huge amount of time is wasted in the justice system, with people sitting around, waiting for documents and the like. A more streamlined approach must be formalised and put in place, but it must have the confidence of the public.

One aspect of that really resonates with rural and island communities. Solemn procedures were taken away from island courts during the Covid pandemic, meaning that victims needed to travel further. Attending court is worrying enough, but being away from family and friends adds to the stress.

It is not unheard of in rural or island communities for a victim, when travelling to attend court, to take the same ferry, flight or bus as the perpetrator or, if not the perpetrator, almost certainly their family, friends or other witnesses. That risks putting the victim under further stress and can lead to them withdrawing their co-operation. The opportunity to give evidence virtually would provide greater protection for victims and witnesses, especially in domestic abuse cases and other cases of violence against women.

I cannot mention that without raising the issue of the gathering of forensic evidence in sexual abuse cases, which was highlighted again by the Scottish Human Rights Commission in its recent report on the Highlands and Islands. The commission highlighted a sexual abuse case in which the victim had to travel a long distance in the clothes that she was assaulted in so that forensic evidence could be recovered. Such cases happened on our islands until very recently. Victims of sexual abuse had to travel to have evidence recovered, and that often involved taking a flight, alongside their friends and neighbours, in the clothes that they were wearing when they were assaulted. That is unimaginable, but I understand that it is still the case for children who report

sexual abuse crimes on the islands and the rural mainland.

The bill is a step in the right direction, but there is still much to do to address crimes that disproportionately impact women. We need to change the societal issues that are increasing violence against women, and we need to ensure that the justice system does not add to the harm that has already been caused. Those who provide public services—social workers, teachers and others—must understand domestic abuse and violence against women so that they can act with compassion and not cause further distress to those who have already suffered at the hand of their abuser.

16:05

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am grateful for the opportunity to speak in this debate on an important piece of legislation: the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. As colleagues have done, I thank the clerks to the Criminal Justice Committee, who have done an excellent job, and all those who gave evidence. I also thank the Scottish Government ministers and officials for their attendance and engagement during stage 1. I fully understand the importance of the proposals, the work that went into preparing the bill and the positive impact that it will have.

This afternoon's excellent and constructive debate shows that there is a consensus on the importance of what needs to be achieved by the bill and the positive benefits that it will have if it is enacted and the provisions are implemented. There are also some shared positions on how we can, collectively, improve the bill ahead of stage 2.

Given that a lot has already been said in the debate about different aspects of the bill, I will focus on some aspects of part 1. I remind Parliament of my entry in the register of members' interests, which states that I am on the roll of Scottish solicitors.

Part 1 supports greater use of digital technology, which will modernise the justice system even further with positive benefit for all. The measures seek to modernise the sector through greater use of digital technology, including for evidence sharing and making processes more efficient. Part 1 will also allow the electronic signing and sending of documents in criminal cases and more virtual attendance at criminal courts, which other members have touched on.

As has been stated, provisions in that regard have been in force since they were introduced, in 2020, in the emergency coronavirus legislation, and they have been firmly embedded in Scotland's justice system, making many justice processes

more efficient and reducing costs. The intention behind the bill is to enable all partners across the criminal justice system to maximise their resources and deliver services in an effective, efficient and sustainable way. The legislative underpinning that is provided in the bill will, importantly, allow pilots to be undertaken and a sustainable model to be explored further.

In paragraph 112 of our report, the committee notes:

“At present, the framework in the Bill is enabling rather than prescriptive, and sets the parameters within which courts can take decisions on virtual attendance. However, we consider that the Bill must include clearer rules setting out how the courts should use their powers.”

It was interesting to hear views on that from the variety of people who gave evidence to the committee at stage 1. The concerns that were expressed to us were mostly about practicalities and implementation. It is important to recognise that the commencement power in section 28 will mean that, although there will be an expectation of greater use of the powers once the bill has been enacted, it will be at the court’s discretion to determine whether attendance may be virtual or must be in person.

I note the Scottish Government’s response that

“the Bill as drafted ... adequately allows individual courts to address the issue of location of remote attendance. By providing that this is to be considered on an individual basis, rather than having a prescribed list of suitable locations from which evidence may be given, the Bill allows the court to fully consider the facts and circumstances in each individual case and the individual locations proposed, recognising that there will be a range of suitable locations.”

I absolutely empathise with the Government’s position not to have a prescribed list, because that could be a substantial listing of different circumstances and locations in which people could give evidence. However, I wonder whether, ahead of stage 2, we can collaborate to take on board what others have raised about, for example, the consistency of the digital link, the need to avoid digital exclusion, the need to have an inclusive, safe and supportive environment for people who give evidence, and our expectations for how evidence will be given by different types of witness.

The proposal to increase virtual attendance in the right circumstances is absolutely the right thing to do. Virtual attendance can ensure that witnesses and others who are involved in giving evidence do not feel intimidated, feel supported and are able to give their best evidence, or that the time of police officers and expert witnesses is not unnecessarily wasted—which can sometimes be, and has been, the case.

Perhaps some work can be done collectively ahead of and through stage 2, and into stage 3, to

get a more definitive position on carrying out in the right way the practical implementation of the bill, the aspirations of which we all want to achieve and which will make a meaningful difference.

I thank the Government in advance for that engagement.

The Deputy Presiding Officer: I call Sharon Dowey, who joins us remotely.

16:12

Sharon Dowey (South Scotland) (Con): I, too, thank the clerks for the work that they put into producing the committee’s report, and I thank everyone who gave evidence.

The importance of the measures that are set out in the bill cannot be ignored. As with all legislation, it is important that MSPs of all parties do our best to reach a consensus, in order to create good law and secure policy. There are plenty of examples, down the years, of that having been achieved. However, we must also note the dangers of rushing through one piece of legislation despite not having got close to completion on a number of others.

In the Scottish Parliament, it often feels as though the Scottish National Party likes to put proposed legislation on the table but is not so effective at ensuring its safe passage through the Parliament and into law. Before we try to get the bill that is in front of us to its end stages, maybe we should ask what happened to not-dissimilar legislation that was debated in the same way that has not reached an end point.

First, the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 was initiated back in 2018 by the Scottish Government, on the basis that the practice of FGM is one of the most evil and deep-rooted manifestations imaginable of gender inequality. Although it might be more synonymous with other countries, it was recognised that we would be foolish to close our minds to the possibility that it was happening in Scotland. However, seven years on, we ask ourselves why that legislation has not been fully implemented.

Similarly, the Children (Scotland) Act 2020 sought to make significant upgrades to the Children (Scotland) Act 1995. That included helping children to participate in the court process in cases that concerned them, encouraging courts to hear their views and imposing a duty on the courts to investigate cases in which a parent had failed to follow a court order. The act also placed a duty on courts to consider the impact of delays—an issue that I will come to later—on a child’s welfare. For the most part, that act is still unimplemented.

We also have the Domestic Abuse (Protection) (Scotland) Act 2021, which was supposed to introduce a range of new and improved protections for victims. As with the two other pieces of legislation that I have mentioned, it is also the subject of work by the Equalities, Human Rights and Civil Justice Committee in relation to non-implementation.

The last thing that the people of Scotland need from their Parliament is another piece of legislation that promises the world but ends up never seeing the light of day. That said, we are here to debate what is in front of us in the form of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. The Scottish Conservatives will support the bill in the early stages, and we will work to ensure that it genuinely improves the justice system and the experience that victims and witnesses have of it.

It is clear that many of the measures that were imposed in the court system during the Covid pandemic have turned out to be useful advances when it comes to delivering justice. Although many traditional elements have, thankfully, returned, it is right that we look at ways of modernising the system and making it more efficient. It is also important that that is always of benefit to those who use the justice system, those who depend on it and those who work in it, and that it is of benefit to the taxpayer. Such improvements must not become de facto cuts, either in jobs or to the court structure. It cannot be a coincidence that court waiting times are so desperately long in the years following the closure of many courts across Scotland.

Separately, the bill also seeks to improve matters for people who have died as a result of domestic abuse, either by homicide or murder. Anything that can move us forward in those regards is welcome, and we look forward to working on the detail of that policy. However, to make it work, we must also ensure that those who will be responsible for carrying out that work are sufficiently resourced and trusted to do so. A failure on that front would only make matters worse for the families, who have already been through so much.

Various organisations, such as Police Scotland, wrote to the committee and expressed their wish for further discussion to be had with the Scottish Government on what the financial impact of the bill would be. It is all very unclear in the financial memorandum. For example, in its written submission, Police Scotland stated that it could not support any increase in the current use of virtual attendance for police custodies or witnesses

“without compromising service delivery elsewhere.”

Superintendent Richard Thomas noted that the recruitment that would be required to facilitate virtual courts would cost anything between £1.7 million and £4.5 million, and that capital investment to improve virtual courtroom infrastructure would vary from £12,000 to £44,000, depending on how many rooms were needed across the estate.

There is no question but that the principles before us today are worthy and welcome. If properly implemented, they will likely be of benefit to the people of Scotland. However, given the Government’s failure to implement so much of what has gone before, the public will also be sceptical about whether all of this debate will be for nothing, and they will be watching closely.

The Deputy Presiding Officer: I call Michelle Thomson, who will be the final speaker in the open debate.

16:18

Michelle Thomson (Falkirk East) (SNP): Members will know that, if I can profess any experience or expertise in the chamber, it tends towards economic, business and financial matters. They will therefore be relieved to know that I intend to keep my remarks short. My interest in the bill is in part 2—that is, the domestic abuse and suicide prevention sections. My remarks will be limited to that part.

Domestic abuse is a crime that is almost exclusively perpetrated by men. While it is sometimes perpetrated by men on men, it is most frequently perpetrated by men on women. There is no change there.

Members will know of my interest, which is shared by members across the parties in the Parliament, in non-fatal strangulation. It is for that reason that I have started to consider a potential amendment for stage 2, whereby the bill would explicitly enable reviews to access data on earlier instances of non-fatal strangulation. I am grateful to the cabinet secretary for meeting me to discuss the issue, and I look forward—I hope—to working with her in due course as we approach stage 2.

I believe that non-fatal strangulation is becoming a pervasive and pernicious problem. We can make progress against it in multiple ways, including by building awareness through social policy and a range of criminal legislation considerations. I hope that members across the chamber who are as concerned as I am will look at any and all legislation to start to effect change. Consideration of the provisions of the bill that is before us will allow for a step forward, but, of course, the bill is in no way the be-all and end-all.

I note, too, the efforts of Fiona Drouet on behalf of her daughter, Emily, and I acknowledge the comments in that regard that have been made thus far by my colleagues Rona Mackay and Pam Gosal, neither of whom is currently in her place in the chamber.

Why do I think that there could be a fit? Strangulation can occur as part and parcel of coercive control in a domestic situation and can result in death, either as a direct cause or as an indirect cause, when it leads to suicide, as happened in Emily's case.

Non-fatal strangulation often indicates early-days coercive control and could act as an early warning trigger. It is therefore essential that any reviews are able to access information on its occurrence. Underpinning all of that is the importance of data. Multiple data collection points could occur across agencies, so having a multi-agency statutory framework for the domestic homicide and suicide review model that could start to collect the data would be helpful. The collection of data across justice, health, social care, local government and third sector agencies will not only help reviews but start to provide the data sets on prevalence and, therefore, to drive change.

Any death that is caused by domestic violence is completely unacceptable, but we need to be able to respond to new threats if we are to prevent further deaths. It has been observed that, because Scotland has not had such reviews thus far, it can learn from other countries that have, such as England, Wales, Northern Ireland, Canada, Australia, New Zealand and many other jurisdictions. I agree, but I make the distinction that it is about not only the what but the how. Great care will need to be taken in devising processes that allow for data to be collected in the right format, given the complexity of such situations. That will be an important part of the review oversight committee's role.

I am grateful to Acting Chief Constable Steve Johnson for meeting me to discuss the subject. He helped me to understand, with reference to Police Scotland, how data on non-fatal strangulation is often not currently collected. Often, no hard or quantitative data is collected. If it is, it appears in long form. Apart from through an officer's curiosity, data cannot easily be probed, especially by using big-data tools or artificial intelligence. Without such data, we cannot assess prevalence. Beira's Place assesses that the incidence of such strangulation is 20 per cent higher than is currently reported. I make that point because I believe that legislation will drive behavioural change among various bodies in collecting data. If they cannot report on the practice, they cannot effectively change it.

I will make a few further short points on part 2 of the bill. Professor Devaney's paper notes:

"Whilst the deaths of individuals through illness and accidents have been closely monitored, those resulting from domestic homicide are more difficult to ascertain because the perpetrators, usually intimate partners, and occasionally other family members, are less likely to be forthcoming about the circumstances due to the inevitable legal consequences"

and public condemnation.

I feel that we also need to reflect on the role of shame in this context, because that is a blocker for both the perpetrator and the victim in a case of non-fatal strangulation. As the Criminal Justice Committee's convener noted earlier, the review processes will work in practice to minimise such impacts. I noted the Scottish Government's responses to the committee's recommendations, which contain a lot of good detail and consideration. I applaud that, because it is a very complex matter.

My final comment is on report anonymisation, which is very difficult to achieve in practice. For example, a death might be highly publicised and picked up on by the media. It would take only one lawyer of the type depicted in "Better Call Saul" who operate in that space to publicise it even further and make the job of anonymisation that much harder.

16:24

Maggie Chapman: I thank members for this constructive and broadly consensual debate. It has been consensual not just on the principles of the bill but also, importantly, on some of the areas that require further detailed work. That includes the balance between accessibility and safety with regard to virtual court attendance, as discussed by Liam McArthur, Ben Macpherson and others, and the importance of ensuring consistency across the country, which will require stable internet connections, clear understandings of trauma and its various manifestations and suitable safe and secure spaces, as pretty much everyone has discussed this afternoon.

There is not only the question of whether the definition of domestic abuse captures everything that it needs to, as Rona Mackay and Fulton MacGregor discussed, but also—as Mr MacGregor highlighted—the fact that domestic abuse will not be prevented by legislation but by behavioural and cultural change. Misogyny and the patriarchal structures that enable it must be dismantled.

I have no doubt that the members of the Criminal Justice Committee will undertake work on those areas with relish and will meticulously pick through the detail. I wish them well in their endeavours.

This bill is largely about processes and procedures. However, it also raises fundamental questions about what we want and expect the criminal justice system to do. There are three key objectives that are relevant to what we are discussing today.

The first objective is to protect people from violence. That means physical violence, but it also means the slow violence of trauma and oppression; it means protecting the general public and especially those who are most at risk. We know that the effects of domestic abuse, including the fatal effects, extend beyond individual incidents and partners. Part 2 of the bill will give us, as a society, a new mechanism to recognise and address that fact by learning from what has gone wrong in the past. It is essential that we can also learn from lived experience and expertise.

The second objective is to ensure that everyone's right to a fair trial is protected and fulfilled. That means more than just the trial itself; it means having access to justice in the right place and at the right time throughout the process, without the barriers of cost, unavailability of support and lack of information.

The third objective is to uphold the rule of law. That means not just the individual laws that are in force at any one time but also the principles that ought to underpin them. It means law that is accessible, clear, applies equally to all and protects fundamental human rights. This objective insists that power be exercised reasonably and in good faith and that states comply with their obligations under international law. It is about what the International Bar Association called

"principles that both liberate and protect."

Those imperatives—to protect and to liberate—matter now more than ever. They matter in a week when, in Westminster, police armed with tasers broke into a Quaker meeting house, without even ringing the bell, to arrest six young women who are concerned about Palestine and the climate crisis. That was a shocking image but it is not so far from what is happening to peaceful protesters here in Scotland, including in Aberdeen. Who or what is being protected? Where is the liberation?

When we consider our criminal justice system, we need to ask the big questions as well as the detailed ones. When we consider individual pieces of legislation, we need to ask how they will fit into the bigger picture.

Efficiency is important—not for its own sake but because it helps to fulfil those foundational aims. Delays in process make it harder to protect people, harder to make sure that people have a fair trial and harder to uphold the rule of law. Justice delayed is, indeed, justice denied—for survivors and witnesses, who have to hold on to

painful memories and anxious expectations, and for defendants, who may, as Stuart Munro from the Law Society of Scotland pointed out, be

"held in custody for years on the basis of unproven allegations."—[*Official Report, Criminal Justice Committee*, 22 January 2025; c 29.]

We need to make sure that what sounds as though it will be more efficient will really be so. Sometimes flexibilities are possible in person that are not—or, at least, not yet—available virtually. Can we find ways to replicate those flexibilities? Fiscal fines can quickly dispose of a single incident but do they address patterns of behaviour that point to deeper-rooted problems? Could restorative justice that focuses on real needs and responsibilities represent a more enduring solution?

We also need to keep learning. In his working paper on what became part 2 of the bill, Professor John Devaney emphasised that the review process must not be seen as the end result. The recommendations that such a review produces must be swiftly acted on.

Finally, I, too, pay tribute to Fiona Drouet and honour the memory of her daughter Emily. For all of us with connections to the University of Aberdeen, Emily's story is especially vivid and painful, and I reiterate my sorrow and condolence to her family. It is largely thanks to their work through the charity EmilyTest that we are here today. I hope that the bill, the act that it becomes and the change that it mandates will be a fitting response to their work, and that it will, indeed, protect and liberate all those oppressed and endangered by domestic abuse.

16:30

Katy Clark (West Scotland) (Lab): I welcome the opportunity to close the debate on behalf of Scottish Labour. We welcome the general principles of the bill, but we have concerns about aspects of the detail, which we hope can be addressed at stage 2.

As the cabinet secretary said, many of the provisions seek to make permanent some of the practices that were brought into effect by the emergency Covid legislation. Some of those practices have been accepted by all as good practice and are uncontroversial, such as the electronic signing and sending of documents. Other practices, such as aspects of virtual attendance, have either not really operated or operated with difficulty—the custody courts are an example of that.

The drafting of some sections has given rise to concerns about overreach. The reliability of technology is another consideration that has been

a real concern over recent years, although it is one that I hope will be addressed over time.

As Pauline McNeill outlined, the evidence that the committee was given pointed to substantial additional court time being required due to failures with internet connections. We also know that defence agents, in particular, expressed concern about the difficulty in taking instructions or getting an impression of the client in virtual hearings. That is also a concern for the Crown and for the court.

As members before me have outlined, there are two parts to the bill. Part 1 seeks to allow digital paperwork, witness testimonies and evidence in order to make permanent provisions that were introduced during the Covid pandemic. I appreciate that those proposals represent an effort to streamline and renew the efficiency of the court system in a modern technological landscape.

However, the bill does not outline in detail the criteria on which a determination in favour of virtual attendance in particular categories should be made. I noted the cabinet secretary's comment on that issue earlier in the debate. We are concerned that the provisions relating to whether there should be virtual attendance or physical attendance need to be clarified. We also believe that the provisions relating to evidential objects being produced in court by the Crown need to be strengthened. We would be looking for more safeguards on some of those aspects at stage 2.

As stakeholders have highlighted to the Criminal Justice Committee, it might often be in the best interests of the court to request witnesses and, indeed, the accused, to attend in person in order to obtain the best evidence. That is particularly the case when, for example, evidence is in dispute. It is also an issue in relation to physical evidence. In such instances, if the court is to request that evidence be given in person, the bill outlines in detail how that test would be applied.

Furthermore, I note that, during pilots for virtual court attendance, there were frequent difficulties with internet access. We welcome the intention behind the bill to make virtual hearings more of a reality, but we do not believe that we have fully heard the detail of what happened with pilots previously, and we believe that there needs to be a great deal more scrutiny of that before we have permanent provisions in law.

We very much welcome the proposed domestic homicide and suicide reviews in part 2 of the bill. Such reviews already exist in England and are being brought into effect in Wales. I was pleased that the convener of the committee spoke about why the reviews should be anonymous and about the risks of retraumatisation, particularly for the family if details of what has happened in a domestic homicide or a suicide become public. We

understand that that approach is being taken in Wales, based on lessons learned from what happened in England, where much of the detail is provided to the public.

Liam McArthur spoke about the cluttered landscape of reviews in Scotland and how we must ensure that they do not overlap. The committee considered that issue, and we also believe that it needs to be addressed. I appreciate that these review proposals represent an effort to fill a gap in Scotland's statutory framework and to reflect on areas for reform and improvement in order to prevent future abuse and deaths. We very much support that intention of the Scottish Government. However, we believe that, as well as looking at the issue of anonymisation, we need to look at the process of full disclosure for victims' families during the development of those reviews. It is our understanding that the Scottish Government intends for families to be kept closely advised of the available facts.

We believe that the bill must reflect an understanding that there is no universal, blanket approach to the publication of sensitive information but that there needs to be a trauma-informed approach and that we need to learn the lessons of what has happened in other jurisdictions to ensure that Scotland has the best possible process.

16:36

Jamie Greene (West Scotland) (Con): I thank all members for their contributions to what I feel has been a very interesting, bread-and-butter debate on legislation and on a very good stage 1 report. As always, the Criminal Justice Committee does itself great credit.

As we have talked a lot about today, this is a bill of two parts, and it is almost a bill of two bills—the criminal justice modernisation element and the abusive domestic behaviour reviews element. I am not entirely sure how the Government came to that position. I understand that the extension of some of the temporary measures in Covid-era legislation was coming to an end, which would need to be dealt with in primary legislation.

Nonetheless, a good piece of work has been done on what the bill does and does not do and how it could be improved as it goes through the process. I must note the interesting point that was made by my colleague Liam Kerr about how we often squash legislation and rush legislation. That is a general feeling and a theme that has come out often. I do not say that as a direct criticism of the Cabinet Secretary for Justice, but it has been raised as a concern by members across the board. I have grave concerns that, particularly in this last year of the parliamentary session, we will

rush through legislation to fit it into the timetable. That does not do legislation any justice whatsoever. We are often asked to dance to the tune of the Government's legislative timetable, and I do not know why we must always do that, given that this is a minority Government.

Moving on, I will talk about the bill's two parts. I will start with part 2, which has been talked about passionately by a number of members, particularly by Pam Gosal in her moving speech; by Rona Mackay, who has had a long-standing interest in the subject matter; and by Fulton MacGregor, who also mentioned it.

Parliament has grappled with the issue of domestic abuse and violence over the years, and certainly since I joined it. There is a lot of consensus around some of the action that we want to see take place to improve the situation in that regard. The bill deals with what is probably the worst element of that abuse, which is when someone has been killed or murdered as a result of it. There is a warm reception for the announcement of the reviews, although some devil in the detail has to be worked out. I was moved to hear that some of the families of people who have suffered that horrendous outcome were also quite pleased to see this legislation proposed. That is really important because, ultimately, legislation is about the public and how it affects people in the real world.

Several other issues have come up. In her opening statement, the cabinet secretary made a very good point about making some measures permanent that were considered to be temporary when they were first required.

Way back in the dark days of March 2020, when we passed some of the Covid legislation—indeed, I voted for much of it—I recall saying that emergency measures were very much for emergency times and that not all the measures were suitable to be a permanent feature of the status quo. Covid also led to some forced changes. The justice system as a sector had some marked changes forced on it during Covid. The system had to adapt, because it had to keep going—it could not simply stop prosecuting people or sending people to prison just because of Covid. The justice system and its partners reacted remarkably well, and the cabinet secretary paid them due credit in her opening comments.

Innovation and productivity improvements are of course welcome, but concerns have been raised throughout the process. Let us look at some of them. A number of members have mentioned the raising of the maximum fixed penalty from £300 to £500. I understand the context of that. There has not really been any revision of the fine levels since 2008 and, of course, inflation has gone off on a wagon since then. However, as Maggie Chapman

rightly referred to, some stakeholders have raised concerns about the affordability of fines.

Some people would argue that, if a person has been fined for breaking the law, that is their problem, and so be it. However, there are genuine issues. It was not just third sector organisations that raised concerns but the Scottish Solicitors Bar Association. The industry has raised the issue, as it does not want to see, as a result of the change, more people being funnelled into the penal system and put into prison, particularly at a time when we are trying to reduce prison numbers. Those are absolutely fair points.

In my time on the Criminal Justice Committee, the issue of pre-pandemic timescales and the statutory time limits was a matter of contention. We saw the extension of the statutory period from appearance on petition to trial from 12 to 18 months. For people being held on remand, the period increased from up to 140 days, which was already a long period, to up to 320 days, which is nearly a year. I remember the debate about that at the time. If someone has been on remand and incarcerated for 320 days, that is probably more time than they would have spent in prison had they been found guilty and given a two-year sentence, because the early release provisions have been revised to 40 per cent of the sentence served. Of course, we should remember that people who are on remand have not yet been found guilty of the crime.

The issue of court delays in general needs to be addressed, but I am not sure that the bill will go some way towards doing that. The average time from the committing of an offence to a verdict in the High Court still stands at more than 1,000 days, which is an incredibly lengthy period. Of course, that has a negative effect on the victims, but it also has an effect on the accused because, during that period, they cannot clear their name, if that is the end result. We all know what society believes, even if the system says that people are innocent until proven guilty.

Michelle Thomson made good comments about part 2 of the bill. She said that the reviews of domestic homicide must, at their heart, drive a prevention agenda. That is a very important point. The way to go about that is twofold, she said. We will require good-quality data as well as the ability to interrogate that data and to produce meaningful information off the back of it, but we will also require a multi-agency approach. That is a whole other topic that we could spend a lot of time on.

To summarise, the general aims and principles of this bill—or these bills—are positive, although I look forward to seeing how the Parliament, through stages 2 and 3, will seek to improve the bill. It is important that we get this right. The justice system needs to be fit for the 21st century, it

needs to take the public with it and, of course, it needs to work more efficiently and tackle the backlogs. In doing so, we must ensure that, by speeding up processes, our justice system does not inadvertently cause harm to those who participate in it.

I look forward to seeing how the bill progresses. I urge all members, irrespective of their position, to work constructively with ministers on it, and I will play my part if necessary.

The Presiding Officer (Alison Johnstone): I call the cabinet secretary to wind up the debate. You have a very generous eight minutes, cabinet secretary.

16:44

Angela Constance: I thank members for their contributions and for their constructive engagement on the bill. I also pay tribute to our very hard-pressed Criminal Justice Committee. I do not have a solution for the members of that committee, but they, of course, have my sympathy.

I think that we are all agreed that the provisions in part 1 of the bill will deliver a great deal of benefit to all justice system users, including victims, witnesses and the accused, and—not to forget them—professional witnesses, such as the police, and the Crown, the defence and the courts.

It is welcome that we are all largely on the same terrain, and I appreciate people's support. No doubt, when it comes to stage 2, we will all rightly be in the weeds of the detail, but my one appeal to Liam Kerr is that he makes sure that his colleague Jamie Greene does not lodge 50 amendments five minutes before a deadline. Mr Greene likes to keep us all on our toes, as is his democratic right.

In response to Mr Kerr's direct question on the time limits, I can confirm that the Scottish statutory instrument on savings provisions was laid in the Parliament today. I perhaps should have said in my opening speech that, yesterday, I signed the provisions. The instrument will come to the Criminal Justice Committee's attention so that it can do due diligence.

I note that Pauline McNeill, Liam McArthur, Ben Macpherson and others spoke in detail about virtual attendance. At stage 1, the committee was very supportive of the bill's broad principles around virtual attendance, but it sought the inclusion of further details in the bill—we heard more about that, in particular, from Ben Macpherson. As always, I will work with colleagues in good faith. At this stage, my only plea is that we ensure that, in seeking clarity, we do not cause more confusion, which would not be

in the interests of anyone who seeks to use our justice system.

Regarding the bill as it stands, it is important to reiterate that the default position is still that people should attend court in person. The one exception to that is in proceedings in which the only party is a public official—a police officer or prosecutor seeking warrants or court orders—which has been one of the beneficial gains of the emergency measures that came in as a result of the pandemic.

Audrey Nicoll raised the issue of digital productions. I appreciate that the committee is supportive of the provision but is looking for safeguards to be strengthened. We will explore that, but it is important to emphasise that the court currently has the power to say that an image cannot be used instead of the physical evidence. Objections around the use of digital images can become a preliminary issue in solemn cases. We are now also seeing the benefits of the digital evidence-sharing capability, which is supporting further improvements in our justice system.

The purpose of Scotland's domestic homicide and suicide reviews, as set out in part 2, is to learn lessons following deaths in which abusive domestic behaviour is known or suspected, which is very much on the prevention terrain. Rona Mackay said that the measure was long overdue, which I agree with, and Pam Gosal quoted Fiona Drouet, who said that

"these reviews have the power to change",

which I also agree with. I look forward to engaging with Ms Gosal further when she publishes the detail of her bill.

Ultimately, I want the domestic homicide and suicide review model that we develop in Scotland to be robust, fit for purpose, future proofed and supportive of the effective change that must be delivered in order to prevent deaths that result from abusive domestic behaviour. I also want to aim high and set a standard of review that is no less than what those who have died and their bereaved families deserve. That is something—

Jamie Greene: Will the cabinet secretary take an intervention?

Angela Constance: Yes, of course.

Jamie Greene: When reading the stage 1 report and listening to today's debate, I have not been clear about how that correlation will work in practice. How will the reviews result in meaningful changes and lessons being learned to reduce the number of terrible incidents happening in the future? I am yet to see what the strategy in that regard might be.

Angela Constance: That is a fair point. Those issues will be developed further in the guidance, but the core of the matter is the need to provide transparency, notwithstanding the issues relating to anonymity and dealing with confidential information. We need to lift the lid on some of the horrors that exist in our society, and it is by staring them straight in the face that we will learn the lessons and put in place the right mechanisms to prevent such tragedies in the future.

I recognise that the review landscape is complex, but I reiterate my point that the development of domestic homicide and suicide reviews will result in not duplication but the filling of a gap. Work is being progressed with all partners to develop and refine the process for joint reviews, which will prevent duplication.

On Mr Kerr's point, I cannot see a reason why a joint review could not be undertaken, but I am conscious that every case is different and that there therefore might be a situation in which a joint review could not take place. However, I very much hope that joint reviews, when they are required, will be the norm, and I will endeavour to ensure that that is the case. We should not make individuals and families repeat their trauma and go through the same processes time and again.

On Ms Dowey's point, it is my expectation that part 2 of the bill could be implemented six to nine months after royal assent.

I have very much appreciated the engagement that I have had with Ms Thomson. I assure her and other members that I remain open minded about what our next steps should be in relation to non-fatal strangulation, because I fully recognise the seriousness of the issue. I am actively pursuing work to progress the Government's consideration of next steps, but I appreciate that some members might wish to use the bill as an opportunity to propose their own solutions.

I advise members that new questions on the topic of non-fatal strangulation during consensual sexual activity have been included in the 2025-26 Scottish crime and justice survey questionnaire, which will go into the field this month. In part, that is due to Claire Baker's representations to me some time ago, but it is also due to my horror that published research by an organisation called We Can't Consent To This, which we consulted, highlights that 38 per cent of women under the age of 40 across the UK have experienced unwanted slapping, spitting, choking, strangulation or gagging during otherwise consensual sexual activity. Michelle Thomson is absolutely right that we need to do more to understand what is certainly a new and emerging threat to women.

I will write to Rhoda Grant on the issues that she raised about the dignity and treatment of women and children in relation to forensic services.

I reiterate my commitment to working constructively across the chamber to identify any improvements that can be made to the bill. I look forward to collaborating with all parts of the justice system and all stakeholders to ensure that the bill delivers significant reform to public services.

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Financial Resolution

16:54

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-16806, in the name of Shona Robison, on a financial resolution for the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. I call Angela Constance to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*Angela Constance*]

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

Data (Use and Access) Bill

16:55

The Presiding Officer (Alison Johnstone): The next item of business is consideration of legislative consent motion S6M-17009, in the name of Richard Lochhead, on the Data (Use and Access) Bill, which is United Kingdom legislation. I call Richard Lochhead to move the motion.

Motion moved,

That the Parliament agrees that clauses 1 to 11, 13, 18 to 26, 45(3), 48 and 123 of the Data (Use and Access) Bill, introduced in the House of Lords on 23 October 2024, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Richard Lochhead*]

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

Scottish Public Services Ombudsman

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-17008, in the name of Ariane Burgess, on behalf of the selection panel, on appointment of the Scottish Public Services Ombudsman. I call Ariane Burgess to speak to and move the motion.

16:55

Ariane Burgess (Highlands and Islands) (Green): As a member of the cross-party selection panel that was established by the Presiding Officer under our standing orders, I am delighted to speak to the motion in my name to invite members of the Parliament to agree to nominate Paul McFadden to His Majesty the King for appointment as the new Scottish Public Services Ombudsman.

The Presiding Officer chaired the selection panel and the other members were Jamie Greene, Fulton MacGregor, Carol Mochan and Michelle Thomson.

The role of the ombudsman is important and it covers a wide range of statutory functions. The ombudsman investigates complaints about most organisations that provide public services in Scotland when a member of public claims to have suffered injustice or hardship as a result of maladministration or service failure. The ombudsman also has a statutory duty to publish standardised complaints-handling procedures for the public sector and monitor and promote best practice in complaints handling.

The ombudsman carries out independent reviews of decisions that councils make on community care and crisis grant applications. The ombudsman is also the independent national whistleblowing officer for the national health service in Scotland.

The nominee, Paul McFadden, is currently the chief ombudsman for the Legal Ombudsman for England and Wales, a post that he has held since January 2021. Although Paul is unable to be in the chamber today, because of a work commitment, he is represented by two family members.

Paul McFadden has two decades of senior experience in ombudsman and investigation roles in Scotland and across the United Kingdom. He previously served as the acting Northern Ireland Public Services Ombudsman and Northern Ireland Local Government Commissioner for Standards, with oversight of Northern Ireland's public services and local government conduct, serving as deputy ombudsman, deputy commissioner and judicial appointments ombudsman. Prior to taking up the

role in Northern Ireland, Paul established and headed up the SPSO complaints standards authority, implementing an improved culture and streamlined complaints-handling system across Scotland's public bodies.

The panel believes that Paul's blend of skills and ombudsman experience will make him an excellent Scottish Public Services Ombudsman.

Before concluding, Presiding Officer, I take the opportunity to mention the outgoing ombudsman, Rosemary Agnew. I am sure that we would all like to thank her warmly for her services to the public sector and wish her all the very best for the future.

I move,

That the Parliament nominates Paul McFadden to His Majesty The King for appointment as the Scottish Public Services Ombudsman under section 1 of the Scottish Public Services Ombudsman Act 2002.

The Presiding Officer: Thank you, Ms Burgess. I will take this moment to remind all members that, when they are participating in parliamentary business remotely, it is preferred if cameras are in use at all times.

We will move to decision time momentarily.

Decision Time

17:00

The Presiding Officer (Alison Johnstone): There are four questions to be put as a result of today's business. The first question is, that motion S6M-17003, in the name of Angela Constance, on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill.

The Presiding Officer: The next question is, that motion S6M-16806, in the name of Shona Robison, on a financial resolution for the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S6M-17009, in the name of Richard Lochhead, on the Data (Use and Access) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that clauses 1 to 11, 13, 18 to 26, 45(3), 48 and 123 of the Data (Use and Access) Bill, introduced in the House of Lords on 23 October 2024, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The final question is, that motion S6M-17008, in the name of Ariane Burgess, on behalf of the selection panel, on the appointment of the Scottish Public Services Ombudsman, be agreed to.

Motion agreed to,

That the Parliament nominates Paul McFadden to His Majesty The King for appointment as the Scottish Public Services Ombudsman under section 1 of the Scottish Public Services Ombudsman Act 2002.

The Presiding Officer: That concludes decision time.

Learning Disability, Autism and Neurodivergence Bill

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-16644, in the name of Daniel Johnson, on the learning disabilities, autism and neurodivergence bill. The debate will be concluded without any question being put, and I invite members who wish to participate to press their request-to-speak buttons.

Motion debated,

That the Parliament notes its disappointment at reports that the promised Learning Disability, Autism and Neurodivergence Bill was not announced in the most recent Programme for Government; believes that people with learning disabilities, autism and neurodivergence in Lothian and across Scotland are structurally excluded and disadvantaged, and that it is harder for them to achieve their potential than people who are neurotypical; considers that the measures included in the draft Bill, such as creating and upholding statutory rights, improving access to mental health services and tailoring education provision, would break down some of the barriers faced by people with learning disabilities, autism or neurodivergence, given that a reported 37% of schoolchildren reportedly have additional support needs but that only 6% of teachers are trained to provide these, and notes the calls on the Scottish Government to provide clarity on its commitment to legislating in this area.

17:02

Daniel Johnson (Edinburgh Southern) (Lab): I thank those members who signed my motion to enable the debate to happen. It is a very important debate, because it is difficult to overstate the level of frustration and anger that exists among the various learning disability and neurodiverse communities. I speak today not as an MSP but as someone with attention deficit hyperactivity disorder, and I will give members a little personal insight into the level of frustration that people with neurodiverse conditions face.

Before I stood for election to this place, I had a conversation that probably all of us have had with our election agents. Is there anything that they should know about—anything that, if it came out, could damage the party or damage the candidate's chances? Obviously, they have in mind things like substance misuse or a gambling problem, but I told my agent that I had ADHD and that I am medicated. I thought that that could hurt my election chances and that it would potentially shame me and my party. I thought that having my condition, and taking the medication that I use every day to help me with it, was a source of shame to be kept secret.

I say that because it shows the level of stigma that we are still combating and the issues that we still face and why we need visibility. However, this

debate is not about me but about everyone out there, because crisis surrounds these conditions at every single level. I met autism campaigners in the garden lobby just before the debate, and they agreed with me: crisis permeates every level, from the personal outwards. An adult might be seeking a diagnosis because they have hit a crisis in their life, whether that relates to their work or their family. Families face a crisis in dealing with the challenges of having children with neurodiverse conditions or learning disabilities and in the struggle to manage those conditions while dealing with day-to-day life.

Above all, the system is in crisis. It was in crisis before Covid and it is certainly in crisis following Covid. Before the pandemic, we knew that the numbers of those with additional support needs were growing ever higher but the system was falling back. While the number of children with additional support needs has doubled since 2014, the number of ASN-qualified teachers has dropped by 12 per cent. We know that there is a crisis of part-time timetabling and illegal exclusions of children with neurodiverse conditions in our schools. Indeed, we particularly know about that from the publication “Not included, not engaged, not involved: A report on the experiences of autistic children missing school”, which was commissioned by the National Autistic Society Scotland, Scottish Autism and Children in Scotland.

We know that the core number of children accessing co-ordinated support plans is going down, despite the number of those with additional support needs going up. We know that the pathways are simply not there and that therapies are not available. For many people with autism, diagnosis is the end point—there is nothing else in place to help or support them. There is no therapy, no support and no assistance, and that was the situation before the pandemic.

Since then, we have seen waiting times go through the roof, a medicine shortage that means that people with ADHD cannot get that vital lifeline, and school refusals of astronomical proportions. In the best-performing local authority, the proportion of persistent absences stands at 20 per cent, rising to just under 40 per cent in the worst.

That is the crisis that we are facing. The reality is that, in most parts of the country, someone cannot now get an assessment for autism or ADHD. Most recently, NHS Tayside has stopped referrals, but pretty much every part of the country has either temporarily or permanently ended the process of putting new people on the waiting list. Those on the waiting list are looking at waits of almost a lifetime—14 years, in some cases. If a child is suspected of having ADHD or autism, it is very unlikely that they will get a diagnosis, let

alone treatment, during their time at school. That is the nature of the crisis.

Above all else, we face injustice. These conditions are still the punchlines of jokes, and the figures in relation to deaths and the justice system provide evidence of such injustice. If someone has a learning disability, their life is likely to end 20 years earlier than that of an average person; for someone with autism, it is 16 years. Someone with any one of the conditions covered by neurodiversity is between twice as likely as and 10 times more likely than the general population to be in the prison population.

That is why we needed a bill. We needed action and visibility for these invisible disabilities. A bill would have brought a focus to these conditions, which are all too often just a bolt-on in public policy. It would have brought co-ordination, because these are complex conditions that span education, healthcare, social care and other forms of assistance.

Above all, we needed resolution. I can tell colleagues that, in reading the consultation responses to my proposed bill to prevent restraint and seclusion in schools, I found the level of desperation overwhelming. Parents simply could not get the services that they were supposed to get from schools and health providers, and, when they saw things going wrong, they could not get the information or the help that they needed. We needed a commissioner to provide access and to act as an ombudsman to ensure that people get the services and the assistance that they need.

The reality is that cancelling and withdrawing the proposed learning disabilities, autism and neurodivergence bill has returned us to the point of invisibility. All the time and effort that various organisations put in, the compromises that they made, the negotiations in which they engaged, and the shared understandings—some of which, believe you me, were difficult and painful—have all been for naught.

The worst thing about it is that there is no alternative. Nothing has come forward from the Government since October, when it withdrew the bill—nothing. There is no proposal for how to make things better, despite the fact that—let us be clear—we do not need to legislate to make things better.

We could start, for example, with better data recording. Right now, we do not know the waiting times for assessments for ADHD and autism; that measure is recorded in England and Wales, but not in Scotland. Even if we had just that and we knew the scale of the problem, that would be better than the current situation. We need to tackle the backlogs and the absurd positions that have been adopted on shared care by general

practitioners and health boards, which have decided that practices that were once normal are no longer possible. We also need better pathways from school into assessment.

I stress that we should not just legislate. If what it takes is a person to bring a focus, to provide the level of attention and co-ordination that is needed, to cut across portfolio barriers, and to act independently, we should simply employ them and create that position in the civil service. There are 29,000 civil servants in this country. If the Government is saying that it cannot find one person to do that job and enough people to provide that person with support, what on earth are we doing?

I will end with this question: the Government has withdrawn the bill, so what is it going to do?

The Deputy Presiding Officer: Before we move to the open debate, I advise members that the debate is heavily oversubscribed, which will come as a surprise to nobody. I will therefore require members to stick to their speaking-time allocations.

With that, I call Karen Adam. You have up to four minutes, Ms Adam.

17:10

Karen Adam (Banffshire and Buchan Coast) (SNP): I congratulate my colleague Daniel Johnson on securing this members' business debate, and I thank him for his continued openness on this issue. I, too, feel deeply passionate about it, because it also affects me and my family. Ultimately, it is about how society is run, because it cuts across everything, from education and healthcare to employment and justice. Right now, neurodivergent people feel that they are being let down everywhere, in all of it. I want to tell them that I see it and that I validate them and their experience.

Around 84 per cent of autistic adults are unemployed, despite so many of them wanting to work, and nearly 66 per cent have contemplated suicide. People are waiting for years for a diagnosis and, in some areas, local authorities, health boards and integration joint boards have paused referrals. I agree that it is a crisis. Those are not abstract numbers—they are people's lives. They are people I represent, people I know and people who email me every single week. In fact, it is the top issue on which I receive correspondence.

In my various roles as a local councillor, an MSP and convener of the Equalities, Human Rights and Civil Justice Committee, and as a mum and a neurodivergent woman, I have seen and heard many devastating stories. There are women

who have spent decades without a diagnosis, dismissed or misdiagnosed, and who are completely burnt out; there are families who are stuck in cycles of poverty because they cannot access suitable work; and there are young people who are overwhelmed by a system that was never designed for them in the first place. We often hear people say, "School just wasn't for them," but it should be—we should create an environment for them.

I was disappointed that the proposed LDAN bill was not included in the most recent programme for government, but I welcome the fact that the Scottish Government has a continued commitment to publish that draft legislation. I can tell members today that I know that the Minister for Social Care, Mental Wellbeing and Sport, Maree Todd, is genuine in her care for that work and the people it impacts. I know that from the conversations that I have had with her, and I am grateful for it.

I believe that there are things that we can do now. We can embed understanding of neurodivergence across public services, ensuring that every GP, teacher and social worker is equipped with the training to recognise and support neurodivergent people. We can create clear national diagnostic pathways with self-referral options, and we can accept private diagnoses though the national health service from those who have felt the urgent need to pay for a diagnosis themselves.

We can begin early screening where neurodivergence might be masked, especially when people present with addiction, eating disorders, anxiety or chronic fatigue, because those are often the red flags. If we embed that thinking in our systems, we can intervene earlier and more effectively. We can improve the school experience by increasing the number of ASN teachers and adopting neuro-affirming approaches, along with quiet spaces, flexible transitions and reduced sensory load. Those things do not require new legislation; they simply require compassion and leadership.

We can challenge employers to build inclusive workplaces. We know that, in our justice system, a high proportion of people in custody are neurodivergent, and that is why we must act at the point of entry by signposting individuals for a neurodivergence assessment. Doing so could open up a pathway to not just support but true rehabilitation.

None of that needs to wait for a bill, but a bill can provide the backbone to sustain and scale that change. It can put rights on a statutory footing and help us to track and close the gaps. It is not about battling neurodivergence, but about building a society that welcomes it with all its potential.

17:15

Alexander Burnett (Aberdeenshire West)
(Con): I thank Daniel Johnson for bringing the debate to the chamber.

Even during my campaign to be elected back in 2016, it was clear that more support was needed to help autistic and neurodivergent people in all walks of life. Many members will be aware that, in 2017, Annie Wells and I co-founded the cross-party group on autism, and I remain its convener. The CPG remains one of the most well-attended groups, and I am delighted to welcome some of its members to the public gallery today. Unfortunately, however, the improvement in attendance at the CPG has been inversely proportional to the decline in service provision, and the recent cuts will only make the situation worse.

The proposed LDAN bill has been a key topic at the CPG, and many members took part in the Government's consultation last year. It was a great disappointment, therefore, when the Scottish Government dropped the bill from its programme for government, kicking it beyond the 2026 Holyrood election. It was even more disappointing that the minister declined an invitation from the CPG to discuss the bill's future. CPG members feel abandoned by the Scottish National Party over its lack of accountability and clarity about whether there will be any real action by the Government to improve support and services for autistic people and those with learning disabilities. I take this opportunity to again invite the minister to meet with the CPG on autism.

The debate comes at a time of an unfolding national crisis in autism and ADHD assessments. Delays in waiting times for assessments for both adults and children and a growing backlog of referrals to child and adolescent mental health services mean that the service has now reached boiling point, with assessments being withdrawn altogether.

In Aberdeenshire, the IJB has pulled out of the current adult autism and ADHD assessment service due to a lack of funding from the Scottish Government. A total of 1,800 adults, some of whom have already waited for nearly four years for an assessment, now have no idea when or even if they will get one. NHS Tayside has halted new CAMHS referrals for autism and ADHD, leaving vulnerable children at risk of getting no support, adding insult to injury by announcing it on Facebook. I am glad that, at First Minister's question time last week, the First Minister had the grace to admit that that was poor communication.

Services are screaming for more money from the SNP Government, which, instead, spends millions on trivial pursuits rather than the real

issues facing the people of Scotland. Late diagnosis and a failure to provide support only cost individuals and Scotland more in the long run, but it is no surprise that the economically illiterate SNP is unable to see that. I therefore ask the minister to confirm today what action she will take to ensure that there will be access to diagnostic services and not a postcode lottery in support.

The minister will also be aware that I have an autistic constituent who has been held in the state hospital for more than 15 years. Despite years of pressure and the publication of the SNP's own "Coming Home Implementation: A report from the working group on complex care and delayed discharge", the Government is still sending autistic people to the state hospital, more than doubling the number of vulnerable adults who are being locked away with some of Scotland's most hardened criminals. That remains a national scandal.

From the motion for debate today, it is clear that the SNP Government has had its eye off the ball for years, standing by as services are now being removed altogether. Some of our most vulnerable children and adults are at risk, and that simply cannot continue.

17:18

Jackie Baillie (Dumbarton) (Lab): I commend my colleague Daniel Johnson for securing this members' business debate, and I thank him and Karen Adam for their openness in talking about their neurodivergent conditions.

It is estimated that more than one in 10 Scots live with a neurodevelopmental condition. Conditions such as ADHD and autism affect many aspects of people's lives, from their ability to study and progress in their careers to the relationships that they need in order to thrive. Awareness of those conditions has grown, with referrals for ADHD assessment alone increasing by as much as 800 per cent across Scottish health boards between 2019 and 2021, according to a recent Royal College of Psychiatrists report.

Without systematic change, waiting times are predicted to exceed 10 years within the next couple of years. As Daniel Johnson indicated, some people are waiting for as long as 14 years. If the Scottish National Party Government does not take decisive action, children could spend their entire school years without the support that they need. Children cannot wait, and parents cannot wait.

Although those figures might seem overwhelming, there is straightforward support that can make a huge difference to somebody with a neurodevelopmental condition. To access that support, they first need a diagnosis, and there is

no dedicated pathway for such cases. Instead, services that are intended for patients with complex mental health conditions, such as schizophrenia and bipolar disorder, are absorbing the referrals. That benefits no one. Psychiatrists are leaving because of burnout, and people with severe mental illnesses are not getting the specialist care that they need, while people who are trying to cope with neurodevelopmental conditions are left in limbo. That is fundamentally wrong. The SNP Government is acting as if it hopes that the issue will simply go away. We owe it to the young people and their parents to address the issue as a matter of urgency.

We have already heard that the SNP promised a learning disability, autism and neurodivergence bill but it failed to announce it in the recent programme for government, and we now know that it is shelved. However, we do not need to legislate to make progress.

Meanwhile, the SNP has met its target for child and adolescent mental health services only because it has stopped counting children who have ADHD or autism. No data is collected centrally on the length of waits for neurodevelopmental services. More recently, the Royal College of Psychiatrists has proposed a solution that includes a public health campaign, national self-help resources in the style of NHS Inform, working with the third sector at local level and investing in neurodevelopmental specialists.

I ask the cabinet secretary—or, rather, the minister; I have just promoted her, but, if she does this, we will actually promote her. Will the minister provide a dedicated pathway for those with a neurodevelopmental condition, even if they are still waiting on an official diagnosis? We know that early intervention makes a huge difference. Will the minister commit to recording data on the length of waits, so that there is accountability for those who are experiencing unacceptable delays? Finally, for people with neurodevelopmental conditions, how does the minister intend to meet the Government's recent commitment that nobody will wait longer than a year to receive treatment—or is the SNP going to let down a generation of young people?

17:22

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I, too, thank Daniel Johnson for securing the debate, which enables us to discuss the implications of not introducing a learning disability, autism and neurodivergence bill timeously and helps us to focus our collective endeavours towards immediate actions that must take place across every part of our public services, and indeed at the heart of our communities, our workplaces and society at large.

Karen Adam and others have listed many such actions that we can take. The status quo simply does not work for people with learning disabilities or neurodivergence. In turn, that means that it is not working for society as a whole, and we are all poorer because of that.

I stand here as a not formally diagnosed but self-declared middle-aged woman with ADHD. It came as quite a shock at first, when it was suggested to me by a specialist a few months ago, but, over the past few months, I have begun to understand myself through that lens better than I have ever done in my 50 years on this earth. However, my journey and my family's journey to this time and place have been born of five years of immense struggles, tears, school avoidance, trauma and a colossal fight that seemed as if it was being fought on every front. It felt as if we were doing battle with the system and were taking on heavy casualties at every turn.

My husband and I are parents to a wonderfully unique, funny, kind and intelligent young person who is autistic and who has ADHD. When I look back, it amazes me that the world could not see early on what is so blatantly obvious now. That lack of seeing them for who they truly are, which would have enabled supports to be put in place, led us to a very dark place that involved complete school refusal and a retreat from the world at the age of 13. I cannot adequately describe the anxiety, the sleepless nights, the tears, the frustration and the palpable anger and impotence that we felt as parents.

Our child was totally failed by a system that shut them out from being able to participate fully in their own life. They are not alone. My inbox is full of families and adults crying out for support for themselves or their loved ones, whether that is the parents of a learning disabled young person on the cusp of transitioning into adult services who realise that there is little meaningful provision or opportunities on offer; parents who are in the situation that we were in of battling to have their young person's needs assessed and acted on while trying to keep their own heads above water; or adults who, like me, realise that they are neurodivergent but find that waiting lists for assessment are either closed completely or require a co-occurring severe and enduring mental health condition—potentially giving rise to such a severe mental health condition, substance use or binge eating. I could go on and on.

None of that is in any way acceptable. However, the vast amount of work that had been undertaken on the LDAN bill gave me huge hope that the system could finally be made to change so that people with learning disabilities or neurodivergence or who are autistic—or, indeed, people who have a combination of all those

issues—could live their best authentic lives. I was devastated when the bill was not included in the programme for government and when a commissioner role was not to be created.

I agree with Autism Scotland, Aberlour and others that creating a new commissioner would be a key driver for change and would ensure accountability through an independent role, with statutory powers and duties, that would champion the rights of all people with learning disabilities, autism or neurodivergence. It would be their role to challenge Governments, councils and employers and to drive the change that is required for rights to be respected, protected and fulfilled.

Imagine a Scotland where there is no disability employment gap. We have heard about how devastating that gap is. Such a change is not one that can be overseen by a single minister, a single committee, a Parliament, a council chamber or a sector. This is a multisystemic failure that requires a whole-system, whole-community and whole-family approach.

The human cost of the status quo is horrific, but it also has a cost to the public purse. We have a lot of good policies, but the implementation gap persists, along with the clear local accountability gap. That must change. [*Applause.*]

17:27

Pam Duncan-Glancy (Glasgow) (Lab): I thank Daniel Johnson for bringing the debate to the chamber and for sharing his personal experience, because that really does matter. I also thank organisations such as the National Autistic Society, the Scottish Commission for People with Learning Disabilities, Enable Scotland, Scottish Autism and Differabled Scotland in my region of Glasgow—to name but a few—for their tireless work on the rights of people with learning disability and neurodivergence.

This is an issue that I and, I suspect, many of us hear about regularly from constituents. I will use my time today to share some of their voices and stories. Although the Parliament has made welcome commitments, I think that we can all agree that there remains a huge gap between those aspirations and the everyday reality.

I recently met a grandmother who is the kinship carer of a young boy with autism. She told me that he had gone weeks without sleeping properly, that he had stopped eating and that he had become increasingly distressed and aggressive. She said that she had done everything right: she had contacted services, followed up and asked for help, but, months later, she was still waiting to hear back, including from child and adolescent mental health services. She is doing everything

that she can to support him, but she is exhausted and still has no support.

She is not alone. Another family told me that they had been waiting more than two years for an ADHD diagnosis for their son. Without that, he cannot access sleep support or medication; without those, his wellbeing and that of his whole family are deteriorating. Their GP told them that nothing more could be done until a diagnosis was made, but there is no clarity on when that will happen.

It beggars belief that this is happening at a time when services are facing dramatic cuts. In my region, families and professionals are raising serious concerns about a reported £1.5 million cut to crucial mental health and care services—services that are already stretched. One impact will be that the planned ADHD pathway that was going to be put in place will no longer go ahead. Another impact will be that planned health checks for people with learning disabilities will not go ahead—against the backdrop that they are likely to die 25 years earlier than others. That is unfathomable.

Such cuts do not reduce need; they delay care, deepen distress and could result in the most terrible of consequences.

Paul O’Kane (West Scotland) (Lab): My friend Pam Duncan-Glancy is making a very compelling case. Does she agree that, in addition to the learning disability health checks, issues such as the “Coming Home Implementation” report, too many people being in long-stay institutions, inaction by the Government on human rights and, indeed, the outcome of her Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill have all represented failure? Does she also agree that people with a learning disability would say that they feel failed by the whole system?

Pam Duncan-Glancy: I thank the member for that intervention, and I whole-heartedly agree that people with learning disabilities and others will absolutely feel entirely failed.

The education system is under untold pressure. To deliver for all young people, everything in it—from support for staff and pupils to the design of school buildings—needs to change. All the stories that we have shared today tell us—and we hear repeatedly—that the current system is failing people with learning disabilities and neurodivergence, as my colleague Paul O’Kane just highlighted. All too often, support comes only when families are already in crisis.

The proposed learning disabilities, autism and neurodivergence bill was a chance to address those challenges, and the fact that there is no bill is, of course, a huge disappointment. The families

we represent deserve better—they deserve clarity on timescales, and interim steps must be taken now to improve outcomes while we await the bill. We also know that the current approach to accountability is not fit for purpose. Families are left with nowhere to turn when services fail to meet their needs, and responsibility is blurred across multiple agencies. That is why there is a growing call for stronger oversight, whether that is through a dedicated commissioner or commission or through another model. We recognise that there is not yet consensus, but we know that we need action and a mechanism with teeth to deliver the rights of this group of people. We need that action to bring people together and to drive real and lasting change.

We often say in the chamber that we want Scotland to be the best place in the world to grow up in. In order for that to be true, it has to be the case for every child, and we have the responsibility to make it so. That needs action, not just warm words, and the Government has a responsibility to do that quickly to ensure that no one is left waiting, or fighting, for the support that they deserve.

17:31

Maggie Chapman (North East Scotland) (Green): Michael has spent more than 15 years in hospital. He is autistic with a severe learning disability. He finds routine comforting, and unexpected changes cause distress, leading to self-harm or lashing out. At times, he is placed in seclusion for his and others' safety.

Michael is ready for discharge—he has been ready for discharge for years. His father has seen multiple housing plans fall through, and he fears that Michael has become institutionalised, with limited support to maintain his independence or his skills. Cost concerns and the risk of unsuitable shared accommodation add to Michael's father's worries. After years of setbacks, he doubts whether Michael will ever be discharged.

The Mental Welfare Commission for Scotland highlighted that story just a couple of months ago in its report "Hospital is not home: The circumstances of people with learning disability and complex needs who have been in hospital for 10 years or more".

Unfortunately, Michael's story is not unique. In the Equalities, Human Rights and Civil Justice committee this morning, we heard that 55 people in Scotland have been institutionalised for over 18 years—10 of them for more than 25 years. That is 25 years of living in hospital when there is no medical or clinical reason for them to do so.

The Scottish Human Rights Commission told the committee this morning that prejudicial

attitudes to people with learning disabilities, autism and neurodivergence are entrenched. The SHRC and all the third sector organisations that support autistic people and those with learning disabilities should not still be having to make the case that independent living is possible for everyone. It is not a matter of opinion; it is a matter of human rights. Everyone has the right to live in the community and can do so if they are supported appropriately.

Attitudes are clearly demonstrated through actions. When actions such as seclusion, restraint, overmedication and restrictions on food become the norm, and when people are cut off from education or their wider support network and prevented from forming relationships or from choosing with whom to live, and when those actions happen daily, it is clear that discriminatory attitudes and cultures must change.

In committee, we were specifically discussing the findings and recommendations of the SHRC's report "'Tick Tock...': A human rights assessment of progress from institutionalisation to independent living in Scotland", and it was clear that our collective failure to meet promised timescales for change or to implement various legal reforms for empowerment and redress should shame us all. We should not, and cannot, ignore the failure of the state to support the realisation of basic human rights.

It is for those reasons that the delay in bringing forward the LDAN bill, in addition to the delay in the Government's proposed human rights bill and in other pieces of legislation, is so frustrating. Other members have discussed many issues that the LDAN bill would have helped to address, but I want to highlight one area of concern with regard to how the proposed bill was developed, which I hope that the minister will address in closing. During that process, the voices of autistic people and of those with lived experience of neurodiversity were not always heard. Serious concerns were expressed by those people about the use of behaviourist approaches such as positive behaviour support and applied behaviour analysis, but those were not addressed and were not taken into account in the consultation on the bill. The trauma that approaches such as PBS and ABA cause was ignored.

Can the minister outline how the Scottish Government is actively listening not just to organisations that support autistic and neurodiverse people, but to autistic and neurodiverse people themselves? They know best about their lives.

I very much thank Daniel Johnson for securing this important debate, and I express my immense gratitude to all those who work so hard to ensure that we hear the voices of autistic and

neurodiverse people and those with learning disabilities, because their voices matter.

17:35

Pam Gosal (West Scotland) (Con): I, too, thank Daniel Johnson for bringing this very important issue to the chamber. I am pleased to speak on behalf of the Scottish Conservatives on this subject, which has also been a topic of interest for the Equalities, Human Rights and Civil Justice Committee, of which I am a member. So far, the committee has held three sessions on the learning disabilities, autism and neurodivergence bill, and today we held a session with the Scottish Human Rights Commission.

The evidence on the bill included private and public sessions with people with real-life experiences of learning disabilities, as well as a public session with the Minister for Social Care, Mental Wellbeing and Sport. In today's committee session with the SHRC, witnesses said that there was a clear absence of impact from the Scottish Government's successive policies and plans when it comes to people transitioning from institutionalisation to independent living.

It is estimated that neurodevelopmental conditions affect between 10 and 15 per cent of the Scottish population. However, those conditions are significantly underdiagnosed. Neurodivergence and learning disabilities often co-occur, with an estimated 37 per cent of autistic people having a co-occurring learning disability. A total of 66 per cent of autistic people in Scotland say that they feel socially isolated, while the same percentage of autistic adults have considered suicide during their lifetime.

Two other areas were highlighted by witnesses during the committee's sessions on the learning disabilities, autism and neurodivergence bill. One was the lack of assessment and diagnosis for learning disabilities, which has been mentioned today, and the second was the lack of adequate training for public bodies such as the police and councils. Witnesses said that such training was weak and not adequate or uniform. Many witnesses said that, because of the lack of training, they felt stereotyped and more likely to face discrimination.

Many survivors of domestic abuse who have learning disabilities said that they felt that they were not taken seriously when speaking to the police, as it was difficult for them to show emotion or to articulate what they wanted to put across. I spoke to a witness who said that black and minority ethnic people with learning disabilities faced more discrimination, with multilayered intersectional aspects. She said that she was discriminated against at work but did not know

whether that discrimination came about because of her colour or her ability. She said that there was a lack of resource tailored towards BAME people with learning disabilities.

In one of the public evidence sessions on the learning disabilities, autism and neurodivergence bill, witnesses told us that the consultation was excessive. Many charities and individuals had to sacrifice a lot of time and resources to respond to the consultation only for the bill to never be published by the Scottish Government. People with real-life experience of learning disabilities said that they felt that they were at the bottom of the pile when it came to Scottish Government priorities.

We also heard that people with learning disabilities are more likely to be domestically abused. In fact, the minister said at committee, in response to one of my questions, that

"around 90 per cent of women with learning disabilities will experience gender-based violence."

However, as I noted at that meeting, of the 64,000 incidents of domestic abuse that were recorded by Police Scotland last year, we do not know how many involved a victim with learning disabilities. In response to that point, the minister said that

"the data is weak, and more work needs to be done to improve that."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 3 December 2024; c 16-17.]

Data collection was also mentioned in today's committee session with the Scottish Human Rights Commission. Those figures are shocking, and those people should no longer be let down.

In closing, I express my disappointment at the Scottish Government's delay in introducing this vital legislation. More needs to be done, and I hope that warm words are turned into actions and that the Scottish Government provides clarity on its commitment to legislate in this area.

The Deputy Presiding Officer: Before I call the next speaker in the open debate, I am minded, given the number of colleagues who still wish to participate, to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Daniel Johnson to move the motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Daniel Johnson*]

Motion agreed to.

17:40

Carol Mochan (South Scotland) (Lab): I thank Daniel Johnson for bringing this important debate to the chamber. In working with other members across the parties, he has been a real champion in

the Parliament for people with learning disabilities, autism and neurodivergence.

The Scottish Government committed to the learning disabilities, autism and neurodivergence bill in its programme for government for 2021-22. That was at the very start of my journey as an MSP. At that time, I was approached by constituents and by professional organisations that asked me to support the bill. I must say that people were extremely positive and excited to see that piece of legislation advance.

In summer 2022, I had the great pleasure of attending the Borders Additional Needs Group's branching out transitional youth camp. It was at that point that I realised that the bill was not progressing as many had hoped, following the indication that another consultation period would be added. That consultation did not commence until December 2023. In the short time that I have in which to speak tonight, I want to raise the voices of my constituents. I do not think that the frustration of those people and their families can be overstated.

During the four years that I have been in Parliament, this subject has featured as one of the most frequent requests in my casework. Often, it starts with a simple request: people just ask, "Can you help me to understand?" I believe that my colleagues in the chamber will have had the same type of request time and again. As MSPs, we all know that that simple request becomes bigger and bigger as families have to fight every step of the way for assessment, treatment and support.

The lack of leadership and the lack of urgency from the Government to legislate in this area is absolutely and utterly unacceptable. It seems that there is little doubt among experts and families that the bill should be in the Government's programme for government, and it is not good enough to delay it any further if we truly want to change outcomes for people.

I have some very dear friends who have experience of the service provision for both adults and children with autism and ADHD in Ayrshire. They and many other families across my South Scotland region have had considerable difficulty in finding adequately trained GPs. When families, out of sheer desperation, seek private consultations, there is a lack of shared care and of clarity and follow-up with treatment plans. That all causes undue stress as well as considerable debt for families who can little afford it.

Other families have approached me about the complex systems that are in place to divert referrals from CAMHS. That issue is raised with me regularly—families do not feel supported, and they are provided with few options for support with diagnosis and/or treatment and/or integration with

other services such as education and employment. The systems lack any opportunity for appeal on rejected referral routes, and families are already struggling and exhausted by the system itself. It is absolutely unacceptable.

In addition, families have raised with me the lack of training for education professionals, which means that opportunities to break down barriers and to enable people to fulfil their potential are missed. Education services are asking for training and resources, but the Government seems to be unable to respond to the need.

There is little doubt that the legislation should be progressed, to address many of the issues that have been raised by my constituents and by other members in this debate. I hope that the minister provides some answers to my constituents in summing up.

The Deputy Presiding Officer: I call Stephanie Callaghan, who joins us remotely.

I gather that we are having slight issues with Ms Callaghan's camera, so I will go first to Stephen Kerr, and we will go to Ms Callaghan after that. You have up to four minutes, Mr Kerr.

17:44

Stephen Kerr (Central Scotland) (Con): Daniel Johnson gave a powerful and compelling speech, and a number of other members have given similarly compelling speeches. To be frank, it is to the shame of us all that in Scotland, a wealthy country, we cannot help our citizens at the most basic level. I may disagree with Daniel Johnson about a lot of different aspects of our politics, but I think that we share a fundamental belief that every individual in Scotland, whether they are neurotypical or neurodivergent, deserves fairness, dignity and the opportunity to thrive.

That is why I am standing here today, speaking on behalf of my constituents in Forth Valley who are being denied precisely those things. As members of the Parliament, we carry the responsibility of building a Scotland where every person is supported to reach their full potential, where barriers are dismantled and where work is not just a means to an end but a path to purpose, independence and respect.

However, the actions of this Government and NHS Forth Valley run counter to that vision. NHS Forth Valley's decision to withdraw the adult autism diagnostic service is, to put it bluntly, a serious misstep. It has been made with poor communication, no meaningful consultation and, most alarmingly, no clear alternative for those affected. Let us be absolutely clear that those who are affected have waited years for understanding, clarity and access to support. In recent weeks, I

have written to the Cabinet Secretary for Health and Social Care and the chief executive of NHS Forth Valley to express my deep concern about the decision. I await an answer from both of those individuals.

It is not a simple service adjustment; it is a profound and damaging disruption to people's lives. In those letters, I have asked the questions that people in my constituency are asking. What happens to those who are already on the waiting list? What pathways now exist for those who are seeking a diagnosis? What are employers meant to do when individuals who are visibly in need of support cannot obtain the formal recognition that is required to unlock that support? Those are not abstract questions; they are practical and urgent concerns, particularly for those who are seeking work and now face yet another barrier to opportunity.

A diagnosis is not the end of the journey—it is the beginning. A diagnosis is a key that unlocks access to the support and adjustments that people need to succeed in work, education and life. Without a diagnosis, people are left unsupported and without the kind of help that will make all the difference to their lives. It is, frankly, unjust.

This is not about political ideology; it is about basic fairness and ensuring that our public services empower people rather than hold them back and that they open doors rather than quietly close them. The message that this decision sends is deeply troubling. It discourages people from seeking help. It frustrates employers who want to do the right thing. It undermines trust in the very services that should be lifting people up.

I want every individual in Forth Valley and across Scotland to be able to realise their fullest potential. That means having the right services in place at the right time and listening to communities before decisions are made, not after. I urge the cabinet secretary to intervene and to engage directly with NHS Forth Valley to see that the service is reinstated and to ensure that there is national direction so that access to support does not become a postcode lottery.

The Deputy Presiding Officer: Thank you, Mr Kerr. I now call Stephanie Callaghan. We might still have issues with the visuals, but I hope that the audio is functioning. After that, we will go to Michael Marra. Stephanie Callaghan, you have up to four minutes.

17:48

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Thank you, Presiding Officer. I wish that you had a better photograph of me on the screen, but we will let that pass.

Again, I thank Daniel Johnson for bringing to the chamber today's debate on the learning disabilities, autism and neurodivergence bill, which is often referred to as the LDAN bill, and for his wider dedication to highlighting neurodiversity more generally.

Although I recognise the frustration expressed in today's motion and the disappointment that our LDAN bill was not announced in the most recent programme for government—I will come back to that—I also want to highlight the Scottish Government's efforts to ensure that the legislation reflects the voices of those with lived experience. Those quiet voices have always been there, but the breadth of the Scottish Government consultation has inspired our learning disability and neurodiversity communities to speak up and seize the opportunity to contribute and make themselves heard.

With more than 900 responses from individuals, families and stakeholders, we have dared people to hope for a better future, and we absolutely must follow through. We cannot let them down. Their valuable insight has reinforced not only the necessity of the bill but the urgency of the change that it seeks to bring. The LDAN bill is sorely needed, and it has been deeply disheartening for the autism community and all those who have worked tirelessly for its progress that it is not in the programme for government. I share their disappointment.

Although I appreciate that the bill is developing in an evolving landscape alongside the proposed human rights bill and the Care Reform (Scotland) Bill, the focus should remain on creating a rights-based approach that, while linked, is also independent. I would therefore appreciate a clear and strong commitment from the minister today that we will honour our commitment and be clear on when the draft bill will be published.

As many here already know, I mother autistic children, so the issue is deeply personal to me. Many other members of the Scottish Parliament have also touched on how they are directly affected. It is all around us and it permeates our families, our friendships and our communities.

In thinking about young people, I note that, although every child has the right to full-time education, autistic students face overwhelming inequalities. There are challenges with specialist support and underreported use of part-time timetables, and I would appreciate some clarity on those from the minister today. I am interested in what proportion of autistic pupils receive the full-time education that they are entitled to, how accurate the data is that we hold on part-time timetables, and whether that is comparable across Scottish local authorities. Does the minister believe there is a need for greater transparency

around the recording of part-time timetables? Is work being done or planned to assess the impact of part-time education on young people's achievements and on family wellbeing and finances? That is important, because, as we have heard, when an autistic person struggles, their entire family feels the weight of that struggle.

Advocacy should not be just a crisis intervention; it is a vital form of reablement that can prevent further hardship. When families receive expertise and services that are tailored to their needs, the impact is life changing and, ultimately, more cost effective than dealing with the consequences of inadequate support.

A key aspect of the LDAN bill was the proposal to introduce an LDAN commissioner, which is well supported by the consultation feedback. They would drive accountability, champion rights and inspire cultural change. If the minister has not already done so, I encourage her to get in touch with Alan Thompson, the Welsh commissioner for learning disability, perhaps to discuss any reduction in strain on the NHS and mental health services and how the measure has contributed to closing the poverty gap.

Neurodivergent and autistic people are an investment, not a cost. They make our world more innovative, creative and compassionate, and they open doors that lead to a richer, stronger society. I hope the minister can assure us today that the LDAN community can expect not a lap dog but a guard dog with real teeth and a fierce ambition for their future.

17:53

Michael Marra (North East Scotland) (Lab): I thank my good friend Daniel Johnson for bringing the debate to light.

Reflecting ahead of it, I was conscious of the great range of my work as an MSP that is considered in the debate and the motion. There are issues relating to casework, constituents seeking diagnosis and medication, facilities, delayed discharge and education. The subject cuts across many issues, as many of the speeches that we have heard so far have made clear.

However, others have referenced the situation in NHS Tayside, and I want to concentrate my remarks on that. The NHS Tayside board papers from February 2025 refer to

"A significant increase in referral rates for Neurodevelopment (ND) assessments and a reduction in specialist ND staff"

and declare that

"The pathway and waiting list is extensive and unmanageable, with no alternative pathway for these children and young people."

In reaction to that, the health board has agreed that only those children and young people with comorbid mental health difficulty will be accepted by CAMHS, which is effectively a closure of the waiting list. When the situation was presented to MSPs, the health board referenced the 400 per cent increase in the number of referrals for neurodevelopmental challenges on the waiting list. My colleague Brian Whittle told me this afternoon that, in his area, the percentage increase has been far higher. We are seeing the same pattern across the country, as I think has been acknowledged.

It is fair to say that members in the Tayside region believed that the situation was not sustainable and that something had to change. At the time, questions were rightly asked about the system that would be put in its place, the amount of clinical input that would be involved in a team-around-the-child approach, and the availability of medication through diagnosis. However, those questions remain unanswered. We also heard the statistic that those on the CAMHS waiting list in Tayside could be waiting 13 to 14 years for treatment.

At First Minister's question time last week, the First Minister spoke of his delight that, in the period from October to December 2024, 90 per cent of young people referred to CAMHS were seen within 18 weeks. I ask the minister in closing to say how on earth those two things can be true at the same time. It amounts to a statistical contortion. People in Tayside are rightly asking whether the closure of a waiting list is the means by which the waiting list target is being met. That would be doing everybody in the process a disservice, and we must get to the bottom of what is happening. It was right that, in the same question time session, the First Minister expressed concern about the communication around the issue, but substantive questions remain.

This afternoon, I met autism campaigners, who were asked about the issues that they wanted to have raised in the debate. The first voice that chimed mentioned that we still lock up many people with autism across Scotland. Last Friday, I visited a constituent whom I have been representing for years and who is incarcerated in the learning disability unit at Carseview in Dundee. After a delayed discharge of more than five years, he is still waiting in a situation that is deeply inappropriate for his needs.

I also recently visited the locked wards of Strathmartine hospital, which has been condemned by the Mental Welfare Commission for Scotland. In its report, which I have previously

mentioned in the chamber, it highlights the hospital's Dickensian conditions, including rats falling from the roof, infestations in the walls and other conditions that are entirely unacceptable. It is absolutely clear that there is much work to do in this area, and the minister has an awful lot of questions to answer.

17:57

Brian Whittle (South Scotland) (Con): I thank my friend and colleague Daniel Johnson for continuing to shine a light on this issue. The fact that we need to continue to shine that light should bring shame on us all.

It had not been my intention to speak in the debate; instead, I wanted to listen to those speaking today. However, when I was speaking to some of the autism campaigners, I asked their permission to talk about some of the issues that I want to raise, and they gave it to me.

Last week, I met representatives from the Royal College of Psychiatrists and heard about its report. Shockingly, there was, between 2019 and 2021, a rise of up to 800 per cent in referrals for ADHD. At the same time, we have a reduced psychology sector in which, as Jackie Baillie has said, people are hitting burnout and moving to the private sector to get a work-life balance.

I was struck by Elena Whitham's point about the need for a whole-system, holistic approach, and I will be focusing some of my speech on the societal approach in education. I might well bore members with it, but I will never tire of talking about how we must give kids outlets to express themselves. I raised with the autism campaigners the withdrawal of the ability to be physically active or involved in music, drama or art and how the impact of that on those who are neurodivergent can be much more significant.

In that respect, I remember a couple of issues that my constituents raised with me. In one case, there were a couple of children who loved to do art. They could remain in the mainstream as long as they had quiet time to themselves to do their art. The problems started after that was withdrawn, because they had no outlet for their thoughts and processes.

As I have said before in the chamber, one of the most fulfilling times in my coaching career was when I worked with a couple of children with autism and with foetal alcohol spectrum disorder. It was extraordinarily fulfilling to be involved in the impact that that routine had on their lives.

We need to consider how we structure our education system. Despite what the minister and the Government might say, there is no question but that there has been a reduction in children's

ability to participate in such outlets in schools and communities. When I spoke to the autism campaigners, I learned that that has a more profound impact on people with neurodivergent conditions. We need to consider a whole-system approach and how we ensure that such children can interact with, take part in and be a part of community and society.

I had not thought about getting to my feet in this debate, but I felt compelled to do so. Once again, I thank Daniel Johnson for compelling me with his very powerful speech. We need to make a societal change in this matter across all the portfolios that we look after in the Parliament.

18:02

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): I am grateful to Daniel Johnson for lodging the motion and allowing us the opportunity to discuss an important topic. I am also grateful to the other members who contributed, many of whom have highlighted their personal experience. It is always powerful when members bring their own personal experience to the issues that we debate in the chamber.

In raising the topic for debate, Mr Johnson brings attention to the disadvantage and structural exclusion that neurodivergent people and people with learning disabilities experience. My work with and for those groups is a key part of my portfolio, but I also believe strongly that we need to change our approach in that area.

The motion that Mr Johnson lodged notes the disappointment that many people have expressed about the lengthened timescales for the LDAN bill. I acknowledge that neurodivergent people and people with learning disabilities have needed to campaign for far too long for the changes that they need. I understand how disappointing and frustrating that is, and I have met many individuals and our partners to express that I share their sense of frustration at the length of time that real change can take.

However, it is important that we recognise how far we have already come. The proposed bill started from a successful campaign by leading charities to highlight the need for greater accountability for those groups of people. From that early starting point, we have built a significant body of work over the past three years, and central to that has been the extensive consultation paper that was produced in partnership with the lived experience advisory panel. I am grateful to all the stakeholders who were involved in designing and responding to the consultation. The high number of responses that we received demonstrates the importance and relevance of the work.

I assure members around the chamber that the Government's commitment to developing the LDAN bill has not changed. We have made a clear commitment that the work continues to progress and that the next steps will be for us to publish draft provisions with the benefit of the consultation evidence and further targeted engagement in forming our refined proposals.

The bill is, of course, only one piece of the puzzle, and members have rightly raised a number of other points that I wish to address in turn. In education, neurodivergent children benefit from existing protections under the Education (Additional Support for Learning) (Scotland) Act 2004. Local councils have a legal duty to plan and provide support for neurodivergent children. It is important, however, to point out that it is not necessary for children to have a diagnosis to receive the support that they need when they are in school. It is important that I correct the motion, because it is not correct to say that only 6 per cent of teachers are trained to provide support with additional support needs. All teachers undertake ASN training during initial teacher education; indeed, that is a requirement to meet the professional standards for registration with the General Teaching Council for Scotland.

Daniel Johnson: The minister has corrected the motion, but can I just correct her? We are talking about ASN specialist teachers. Will she acknowledge that the number of specialist teachers has decreased by 12 per cent over a period when the number of children with additional support needs has doubled? Will she also acknowledge that, although she has talked us through the process, the reality is that nobody who took part in the consultation wanted to take part in a consultation? What they wanted was outcomes. Will the minister set out what steps the Government will take? The situation is undoubtedly worse than it was when the Government embarked on the process.

The Deputy Presiding Officer: I can give you the time back, minister.

Maree Todd: As many of the people with whom we have engaged on the LDAN bill are well aware, we are continuing to make progress on the bill. As I have said, we will publish draft proposals before the end of this term of Parliament. We are working on those together. We will hold a series of meetings to discuss them, which we will schedule over the next few months. *[Interruption.]* I need to make progress, as multiple issues were raised during the debate, and I am keen to respond to them. That said, I am happy to offer to meet the member who sought to intervene at a later date, should his questions not be responded to.

As the Cabinet Secretary for Education and Skills recently set out to Parliament, she will

engage with the Auditor General on Audit Scotland's ASN report.

For children and young people, our national neurodevelopmental specification aims to ensure that children and families can access support and services that meet their needs. That support will often be community or school based. As I have already stated, receipt of support should not be dependent on a formal diagnosis, and I would expect NHS health boards, children's services and other partners to work together to implement the specification and to provide the support that is required by children and families, which might include assessment, diagnosis or other interventions.

Over the past five years, we have invested £65 million in community-based mental health support and services for children and young people and their families, including support for neurodivergent children and young people. We continue to provide £16 million a year to local authorities to provide access to school counselling services for all school pupils aged 10 and above.

As for adults, we are aware that there has been a significant increase in the number of neurodivergent people seeking a diagnosis and requiring support. Although that creates challenges for a range of services, we recognise just how important it can be to a person's wellbeing to receive such a diagnosis and support. Long waits for support are not acceptable. I assure members that the Scottish Government is working closely with local health and social care—*[Interruption.]* I am sorry—there are several points that I want to respond to, and I have only a couple of minutes left.

We are working with local health and social care bodies to improve access to services and support for neurodivergent people. Last year, we allocated £123 million to health boards to improve the quality and delivery of mental health and psychological services, including neurodevelopmental services for adults and for children and young people.

Daniel Johnson: The minister is talking about steps that the Government is taking to improve services, but the services in question have been entirely withdrawn in a number of health board areas. What is the minister's response to people in Tayside, who are simply being told that there is no service for them and no waiting list to join?

Maree Todd: My officials have reached out to all the health board areas that have made such decisions. As I understand it, a process of redesign is under way, because the services are overwhelmed and are unable to respond to the need. A redesign process is going on. Health boards' communication to people who are on

waiting lists has not been good, and I would like that to be improved.

Michael Marra: Will the minister give way?

Maree Todd: I am sorry, but I really would like to progress. I have a number of issues that I want to get round to, including some of the issues that Mr Marra raised.

We have established the national autism implementation team—or NAIT—which is supporting NHS boards to develop, enhance and redesign existing local adult neurodevelopmental services. In addition to NAIT, we have commissioned NHS Education for Scotland to provide professional learning to healthcare staff, including those involved in diagnosis of ADHD and neurodevelopmental conditions at informed, enhanced, specialist and expert levels.

On community support for autistic adults, we directly invest £1 million a year through our autistic adult support fund to deliver such support. Again, I would just highlight that support can be accessed without a formal diagnosis. The Scottish Government also funds Scottish Autism to provide an autism advice line, which is staffed by advisers who are trained and experienced in working with autistic people and their families.

Mr Burnett again invited me to attend the cross-party group on autism. As I outlined in my response to his initial invitation, I will shortly be responding to the Equalities, Human Rights and Civil Justice Committee's questions as a follow-up to my evidence session, and I have offered to copy the CPG into that response, which I believe will answer many of its questions. Should the committee have further questions, I am more than happy to hear from it again, as I outlined in my response.

It is also important for clarity and for the record that I explain again to Mr Burnett that a number of criteria need to be met before people can be treated under the Mental Health (Care and Treatment) (Scotland) Act 2003. No one in Scotland can be detained simply because they are autistic or have a learning disability. The coming home programme is focused primarily on people who have concluded their period of treatment in hospital and are waiting for discharge, and that does not include people who have been admitted to a state hospital.

Mr Marra mentioned CAMHS waiting lists. CAMHS is a specialist service that provides support for mental health conditions, and it has its own referral criteria, which have been in place for some time. The referral for neurodevelopmental assessments does not go through the CAMHS waiting list. That is why we have been able, through a whole-system approach, to put time, effort and investment into improving the CAMHS

waiting list. Some of that methodology will be used to look at the approach to neurodevelopmental assessments, as the same level of intensive effort and a whole-system approach will clearly be required to improve the system. The member is conflating and confusing two different referral pathways.

I also want to point out some of the vital work that is being done outside the proposed LDAN bill, which aims to address the inequalities that the groups experience. The Scottish Government wants people with learning disabilities to live longer and healthier lives, and offering annual health checks is a big step towards fulfilling that ambition. We are fully funding that policy with annual investment of £2 million.

The Deputy Presiding Officer: Briefly, minister.

Maree Todd: Health checks, which are being delivered to thousands of people, are already yielding positive results in identifying unmet health needs and supporting access to the right care and treatment.

Furthermore, on 20 March, I confirmed to Parliament that the Scottish Government will allocate £10 million over the next two years to provide an additional 150 changing places toilets across Scotland. I am delighted about that announcement and delighted that we are able to deliver on that promise.

I thank Daniel Johnson for lodging the motion for debate, and I reaffirm my commitment to the proposed learning disabilities, autism and neurodivergence bill. As I have said, I am aware that time constraints mean that I have been unable to respond to every issue that has been raised. I again emphasise that my door is open and I am happy to meet members and to make progress together on the issues.

The Deputy Presiding Officer: That concludes the debate.

Stephen Kerr: On a point of order, Deputy Presiding Officer. I know that I am trying your patience, but we have had a pretty robust debate, with members giving compelling and powerful speeches, and the response that we have just heard from the minister is unsatisfactory. I ask for your guidance, under standing orders, on how we, as back-bench members of the Parliament, might bring this issue back to the chamber so that we have more time to examine it in detail and get a fuller—and, I would argue, better—response from the minister, who represents the Scottish Government.

The Deputy Presiding Officer: Mr Kerr, you will be well aware that that is not a point of order. You will also be aware of the mechanisms,

primarily through your business manager, for arranging for items to be put to the Parliamentary Bureau so that a decision can be taken on debates and so on in the chamber.

Meeting closed at 18:14.

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