



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 12 November 2015

Session 4

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# Scottish Parliament

Thursday 12 November 2015

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

## General Question Time

### City Building (Glasgow)

**1. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what its position is on the impact on employment in Glasgow of the city council's plans for its City Building subsidiary. (S4O-04781)

**The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham):** The Scottish Government would encourage Glasgow City Council and City Building to communicate clearly with interested parties about their workforce plans, and to engage with unions during any process of change.

**Bill Kidd:** Given that City Building is the largest apprentice employer in Scotland and Royal Strathclyde Blindcraft Industries is the largest supported workshop in Europe, that it works with returning war heroes and people with disabilities and that it contributes £5 million a year to Glasgow's finances, does the minister see any mileage at all in the dismantling of that successful organisation?

**Roseanna Cunningham:** The Scottish Government applauds all employers that support apprentices, including City Building, which has more than 300 apprentices. The Scottish Government is also firmly committed to equality for disabled people, including the right to work on an equal basis with others, and is striving to create a Scotland that is fair and inclusive to all. However, councils are separate entities, independent of the Scottish Government. It is for Glasgow City Council and City Building to make the business case for any change to current arrangements.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** As City Building is based in my constituency, obviously I have a particular interest in its operation. It was set up at the time of stock transfer, to ensure the future of maintenance jobs attached to city council housing. Of course, Mr Kidd is absolutely right to focus on RSBI—

**The Presiding Officer (Tricia Marwick):** Can I get a question, please?

**Patricia Ferguson:** You certainly can, Presiding Officer. Mr Kidd is absolutely right to focus on RSBI, particularly since the closure of the Remploy factory that was almost next door. Does

the minister agree that, if Glasgow's funding settlement was as it should be, Glasgow City Council would be able to do even more with City Building and make sure that that organisation employed even more apprentices in future?

**Roseanna Cunningham:** Patricia Ferguson must be aware that the outcome of the spending review 2011 and budget review 2013 confirmed that local government revenue funding and capital share would be maintained on a like-with-like basis, with extra money for new duties. That has meant that the total settlement has increased to more than £10.85 billion in 2015-16. The decisions that Glasgow City Council makes are for it to make itself.

**Bob Doris (Glasgow) (SNP):** Does the cabinet secretary—[*Interruption.*]

**The Presiding Officer:** Ms Ferguson!

**Bob Doris:** Does the cabinet secretary agree that any potential restructuring of City Building should involve positive and constructive engagement with trade unions at the outset, rather than have engagement as an afterthought, and that it should not be presented as a fait accompli?

**Roseanna Cunningham:** The Scottish Government puts great value on the importance of effective engagement with trade unions and always expects and encourages employers to engage with trade unions in a respectful manner.

### Computer Science Graduates (Gender Breakdown)

**2. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government how many people have graduated in computer science from Scottish universities this year, broken down by gender. (S4O-04782)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The latest Higher Education Statistics Agency figures show that 3,150 Scottish university students graduated in computer science in 2013-14, which is a 10.5 per cent increase since 2007-08. Of the 3,150 students who graduated in 2013-14, 2,525 were male and 625 were female, which is a split of 80 per cent male and 20 per cent female. The Scottish Government is committed to addressing the underrepresentation of women in science, technology, engineering and maths courses and careers. That includes computer science and other information technology-related courses.

**Willie Coffey:** The minister will know that the software industry in Scotland needs about 10,000 new entrants every year to keep pace with demand, and the European Commission predicts a shortage of nearly 1 million by 2020. What additional measures can the Government consider

to improve the position in Scotland, particularly in schools and particularly among females?

**Dr Allan:** The member is right to say that there is a skills shortage in this area, that the industry is crying out for new people and that the Government, as well as the industry, is sending out the message that we want to recruit more young women on to computing and information and communication technology courses. The Scottish Government is doing a number of things on this front, not least through initiatives such as CodeClan, which is an industry-led academy that works with the industry, and the dragonfly programme, which promotes engineering and science careers specifically among secondary 2 girls. Those and other measures are designed to make it clear that, as is being made clear in primary school, there are no boys' jobs and girls' jobs in Scotland. That very much applies to computing science as it does to other science subjects.

### Glasgow City Council (Meetings)

**3. Johann Lamont (Glasgow Pollok) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Infrastructure, Investment and Cities last met Glasgow City Council and what issues were discussed. (S4O-04783)

**The Minister for Transport and Islands (Derek Mackay):** Ministers and officials regularly meet Glasgow City Council on a variety of portfolio issues, and the Cabinet Secretary for Infrastructure, Investment and Cities last met the leader of Glasgow City Council on 28 October at the Scottish cities alliance leadership group meeting, the agenda for which spanned a range of issues including empowering Scotland's cities, infrastructure investment and plans to refresh the agenda for cities. The cabinet secretary is due to meet Councillor McAveety again tomorrow at the cities convention in Perth.

**Johann Lamont:** The cabinet secretary has been rightly proud of, and has taken credit for, the fact that the Queen Elizabeth university hospital in my constituency was delivered on time and on budget. However, can the minister clarify what discussions the cabinet secretary has had with Glasgow City Council on the building's impact on local infrastructure and, in particular, on local people? Although it is, of course, for the independent reporter to consider the nature of any parking scheme, does the minister agree that it would be unjust for local people and the people of Glasgow to pay to mitigate the impact of a project that serves people right across the country? Furthermore, given that the cabinet secretary has not responded to my correspondence, I ask the minister to convey to the cabinet secretary my

wish to meet him to discuss these matters of concern to my constituents.

**Derek Mackay:** As with any major development, certain matters would have been captured in the planning consents that the planning authority considered at the time, and transport matters, for example, would be for transport partners to consider further.

As for the separate issue of the reporter's hearing, it is of course impartial and, as such, it would not be appropriate for ministers to intervene. There are local, regional and national transport responsibilities, all of which the Government has engaged appropriately on; for example, the Government was involved—indeed, I was involved—in trying to ensure that the fastlink connection to the hospital was completed. Discussions are being had with the city council on the city deal, tax increment financing and other transport projects as appropriate on which the cabinet secretary is engaged, but in response to Johann Lamont's request to meet the cabinet secretary in order to raise further issues, I am of course more than happy to convey that to him in the spirit in which it has been conveyed by the member.

### Fertility Services (West Scotland)

**4. Mary Fee (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to improve fertility services in West Scotland. (S4O-04784)

**The Minister for Public Health (Maureen Watt):** National health service in vitro fertilisation services for patients of health boards in the west of Scotland are provided by the assisted conception unit at Glasgow royal infirmary. A new state-of-the-art unit that was formally opened on 23 February by the Cabinet Secretary for Health and Wellbeing provides a calm and supportive environment for patients and benefits from a multimillion-pound investment enabling the delivery of the latest innovative assisted conception technologies in modern purpose-built accommodation. Along with funding support from the Scottish Government of £18 million over the past four financial years, the additional capacity in the new unit has meant that all eligible patients now start treatment both at the unit and indeed across Scotland within 12 months. The Scottish Government has also funded the purchase of EmbryoScopes for Scotland's four assisted conception units to help with the selection of the best embryos in order to improve IVF success rates and, importantly, to increase the use of single-embryo transfer to reduce the multiple-birth rate.

**Mary Fee:** I thank the minister for that comprehensive answer. I welcome the investment

that the Scottish Government has made in recent years to tackle the postcode lottery that faces couples who are waiting for IVF treatment. However, after successful treatment, new parents face a bill of £500 six months after the birth of a child who has been conceived through IVF for the storage of any remaining frozen embryos. Can the minister tell me how many times health boards have passed such bills on to debt collection agencies if they have not been paid within the time expected by boards?

**Maureen Watt:** I do not know the answer to that specific question. I respect Mary Fee's involvement in the issue. She has asked a number of written questions and has submitted a number of motions on the issue. The national infertility group collects data. I am not sure whether it collects data on that issue, but I will write to the member about that.

### Winter Preparedness (Vulnerable People)

**5. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what winter preparedness programmes it has put in place to protect vulnerable people. (S4O-04785)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** The Scottish Government supports a number of initiatives designed to protect the most vulnerable members of our communities throughout the winter period, including the ready for winter campaign that was launched on 9 November.

National health service boards and their partners have robust winter plans in place to ensure that all patient services will be delivered and maintained throughout the winter period. NHS boards have processes in place to identify patients who are at a high risk of admission to hospital this winter, including the very frail and those suffering from long-term conditions.

The seasonal flu programme, which was launched on 1 October, offers free seasonal flu vaccination to more than 2 million people, including vulnerable groups.

Tackling fuel poverty remains a priority for this Government. This year a record budget of £119 million is being made available for fuel poverty and energy efficiency to help vulnerable groups to stay warm this winter.

**James Dornan:** It is clear that the Scottish Government has put in place a number of programmes to help people over the difficult winter months. Will the cabinet secretary give me an indication of how many people in my constituency and across Glasgow have benefited and will benefit from those schemes?

**Shona Robison:** I will write to James Dornan with more detail about the specifics of his constituency.

In 2013-14, the home energy efficiency programme for Scotland installed 34,000 energy efficiency measures across Scotland. Many of those—almost 3,700, or 13 per cent of the Scotland total—were delivered in Glasgow. I do not have the specific figures for the member's constituency, but that gives a sense of the very direct support for some of the most vulnerable people.

I am very happy to write to James Dornan about some of the other mechanisms that are in place, particularly within the health service, to support the most vulnerable people within the city of Glasgow.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** There are 252,000 households still in extreme poverty and around 1 million households in fuel poverty—that is four in 10 households in Scotland. I appreciate the challenges that face the Government in that regard, but will the cabinet secretary at least publish the figures for all constituencies, not just Mr Dornan's, with regard to the Government's input in tackling this problem and moving towards its target of zero by November next year?

**Shona Robison:** I can certainly look at the level of information on fuel poverty measures. If that information is available on a constituency basis, there is no problem with providing it. I reiterate that fuel poverty remains very much a priority for this Government. This year, a record budget of £119 million has been made available for fuel poverty and energy efficiency measures. Of course, the focus around that scheme in winter is particularly important.

As I said, if the information that Richard Simpson asks for is available, it will be provided.

### Energy Industry (North-east Scotland)

**6. Richard Baker (North East Scotland) (Lab):** To ask the Scottish Government what action it is taking to support the energy industry in the north-east. (S4O-04786)

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** We are supporting the energy industry in the north-east through a wide variety of measures within our devolved powers. For example, we have set up the energy jobs task force, which is co-ordinating action between Government, the wider public sector industry, industry bodies and trade unions to support jobs in the North Sea oil and gas industry.

We are also supporting investment in low-carbon projects in the north-east, an example of

which is the district heating loan fund. That fund has supported a range of projects, including via a £1 million loan in February 2015 to Aberdeen Heat and Power for the continued expansion of the network in the city.

**Richard Baker:** Given the concerning job figures for the north-east yesterday, with the claimant count rising by 39 per cent, does the cabinet secretary agree that a renewed strategy to support the energy industry in the north-east is required? Does he also agree that, although the appointment of Bob Keiller as the chair of Scottish Enterprise presents an opportunity for a fresh focus on policies to support the sector, the success of the Aberdeen city region deal bid will be crucial to securing the future of the energy industry in the north-east, which is important to Scotland as a whole?

**John Swinney:** I welcome Richard Baker's comments on the appointment of Bob Keiller as the chairman of Scottish Enterprise. I am absolutely delighted that Mr Keiller has been appointed, as he brings tremendous expertise and experience, not just in the oil and gas sector but across business more widely, to the leadership of Scottish Enterprise. He also has an intimate knowledge of the north-east of Scotland.

We remain focused on employment in the north-east of Scotland, and the employment data are concerning, given the increase in the claimant count. That is why the energy jobs task force is focused on supporting companies and why a lot of our work on internationalisation and innovation will concentrate on developments in the north-east. The Government is determined to ensure that we broaden our energy propositions, which is why we are pressing so hard for a more stable approach to renewable energy policy development in the United Kingdom. That has been singularly absent in the past few months.

#### Commission for School Reform

**7. Iain Gray (East Lothian) (Lab):** To ask the Scottish Government how it will respond to the commission for school reform's challenge paper. (S4O-04787)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The First Minister and I are meeting the chair of the commission, Keir Bloomer, this afternoon to discuss the challenge paper.

**Iain Gray:** One of the weaknesses of the Scottish Government's policy on closing the attainment gap, which is highlighted in the paper, is the targeting of resources. Given that most of the poorest children do not go to schools in the poorest areas, they miss out on the intended support. My constituency, for example, receives

not one penny of the Scottish Government's attainment fund, whereas Labour's fair start fund proposal would see every primary school in my constituency receive support for those children who face barriers to attainment. Will the minister and the cabinet secretary undertake to re-examine the targeting of future funding when they meet the authors of the commission's report?

**Dr Allan:** One matter on which Mr Gray and I agree, I suspect, is that it is unacceptable that somebody in Scotland's most affluent communities is twice as likely to leave school with at least one higher as someone from Scotland's most deprived communities. Also unacceptable was the situation that we inherited, in which that outcome was almost four times as likely.

Mr Gray raises the issue of resources. It is important to say that the £5 billion that the Government and local authorities invest in schools is increasingly being targeted on our priority of closing the attainment gap. It is also important to say that the Government is investing outwith the seven local authorities that were initially named.

Mr Gray mentions the fair start fund that Labour proposes. I will not try to offer advice to Labour on the writing of its manifesto, but I point out that that fund needs a bit of work done on it, given that it has been costed at £72 million when all the available evidence suggests that an £87 million investment would be needed to implement the policy in pre-school and primary schools and that £131 million would be needed to implement it across all schools.

While Labour is working all that out, this Government will get on with the important task of making Scotland's education system fairer for all.

#### Specialist Nurses (Recruitment)

**8. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** To ask the Scottish Government what progress it is making with the recruitment of additional specialist nurses. (S4O-04788)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** So far this year alone, the Government has invested over £2.4 million to improve access to specialist nursing and care, which includes the appointment of additional specialist nurses, and national health service boards are on track to appoint at least one additional whole-time equivalent specialist nurse by 31 December. NHS motor neurone disease specialist nurses are now paid from the public purse, and NHS boards that employ those nurses are in the process of recruiting additional nurses, which will fulfil our pledge to double their number.

**Malcolm Chisholm:** Does the cabinet secretary agree that there is nothing more appreciated by patients with chronic or rare diseases than the



availability of a specialist nurse? Will she closely monitor health boards' use of the money? Will she ensure that the issue is a priority in the forthcoming spending review?

**Shona Robison:** Yes. I reassure Malcolm Chisholm that we are monitoring the situation and that we will ensure that it is a priority going forward.

## First Minister's Question Time

12:00

### Engagements

**1. Kezia Dugdale (Lothian) (Lab):** With your permission, Presiding Officer, I think that I speak for the whole of Scotland when I say that it was a great relief to wake up to this morning's news that Pauline Cafferkey is on the mend. [*Applause.*]

To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03047)

**The First Minister (Nicola Sturgeon):** I was also delighted to hear that Pauline Cafferkey, a brave and inspirational woman, is recovering well. I am sure that we wish her all the best as she continues to regain her strength.

This afternoon I will be seeking urgent talks with the United Kingdom Government about today's announcement by Her Majesty's Revenue and Customs, which would appear to put significant numbers of jobs in Scotland at risk. In addition to that, I will have engagements to take forward the Government's programme for Scotland.

**Kezia Dugdale:** The First Minister has urged the people in Scotland to judge her Government on its record, so let us do just that. This Government established a single police force. We supported that plan but urged the Government to ensure that the reform was implemented properly. The report published on Tuesday into call handling in the wake of the M9 crash makes it clear that that did not happen. It concluded that there were major weaknesses in the roll-out of the new call-handling system.

Back in April 2013, just weeks after the creation of the single police force, the then Cabinet Secretary for Justice, Kenny MacAskill, said that there had been a "smooth transition". Would the First Minister say today that there has been a "smooth transition" to the single police force?

**The First Minister:** Obviously, as Kezia Dugdale and all members are aware, the report that was published this week was commissioned by this Scottish Government's Cabinet Secretary for Justice to make sure that we are seeking and getting assurances about the operation of Police Scotland call centres—[*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Order.

**The First Minister:** —and to make sure that we are identifying and learning any lessons. Through the publication of the report, that has happened.

The report makes 30 recommendations. As the chamber heard the justice secretary say earlier this week, each and every one of them has been

accepted and will be implemented by Police Scotland. The review highlighted a number of issues around governance, change management and performance. All those issues are being and will continue to be addressed.

Kezia Dugdale and those on the Labour benches may not particularly want to hear this, but people watching at home will want to hear it because it is important to note that the report also records the progress that has been made since the review started. It also gives some important assurances on a number of key points: first, that staff levels are stable at the call centres in Govan, Motherwell and Bilston Glen; secondly, that the grading, prioritisation and dispatch for emergency and high-priority calls is working well; and thirdly, that risk and vulnerability assessment is strong and that staff training has improved. Those are just some of the assurances that Her Majesty's inspectorate of constabulary in Scotland has given.

We will continue to make sure that Police Scotland, overseen by the Scottish Police Authority, continues to ensure that the services that are being provided for the public are of the very high standard that people expect them to be.

**Kezia Dugdale:** There is simply no escaping the fact that the report is a damning assessment of the Government's record on policing: calls across the country were diverted elsewhere; there were not enough staff at Bilston Glen, which resulted in low performance levels; information technology problems affected day-to-day operations; there was a lack of governance of major changes, which left risks unidentified; and the overtime bill went through the roof.

The day after Lamara Bell died, the justice minister, Michael Matheson, was on the television telling us that there no systemic failings in the call-handling process. We now know that that simply was not true. Following the report's publication, will the First Minister concede that there were in fact systemic failings?

**The First Minister:** First, I have a serious point, and I hope that people will listen to it seriously. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I want to put on record again my condolences to the families of Lamara Bell and John Yuill. I am sure that I am in the same position as everyone else in the chamber when I say that not a single day goes by that my heart does not go out to both those families for the loss that they have suffered and for the dreadful circumstances in which that loss occurred.

However, as members will be aware, the circumstances of that case are still under

investigation by the Police Investigations and Review Commissioner, and the HMICS report was not into the circumstances of that case—that point is made clear in the report. The report that was published this week is into the wider issues around call centres.

I say absolutely frankly to Kezia Dugdale that I am not trying to escape any facts. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I want to ensure that our public services, whatever they are, perform to the highest standards, so it is right for anybody to point to some of the weaknesses and issues that were identified in the report but, if there is to be any sense of balance in the debate, it is also appropriate to point to the many things that the inspector says have been dealt with, addressed and improved and to point to the key assurances that he gives to the Scottish public about the operation of call centres.

We will continue to ensure that any issues that require to be addressed are addressed and that the public can have confidence in the services that the police provide.

**Kezia Dugdale:** It is simply astonishing that, even now, with all of that evidence, the First Minister cannot accept that there are systemic failings in Police Scotland.

There is a wider reality. The Scottish National Party Government has been pretty timid: when it comes to our schools and hospitals, it is happy just to manage the status quo. The single police force is the one major area of public service reform that the SNP Government has undertaken and it has got it wrong. What was the Cabinet Secretary for Justice's response this week? It was that it is all Westminster's fault. The fact is that he is bang to rights on police failings. He cannot lay the blame anywhere else, so I ask the First Minister whether she still has full confidence in her justice minister.

**The First Minister:** Yes, I do. *[Applause.]*

**The Presiding Officer:** Order.

**The First Minister:** This is a really serious issue.

**Neil Bibby (West Scotland) (Lab):** Yes, we know.

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

**The First Minister:** I accept absolutely and unreservedly everything that is in the HMICS report. We accept, as does Police Scotland, all the 30 recommendations. Therefore, for Kezia Dugdale to say, as I think that she did, that I absolutely refuse to accept what has been found

to be the case is either a deliberate distortion of what I said or, perhaps, she was so busy reading her script for the next question that she forgot to listen to the answer that I gave to the question before.

I simply pointed—[*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** I simply pointed out—[*Interruption.*]

**The Presiding Officer:** Order. Mr Bibby and Mr Macdonald, be quiet!

**The First Minister:** I simply pointed out—again, it is a serious point—that the particular circumstances of the tragic M9 case are still under review by the Police Investigations and Review Commissioner. All members should respect that.

On wider public service reform, let me mention briefly some of the major reforms that are under way under the SNP Government right now. I am not sure whether Kezia Dugdale is just completely unaware of health and social care integration, which is the biggest reform in our health and social care services perhaps since the health service was established more than 60 years ago. [Interruption.]

**The Presiding Officer:** Order.

**The First Minister:** There is also fire service reform, which was vital, was delivered well and is performing excellently. The attainment challenge, which we have just been talking about, shows that the Government recognises the challenge that our public services face and does not shy away for a second from equipping them for the future.

I repeat that I am more than happy to allow the Scottish people to judge my Government on its record. Perhaps that is why we see today that 58 per cent of people in Scotland intend to vote for us again next year.

**Kezia Dugdale:** The people of Scotland want to hear a bit less about the polls and a bit more about what the First Minister will do to support the police, because the past few months have been some of the worst in the history of policing in Scotland. [Interruption.]

**The Presiding Officer:** Order.

**Kezia Dugdale:** We have had the resignation of the chief constable of Police Scotland and the chair of the Scottish Police Authority; morale is at rock bottom; a third of staff are preparing to leave the force; civilian staff numbers have been cut; we have had bogus figures on stop and search and a lack of transparency on armed policing; there has been a 20 per cent increase in housebreaking here in Edinburgh; we have had controversy over deaths in police custody and allegations of spying

on journalists; and there has been a £25 million budget overspend.

“Judge me on my record,” says the First Minister. What is her verdict on that record?

**The First Minister:** It is not my verdict that counts, nor the verdict of Kezia Dugdale, but the verdict of the Scottish people, and we know, at this stage, what the verdict of the Scottish people is.

There was one fact that Kezia Dugdale forgot to mention in her long list. I will be charitable to her and just accept that she forgot to mention it. The fact that she forgot to mention is that crime in Scotland is at a 41-year low. That is down to the dedication of the police officers and police service staff who are working hard around the country.

Kezia Dugdale is right to hold this Government to account—I do not deny that for a second—but it is her miserable approach that denies that there is anything good about this country that sees her and her party languishing in the opinion polls.

### Prime Minister (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when she will next meet the Prime Minister. (S4F-03043)

**The First Minister (Nicola Sturgeon):** On 14 December.

**Ruth Davidson:** The report by Her Majesty’s inspectorate of constabulary in Scotland on the M9 tragedy made several criticisms of the staffing levels in call centres. As we have heard, the report raised many serious issues that require considered examination but, following its publication, the Cabinet Secretary for Justice toured the television studios and blamed Westminster cuts. Will the First Minister therefore tell the Parliament what the cash increase was in her overall budget last year and what the cash decrease was in the amount that she chose to allocate to policing?

**The First Minister:** One of the points that the justice secretary made is that, because Police Scotland is the only police service in the entire United Kingdom that has to pay VAT, it is paying in the region of £25 million—[Interruption.]

**The Presiding Officer:** Order. One moment, First Minister. Mr Wheelhouse and Mr McMahon, stop shouting across the chamber at each other.

**The First Minister:** As usual, Labour members are jumping to the defence of the UK Tory Government.

Police Scotland is paying £25 million a year in VAT that it would not have to pay if it were treated in the same way as other police services are. We will continue to make that point because, when it

comes down to it, we will always stand up for the interests of Scotland and of people and public services in Scotland, in stark contrast to the Labour and Conservative parties.

To return to the report, it is a serious report on a serious issue. That is why we accept all 30 recommendations, and it is why we have made sure that the police and the Scottish Police Authority have already started to put right the things that were wrong, which the report recognises. We will continue to get on with the job of making sure that, when any weaknesses are identified, they are rectified so that the public have the confidence that they deserve to have in their police service.

**Ruth Davidson:** The figures that the First Minister was looking for—the ones that answer the question that I asked—are as follows: her overall budget went up from last year to this by £661 million, and the sum that the Scottish Government chose to spend on policing in that same period went down by £6 million.

The Scottish Government sets its own spending priorities, and it is clear that policing is not one of them. The Scottish National Party cannot blame Westminster for that. The First Minister has sole responsibility for health, education, policing and much else in our society, and she is about to get huge new powers over tax and welfare.

The Government is always quick to claim credit for every bit of good news, but it passes the buck when something goes wrong, as it did in this case. It chose to create a single police force. The Government's budget this year went up by more than £600 million, and it chose to cut the police budget. Is it not time that the First Minister accepted responsibility for that and did not send her ministers out on to television to point the finger of blame somewhere else?

**The First Minister:** It is interesting—I am sure that the *Official Report* will reflect this—that the first person to mention Westminster was Kezia Dugdale, not me.

We chose to create a single police service. It is interesting that both Labour and the Conservatives went into the 2011 election pledging to create a single police service, but they do not like to be reminded of that.

The reality is that there has been a 10 per cent real-terms cut in the Scottish Government's budget. One of the points about creating a single police service was to cut out unnecessary expenditure. Some £1.5 million, for example, is being saved because we do not have the duplication of having eight chief constables across the country.

We will continue to take the right decisions to ensure that all our public services are on the strong footing that they need to be on to face up to the challenges of the future.

**The Presiding Officer:** Liam McArthur has a constituency question.

**Liam McArthur (Orkney Islands) (LD):** For those of us who live and work in the Highlands and Islands, Loganair is the only provider of scheduled air services. Those services are a genuine lifeline for many businesses and for patients travelling to hospital appointments, as well as for the wider public.

Yesterday, yet another Loganair flight was forced to make an emergency landing. That was the second in less than a week. I know that the Minister for Transport and Islands takes the matter very seriously but, given the lifeline nature of the services, will the First Minister agree to make direct representations to the airline? Will she agree to meet the chief executive of Loganair to reiterate the need to get the current problems sorted, and will she stress again that regaining public confidence in the reliability and safety of the services must be the number 1 priority?

**The First Minister:** I agree absolutely with Liam McArthur. The services that Loganair provides are lifeline services, as he just described them. They are vital to those who live in our island communities, and there are concerns about performance. Yesterday's emergency landing caused considerable concern, not least to those who were on the plane involved.

As Liam McArthur alluded to, Derek Mackay is discussing the concerns and issues with Loganair. We will continue to do that and to demand that the issues are rectified. I would be happy to ask Derek Mackay to keep Liam McArthur fully apprised, and I am more than happy to make the Scottish Government's views known directly to the chief executive of the company, because we expect the highest standards for people who rely on those services.

### **United Kingdom Government Budget Cuts (Impact on Scottish Government Budget)**

**3. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what the impact would be on the Scottish Government's budget if the provisional agreement by the Treasury and the United Kingdom Government's environment, local government and transport departments to reduce their budgets by 30 per cent over the next four years is carried out. (S4F-03053)

**The First Minister (Nicola Sturgeon):** It is clear that the chancellor is intent on making cuts not out of necessity but out of choice. The UK Government has already cut Scotland's

discretionary spending power by 10 per cent in real terms since 2010, and it has made it clear that the cuts will continue until at least 2020.

The cuts to public services and welfare are having the greatest impact on the most vulnerable in our society. The Scottish Government will continue to do everything that we can to mitigate the effect of those cuts, but it is essential that the chancellor uses the forthcoming spending review to abandon his austerity politics and support renewed investment in all our public services.

**Kenneth Gibson:** Does the First Minister agree that Scotland will always be at a disadvantage in any budgetary negotiations with Westminster as long as the UK Government retains the whip hand and that only a mutually beneficial bilateral relationship between the Governments through an economic agreement, such as that which exists between Spain and the Basque Country, will allow Scotland to fully and successfully develop distinctive economic and social policies without fear of UK-imposed cuts?

**The First Minister:** Kenny Gibson makes an extremely important point. The negotiations that are under way over the fiscal framework are critical to making the powers that the UK Government has promised a practical reality. The Deputy First Minister has made it clear that the framework has to establish a fair, sustainable and satisfactory fiscal settlement between Scotland and the rest of the UK.

I agree that financial matters need to be discussed between the Scottish and UK Governments on an equal footing, with each Government treating the other with mutual respect to reach a joint agreement. That is what we are seeking to achieve and I hope that we have the backing of the full Parliament in that.

**Murdo Fraser (Mid Scotland and Fife) (Con):** In the House of Commons this week, Scottish National Party members proposed an amendment to the Scotland Bill that would have introduced full fiscal autonomy for Scotland. What assessment did the Scottish Government do of the impact on its budget had that amendment been carried?

**The First Minister:** That gives me another opportunity to make the case that it will always be better for Scotland, the Scottish Parliament and the Scottish Government to have our hands on the levers of political and economic control, so that we can build a better country. However, I do not think that that was the most significant thing that happened in the House of Commons this week—the most significant thing was watching Labour members troop through the lobbies with the Tories to vote down the devolution of tax credits.

## Equal Pay

**4. Linda Fabiani (East Kilbride) (SNP):** To ask the First Minister what action the Scottish Government considers needs to be taken to fully realise the objectives of the Equal Pay Act 1970. (S4F-03058)

**The First Minister (Nicola Sturgeon):** On Monday, we marked equal pay day, which is the point in the year when many women start essentially working for nothing for the rest of the year, because women on average continue to earn less than men. It is a complete and utter disgrace that, despite the Equal Pay Act 1970 having been passed 45 years ago—in the year I was born, in fact—we still do not have equal pay in this country. The Scottish Government is seeking to lead by example. We have made tackling the gender pay gap a priority in our programme for government, we are working with the Equality and Human Rights Commission to tackle pregnancy-related and maternity-related discrimination, and we continue to promote fair work practices and to extend childcare. I take the opportunity to call on all organisations and businesses to take action on the issue so that we end pay inequality in Scotland once and for all.

**Linda Fabiani:** Does the First Minister agree that local authorities in which the same political party has been in office for years, such as South Lanarkshire Council, have no excuse at all not to have settled equal pay claims on a fair and equitable basis? Does she realise that some of the claims date back for many years and continue to cause stress and strife among hard-working constituents in East Kilbride and elsewhere?

**The First Minister:** Ministers have repeatedly made clear—I do so again unequivocally today—that the delays by councils in settling equal pay claims are completely unacceptable. As Linda Fabiani said, many of the claims go back to 2006—even further, in some cases. There can be absolutely no justification for taking so long to resolve the issue. Some progress has been made recently—for example, the settlement of claims against Fife Council—but much more work needs to be done. Equal pay cases need to be progressed with urgency and commitment so that those who are affected receive their legal entitlements. The Minister for Local Government and Community Empowerment has written to all 32 local authorities to reiterate the Government's desire for more and faster progress, and to seek information on the number of claims that have been settled and the number that are still outstanding for each council.

**Cameron Buchanan (Lothian) (Con):** Apprenticeships are often the first step in career progression. In 2013, analysis from Heriot-Watt University showed that Scotland is the only part of

the United Kingdom where the number of female starts is persistently lower than the number of male starts. Why have the number of women starting apprenticeships and the proportion of female starts continued to fall over the past three years?

**The Presiding Officer:** I am not sure that the question is quite relevant, but you can answer it if you wish, First Minister.

**The First Minister:** I am happy to answer it, because it is an important point. I would be happy to provide Cameron Buchanan with the most up-to-date figures. We are working to increase the number of women who go into modern apprenticeships. That is just one of many things that we need to do to get more women into the labour market and into full-time high-quality jobs. The job figures that were released yesterday show an increase in full-time work over the past year. These are important issues. I am absolutely committed to ensuring that we advance gender equality in all its forms, and I am determined to do that.

#### Paediatric Services (Lothian)

**5. Neil Findlay (Lothian) (Lab):** To ask the First Minister for what reason the publication of the findings of the review of paediatric services in Lothian has been delayed. (S4F-03042)

**The First Minister (Nicola Sturgeon):** We have been advised by NHS Lothian that the Royal College of Paediatrics and Child Health has advised it that not all of the royal college's independent expert review team will be able to begin their work before January. It was originally envisaged that the work would begin in November, which is this month. The Government supports whatever steps need to be taken to ensure that a full and thorough review is carried out.

**Neil Findlay:** Of course, I am really sure that the Government played no part at all in kicking yet another important review into touch until after the election. [*Interruption*]

**The Presiding Officer:** Order.

**Neil Findlay:** Just to be straight with the people of West Lothian, will the First Minister give a guarantee that the current level of service, including 24/7 in-patient services, will be retained and that there will be no downgrading of paediatric services at St John's hospital? Maybe she can chuck away her script and give a straight answer for the first time.

**The First Minister:** As far as I can tell, the only person talking about closure of those services right now is Neil Findlay.

We want to ensure that there is a sustainable service in place. That is why it is right for NHS

Lothian to instruct a thorough review. I was the health secretary who inherited a position from the last Labour Government in which St John's hospital was possibly in terminal decline. This Government reversed that situation: we turned it around so that St John's hospital is today a thriving local hospital.

#### Trade Union Bill

**6. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the First Minister what impact the proposals in the Trade Union Bill could have on the Scottish Government's commitment to fair work. (S4F-03057)

**The First Minister (Nicola Sturgeon):** On Tuesday, this Parliament made very clear its opposition to the draconian Trade Union Bill—a bill that threatens the fundamental rights of workers to organise, to bargain collectively and, if necessary, to withdraw their labour. The bill is an unacceptable threat not just to trade unions, but to Scotland's strong track record of industrial relations and this Government's approach to fair work. That is why we have requested that Scotland be exempted from the Trade Union Bill in its entirety. I hope that we continue to have the support of Parliament in doing so.

**Gordon MacDonald:** Does the First Minister agree that it is a disgrace that the Tory Government is pushing through the bill, which will have a major impact on devolved services and workers across the country, without any proper engagement with the Scottish Parliament or Scottish Government?

**The First Minister:** Yes, I do. That was an issue that was raised explicitly by the Cabinet Secretary for Fair Work, Skills and Training in a debate earlier this week. It is absolutely vital that Parliament can fully consider whether it consents to the application of the bill's provisions in Scotland. That is why Roseanna Cunningham has asked our legal advisers to explore several possible bases for a legislative consent memorandum and motion.

We have never before been in the position where the United Kingdom and Scottish Governments have not agreed on issues of legislative consent, which in itself illustrates the disgraceful lack of dialogue from the UK Government on the issue.

There is no doubt whatsoever in my mind that it is a bill that would, were it to be implemented in Scotland, have significant implications for our devolved responsibilities. If the UK Government is not willing to exempt Scotland from the bill's provisions, it is absolutely essential that we see a legislative consent motion so that this Parliament can, if it so chooses, as I hope it would, deny its

consent to a draconian set of measures that attack our trade unions.

## Protection of Workers from Violence and Abuse

### **The Deputy Presiding Officer (John Scott):**

The next item of business is a members' business debate on motion S4M-14514, in the name of Cara Hilton, on protecting workers from violence and abuse. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes that the annual Usdaw Respect for Shopworkers Week will be held from 9 to 13 November 2015; understands that Usdaw's Freedom from Fear campaign seeks to prevent violence, threats and abuse against shopworkers; is concerned that every day more than 300 shopworkers are assaulted for simply doing their jobs, with more than 55,000 incidents of verbal threats and physical abuse recorded in the last year alone; believes that this situation is unacceptable and that people who provide a service to the public in Dunfermline in Fife and right across Scotland deserve to be able to go about their jobs without fear of abuse and violence and notes Usdaw's call for action by both the Scottish and UK governments to ensure that all public-facing workers have better protection from violence, abuse and threats for simply doing their job; commends Usdaw on what it considers its fantastic campaign, and wishes Respect for Shopworkers Week 2015 every success.

12:29

**Cara Hilton (Dunfermline) (Lab):** I am very pleased to have secured this debate on protecting workers from violence and abuse. It is fitting that we are discussing the issue during respect for shopworkers week.

I thank the Union of Shop, Distributive and Allied Workers for providing a briefing for today's debate. I declare an interest as a member of USDAW for the past 16 years.

Christmas is fast approaching. If members do not believe me, I can tell them that the John Lewis advert, which for many people is the festive starting gun, was unveiled last Friday. Indeed, my kids told me this morning that there are only 42 sleeps until the big day. However, as we all prepare for the run-up to the hectic Christmas shopping period, there is a serious issue for John Lewis and the countless other retailers that rely on the hard work and patience of their staff to deliver their services and boost their profits, not only during the festive period but throughout the year. The efforts of shopworkers often go unnoticed as they assist stressed mums and dads and help to ensure that our kids wake up on Christmas morning to the must-have toy with their belief in the magic of Christmas still intact, and as they deal with shopoholics desperate for a bargain in the pre-Christmas sales.

What shopworkers do not deserve in return is the abuse, violence and threatening behaviour that

escalate during the festive season. We all remember the chaos that was black Friday last year, when shopworkers were assaulted, threatened and abused in the mad consumer dash for a bargain. Black Friday exposed the growing scale of a problem that USDAW has been highlighting for more than a decade. Every single day in the United Kingdom, more than 300 shopworkers are assaulted at work. In Scotland last year, 25,000 shopworkers were assaulted simply for doing their job.

Respect for shopworkers week is a welcome opportunity to urge shoppers to keep their cool, to encourage employers to take action to improve workplace security and to spread the message that abuse of any nature towards retail staff is simply not acceptable.

The message to workers who serve in our shops is equally important: abuse is not part and parcel of their job. Nowhere will we find a job description that requests “experience in accepting abusive behaviour desirable”—but abuse and threats are a daily reality for thousands of shopworkers across Scotland.

Those shopworkers include my constituent, Val. She called into the shop where she worked with her daughter to do a bit of shopping and noticed an individual who was banned from the shop, having been caught shoplifting on several occasions. She alerted her manager, who requested that, because she knew the individual, she should ask him to leave. Out of loyalty to the company, Val did so, even though she was not working at the time. She was rewarded for her loyalty by being punched in the face. The assault was reported to the police, but, despite Val being able to name her assailant and the assault being captured on closed-circuit television, no-one was ever prosecuted.

Those shopworkers also include Muir, who works in a busy convenience store in Glasgow. He worries constantly that he could lose his job if he sells alcohol to someone who cannot provide proof of age or who is already intoxicated. He says that customers regularly become abusive and make threats when they are refused a sale or asked for identification.

Then there is the shopworker in Livingston who has been physically assaulted three times in the past 12 months—punched twice and, most recently, cut with a knife—but who does not believe that there is any point in complaining because that type of violence is just par for the course for jobs in retail.

There is also the shopworker—he does not want to be named for fear of reprisals—who says that he is verbally assaulted every week and is threatened with violence at least once a month. He

recently apprehended a shoplifter, who warned him that she would spray him with the aerosol can she was holding and then set him on fire.

Those are just four examples from the front line, but there are many more. In fact, USDAW’s most recent survey on violence at work found that a staggering one in every two shopworkers in Scotland has been verbally abused in the past 12 months, with 8 per cent experiencing abuse every single week. More than one in four shopworkers in Scotland have been threatened in the past 12 months, and 9 per cent have been victims of physical violence. Despite that, two thirds of shopworkers in Scotland do not report such incidents. When we reflect on the outcome of Val’s case, is that even a surprise?

The Health and Safety Executive’s latest analysis of the crime survey for England and Wales found that there were 649,000 reported incidents of violence at work and that violence at work is on rise at a time when overall levels of violent crime are down. I would like to be able to refer to the Scottish figures, but it appears that the Scottish Government no longer collects them. I suggest that, as a matter of urgency, the Minister for Community Safety and Legal Affairs should review the decision to stop collecting and recording information on work-related crimes so that we can get a true picture of the scale of the problem in Scotland.

USDAW’s freedom from fear campaign is doing a great job in raising awareness, but the only way to tackle what is an on-going issue is to introduce tougher laws that punish those who are guilty of committing assaults on people who are merely doing their jobs.

In 2010, my Labour colleague Hugh Henry introduced a bill to give retail staff the rights and protections that most of us take for granted at work. It is only right that, as shopworkers are in the firing line when it comes to preventing underage customers from buying alcohol and tobacco, we put in place the measures to protect them when the consequences of those workers doing their job take a violent turn.

Scotland’s shopworkers deserve much better. Every worker has the right to be treated with respect and dignity by the public and protected from fear and danger by their employer.

Unlike many debates in the Scottish Parliament, this is not about powers—we already have the powers to act to protect shopworkers in Scotland. I hope that the Scottish Government will think again and look afresh at taking action to protect shopworkers and all other workers who serve the public—workers who, right now, are exposed to daily abuse, which is simply unacceptable.



In our election manifesto for next year's Holyrood elections, Scottish Labour will pledge to take action. I hope that, in the new spirit of cross-party consensus on workers' rights, which was demonstrated this week in the debate on the Trade Union Bill, the Scottish National Party will agree to match our pledge.

No one in Scotland should work in fear of abuse, violence or intimidation. We should send a clear signal from the Scottish Parliament that we will not tolerate physical or verbal violence against working people in our country. Shopworkers deserve more than warm words and sympathy; they deserve action and real support.

The fact that in Scotland around 30 shopworkers are assaulted every day means that 1,200 will be assaulted before Christmas day. John Hannett, USDAW's general secretary, is right to say that enough is enough. I hope that the Scottish Government will listen and act to provide shopworkers with the support that they need and deserve. I look forward to hearing what the minister has to say about the matter, because everyone deserves to feel safe at work. It is time to send out a clear message that it is totally unacceptable to abuse or assault workers who serve the public, and it is time to act to make freedom from fear a reality for all workers in Scotland.

I commend once more USDAW's fantastic freedom from fear campaign. Christmas shopping can be stressful, but I ask people to please spare a thought for shopworkers and to keep their cool this Christmas.

12:36

**Hugh Henry (Renfrewshire South) (Lab):** I echo what Cara Hilton said about the need to respect and protect shopworkers. She is right. We take what they do for granted.

It is a shame that there is only one SNP backbencher in the chamber to participate in the debate, because it is an important debate for the hundreds of thousands of shopworkers throughout the country who regularly face intimidation, violence and abuse. The fact that 2,500 shopworkers in Scotland are assaulted each year is completely and utterly unacceptable.

In many respects, it is easy for us to participate in this debate. Who in their right mind would disagree that shopworkers, and indeed bus drivers, train drivers, postal workers and others who serve the public, deserve respect? They all deserve respect and they all deserve our support.

However, those workers are looking for a bit more from us than the warm words that Cara Hilton mentioned. It is dead easy to come to the

chamber and say that shopworkers have our support and that USDAW's freedom from fear campaign is fantastic, although it is true that it is a fantastic campaign. USDAW is a campaigning union and John Hannett has been right to put his lead into the campaign. So what, though, if we say that it is a great campaign? That does not make a difference to Val in Dunfermline, who was assaulted, or to Anne Will, an USDAW representative in Johnstone in my constituency, and her members when they are faced with violence and abuse. They are looking for a bit more from us than just the politicians' warm weasel words that they have our full support, that it is absolutely disgraceful and something should be done about it or that people should be nice to shopworkers and others. They might respond by asking us what we, with the power to legislate and make a difference, are going to do about it. They do not want to hear us say, "Well, that's just a wee bit too difficult. It's not as easy as you think. We'd love to do something, but we just can't do anything at the moment." Frankly, that is just utter garbage.

In 2005, the Parliament decided that medical staff deserved additional legal protection, and for good reason. Assaults on hospital doctors and nurses are beyond the pale. In fact, we also gave that support to police officers, fire officers and other emergency services staff. In 2008, the SNP Government, which supported that legislation, decided that other workers who serve the public also deserved that additional legal support. It is quite right that the Government extended that support to doctors, nurses and others, and I commend it for that.

Why, then, will the Government not extend that same extra protection to the workers it asks, on our behalf, to challenge people who are buying alcohol? It asks them to challenge those people and to refuse to sell them alcohol on the basis of age, putting themselves on the line and at risk of the assaults and abuse that have been mentioned, so why will it not give them that additional support as well?

Today should be an opportunity for us to say to USDAW, to shopworkers and to other public sector workers, "We give you our full support but we are prepared to give you more than warm, weasel words; we are going to do something to make that protection a reality."

12:41

**Roderick Campbell (North East Fife) (SNP):** I welcome the opportunity to speak in the debate and I congratulate Cara Hilton on bringing the issue to the chamber. Violence against shopworkers is unacceptable in any circumstances, as indeed are threats and abuse. We all use shops, many of us at odd times of the

day and night. Indeed, by virtue of the modern approach to retail, on many occasions, workers are few in number when we go into a shop. Those workers need reassurance that they can carry out their work free from intimidation. It is unacceptable that, as USDAW points out, 30 workers a day are abused or assaulted simply for doing their job.

I recognise the importance of USDAW's freedom from fear campaign in raising public awareness. Many members may have forgotten black Friday last year. In case anyone needs to be reminded, that was the shopping day when retailers sought to boost pre-Christmas spending by discounting for the day. Black Friday brought out the worst in some people. I read with horror the story of one shopworker who worked for a large retailer in leafy, middle-class Richmond. The shopworker described their experience, saying:

"I would say most of the people were 35 to 55 years old. That really surprised us; we were expecting youngsters, the 21 to 30 year olds. But the ones we saw were very affluent. They were driving BMWs and Mercedes—"

**Hugh Henry:** Will the member take an intervention?

**Roderick Campbell:** I would like to make some progress.

"—and carrying designer handbags. In fact the affluent people seemed to be the worst ones. The worst thing I saw during my shift concerned one young lad who worked for us who had learning disabilities. He liked talking to customers but on this occasion, a customer slapped him on the forehead. They just leant over ... and slapped him, telling him he was stupid and should have been at home."

That was perhaps an extreme case but reports generally referred to scuffles between shoppers. Such incidents still place an inherent risk on overworked staff, who might be expected to intervene in what one journalist described as "Walking Dead"-type scenes on black Friday last year, with hordes of shoppers

"frantically clawing for the best bargains."

Very few, if any, employers operate anything less than a zero-tolerance approach to violence against employees. That is right and proper, as employers have a duty of care to their employees. However, effective prevention of the risk of violence is essential, as is raising awareness. That is why it is important for the Scottish Government to work with unions on the issue, and I hope that it will publicise more widely publications such as the violence in the workplace guide or Unison's helpful documentation that outlines what employers need to do to keep their workforce safe, particularly via effective implementation of health and safety legislation.

Advice for employers and staff on how to identify and defuse trigger situations and behaviours that may result in aggression, physical

violence or abuse, is—and will remain—important. The unions recognise the importance of workplaces and employers using preventative measures to avoid any assaults on shopworkers, and employers recognise that, too. However, the Government also has a duty: it must recognise the importance of such measures and continue to work with employers, the police and the prosecution and court services to ensure employee safety at all times.

Let us remember that the Scottish Government is investing in educational initiatives, such as no knives, better lives, medics against violence and mentors in violence prevention. Through those initiatives, young people are learning that any form of abuse or violence will not be tolerated.

I believe that there is an issue with recording. USDAW states that 22 per cent of workers have not reported incidents to their employer, and it is not ideal that the most recent information in the Scottish crime and justice survey dates back to 2008-09, when 35 per cent of staff said that they had experienced verbal or physical abuse. I would be interested to hear the minister's comments on what can be done to record abuse accurately.

I thank Cara Hilton once again for bringing this important debate to the chamber.

**The Deputy Presiding Officer:** In view of the number of members who wish to speak in the debate, I am minded to accept a motion under rule 8.14.3 to extend the time for debate by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by 30 minutes.—[*Cara Hilton.*]

*Motion agreed to.*

12:45

**Margaret McCulloch (Central Scotland) (Lab):** I welcome the opportunity to speak about respect for shopworkers week and the wider freedom from fear campaign that USDAW has been running on behalf of its members in the retail sector. I congratulate Cara Hilton on bringing the debate to the chamber and giving us all, on all sides of the chamber, the chance to express our solidarity with Scotland's shopworkers, our appreciation for the work of their trade union and the importance of the campaign.

I was delighted to volunteer with USDAW earlier this week in East Kilbride as we took the campaign to customers and workers in the shopping centre, raising awareness of violence in the workplace and explaining the importance of keeping your cool during the busy and sometimes stressful Christmas shopping period.

All over the country, USDAW's representatives are reaching out and taking their message into shops and staff canteens. Abuse is not part of the job, and nobody who works in our retail sector should expect to be abused or assaulted in the course of their duties. The vast majority of people out there know what kind of behaviour is acceptable and what is not. However, 2,500 shopworkers were assaulted in Scotland last year, and it is a shame that some people still need reminding. If the campaign is enough to make people think again before lashing out at someone who is simply doing their job, it is worth it.

Of course, there is more to the campaign than what the public see during respect for shopworkers week. USDAW distributes guidance to its members with advice on how to stay safe at work and it encourages its members to report abuse, as there is evidence that violence in the workplace is underreported. There is also plenty of helpful information on USDAW's website, which I would encourage any shopworker to visit to find out more about the freedom from fear campaign.

USDAW also helps its union representatives to campaign on the ground to reduce the risk of violence in the workplace. That can mean lobbying employers or local authorities to take steps to make the workforce safer. Now the darker nights are here, are our town centres and high streets well lit and safe enough at night? Do shops have a good enough relationship with the police in their community? Are staff properly trained to deal with difficult customers, and do they know who to go to for help? Those are just some of the issues that the campaign gets workers thinking about locally in their shops and communities.

On a national scale, we need to think about how we in the Parliament play our part. If there is evidence that violence at work is underreported, should we be doing more to gather evidence and understand the problem? As legislators, are we confident that the law as it stands is strong enough to protect workers? Could new legislation act as a stronger deterrent and prevent violence against shopworkers and people who work in public-facing jobs?

We must reflect on how we as a Parliament respond to the campaign not just with words, but with deeds. Once again, I commend USDAW for all the work that it does during respect for shopworkers week. I also commend the workers, who are about to experience the busiest shopping period of the entire year.

This debate has given us an opportunity to reflect on the risks to which shopworkers are exposed and on how we can work together to mitigate those risks and make workplaces safer.

12:49

**Murdo Fraser (Mid Scotland and Fife) (Con):** I congratulate Cara Hilton on securing this debate and on her excellent speech, which was delivered with real passion.

I agree that everyone has the right to work free from assault or fear of abuse. USDAW has worked hard to promote its freedom from fear campaign, which seeks to protect shopworkers from threats, abuse and violence. I certainly think it a very worthwhile campaign and I will do anything that I can to publicise the union's efforts on it.

Hugh Henry reminded us that back in 2005 the Scottish Government legislated to protect front-line emergency workers from threats and abuse at work. Although I supported the broader aims of the Protection of Workers (Scotland) Bill, I voted against it, because I believed then, as I still do, that one single piece of legislation must exist to protect all workers, regardless of occupation. A two-tier structure that protects only those in the emergency services fails to grasp the whole issue.

**Hugh Henry:** I welcome Murdo Fraser's comments about legislation being extended to cover all workers. On the basis of what he has just said, would he support legislation that gives all public-facing workers the same level of protection?

**Murdo Fraser:** I am happy to reflect further on that point by Mr Henry because I think that there is something in what he says. I think that the logic of singling out particular groups is difficult, so a wide-ranging approach that covers everybody makes more sense to me. I am happy to take away Mr Henry's point and consider it further because I think that there is some sense in it.

Cara Hilton mentioned the chaos that was black Friday last year. We are now nearly one year on from that, so the debate comes at a very important time for those who work in the retail sector. Although many people in the chamber will be looking forward to the Christmas period and getting some time off to spend with family and friends, retail workers have to deal with long and unsociable hours at that time of year, and the last thing that they should expect is customers who are either violent or abusive.

I can talk from some personal experience because my wife used to work in retail. I remember her telling stories of shopworkers on Christmas eve trying to close the store doors at 6 o'clock so that they could get home, and customers literally hammering on the doors to get in to do last-minute shopping, having no understanding of, or sympathy for, the fact that the workers needed to have some time to spend with their families. Shoppers and the public need to have a more responsible attitude.

This year, the week of black Friday is set to attract one in five British shoppers, making it more popular for shopping than the week before Christmas. Nobody wants to see a repeat of some of the scenes that we saw last year, when shop assistants played referee in fights over televisions and PlayStations. If we are to avoid scenes of chaos like we saw last year, retailers will have to do more to protect their employees. Huge discounts, coupled with limited availability, can lead to only one outcome, so retailers must deliver adequate security. Walmart in the US is employing an additional 25 employees at each of their stores as well as extra security personnel, and perhaps UK retailers could do likewise.

Retailers must also make it clear that where assault and abuse happen on their premises, they will always seek prosecution. It is important that shopworkers feel that they have the full backing of their employer when dealing with customers. When it comes to assault and abuse, the customer is never right.

We know that assaults on workers are not limited to shopkeepers. As was said earlier in the debate, front-line emergency staff, bus drivers and parking attendants have had to deal with abuse from members of the public, sometimes on a daily basis. I was particularly shocked to learn that assaults on traffic wardens in Perth and Kinross made up the majority of the 85 reported instances of that crime in Scotland last year.

In addition to the legislative solutions that have already been talked about in the debate, the Government should seek to create a wide-ranging public information campaign that makes it fundamentally clear that there is a zero-tolerance approach to those who abuse shopworkers and, indeed, all public-facing staff. I hope that the Scottish Government will take a lead on this issue and work with employers and the police on it.

Again, I commend USDAW for being a powerful advocate for its members' rights and I congratulate the union on its campaign.

12:54

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I add my congratulations to those of my colleagues to Cara Hilton on securing this debate at a very opportune moment. I also congratulate the USDAW trade union on its imaginative campaign, its clever keep your cool slogan for Christmas and its very arresting campaign materials.

No one should face abuse, intimidation or violence at work. The figures that we have on shopworkers in the UK are quite staggering: 300 shopworkers are assaulted every day and in the last year there were 55,000 incidents of verbal

threat or physical abuse, and violence at work went up by 1 per cent. Those figures are atrocious—no one should be expected to tolerate such behaviour in the course of their employment—but at least they are captured. I appeal to the minister to look at what he can do to ensure that figures for Scotland—health and safety figures and figures from other sources—are captured, so that at least we have the picture. That way we will be able to understand the scale of the problem and what we need to do to bring down the figures, whatever they are. We must have a zero-tolerance approach to that kind of behaviour, and I am sure that the minister will want to reflect on that.

We need legislation to ensure that public-facing workers have better protection under the law, which is something that USDAW has long argued for. As Murdo Fraser rightly said, that legislation should be accompanied by a campaign of public information, and we should go further than that: guidance to employers about what is expected of them is important, too.

I have spoken to workers about situations in which they were challenged or threatened by people who were shopping in their stores. Very often, they knew the people, because they lived in that community. When they spoke to their manager about the incidents, they were told, "Well, you haven't got anyone to back it up. It wasn't seen." On one occasion a manager said, "We need the custom. It couldn't have been that bad. Have a cup of tea, then get on with your job." That attitude is not acceptable and we must address employers' attitudes to this kind of behaviour. Obviously some shopkeepers and organisations are very good and thorough, and do operate a no-tolerance approach to attacks of whatever kind on their workers.

It seems that over the years, with the changes that there have been to work-life balance, shopworkers have become increasingly vulnerable. Some supermarkets are open 24 hours a day and people work at less reasonable times than I would hope they did. Staffing levels in supermarkets are lower at those times than they are during the day, which is perhaps understandable, but it makes the shopworkers who are there—sometimes a relatively small number of people in a very large store—more vulnerable, because they cannot always be seen and they are not always in direct contact with another member of staff. We must think about those workers.

As we have heard, black Friday is an import from the US that most of us would prefer not to have. I was very pleased to read today that Asda has decided not to participate in black Friday this year. As they are part of the Walmart group, which

was responsible for introducing black Friday in the first place, that is perhaps quite ironic, but it is certainly welcome. The scenes that we saw last year and, to a lesser extent, the year before are unacceptable. Other members have talked about that, so I will not labour the point.

Christmas is meant to be a season of goodwill, but for shopworkers often it is not; often it is a time that they, quite frankly, dread. It is followed closely by the January sales, so shopworkers have a perfect storm that goes from the black Friday shopping phenomenon, through Christmas and into those sales. We need to ensure that they have every protection that we can give them.

I wish all shopworkers well at Christmas and I hope that they get the opportunity to enjoy at least some of the festive season with their families.

12:59

**Iain Gray (East Lothian) (Lab):** I give my thanks to Cara Hilton for securing this debate on what is an important annual campaign. It is important, for one thing, because of the number of workers that it encompasses. After all, Tesco and Asda are the two biggest private sector employers in the country nowadays.

Earlier this week, I spent some time in the Asda store at the Jewel, not far from here, and talked to staff about its apprenticeship programme. The store employs 500 colleagues, as they are called, and is a huge local employer.

The truth is that, as Patricia Ferguson pointed out, whether we are talking about supermarkets or small shops, we are demanding longer hours, perhaps even 24-hour shopping; wider product ranges; and the lowest of low prices. We want what we want when we want it. As a number of colleagues have said, that sort of attitude was seen at its worst in the scenes that we saw on television from last year's black Friday. However, no matter whether it is that or a sole shop assistant in a small corner shop facing an aggressive attempt by an underage person to buy drink, all shopworkers are on the front line and deserve our support. Hugh Henry made it clear that such support should really be given in the form of stronger protection in law, and it is to our shame that on previous attempts, including Mr Henry's own, we have unfortunately failed to do that.

In the absence of that legal protection, it is incumbent on us to show support by raising awareness and acknowledging the respect that should be shown to shopworkers. I was therefore pleased to join Colin Hunter, the USDAW shop steward, yesterday in my own local Tesco in Haddington on his stall promoting the freedom from fear campaign. Mr Hunter's members provide

great service to the community and do so with great patience. I say that from much personal experience; I live perhaps a couple of hundred yards from the store and visit it much more often than is good for my debit card. Even in my respectable and well-behaved home town of Haddington, staff at that store were able to tell me stories of the abuse and aggressive behaviour that they face on a day-to-day basis from some customers. This debate and this Parliament should send those shopworkers the strong message that they deserve our respect and, above all, freedom from fear as they go about their business.

13:02

**John Wilson (Central Scotland) (Ind):** I congratulate Cara Hilton on bringing to the chamber an issue that in the years that I have been in the Parliament has often been the subject of members' business debates. This is an important and, I believe, often overlooked issue. Shopworkers are some of the country's hardest-working people, and shop work itself is often low paid with long hours and high stress levels.

As Cara Hilton has said, Christmas is just around the corner but, although we will enjoy our recess period, many shopworkers across the UK will be required to work. I have to say that, along with Patricia Ferguson, I welcome Asda's decision not to participate in this year's black Friday, given the physical, verbal and other forms of abuse that many shopworkers have faced on previous black Fridays. On Christmas eve, Christmas day and boxing day and over the new year period, shopworkers are expected to be there, delivering services. Their work is very much underappreciated, and I hope that we can keep in mind the stress that they are under during that busy period.

I also congratulate USDAW on respect for shopworkers week. That excellent campaign has raised awareness of workers' rights, has encouraged the reporting of assaults and has supported co-workers, all of which are vital aspects of creating a safe, fair and reasonable workplace. If we want to encourage people to find work, we must show them that work is worth doing, is respected and is safe.

The current rates of physical and verbal abuse of shopworkers are shocking. A couple of years ago, I visited a retail outlet as part of the challenge 25 campaign, and I saw at first hand the verbal abuse that was meted out to one shopworker who had decided to challenge a shopper's age. We must send the clear message that, if shopworkers are expected to carry out what the Scottish Government wishes in the legislation that it introduces, they will be afforded the full protection of the law.

This issue applies to workers across the board. If we are to be serious about supporting workers—including shopworkers—and about respect at work, we must continue to fight for and provide workers' rights. We must work together in Parliament to ensure that all receive respect and dignity at work. Respect and dignity are rights, not privileges.

We see the need for this debate when we see the Conservative Government down south deciding to slash benefits and impoverish working families. Many of those working families rely on the retail sector for their employment.

There is also the announcement regarding the Trade Union Bill. That bill will strip workers of their rights to organise, to protest and to bargain collectively. The rights to organise and to collective action have a long strong tradition in Scotland and in the UK. The Trade Union Bill's attempts to undermine that tradition are an insult to working people. Stripping unions of their rights and their ability to fairly, accurately and freely represent workers is an insult to the hardworking people of the UK.

If we are to urge society to show respect towards workers, the Government must lead by example. Respect for workers is vital to reduce abuse and provide a safe working environment for people across Scotland and the UK. I commend USDAW for its excellent campaign, and I wish its officers the best of success in their future work.

I also must emphasise again that respect for workers begins by facilitating the rights that all workers deserve. Providing a proper living wage without slashing benefits, providing strong and robust trade union rights, and encouraging workers to stand up for their rights—whether that be against employers or consumers—are the only ways to properly protect workers' rights, safety and dignity.

I look forward to action by the Scottish Government, to send out a strong message that we will not tolerate abuse or physical violence in the workplace and will make every effort to stamp out such actions in the future. Every worker deserves dignity and respect at their workplace.

13:07

**James Kelly (Rutherglen) (Lab):** Like the other speakers, I congratulate Cara Hilton on bringing the motion forward for debate and on making an excellent contribution, which has set the tone for the debate that we have had.

It has been a very useful debate, not only to highlight the issues involved with shopworkers, who unfortunately face abuse and intimidation, but also because some very practical suggestions

have been made. I will draw on those throughout my contribution, and I hope that the minister will take them up in his summing up.

It is right that USDAW should focus on the issue at this time of year. As Cara Hilton's children pointed out, it is 42 sleeps until Christmas. As we embark on the run-in to Christmas, people rush to the shops and they often forget what is happening on the other side of the counter.

That is what the USDAW survey shows. The statistics are shocking. Nearly a third of people questioned have been threatened, and up to a half have been abused. It seems almost unimaginable that people would have to put up with that kind of behaviour in the workplace, but that is what is happening on the other side of the counter as people go about their Christmas shopping.

All of that is underlined by the black Friday experience, which other people have talked about. I spoke to the stewards in Rutherglen Tesco in my area. They endured an awful time last year, as customers fought over goods and abused the staff for not being able to get a particular kind of stock. That is totally unacceptable.

Although USDAW is to be congratulated on running this campaign regularly, it is a matter of concern that assaults are on the increase. That leads to the question that a lot of people have touched on: what are we going to do about it? Warm words are fine, but what actions can we take? The collection of statistics is important, and the minister can consider that. If we want to understand the extent of the problem and do something about it, it is important that we have accurate statistics.

There is a responsibility on retailers. It is welcome that they have listened to police advice and that there will be more retail security on black Friday, but that should not apply on just one day of the year; it should apply throughout the year, so that workers are properly protected.

I support Murdo Fraser's suggestion of a public information campaign. If the Government really got behind that, it would raise awareness not only of the issue but of the fact that abuse and intimidation of shopworkers is totally unacceptable. There is also an onus on the Government to look at legislation in the area. It is all very well to have these debates and for members to make fine speeches, but we come to the Parliament to make a difference and there is an opportunity here to make life and work a bit safer for many of our constituents.

I congratulate Cara Hilton on securing the debate. There have been many fine speeches and sentiments, and I hope that the minister, in his summing up, is able to give some assurances as to how the Government will take forward some of

the suggestions that have been made in the debate.

13:11

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** I thank Cara Hilton for bringing the debate to the chamber. It is on a matter of profound importance, and she made an excellent speech. We all have constituents who are affected by these problems and who work in a sector that we often take for granted. A number of members, not least Cara Hilton, have reflected on that and have commented on the fact that most workers in the sector are low paid and work long, difficult hours—sometimes 24 hours a day, as Iain Gray said when he spoke about the shops in East Lothian. We must all reflect on that, as a society and within the Parliament.

The Scottish Government believes that we all have a right to live our lives free from crime and the fear of crime. I welcome USDAW's contribution to the debate through campaigns such as the freedom from fear campaign. I would encourage all shoppers to show respect for shopworkers this week and, as James Kelly said, all year round. There is no doubt that every violent incident is a traumatic event for the victim and can result in injury and on-going psychological problems that can result in their fearing to go to work. As USDAW's survey shows, the front line of retail can be particularly tough for many shopworkers, especially during incidents such as last year's black Friday, which Iain Gray and others have referred to.

Without retail sector workers serving the needs of members of the public, our communities would not be able to function effectively. That is why it is important that, when such workers are attacked in the course of their work, our justice system responds effectively and sends the strong signal that we do not tolerate such behaviour. I am concerned to hear about some of the examples that Cara Hilton cited. I am not going to brush over them—I am happy to look at what went wrong in those examples. Nevertheless, our police, prosecutors and courts have extensive powers to deal with those who commit such offences against shop workers and other public-facing workers. For example, the common law of assault allows for penalties all the way up to life imprisonment for the most serious offences.

I acknowledge the cases that have been raised, but prosecutors in Scotland always seek to ensure that justice is served when offences are committed against workers. They take a robust approach to prosecuting and will always mark cases for prosecution in such a way that appropriate sentences can be handed out by courts on

conviction. Courts will look at the circumstances of an offence and base the sentence on, among other matters, the context within which the offence was committed. I reiterate that our justice system is sending out the strong message to those who fail to respect public-facing workers and the valuable service that they provide that unacceptable behaviour will not be tolerated.

Let us not forget that retail workers are often not well paid and may be doing a very tiring job for only modest rewards. Along with ensuring an effective response from the justice system, we have focused on tackling the underlying causes of such violence and are seeing major reductions in the number of such incidents as a result. In general, Scotland is becoming a safer place in which to live, but I note that this group of people in this sector of the economy still feel that they are vulnerable to assault.

I am aware that the statistics that I could quote would be of little comfort to any individual who has experienced violence, whether or not they are a shopworker. However, a number of members—including Rod Campbell, Patricia Ferguson, Cara Hilton and James Kelly—raised the issue of statistics. The content of the Scottish crime and justice survey is reviewed regularly to ensure that the survey continues to provide high-quality evidence on a wide range of policy areas in a cost-effective way. Such questionnaire reviews also ensure that the survey is kept to a manageable length, so we do not place an excessive time burden on responses. Having said that, the SCJS is under review in advance of the 2016-17 survey. I will ensure that the points that have been raised today about workplace crimes are taken on board, and I will see whether there is any scope to enhance the data in that respect.

High-profile tragedies can and do occur. As has been tragically demonstrated, violence can have a devastating impact and extend far beyond the victims or, indeed, the perpetrators; it can involve their families and friends and can impact on the community as a whole.

We are going in the right direction in tackling violent crime, but I acknowledge the concerns that have been raised across the chamber. We will take those on board.

We need to consider whether there are ways in which we can enhance our activity. Along with increased policing, we know that tackling the underlying causes of violence will help to reduce the number of assaults. Rod Campbell's observation about black Friday in Richmond shows that such violence emanates from the whole spectrum of society. It is typical for the finger of blame to be pointed at one part of the community, but when people carrying Gucci handbags are assaulting staff in shops that affects

everyone. We all have a responsibility to look to our behaviour.

We continue to work in partnership with the national violence reduction unit, because violence is preventable, not inevitable. The unit's groundbreaking work helps us to identify, develop, promote and co-ordinate best practice in tackling violence and violent crime.

I have heard moving and highly compelling testimony from those involved in workplace crimes about their regret in perpetrating such crimes, and they are putting their experience back into the system.

**John Wilson:** Will the minister give way?

**Paul Wheelhouse:** Of course, if I have the Presiding Officer's permission.

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

**John Wilson:** In his discussions with the national violence reduction unit, would it be possible for the minister to consult and bring on board the unions? USDAW has highlighted the figures that suggest that there is a serious issue out there that must be addressed. It might be useful to bring the unions into the debate so that they can give a clear indication of what should be happening.

**Paul Wheelhouse:** I am happy to take on board that point. It is important that we engage with the trade unions on these issues. I will see how we can involve them in the discussions around this specific issue.

Rod Campbell talked about education. We continue to invest in the no knives, better lives campaign, which he mentioned, medics against violence and mentors in violence prevention. Those important programmes try to get important messages out, particularly to young people, on the dangers and consequences of getting involved in violence, and to provide them with opportunities.

The point about the older age group in the Richmond incident was interesting. As other members said, it is not just young people who are involved.

**Patricia Ferguson:** Will the minister give way?

**Paul Wheelhouse:** I am afraid that I am running short of time, and I have quite a lot to get through. Does the Presiding Officer have any further latitude?

**The Deputy Presiding Officer:** You can take an intervention if you wish.

**Paul Wheelhouse:** In that case, I give way.

**The Deputy Presiding Officer:** There seems to be an issue with the member's card.

**Paul Wheelhouse:** Perhaps Ms Ferguson will intervene later.

It is important that we encourage young people to talk about violence prevention and about difficult subjects such as their relationship with alcohol and drugs. We must also encourage them to speak out against all forms of violence and, in the specific context of the debate, the violent behaviour that public-facing workers face.

The initiatives that I mentioned focus on young people learning that any form of abuse or violence will not be tolerated. However, I take the point about public awareness and the need to reach out to other parts of society. The mentors in violence prevention programme is running in nine local authorities and a further four have started engagement.

I am conscious of the time so, rather than talk about our significant investment in all areas, I will focus on the issue of employers, which was mentioned by Margaret McCulloch, Rod Campbell, Murdo Fraser and Patricia Ferguson. We are investing through the Scottish Business Resilience Centre and working in partnership with it to raise awareness by producing a number of publications, including the "Violence in the workplace" guide, which Rod Campbell mentioned, "Working with an SME" and the "Retailers Guide to Crime Prevention", which provide in-depth advice to employers and staff on how to identify and defuse trigger situations and behaviours that may result in aggression, physical violence or abuse.

I welcome Asda's decision to reflect on what happened last year, as a number of members have mentioned, and to withdraw from having its own black Friday event. That is a commercial decision, but I welcome the fact that it is thinking about the impact on its workers.

A wide-ranging retail crime reduction presentation, which has been created by the Scottish Business Resilience Centre, is available to all police officers across Scotland who engage with shop and retail staff, thus ensuring consistency of approach and messaging. The SBRC also provides excellent support through initiatives such as best bar none, the safer shopping award, the safer retail award and the safer area scheme. The Scottish Government supports those and many other initiatives, which are inspiring some great working practice.

No one could disagree that shopworkers deserve protection. That is what our current criminal laws help to ensure. I welcome the opportunity to discuss Cara Hilton's motion and thank her again for bringing this important subject to the chamber. As has been said, there is increased pressure on shopworkers with increased sales in the run-up to Christmas.



Although tempers may be short, there is simply no excuse for any act of aggression or violence towards shopworkers, many of whom will be working long hours. That includes workers who do home deliveries, which is a new phenomenon that, as Patricia Ferguson said, reflects changes in behaviour.

Our approach is broadly right and our firm focus on increased policing and prevention is already providing results and helping to reduce violent crime for everyone. However, I take on board the important points that members have made. I stress that respect costs nothing and that the least that we should do as we shop at Christmas is show respect to our shopworkers.

**The Deputy Presiding Officer:** I thank members for taking part in this important debate.

13:20

*Meeting suspended.*

14:30

*On resuming—*

## **Scottish Parliamentary Corporate Body Question Time**

### **Promoting the Parliament**

#### **1. John Finnie (Highlands and Islands) (Ind):**

To ask the Scottish Parliamentary Corporate Body how it promotes the Parliament, its values and its work. (S4O-04792)

**Liz Smith (Scottish Parliamentary Corporate Body):** The Scottish Parliamentary Corporate Body promotes the Parliament, its values and its work through supporting members in our work, and through a number of offices across the Parliament that work together to deliver a public engagement strategy.

Increasingly, we are seeing the direct benefits of that engagement work in the scrutiny work of the Parliament's committees. Perhaps the most visible recent example of success in that area is the way in which the British Sign Language (Scotland) Bill was improved as a direct result of the Parliament developing a close working relationship with Scotland's deaf and deafblind community.

**John Finnie:** I thank the member for that response; indeed, commendable work is taking place.

Lockheed Martin is the world's largest arms company, and it has been given money by the Scottish Government. It has also been given publicity by the Scottish Parliament when the company provided a prize for an awards ceremony in this building. The Green and Independent Group raised that issue and was advised, in a response, that Lockheed Martin was a

"public sector supplier of IT systems".

The member will be aware that there are increasing concerns daily about pension investment. I regret that nothing suggests that the SPCB or indeed the pension trustees recognise that. We recently debated Trident, yet we invest in a company that supplies a propulsion system.

Would the member agree that it is time for the Scottish Parliament to accept responsibility for our own affairs and not hide behind pension fund managers? Would she further agree that it is time to sort out our customer-client relationship with those fund managers and divest from arms, fossil fuels and tobacco?

Will the SPCB agreed to undertake and make public a risk assessment of the reputational damage such arrangements, associations or funding are causing to an institution that I know we all hold very dearly?

**Liz Smith:** I acknowledge the member's long-standing interest in this issue. Let me be absolutely clear that, under the Scottish Parliamentary Pensions Act 2009, the day-to-day administration, including any investment strategy, for the Scottish parliamentary pension scheme is the sole responsibility of the fund trustees and not of the corporate body. I understand that the fund trustees, who have appointed Baillie Gifford as fund manager for the scheme, have delegated responsibility for the day-to-day investment management to Baillie Gifford.

As the member is aware, the pensions contributions are invested in a pooled fund. I stress that the independent fund manager, Baillie Gifford, has the day-to-day responsibility for management decisions. It operates an environmental, social and governance policy for its investment and is also a signatory to the United Nations principles for responsible investment.

I reinforce that the SPCB's role in relation to that is clearly separated, in the Scottish Parliamentary Pensions Act 2009, from that of the fund trustees.

#### **Trade Union Bill (Implications for Scottish Parliament Staff)**

**2. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** To ask the Scottish Parliamentary Corporate Body what consideration it has given to the implications for its employees of the proposals in the United Kingdom Government's Trade Union Bill. (S4O-04758)

**John Pentland (Scottish Parliamentary Corporate Body):** The SPCB is aware of the contents of the bill, and officials have begun to assess what systems would have to be amended or put in place should it be passed in its current form. We will continue to monitor developments at Westminster to ensure that we are ready to meet any resultant legal requirements on the Parliament. The corporate body values its strong relationship with trade unions and will continue to work with them in implementing any action resulting from the bill.

**Patricia Ferguson:** I have to say that I find the answer from the corporate body very disappointing indeed. The bill is regressive in nature and will do nothing to facilitate good working arrangements within this Parliament. I would have hoped that the corporate body might have been willing to take the route that many local authorities in Scotland are now taking. Is the SPCB willing to guarantee that, regardless of what legislation the UK Parliament passes, if it is not amended or does not have significant changes made to it, the corporate body will continue with approaches such as check-off and facility time in order to ensure that trade unions in this Parliament are treated in the way that we would all want them to be, as partners in

negotiation and as worthwhile enterprises in and of themselves?

**John Pentland:** Even though there was overwhelming opposition to the bill on Tuesday, it would be inappropriate for the SPCB to take a position on the bill. The corporate body will continue to monitor developments and will, as with any legislation, take such steps as are necessary to comply with any legal requirements placed on the Parliament. As I mentioned in my response to the member's earlier question, we have a strong relationship with our unions and we will do everything that we can to maintain that positive relationship, regardless of the outcome of the Trade Union Bill.

**John Wilson (Central Scotland) (Ind):** As the member and the corporate body are aware, we had a debate in the chamber on Tuesday, when an overwhelming majority of members in the chamber voted against the Trade Union Bill and expressed their opposition to the bill. Surely the corporate body should take that on board when making policy decisions on behalf of this Parliament.

**John Pentland:** Again, I will just say that, at this particular time, it is inappropriate for the SPCB to take a position on the bill.

#### **Display of Artwork**

**3. Jean Urquhart (Highlands and Islands) (Ind):** To ask the Scottish Parliamentary Corporate Body what criteria it uses when selecting or accepting artwork for display. (S4O-04791)

**Linda Fabiani (Scottish Parliamentary Corporate Body):** Artwork accepted by the Scottish Parliamentary Corporate Body for the Parliament's art collection for display in the building is chosen in line with the art collection development policy. The selection and commissioning of artwork for display is guided by key themes, including: Scotland's identity and diversity and the Parliament's relationship with the people; the relationship of the people with the land and sea; and, of course, Scotland's history. We have placed emphasis on acquiring work from artists whose reputation is already well established and on acquiring works that represent key aspects of their practice.

**Jean Urquhart:** I know of people who have sought to donate works of art and have had a negative response. I can understand that. It is a rare and sensitive thing to select art for such a building. What I do not understand is why the recent work of art "Service", now hanging in the garden lobby, passed any approval test. It gives offence to many—not only artistically. Scotland has produced fine war artists who might show the awesome, bloody beauty of war and what our

Army does. There are acclaimed artists, masters of art, art critics and art historians here in Edinburgh who might all have advised our Parliament, and we might have seen the Army in Scotland reflected as its history truly deserves.

Would the SPCB be willing to consult Scotland's acclaimed and renowned experts with regard to any future artworks?

**Linda Fabiani:** We do, of course, have a professional art curator, and we take advice where appropriate. That already happens.

In relation to the recent acquisition of "Service", by artist David Rowlands, the painting was gifted to the Scottish Parliament by the Army in Scotland and was unveiled in October. We felt that it was a unique opportunity to mark the relationship between the Army and Scottish society through the years, especially as it was a gift from the Army.

It was part of the first world war centenary commemorations, and the commission was funded by voluntary donations from Army communities across Scotland. The painting was unveiled on the 100th anniversary of the battle of Loos, and it will tour venues around Scotland during 2016.

#### **Scottish Parliamentary Pension Scheme (Investments)**

**4. Richard Lyle (Central Scotland) (SNP):** To ask the Scottish Parliamentary Corporate Body what its position is on the Scottish parliamentary pension scheme investing a reported £2.1 million in fossil fuels while the Parliament is trying to move toward renewables. (S4O-04760)

**John Pentland (Scottish Parliamentary Corporate Body):** Under the Scottish Parliamentary Pensions Act 2009, the day-to-day administration, including investment strategy, for the Scottish parliamentary pension scheme is the sole responsibility of the fund trustees. However, I understand that investment in fossil fuels has decreased significantly from 11.05 per cent in September 2010 to 3.23 per cent in September 2015.

**Richard Lyle:** In light of recent press reports about what the Scottish parliamentary pension scheme is investing in, I agree with John Finnie. I have already received concerns from my constituents, and we cannot simply hide behind a fund manager. Can I be assured that discussions will be held with the investment company to clarify what the fund should and should not be investing in?

**John Pentland:** For the fund trustees to direct any investments, they would need to change to a segregated portfolio arrangement. That would be a

decision for the fund trustees, given their statutory position.

#### **School Visits (Pupils from Deprived Areas)**

**5. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Parliamentary Corporate Body how it ensures that pupils from deprived areas have equal access to visiting the Parliament. (S4O-04759)

**Liz Smith (Scottish Parliamentary Corporate Body):** The programme of education sessions in schools and in the Parliament reaches somewhere in the region of 20,000 to 22,000 pupils each year, and it offers a range of online and other curriculum-based resources. Those things are all provided free of charge. That outreach service, combined with an inward visits programme, provides great scope geographically and socioeconomically to allow pupils to take part in parliamentary work.

The team undertakes targeted work on activities to support our Parliament days programme as well as specific events such as this year's inspiring young women event at Holyrood. It helps to ensure that a wide range of opportunities are available to schools to allow them to engage with the Parliament in a way that best suits their needs.

**Jenny Marra:** I am sure that Liz Smith agrees that visits to Parliament are particularly important to bring this place, and democracy, alive for children. A school in one of the most deprived areas of Dundee, in my constituency, has a primary 7 class that has been studying the Scottish Parliament and planning to visit. However, the school faces a £700 bill for a bus to Parliament that it simply cannot afford.

What data does the SPCB hold and track on how many schools in deprived areas actually get to visit Parliament? After all, the Parliament belongs to everyone in Scotland and should be accessible to all children, irrespective of which school they attend.

**Liz Smith:** Jenny Marra makes a good point about accessibility, which is clearly very important for all pupils, wherever they might be. We have a good system for tracking which schools are using the Scottish Parliament, but the SPCB is very open to suggestions about how we could improve that aspect at any stage. We are not in a position to provide funding for travel—two other members have raised that issue in the past, and it is a difficult situation for the SPCB to attend to—but we will take on board any suggestions that Jenny Marra might like to make.

### Server Access Speeds (MSPs' Regional Offices)

**6. John Wilson (Central Scotland) (Ind):** To ask the Scottish Parliamentary Corporate Body what action it is taking to improve the speed of server access from members' regional offices. (S4O-04793)

**John Pentland (Scottish Parliamentary Corporate Body):** The speed of the broadband services available to regional offices depends on the public communications infrastructure and varies from location to location. The SPCB ensures that local offices benefit from the best broadband service available to the offices, and it has been piloting solutions that are independent of the public infrastructure to help to address the situation where the public broadband infrastructure is not of sufficient quality.

In addition, we have rolled out our new software and supporting hardware to optimise traffic from all regional offices to Holyrood servers in order to improve performance and increase the capacity of the internet connection to Holyrood on which services are routed. We are looking forward to working in the context of the new voice and data contract on fresh and innovative ideas to address the on-going challenges.

**John Wilson:** I appreciate the SPCB's response, particularly given that it came from a renowned expert on information technology, as Mr Pentland declared himself to be on Monday night in Motherwell.

Despite the fact that internet connection speeds in the regional offices are excellent—a 50MB speed is almost akin to superfast broadband, and the performance of the two personal computers are excellent—when members log into the Parliament's servers through the Citrix online plug-in, there are speed and performance issues in using many of the programmes.

That leads to staff being forced to work outside the Citrix environment, which can lead to safety conflicts in shared folders. Central processing unit usage often shoots up and causes severe system lag, particularly when users are attempting to use Outlook search facilities. I hope that the SPCB can investigate the matter and report accordingly, and that we can all get superfast speeds in all our regional offices throughout Scotland.

**John Pentland:** I am sure that we are all aware of individual offices struggling with poor connection speeds. That is why the Parliament's business and information technology office will work with individual offices to look at the different ways that they work to see whether any streamlining can be achieved by changing the methods of connecting back to the service at Holyrood. That can involve visiting offices to

advise on techniques that might address and help to alleviate any issues.

On the very detailed question from the member, I will make sure that he gets a very detailed answer from BIT.

**Alex Johnstone (North East Scotland) (Con):** Has any consideration been given to alternative software strategies? The direct connection using Citrix relies on the system being open all the time, but by using appropriate software strategies we can escape that and many connection problems.

**John Pentland:** Again, that is a detailed question, and I will get BIT to give the member a detailed response.

### Winter Weather (Staff Welfare)

**7. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Parliamentary Corporate Body what action it takes to address staff welfare issues related to winter weather. (S4O-04794)

**John Pentland (Scottish Parliamentary Corporate Body):** The SPCB provides a number of initiatives to address staff welfare during the winter months, including flu vaccinations and support for individuals with health conditions exacerbated by winter weather. In circumstances where staff are unable to attend work due to transport disruption as a result of severe weather, flexible working arrangements such as homeworking or reduced hours may be offered on a short-term basis.

**Patrick Harvie:** I have never quite understood why one of our security staff has to be stationed halfway up the corridor to the chamber all the time when we are in plenary session. That corridor is probably the coldest part of the building, and over the next few months it is going to be a very uncomfortable place for the security staff to stand, with little to do.

I know that those staff have been given permission to have a small electric heater with them. Can the SPCB reassess whether there is actually a need for security staff to stand in that empty corridor all day? If there is such a need, can the staff at least be allowed to put a coat on?

**John Pentland:** I take on board the member's question, and I will make sure that we come back with a relevant answer.

## Social Security in Scotland (Future Delivery)

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-14560, in the name of Hugh Henry, on the future delivery of social security in Scotland. I call Hugh Henry to speak to and move the motion on behalf of the Welfare Reform Committee. Mr Henry, you have eight minutes or so.

14:47

**Hugh Henry (Renfrewshire South) (Lab):** This is an unusual debate because we do not have a committee report to bring to the Parliament for it to consider, comment on and debate. We are looking for members' ideas, because we face one of the biggest challenges that the Scottish Parliament and Government have had to face since the creation of the Parliament in 1999. Not only are we going to have to make decisions about taxation, but we will have to set up a new system of social security and welfare. That will certainly cause problems, but I think that it will also give us opportunities. We therefore genuinely want to hear what members have to say.

We have decided to use the term "social security" rather than "welfare" because welfare has become a somewhat abused and tarnished term over the years. The committee will produce a report relatively soon, but we are not examining whether the Smith commission proposals are a cohesive and sensible set of powers—that is not what we have been asked to do. We are not examining whether the powers in the Scotland Bill actually reflect what the Smith commission intended, nor are we arguing about what the Smith commission and the bill should have said. Many of those matters have been effectively dealt with by the Devolution (Further Powers) Committee, and I will leave that committee to take them forward.

We are looking at how the powers in the Scotland Bill should best be used, and we are looking for members' ideas on that. For something as significant as a new social security system, it is important that we have consensus if possible. I realise that there will be arguments among the political parties about different aspects of benefits and what is or is not permissible, but I hope that we can agree on certain fundamental principles. We want not only to achieve some consensus on a social security system, but to give the system a degree of consistency, so that at each election it is not at risk of fundamental changes based on political whims.

We have heard from a range of organisations and people who have contributed to the committee's evidence and certain themes come

up time and again. The words "dignity" and "respect" have been used, and there is a burning desire to have those things at the heart of any system. We have heard that people want a person-centred system. There is huge frustration about bureaucracy and the fact that people often feel that they are treated as numbers, rather than as human beings. There is a desire to have a system that is based on personal and human rights and there is a huge demand to have passporting where possible, so that people do not have to make a multiplicity of claims at different stages in the system. Last but not least, we have heard that people want the claims system to be simple. It should try to use ordinary language that ordinary people can understand and it should avoid legalese and the language of bureaucracy. If people can identify other issues, they should please let us know.

**John Wilson (Central Scotland) (Ind):** I welcome Hugh Henry's comments about making the language simpler. Would it be useful to make form filling easier? The forms that people have to fill in to claim some benefits can be up to 32 pages long. Will the committee look at form filling, as well as the legalese that is so often used in the application process?

**Hugh Henry:** That is very much what we mean by making the process simpler. Examples of form filling have been mentioned to the committee and, yes, where at all possible we want forms to be relatively short, straightforward, simple and easy to understand.

We will inherit disability living allowance and personal independence payments, which will be a huge responsibility. Currently the budget for the scheme is £1.5 billion a year and affects hundreds of thousands of people. How should it be run in the future? Yesterday, I met Roseanna Cunningham and Alex Neil and I know that in their respective areas of responsibility they are struggling to come up with specific ideas. There are huge challenges, but I hope that they will bring their ideas to the Parliament relatively soon. What should the eligibility criteria be for DLA and PIP?

Carers often feel—this is something that causes a lot of anguish and anger—that they are at the fag end of the process, that people do not consider them and that the carers allowance does not properly reflect their input. What should the definition of carers be? Should we change it? How should we operate the carers allowance? We have heard time and again in the Parliament just how much carers contribute through unpaid activity and effort.

One of the biggest areas of contention is likely to be the work programme and work choice. We have heard a lot of contentious evidence from people who believe that the work programme has

let them down and that they have not been given due respect or proper support. I am not here to defend the providers of that programme, but to some extent they are there to deliver something that was set up by the Department for Work and Pensions, within the constraints that the DWP established. We will need to look at the criteria that we want to establish for delivery and at whether we will simply replace the national scheme or, as has been suggested, have regional variations to reflect local labour markets in different areas.

One particular area of contention with regard to the work programme relates to people with disabilities, who felt that they were being forced into a process in which there was no real intention of actually helping them into work and in which the bureaucracy was simply looking to tick a box to show that it was trying to make people look for work. We need to reflect on how we treat people not just with disabilities but with significant long-term illnesses and mental health problems.

I am aware of the time, Presiding Officer. May I continue?

**The Deputy Presiding Officer:** Yes, I can give you time, Mr Henry.

**Hugh Henry:** Thank you.

Another question is: what should replace the work programme? I know that the Scottish Government has been in consultation with the private and voluntary sectors and that it is interested in hearing ideas about what a future scheme should look like. Given that we are talking about huge contracts of £100 million per year, should the scheme be delivered by private organisations or by a consortium of charities and voluntary organisations on a national or regional basis? Moreover, what about work choice, which we often ignore in relation to people with disabilities?

Some concerns were also expressed about the regulated social fund, even though it covers a relatively small area of activity. One such concern was funeral payments, and one of the biggest problems that was highlighted in that respect was the cost of funerals. Of course that is not necessarily an issue in which the committee has a locus, but I simply point out that families who are having to cope with a bereavement face a huge financial burden and we need to think about how any future funeral payments scheme should operate.

Questions were raised about the cold weather payment and the winter fuel payment, and the fact that they are two different schemes that operate in different ways. How should they work? Should they be universal? Should they be merged?

Should people who no longer live in Scotland be entitled to receive them in future?

An issue for the future is universal credit, which will incorporate seven current benefits. We will not be in control of that, but there will be important powers with regard to its administration.

With regard to housing benefit, I was pleased to hear from the cabinet secretaries that where required it can and will be paid to the landlord. That is progress, and I hope that the minister will confirm that this afternoon. We also seek members' views on whether housing benefit should be paid fortnightly rather than monthly and whether it could, where necessary, be paid to more than one householder.

Although top-up benefits in the form of tax credits have become a contentious issue in the past week or two, I note that we will have the ability to top up devolved benefits. Of course, we will then be required to find the money for that, which will be a challenge for this Parliament and the Scottish Government. Should we be looking at particular groups beyond those who are already in receipt of tax credits? How will we use our budget? Who will we help, and in what circumstances will we help them?

Finally, on the key issue of delivery, are we going to have a national system or a local system? Should we have a national system with local delivery? If so, who should be the local delivery agents? Again, we have heard conflicting views on that, some suspicion of some of the existing local agencies and an aspiration to avoid a postcode lottery. People want consistency, but they also want a more personalised decision-making process that might well require local input.

How do we help people in the move from a Westminster-based to a Scotland-based system? Given that people will undoubtedly be affected as a result, we will need to look at transition systems. We do not have a final view and welcome any comments.

Those are some of the issues that we have been looking at and that the Scottish Government must contend with. We all have an opportunity to help create something that is entirely new and that we hope will work well for the benefit of the people whom we represent.

I move,

That the Parliament notes that, once the Scotland Bill becomes an Act, the responsibility for the delivery of a range of social security powers will pass to the Parliament, including disability living allowance, personal independence payments, carers allowance, the Work Programme and the Regulated Social Fund, as well as some aspects of universal credit and top-up funds; further notes that the Welfare Reform Committee is undertaking an inquiry into the future delivery of social security in Scotland, and would welcome contributions from members on what they

consider are the important principles and practical aspects of a new Scottish social security system.

15:00

**The Minister for Housing and Welfare (Margaret Burgess):** I welcome the opportunity to take part in this important debate.

I thank the Welfare Reform Committee for today's motion and for the work that it has taken forward over the past few years. The Scottish Government is pleased to work with the committee and hopes that we can continue to do so in the journey ahead.

I want to make it clear to Parliament that the Scottish Government will always use the powers that we have to protect and benefit the people of Scotland. We are also very clear about ensuring that the necessary financial arrangements are in place alongside the mechanisms to deliver the new powers.

As we all know, the United Kingdom Government's ideologically driven programme of welfare reform has been near the top of the political and news agendas in Scotland for large parts of the past five years, and with good reason.

We strongly support the committee's endorsement of the House of Commons Work and Pensions Committee's call for a full and independent review of the sanctions system. We also welcome its recommendations that the UK Government publish a tracking study to examine the cost of sanctions, that it revise the sanctions appeals process and that it allow more discretion for DWP staff in dealing with vulnerable claimants who are at risk of being sanctioned. Many other recommendations have been made to the UK Government; we fully support their spirit and content.

It remains our ambition to develop a distinctly Scottish approach to the powers over social security that have been promised by the Smith commission and through the Scotland Bill. To develop that approach, we are listening carefully to the views of people who receive the benefits that are to be devolved, and to the organisations that support and represent them. I know that the committee has also worked closely with many of those people and organisations. The organisations will be pleased that the Welfare Reform Committee has brought delivery of social security to the chamber today, and that their views are being heard. I welcome the fact that the committee wants to hear from members about the principles and practicalities that we will want in a new Scottish social security system.

We, like many others, remain committed to developing a Scottish approach to social security, which has at its heart a set of principles and

values. Our vision is of an approach that is, as Hugh Henry said, person centred and treats people with dignity and respect, so we look forward to working co-operatively with the committee and other stakeholders in offering a united front against austerity measures and in successfully bringing the new social security powers to this Parliament.

We will continue to work closely with the Convention of Scottish Local Authorities, the national health service and others across civic Scotland to understand the links between the benefits that are being devolved and existing services, because we know that we cannot deliver our aspirations alone: we need to take others with us and there must be a joint approach.

Parliament will be aware that we recently published an update paper on what we have learned from our engagement. That was a valuable exercise for us, and it demonstrates our commitment to listening to the people who will be directly affected by the new powers. It is worth reflecting on what we have heard, because it chimes with evidence that was heard by the Welfare Reform Committee.

On disability, as Hugh Henry and the committee did, we have heard about the problems that have been caused by delays in the assessment and decision process for the new personal independence payment, and the impact that the delays are having on vulnerable people. We are working with stakeholders on how assessments can be improved. John Wilson mentioned the need for a simplified system: we all want the system to be easier to understand, and to use language that people can understand.

**John Wilson:** I know that the minister has taken on board the point about making the system simpler, but many of my constituents who have benefits difficulties also have literacy issues. How do we get around the fact that, regardless of how simple the forms are, literacy problems mean that those people will have problems filling them in?

**Margaret Burgess:** John Wilson has made a very good point. We are looking at that and discussing the matter with stakeholders. It is about the help, support and assistance that we give to people who are unable to fill in forms on their own. As John Wilson said, no matter how simple the form is, it can be difficult for some people to fill it in. We must ensure that the social security system is accessible and that the right support is in place to ensure that people can access the benefits to which they are entitled.

We have shown that we want to take a fairer approach by, for example, abolishing the 84-day rule that penalises families of severely disabled children by removing disability living allowance

and carers allowance if their child is hospitalised for a lengthy period.

We have also heard from a number of parties on the issues that carers face. The First Minister's recent comments about beginning to raise the carers allowance to the level of jobseekers allowance reflects the importance of the role that carers play on behalf of society in taking care of the people who need them and rely on them.

We have made it clear that we will use the flexibilities around universal credit that the Scotland Bill will allow us—and to which Hugh Henry referred—to deliver a service that is more suited to the particular needs of Scotland. That includes flexibility in respect of frequency of payments to people who make claims, and payment of the housing costs element direct to social landlords, on which we have already given our commitment. It is important that we will also abolish, in effect, the hated and pernicious bedroom tax. As we heard this morning, and as we have seen in the newspapers, there are areas of Scotland where that tax has hit badly. This Government is proud of fully mitigating the bedroom tax and investing £90 million to do so.

There have been more than 200 responses to the consultation on the work programme and work choice. It is clear that the work programme is not working for those who are most in need. In developing and implementing devolved employment support services from 2017, we intend to focus on the people who are not well supported in the current DWP programmes. The Cabinet Secretary for Fair Work, Skills and Training will respond to the consultation shortly and will make clear the ambitions and the direction of travel for delivery by 2017.

I would, of course, have preferred that we were receiving powers over all employment support programmes. I see no reason why we must wait 12 months before stepping in to help someone who is unemployed. That is an example of the qualifications and constraints that are imposed on the social security provisions of the bill, including those that deal with benefit sanctions.

We have heard a range of views about what should be done when the powers relating to the regulated social fund are devolved. The cabinet secretary recently commissioned a report to look at ways of relieving the financial burden and debt that bereaved relatives and friends face when organising a funeral, and to come up with a series of recommendations to address the rising costs of funerals. That report will inform the work that is being carried out on how funeral payments can be delivered better. It is clear that the current system is not working.

As the Scotland Bill goes forward, we are pleased that discussions between the UK Government and the Scottish Government have borne some fruit. The UK Government has admitted that the bill, as introduced, did not deliver on the recommendations of the Smith commission—as the Scottish Government has been saying for over a year. The bill now contains a power to create new benefits, which we welcome because it is something that we have pushed for for some time. However, devolving existing powers and the funding that goes to resource them, which we already pay for through our taxation, would always have been a better solution. Instead, we are left with a sticking-plaster approach to alleviating the Tory cuts.

**Annabel Goldie (West Scotland) (Con):** My intervention is not on any specific point that the minister has made, but on the general shape of the new system, to which Mr Henry alluded. We are going to be responsible for about £2.7 billion of welfare expenditure. Does the minister envisage a specific shape for its delivery—for example, a minister with responsibility for welfare and a department to deal with that—and has any thought been given by the Scottish Government to what should come from the national level and what might be better delivered at local level?

**Margaret Burgess:** Those are the very points on which we are deliberating and consulting. The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights has said that he would, in the next parliamentary session, introduce a social security bill. That might answer some of Annabel Goldie's questions.

Hugh Henry said that the committee prefers the term "social security" to "welfare". I, too, prefer that term. In fact, I might be the first and last minister to have "welfare" in her title. The common perception of "welfare" is not a fitting description of what people who are in receipt of benefits experience. We want an approach to social security that supports people and which treats people who are entitled to benefits with fairness and dignity. I know that much of civic Scotland and many members across the chamber feel the same way.

Members may be aware that the Scottish Government has used the term "social security" for some time. In the recently published stocktake paper that I mentioned, we specifically highlight that the powers that we are receiving are over social security, rather than over welfare.

We value the committee's work, and appreciate the time and effort that so many stakeholders have put into providing both the committee and the Government with information, including ideas on how we would want the social security system to be delivered in Scotland. We are pleased that the issues coming through the committee's inquiry are



similar to those that are being picked up by the Scottish Government in our consultations.

I look forward to members' speeches.

15:11

**Alex Rowley (Cowdenbeath) (Lab):** I, too, welcome the debate. As Hugh Henry said, it is a bit unusual that there is no report to debate and that we are instead being asked for our views on an issue. Annabel Goldie asked about the shape of the new system. We need to have an anti-poverty strategy. The significant powers that we are getting need to be used as part of that strategy and to be joined up with a range of policies. Often what is lacking at UK and Scottish levels is joined-up government with clear objectives. A clear objective for Scotland must be to tackle poverty.

I have supported the Cottage Family Centre in Kirkcaldy for many years. In 2012, it delivered 100 food hampers for needy children. Last year, the figure was 500 and this year it is expected to be more than 800. Last year, it gave 90 children warm coats for the winter; this year, it has already received more than 250 requests. In Fife, 24 per cent of the population are deemed to be in poverty and in some of the poorest communities, the figure is as much as 36 per cent. That is a picture not just of Fife, but of communities across Scotland. Our objective must be to work out how to tackle that situation.

I also came across a YouGov poll that found that people think on average that 40 per cent of the welfare state budget goes to registered unemployed people. That, of course, is a myth: only 1.5 per cent of that budget goes to the registered unemployed—8 per cent if we include disabled people and single parents who stay at home with their children.

An astonishing two thirds of British children who are growing up in poverty live in a family in which at least one adult works, and in Scotland 59 per cent of those children are in working families in which the main breadwinner works all the hours that he or she can. It is a complete myth that the majority of poor children grow up in families that lack the desire to work. The hard evidence is that they would work far more hours if they were able to do so.

We must ensure that the joined-up policies that we create also focus on how we can support people into work. At this time of the year, although the jobs may not be the best, people often come off benefits to go into work. There will be seasonal jobs in Amazon in my constituency, for example. Taking such jobs totally mucks up people's benefits. They then find themselves in difficult situations when they try to get back on to benefits. We need to address those issues.

As Hugh Henry and the minister said, there is an opportunity to engage and involve organisations, groups and individuals throughout Scotland in deciding what the new social security system should look like. One such group is Enable Scotland, which has, along with a number of other organisations, sent in a briefing and has been talking to the committee. It says that there are key opportunities as we move forward, such as

"The ability to amend the criteria to ensure that the main working age disability benefit is fit for purpose"

and

"The ability to improve the claim and decision making processes for disability benefits to improve accuracy of decision making, reduce administrative and assessment costs and ensure that claimants are treated with respect at all stages of the process".

John Wilson asked about making it easier to fill in forms, but the question is about being treated with respect and being supported. We should have joined-up working at every level, involving local government. How do we support people who make claims, often for the first time, and find the process to be difficult?

Enable also mentions

"The ability to remove the suspension of the payability of disability benefits when a claimant has been in hospital for 28 days".

There are a lot of ideas and views that we need to take on board as we move forward. However, Enable also talks about some of the challenges, and states:

"The full details of the fiscal framework for further devolution are not yet known. The finer details of this will have a significant impact on the ability to use any new powers".

I make to the minister an important point that she needs to reflect back to the Government: there seem to be private discussions—secret discussions—between Mr Mundell and Mr Swinney about the fiscal framework. It is important that we have more transparency about those discussions.

**Mark McDonald (Aberdeen Donside) (SNP):**

At the recent Finance Committee debate on the fiscal framework, Mr Swinney said explicitly to representatives of the Labour Party, the Conservatives and the Liberal Democrats that he is more than happy to receive correspondence from them outlining the areas of the fiscal framework discussions about which they wish to learn more. Will Mr Rowley confirm whether the Labour Party has corresponded with Mr Swinney to that effect?

**Alex Rowley:** I have certainly met Mr Swinney and made the point to him that it is difficult to comment on something about which we are not sure. Mr Swinney says that the fiscal framework is

not a good deal for Scotland. I assume that no member would want to sign up to a bad deal for Scotland, or would sign up for a pig in a poke, but if the discussions remain private, confidential and secret between Mr Swinney and Mr Mundell, it is difficult to comment.

**Kevin Stewart (Aberdeen Central) (SNP):** Will Alex Rowley give way?

**Alex Rowley:** I want to make progress.

On in-work poverty, there is a new category of poor in Scotland: in the 21st century, young people in their 20s, including young couples, whose income from work is low and stagnating when their rents and living costs are high, fall into the poverty gap. I point out that 30 per cent of working men in their 20s and 35 per cent of working women in their 20s earn less than the living wage.

I draw attention to a pamphlet that Jayne Baxter MSP has circulated. It makes the case for the living wage. Parliament has powers to do more on that, so we should certainly consider what progress we can make. I welcome it when companies announce that they want to be living-wage employers, but we need to consider the public sector. There is a mass of people in the care sector, for example; 80 per cent of them are in the private sector and the majority of them work for the minimum wage. We need to address that.

Alongside that, we need to address the Tory Chancellor of the Exchequer's attack on tax credits, which will drive more and more families in Scotland into poverty. We in Parliament need to unite not only to fight those cuts but to say that, if they go ahead—

**Kevin Stewart:** Will Alex Rowley give way?

**The Deputy Presiding Officer:** The member is coming to a close.

**Alex Rowley:** I am sorry. I do not have time.

If the cuts to tax credits go ahead, we should unite and use the resources and powers that are coming to the Parliament to ensure that no one is worse off and suffers as a result.

I turn quickly to the work programme. We need to recognise that many people in Scotland are far removed from the labour market. The best way to support them at local level is through local government. The work programme needs to be devolved. If it is devolved, we can be more effective.

My main point is that we need joined-up government, a joined-up approach and an all-out attack on poverty and inequality in Scotland.

15:20

**Alex Johnstone (North East Scotland) (Con):**

This is a debate that I am very glad to be involved in. It is on a subject on which many of us have been involved in some very heated discussions of late and over recent years, but I welcome the tone in which it was introduced today, and I hope that at the end of the afternoon we will have a more constructive outcome than we have experienced in previous debates.

In welcoming the tone in which the debate was introduced, I acknowledge the remarks that the convener of the Welfare Reform Committee made about the terms that we use to cover the subjects that we discuss. We have a huge opportunity in that regard, because language costs nothing. If we get the language right, we can achieve a great deal. If we can gather around a change in the language and the terms that we use, we can perhaps begin the process of building back into the system the respect that, unfortunately, research indicates has all too often dropped out of it.

The great challenge that we face in talking about the future delivery of welfare—or, I should say, social security; I had better get that right—is that we do not have a great deal of time on our side. The likelihood is that we will be in a position to begin introducing the measures that are available to us under the new powers as early as May 2017. That means that, by the time we go into the election in May 2016, we will have had to discuss policy and its implementation. We are right up against a deadline to start talking about how we will deliver the new powers.

Many of the lessons on how the new powers will be delivered come from the experience that we have already had. Over recent years, one or two aspects of welfare have been devolved, and that gives us something to look at. I am thinking, in particular, of the Scottish welfare fund, which is delivered in the form of crisis grants and community care grants. The devolution of that funding at rather short notice came as a surprise to many. In England, it was passed to local authorities, and in Scotland it became the responsibility of the Scottish Government. The decision was then taken to pass it on to local authorities. We had an opportunity to look at how the interim scheme worked, after which we brought in a final scheme that delivered the funding more effectively.

The Scottish welfare fund has taught us two things. First, there is something to be said for doing things differently in different areas. Different local authorities found different ways of doing things, whether by delivering benefits in cash or kind, or by providing the opportunity to get those benefits in person or over the internet. The fact

that success was achieved in different ways in different areas is a lesson for the future.

Secondly, by the time the scheme was properly up and running and demand levels had stabilised, it became clear that local authorities were an effective way of delivering such support. The problem was that, because of the size of the scheme and the number of staff who were required in local authority areas, too much of the money that was made available through the scheme was going on administration. The lesson there is that if local authority staff can administer a scheme effectively but inefficiently in cash terms, one way of recovering that resource is to give those staff more to do so that they can operate more efficiently.

What we need are systems to provide support that are easy to use and easy to understand, as the minister said, but also predictable and familiar. The final lesson that we got from the devolution of the Scottish welfare fund was that many people who had previously relied on it believed that it had simply been abolished and were unaware that the fund was still available in a different form. That is one of the reasons why uptake was so poor in the first year.

The major changes—the change to universal credit and the change to personal independence payments—are already controversial. They are part of the welfare reform programme that is being driven from the south and which has been attacked for many reasons, not least political ones. However, they will form the foundations of the welfare system that we will build on in Scotland.

I am delighted that changes have been made that will allow certain flexibilities in universal credit. If we in Scotland feel that it is more appropriate to pay more frequently than once a month and to pay housing benefit directly to landlords, we should have the opportunity to do that. However, although it is vital that we have the power to make direct payments to landlords and use it where it is required, I do not believe that the system should be abused as it has been in the past. Those who can manage their own affairs and have demonstrated that should be allowed to do so.

Tax credits have risen to the top of the agenda in recent weeks. It is clear from statements that David Mundell has made that there is the opportunity to top up under the systems that will be devolved by the Scotland Bill. There are certain difficulties with topping up benefits where entitlement does not exist, but those problems can be dealt with through the discussions that are taking place about the fiscal framework.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Will the member take an intervention?

**Alex Johnstone:** No, thank you.

Ministers of both Governments will have to rise to that challenge, but the Secretary of State for Scotland is certainly keen to find a solution to that problem.

On the carers allowance being uprated to match the jobseekers allowance, that is one area in which Ruth Davidson managed to get in just ahead of the minister. She committed the Conservatives to that policy before it was announced at the Scottish National Party conference.

We face many challenges. Conservative MSPs are closely related to the Government that is driving part of the agenda from the south, but we also believe that it is right to devolve the powers that are being devolved, and we want them to be used effectively. The big challenge is to get to the bottom line—if the Government is committed to increasing spend, we need to know where that money will come from.

**The Deputy Presiding Officer:** We move to the open debate. Speeches should be six minutes or so, please.

15:27

**Kevin Stewart (Aberdeen Central) (SNP):** The Tory social security reforms are wreaking havoc for many of our most vulnerable people. During my time on the Welfare Reform Committee, we have heard stories that have frustrated and angered me from affected people. During a recent session in which we looked at the work programme, we heard from Donna, who said,

“The biggest thing for me about the Work Programme has been the advisers. The first one I had was terrible. I had 3 meetings with him and he made me greet twice. He was mean and a bit of a bully. It’s bad because all this takes place in an open plan office, so everyone can see you greeting”,

and from Diane, who said,

“Throughout the whole of my engagement with the work program I have lived in fear of sanctions. This has also not been helpful to my health.”

People are certainly not being treated with the dignity and respect that they deserve, and that is just not good enough. I was pleased that, when we passed the Scottish welfare fund legislation, the Parliament accepted an amendment that I lodged on dignity and respect. I hope that we build that into every single piece of social security legislation that the Parliament deals with in future.

We will soon have competence over the work programme. We must ensure that we follow the respect agenda in everything that we do, but it is galling that Westminster will retain powers over

sanctions. That may blow a hole in our ability to ensure that folk are treated fairly and respectfully.

It would be so much better if all aspects of conditionality were devolved. Many organisations share my view on that point. Tanya Gilchrist of the Shaw Trust said:

"I certainly think that it will cause confusion. We are talking about people who are already dissatisfied with the current service delivery ... If we have reserved and devolved rules potentially affecting such people, that could ultimately cause confusion and more dissatisfaction."

Kate Still of Employment Support Scotland said:

"We advocated the devolution to Scotland of Jobcentre Plus and all the related levers, because we think that that would work better."—[*Official Report, Welfare Reform Committee*, 3 November 2015; c 17.]

Even with those fetters, we must ensure that our work programme takes full consideration of individuals and their circumstances.

It is galling that the access to work programme, which helps disabled people to get the equipment that they need to get into work, is not being devolved. I do not understand the logic of that decision, although to be honest many of the decisions that have been taken on what and what not to devolve defy logic.

We have heard from Labour and, not many minutes ago, from Mr Johnstone about tax credits. This week in the House of Commons, an SNP amendment to the Scotland Bill that sought to devolve all powers over tax credits and which, if passed, would have transferred to the Scottish Parliament the powers over all the aspects and all the resources, was defeated by 477 votes to 56, which was a majority of 421. The Labour Party chose to go through the lobbies with the Conservatives to allow them to retain the powers over tax credits.

**Annabel Goldie (West Scotland) (Con):** Will the member take an intervention?

**Kevin Stewart:** Not at the moment.

It seems that the Labour Party is willing to mitigate, or wants us to mitigate, the changes to tax credits, but it is unwilling for the Parliament to take control over the powers.

**Lewis Macdonald (North East Scotland) (Lab):** Will Kevin Stewart give way?

**Kevin Stewart:** I will give Mr Macdonald the opportunity to tell us why the Labour Party took the somewhat bizarre decision to walk through the lobbies with the Tories on Monday.

**Lewis Macdonald:** Does Mr Stewart believe that the Parliament should use the powers that we will have to mitigate fully the impact of cuts to tax credits?

**Kevin Stewart:** I believe that the Parliament should use all the powers at its disposal.

The Labour Party seems to think that we will be able to mitigate the effects of the tax credit cuts, but it has not taken account of the difficulties that there might be. Professor Alan Trench, of the Institute for Public Policy Research, who appeared before the Welfare Reform Committee this week, said:

"I would take the view that legally there is a power within the framework of the bill to top up tax credits, but the practical difficulties that Professor Spicker and David Eiser started to elaborate seem to me to make it hugely difficult, if not impossible, to accomplish that."

**Annabel Goldie:** Will Kevin Stewart take an intervention?

**Kevin Stewart:** David Eiser, a research fellow from the University of Stirling, who appeared the same day—

**Annabel Goldie:** Will the member give way?

**The Deputy Presiding Officer:** Miss Goldie, I do not think that Mr Stewart is giving way.

**Kevin Stewart:** David Eiser said:

"it is worth saying that there is of course a timing issue in that the tax credits cuts will start to happen before the ... powers come to Scotland."

He continued:

"It is not clear to me from the way in which the legislation is set out to what extent the Scottish Government will be able to top up the eligible rates only, with the work allowance and the taper still being reserved."—[*Official Report, Welfare Reform Committee*, 10 November 2015; c 28, 27.]

**Annabel Goldie:** Will Mr Stewart let me tell him?

**Kevin Stewart:** I will take an intervention from Miss Goldie in a little while if she waits, because I want to finish this point.

Instead of our having to face those problems about whether we can mitigate, it would have been far easier for the Labour members to abandon their better together friends in the Tories and to have gone through the lobbies with us to try to get the powers devolved to this place.

I will take an intervention from Baroness Goldie, who can maybe tell us why she voted in the House of Lords for tax credit cuts.

**Annabel Goldie:** Does Mr Stewart accept that the Scotland Bill will allow the topping up of existing benefits, the creation of new benefits in all areas of devolved competence and of course the flexibility of using income tax bands? The finance minister in the Scottish Government can, if he wants to, apply a nil band or a reduced band. How would Mr Stewart deploy those measures to address the issue that he has identified?

**Kevin Stewart:** I would say that that was a speech rather than an intervention, Presiding Officer.

Baroness Goldie needs to have a look at what was said at the Welfare Reform Committee this week, because Professor Paul Spicker said:

"In political and economic terms, it might be exceedingly difficult for Scotland to vary the terms on which benefits are delivered."—[*Official Report, Welfare Reform Committee*, 10 November 2015; c 25.]

Some folks seem to think that the powers that we are getting are the panacea to almost everything. That is not the case; the hole was blown in that this week by the academics who appeared in front of the Welfare Reform Committee. The hole has also been punched through by many others who are very wary about what is about to happen.

We are discussing this today without even knowing what the resource background to it will be. As has been pointed out, the fiscal framework has not been agreed, so we may be being sold a pig in a poke. That is the reality. Even if we wanted to top up benefits and mitigate the effects of benefit changes, there are barriers, and there will be resource barriers as well, as Mr Eiser pointed out.

**Alex Rowley (Cowdenbeath) (Lab):** Will the member give way?

**Kevin Stewart:** I will take Mr Rowley's intervention if I have time, Presiding Officer.

**The Deputy Presiding Officer:** Mr Stewart, you are well over time. It will need to be extremely short, Mr Rowley.

**Alex Rowley:** That is what the SNP said about the bedroom tax; you said that we could not mitigate the bedroom tax. Two weeks ago, you said that we could not use the powers to mitigate the tax credits and now we are. Would you agree that we need transparency around the fiscal framework?

**Kevin Stewart:** We had difficulties in mitigating the bedroom tax and we had to get additional powers to do so. How easy is it going to be to get additional powers to deal with some of the flaws that seem to be in the Scotland Bill?

An intergovernmental negotiation is currently going on to agree the fiscal framework. You and others have been told by Mr Swinney that you can talk to him about any aspects of that. I am quite sure that he will listen to anyone who has any view on how we can get the best possible deal for Scotland out of that negotiation. However, I have to say that I am utterly sceptical and it would have been best if we had those powers.

**The Deputy Presiding Officer:** Before we move on, can I remind members to speak through

the chair? Also, if members wish to make interventions, can they ensure that their microphones are facing in the right direction?

15:37

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I thought that we had a settled, albeit inadequate, position on the bedroom tax from the First Minister at First Minister's questions last week, but we now have what I think must be about the 10th position on tax credits from the SNP in 10 days. Today's debate should not be dominated by that, because we know that that debate will continue for many months to come.

In general, I welcome the fact that more than £2.5 billion of social security responsibility will come to Scotland. While I may personally have wanted a bit more to come to Scotland, I think that everybody will recognise that the Smith recommendations on social security, and indeed on other matters, have now been substantially delivered.

We have to give credit to the United Kingdom Government for the changes that it made on Monday, the main ones being the introduction of new devolved benefits and the ability to top up reserved benefits. There were other changes, too—I will not list them all, but they include the removal of the restrictive definition in relation to carers allowance. I think that all that has been welcomed by most members of the SNP in other contexts.

Of course, there was also some disappointment. Consideration by the House of Lords is still to come, so we can look to Baroness Goldie if we want further changes. There was disappointment that the restrictive definition in relation to disability benefits was not changed, so there is still scope there. There was also disappointment that there was no amendment to the employment programme provisions, which means that, although the administration of programmes is being devolved, problems remain to do with access and the interrelationship with the sanctions regime.

As the convener of the Welfare Reform Committee, Hugh Henry, said, the committee heard from a range of organisations. I was pleased to read some of their submissions, although I could not read them all, because such a large number of organisations are interested in the subject.

Hugh Henry summarised some of the key principles that emerged from the submissions: we need a system that is based on personal and human rights; there should be passporting rather than a multiplicity of claims; the system should be simple; and, crucially, there should be a person-

centred system with dignity and respect at its heart.

In that regard, I was interested to see the Poverty Alliance's comment that dignity and choice are closely related. As a criticism of something that the Scottish Government has done already, it said:

"We have seen this in the delivery of the Scottish Welfare Fund with people feeling that they have been stigmatised by the lack of choice in how grants are awarded".

That of course is a reference to vouchers being given out, rather than cash.

Shelter was also enthusiastic about the principles. I do not have time to quote what Shelter said, but it felt that there were great opportunities to embed the principles of dignity, respect and so on in Scotland's housing system. I hope that that approach will be reflected in the abolition of the bedroom tax very soon after the powers are acquired.

There were lots of positive suggestions from different organisations—even from those that wanted more powers. For example, the Scottish Association for Mental Health wanted the access to work programme to be devolved as part of the employment programmes. SAMH also made the interesting point that more individuals with mental health problems should be referred to the work choice programme, which will be devolved, pointing out that that would allow

"a greater number of people with disabilities to access the specialist support they require".

The issue of disability featured prominently in the submissions, given that substantial powers over disability benefits are being devolved. One Parent Families Scotland made the interesting point that control over disability benefits should be at the national level, rather than at the local level. It was concerned about the "erosion of entitlement", among other matters. That is one interesting issue that we will have to debate. Sometimes it is better if things are local, but One Parent Families is arguing for the national administration of disability benefits.

As ever, Inclusion Scotland made interesting comments. Some of its demands involve extra money, and that is one thing that we will have to consider, but many of its suggestions do not need more money. For example, it said that

"staff administering the new disability benefits system in Scotland"

should have customer-focused

"Disability Equality Training."

It added that face-to-face assessments should become less common, and suggests that the

benefit should be renamed "Social Participation Benefit". I found all those suggestions interesting, and I am sure that we will reflect on them.

Similarly, the Child Poverty Action Group made many suggestions about the transition to PIP. For example, it said that we should

"Dramatically reduce the use of face-to-face assessment"

and

"Ensure that all assessments are performed by an appropriately qualified specialist."

There are a lot of really useful suggestions that do not have financial implications, as well as suggestions that do.

I will move on, although I will stick with the Child Poverty Action Group. We forget that lots of smaller benefits, such as maternity grants, will be devolved. CPAG proposes that we should

"Link their delivery with health services",

and suggests that

"The delivery of maternity grants should be automated as far as possible".

As we would expect, Marie Curie Cancer Care emphasises that all devolved benefits

"must include a system of fast tracking for those ... with a terminal illness, and their carers".

There are lots of suggestions for us to reflect on.

I will end with some final concerns. One Parent Families Scotland was concerned that any additional carers benefit, such as that announced by the Scottish Government, might be taken into account in calculating entitlement to means-tested benefits. That relates to the more general point that John Swinney made in his letter to the Secretary of State for Scotland. We still need some clarity about that issue, because we do not want the result of any extra spending from the Scottish Government's budget to be deductions made in other ways from the income of the individuals who receive that money. That is a very important point.

As Kevin Stewart pointed out, we have to set all this in the context of the size of the budget. There are two issues here. This is not just about the amount of money that is transferred in 2017, which I think will be relatively simple to calculate. For example, I presume that, whatever percentage of the DLA/PIP budget we have in 2017, that money will be transferred, with an equivalent reduction made to our grant.

However, what happens subsequently is crucial. What will the mechanism be for adjusting the budget? I presume that that will be discussed as part of the fiscal framework. We have a more-or-less agreed decision on taxation and on indexing for income tax—there is still some controversy

about that, but there is general agreement about the way forward. There is no such agreement on the way forward for adjusting the welfare budget. David Bell made an interesting point in his submission when he said that

“if the indexation mechanism takes account of Scotland’s growing share of the elderly population, then the risk that claims in Scotland could only be funded by diverting funds from other priorities would be avoided.”

That is one argument that the Scottish Government should perhaps be making.

That serves as a reminder that Scotland’s growing share of the elderly population featured prominently in debates during the independence referendum. I do not want to spoil the tone of the debate but we should remind ourselves that, when Kevin Stewart assumes that full devolution—I presume that he means full devolution—of the social security system and, beyond that, independence would suddenly solve all those problems and be a panacea, that is where we fundamentally disagree.

**The Deputy Presiding Officer:** Please close, Mr Chisholm.

**Malcolm Chisholm:** I do not want to rerun the arguments of the referendum but, for some of us, the main objection to independence was that the financial situation in relation to social security and other issues would be worse, although no doubt we might make more enlightened decisions.

**The Deputy Presiding Officer:** I have a bit of time in hand but perhaps not as much as three minutes for each member.

15:46

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** As a member of the Welfare Reform Committee, I find one fact inescapable: the austerity agenda comes at the cost of the impact on the most deserving and most vulnerable in our society. All the supposed reforms are specifically designed to cut the already limited support that is available to people who, for a range of reasons, find themselves not fit for work, unable to take on full-time employment, struggling on zero-hours contracts or unable to find any work that, either medically or mentally, they can take on.

People have come to the committee and shared their personal stories. I pay tribute to all those who have shown bravery in sharing their stories. It is not an easy thing to do in any circumstance, never mind in front of a committee of this Parliament. In the main, each and every one of them has asked for one thing: a decent standard of living. Instead of cutting benefits, especially in-work benefits, perhaps the chancellor should consider the recent

announcement in Canada of a pilot basic income supplement—it is being called a social safety net—to stop families falling further into poverty. The main focus of that approach—the agreed criteria—is that people need secure and safe housing, food and a reasonable standard of living.

The chancellor has declared that, in his spending review on 25 November, he will deliver his intentions. Although the action date has shifted a bit, we should be under no illusion about what lies ahead. Adding to the confusion are all the complex issues around the Scotland Bill—the 200 amendments, all the amendments from SNP MPs that were not supported and the UK Government’s refusal to admit any serious change that might bring the devolution of welfare powers to Scotland any nearer. Most telling of all, the bill will allow us to top up existing benefits but not to control the system. When people have already had benefits withdrawn, we need clarity about what we can do and whether any of the top-ups that we give will be clawed back. We do not have that clarity—and in April next year, 80,000 Scottish families will lose benefits.

The no-detriment clause is an on-going problem. The Scottish Government’s budget will continue to be reduced by Westminster and we will continue to be denied the opportunity to raise any revenue of our own without that being clawed back by the Treasury. The fiscal framework needs to work for Scotland. I hope that the cabinet secretary, John Swinney, is working extremely hard—I am sure that he is—to ensure that we get the framework that we need in Scotland.

Within the current framework, the Scottish Government is achieving a great deal. It is helping to mitigate the bedroom tax and making provision through the Scottish welfare fund and emergency payments to families in dire need. Without that support, can people imagine what the situation would be like for those families? It would be even more critical than it is now. That is what we see at our committee every single week.

We may get the power to vary taxes but we will not have the power to define them. Taxes will not be devolved. If we raise additional revenues in Scotland, they will simply be deducted from the block grant, which, of course, continues to be drastically reduced every year. That is what “no detriment” actually means to us.

The Scottish Government needs to be given the ability to raise revenues independently and without interference from the Treasury. We know that some income tax is being devolved, but that is a very blunt instrument with which to deal with poverty in our society today.

At the Welfare Reform Committee meeting on Tuesday, Professor Alan Trench from the Institute

for Public Policy Research pointed out that the whole situation is totally opaque and incoherent. That the system is incoherent is another theme that we have heard from everyone who has given evidence to the committee. They call it the “ragged edges” of the system—that is not the way to build a system.

Even with the power to top up benefits, the logistics of doing so are complex and very expensive. Her Majesty’s Revenue and Customs would charge us just under £10 for every transaction, and each application could require at least four transactions a year. The additional costs would be massive. With 349,000 Scottish families who receive tax credits, the transaction tax would cost £140 million a year. I do not know about my colleagues in the chamber but I would rather that that money was spent on the front line—on people—and not on a transaction tax.

We need to identify ways in which we can bring about cultural change as well—a cultural change that stops people being written off as “scroungers”, “lazy” or “wasters”. We need a system that puts dignity and respect at its heart. I know that this will be true for the constituents of many of my colleagues as well, but for a lot of my constituents the rules and priorities have suddenly been changed, through no fault of their own. Such things could happen to any of us. None of us is immune from a change in circumstances.

When we build a new social security system for Scotland, will we force those who already have long-term or even terminal conditions to go through mandatory reassessment? I hope not. What about creating a system that strives for better first decisions that are based on good assessments, so that we stop the merry-go-round of appeals? Surely that is better than stripping people of their dignity and throwing them into a system that shows them no respect, as happens currently.

What about a key worker system that allows for one point of contact—a form-filling point of contact to ensure that individuals get the correct support? Surely doing that first is the best way to do it?

When it comes to employment, why is the work programme being contracted out to the private sector? Making huge profits on the back of individuals who are furthest away from the job market is simply not acceptable. Surely the work programme would be better handled by a Scottish Government agency, such as Skills Development Scotland, supported by our brilliant third sector organisations? They know the employment landscape.

As the Scottish Council for Voluntary Organisations pointed out in its submission to the committee,

“we need to put people at the heart of employability support ... Paid employment remains one of the best ways in which people can take control over their lives. But solely focusing on getting people into jobs is a mistake.”

The SCVO believes that

“We need to value all forms of contribution, not just jobs, and to tailor support to each citizen’s capabilities and offer. This includes their role as parents/carers, volunteers, learners or activists”.

The primary goal of employability support should not simply be how we can get people into paid work—any kind of paid work—as soon as possible. We need to give them good, valuable paid work.

With Westminster’s austerity agenda paramount, any human or compassionate interest is rejected. We can make the change here as a society and as a community. We are in a very dangerous and unhealthy position, and I hope that all members in the chamber do not buy the Westminster agenda but instead bring about a system that puts people at its heart and gives them not just rights and responsibilities but the opportunity to have that one thing that people have asked us to give them—a decent standard of living.

15:54

**Mark McDonald (Aberdeen Donside) (SNP):** I should declare at the outset that my son is a recipient of disability living allowance and my wife is a recipient of carers allowance, so the issues, arguments and discussions that relate to the benefits system, its interaction with individuals and the changes that are taking place in how it is administered are not just germane to me; they are very much part and parcel of our everyday life.

We are currently reapplying for my son’s disability living allowance and I have been considering the reapplication and reassessment process that many individuals and families have to go through to be eligible not just for disability living allowance but for other benefits.

The process takes a long time, not necessarily because of the size of the form, although that is a consideration, but because it is utterly soul destroying—there is no other way to put it—to have to fill in a form of multiple pages explaining all the things that your child is incapable of doing. It is an emotional burden that results in many families taking a very long time to complete the form. As a consequence, they lose out on entitlements because, until the application goes through, entitlements cannot be picked up again. The longer it takes a family to go through the process, the longer it will take for them to receive the benefits to which they are entitled.



I do not know whether there is an easy answer to that. It strikes me that the reapplication and reassessment process should involve simply advising whether there have been any changes since the previous application was made, which could be backed up by health professionals or others. I make no commitment or comment other than to say that that would certainly merit investigation, as it would perhaps lift some of the emotional burden and reduce the length of time that it takes many individuals to fill in those applications.

Other members have spoken about the interaction between benefits, which is an extremely important issue for us to consider as the new powers come in and as policy and thinking around the area develop. Annabel Goldie highlighted the sums of money involved: approximately £2.5 billion to £2.75 billion of welfare responsibility will be devolved, but around £15 billion will remain reserved to Westminster.

Some of those benefits, and universal credit in particular, depend on interactions with income, and Christina McKelvie was entirely right to focus on the question of clawback. During the debate at Westminster on Monday, I noted that when my colleague Mhairi Black MP asked the Secretary of State for Work and Pensions to state categorically that any additional top-up would not be categorised as income and therefore subject to clawback, he did not answer the question directly and did not rule that out. That merits further investigation, and I understand that the Devolution (Further Powers) Committee letter that was published this afternoon asks the secretary of state for clarity in that regard.

That leads to the question of assessments. We should be very concerned about the impact of today's announcement from HMRC and any decision on job losses on HMRC's capacity and ability to undertake calculations and assessments that are potentially very complicated, given that they relate to decisions that have been taken here in Scotland and interactions with an individual's benefit entitlement. Those considerations will need to be fleshed out in order for us to ensure that the powers that we have can be used to benefit the people we want to benefit from them and to ensure that any decision making is done properly and is not necessarily constrained, hamstrung or—at the very worst—mismanaged as a result of a lack of available staff and time to undertake the assessments.

Leaving aside the issue of potential clawback on income, I see another question mark over areas of reserved benefit that we have the ability to top up and how new claimants will be assessed and dealt with. Where a benefit is reserved, eligibility for that benefit will be determined by the DWP and UK

ministers, not by Scottish ministers. Some people could lose eligibility for benefits as a result of welfare reforms, but the Scottish Parliament will have the ability to top up or mitigate in those areas. If there are individuals in the future who no longer qualify but did so previously, that disparity will need to be examined and addressed.

That is not to say that there are not things that can be done and have been done in Scotland to support the most vulnerable. We have spoken about the mitigation of the bedroom tax, the establishment of the welfare fund and the council tax benefit replacement that was put in place. We also have areas within our responsibility, such as kinship care payments and educational maintenance allowance, in relation to which we have seen very clear statements of intent from the Scottish Government and the funding to follow those. However, even in those areas, there are questions about how future interactions around universal credit will be handled.

Another issue that we need to take into consideration is personal independent payments. One of the very clear statements that we made in advance of the debate was that any roll-out of PIP should be halted until it is devolved, which would have given us the opportunity to shape our system according to what we felt the population's needs were. However, that has not happened. One of the difficulties that will have to be faced in the future, irrespective of the make-up of future Governments, is the need potentially to have to reshape an inherited system. Given that many people will have gone through the very difficult process of having their benefits entitlements reassessed, re-evaluated and reformed, it will be more difficult to redesign the system in very short order than it would have been to design and put in place our own system. That is another difficulty that will have to be faced.

Underpinning all of that is consideration of the fiscal framework, which Mr Rowley rather uncharitably suggested was an entirely secret process. However, the Deputy First Minister has said that he is willing to discuss with Opposition parties the areas that they want more clarity on, and the process will be subject to scrutiny by the Parliament's committees in due course, which will address any questions.

My point of agreement with both Mr Rowley and Mr Chisholm, who has raised the point in previous debates, is that we must ensure that the fiscal framework ensures that the powers are deliverable and that Scotland is not hamstrung and does not lose out as a consequence. If we approach the matter on that basis—and it seems that we have unity of purpose in that regard—it will present a very strong case to the secretary of state and help to ensure that he brings forward a fiscal framework

that we can agree with and sign up to, and that ensures that the powers can be used for the benefit of the people of Scotland.

16:02

**Margaret McDougall (West Scotland) (Lab):**

The Scotland Bill will give this Parliament, for the first time, significant powers over social security. I welcome the work of the Welfare Reform Committee on this matter and congratulate it on focusing on how those powers can be implemented to deliver a fairer social security system for the people of Scotland.

The Scottish Parliament already has huge powers over Scottish public services, but the devolution of social security powers will mean that members in the next session of Parliament will have greater powers than ever before to deliver a step-change in our efforts to reduce poverty and tackle inequalities. Not only will the changes allow us to put tackling those issues at the core of our social security policy, they will allow us to develop a uniquely Scottish policy that can be tailored to local and individual circumstances and is simpler, quicker to deliver and accessible to everyone who needs it.

For example, with devolution of the work programme, we can seek to devolve it even further to local authorities, who can tailor it for their areas. We will need to consider how that will function, given that responsibility for job centres remains reserved. We should also be looking to adopt a bottom-up approach rather than a top-down one, because one size does not fit all. A Scottish social security system needs to move away from that approach and, where possible, move towards more tailored support that meets individuals' specific needs.

With that in mind, we should look to humanise our social security policy and develop a joined-up approach. Far too often, people fall through the cracks. Those with complex needs should have a key worker, rather than the numerous points of contact that they have at present. Promoting more joined-up thinking must start now. If we wait until the powers actually come to this Parliament, it will already be too late.

We should develop a person-centred welfare policy that supports people and is receptive to their needs, not one that is target driven. We should be focused on helping people get back on their feet and on supporting them in getting over a difficult period in their life, whether they are finding work or recovering from illness. The system needs to promote respect and dignity, rather than demonise those who fall on hard times through illness, disability or job loss.

In its submission to the committee, the Poverty Alliance said that there has been

“a marked increase in the use of stigmatising and divisive language both by politicians and by the media.”

In Scotland, we will have a chance to reverse that. With the devolved powers, we will have an opportunity to place dignity and respect at the heart of our social security system and—crucially—to restore trust.

In practical terms, the importance of this debate has been highlighted over the past few weeks by the Tory Government's proposed tax credit cuts. Currently, around 11,500 families in North Ayrshire could be affected by the Tory tax credit cuts and we should be doing everything that we can to protect those hard-working families. The new powers will allow us to do something about that by choosing to reverse those cuts with top-up benefits. Scottish Labour will do just that, and I urge the SNP to sign up to doing the same. We will have the power; we just need the political will to do things differently. Just as we came together on Trident and the Trade Union Bill, we should now come together to say no to the tax credits cuts and reverse them if they go ahead.

Grandstanding does not protect the most vulnerable in our society. It is time to show that we can do things differently in Scotland. Once the Scotland Bill is passed, we will have clarity on the range of powers coming to this Parliament and, crucially, what we can do with them. However, as I said, we should not wait until the Scotland Bill has received royal assent. We should be setting out our plans now—and not just our plans on what we will do with the new powers.

**Mark McDonald:** Will the member give way?

**Margaret McDougall:** I am almost finished, but if you wish.

**Mark McDonald:** I certainly agree that where it is possible to outline plans and proposals, we should seek to do so, at least to develop thinking. However, given that the autumn budget statement is yet to come and that undoubtedly there will be further changes before the powers are transferred here, does Margaret McDougall agree that some development of that thinking will have to be ongoing? The ground will shift before the powers come to this Parliament.

**Margaret McDougall:** That is what I am saying. We need to start thinking about them now; we cannot wait until they are upon us. We need some sort of plan for what our new social security system will look like.

We should be setting out a positive vision for the future of welfare. We need a welfare system that moves away from targets and has people, dignity, respect and trust at its heart.

16:09

**Joan McAlpine (South Scotland) (SNP):** I will begin with a quote from Bill Scott, of the charity Inclusion Scotland, on the system that we are hoping to build. He said:

“the system has to be based on treating every person who comes into it as a human being like any other and with dignity and respect. That is missing from the current system, which is all about saving benefits spend.”—[*Official Report, Welfare Reform Committee, 22 September 2015; c 3.*]

I am therefore very pleased to hear that the Government is mirroring his words with regard to the system that we hope to design. As a member of the Welfare Reform Committee, I think that, as colleagues have said, the evidence that we received clearly shows that the UK system does not treat people with dignity and respect.

In particular, the need for face-to-face and repeat assessments of people who require PIP is unacceptable. Mark McDonald has spoken very movingly about his experience; I, too, have experience of that through a member of my family. It is incredibly stressful to receive the form, make the telephone calls and so on when the individual in question is a relative who you know will not get better and whose condition will not improve. That situation needs to be tackled, because we should not be having these repeat assessments. Witnesses at committee meetings have also repeatedly referred to the lack of weight given to the views of medical professionals in the PIP assessment, and clearly that is something that has to change.

Some interesting suggestions were made to the committee about disability benefits, including assessing individuals according to the approach taken by NHS occupational therapists and asking, “What does this person need to live with dignity?” As other members have pointed out, the excessive and complex form filling is completely unacceptable. It is also unacceptable that most people are not able to fill in a PIP assessment without professional support. I am sure that we can design a simpler and much less stressful system.

That said, I think that the piecemeal devolution of benefits in this area means that we can make only part of the disabled person’s experience better, because they will continue to have to apply for employment and support allowance and to be put through many of the humiliating and downright dangerous work capability assessments that come with it. Of course, as others have pointed out, by the time that they receive these benefits, 20 per cent of the funding will have been cut, and that, too, will be a huge challenge.

As for the delivery of benefits, a number of people in the debate have referred to a joined-up

approach and the role of local government in all this. That is absolutely understandable, but I refer those members to submissions made to the committee by a whole range of charities including CPAG, Inclusion Scotland and Enable Scotland, which are very much opposed to benefits being not just administered but shaped by local authorities. On PIP, DLA, attendance allowance and carers allowance, CPAG said in its submission:

“CPAG strongly believe that responsibility for disability and carers benefits should be held at Scottish national level and that it should not be devolved to local authorities. The risks associated with localisation of benefits are well documented for example in relation to England’s local welfare assistance scheme. Previously administered at UK level, devolution of this discretionary scheme to local level has resulted in confusion, erosion of entitlement and a lack of transparency and oversight.”

Other submissions went even further. Inclusion Scotland’s submission, for example, talks about going back to the poor law and the whole idea of the parish deciding how much money a person is entitled to.

Since I entered the Parliament, I have been struck by the fact that we are continually arguing about whether responsibility for things lies with the Scottish Government or local government. We need to have a grown-up debate about the issue. When I spoke in last week’s debate on the Carers (Scotland) Bill, I took up the cause of carers charities, which very strongly believe that the eligibility criteria for carers benefits should be set at national level. I know that the Government’s current position is to work with councils on setting the level of benefits locally, but I, too, very much believe that it should be set at national level and hope that we can get to that position.

Those kinds of tensions will be repeated when we start to look at the administration of disability benefits in Scotland. We need to take that on board and look at examples from other European countries where eligibility criteria are set nationally but it is more practical to administer the system at local level. I definitely think that we should not allow ourselves to get hung up on ideology; it is the disabled people and the claimants who must determine and shape the operation of the system.

I also welcome that the work programme will be developed. I believe that we can make that better, too. The witnesses that we heard at committee described very negative experiences of the work programmes as colleagues have outlined. They talked about feeling bullied and, in one case, being reduced to tears. In other cases, the work programme prevented them from moving into work.

During a follow-up session to that very emotional evidence, we spoke to the private

companies that deliver the work programme. I quoted evidence to those private companies about the number of people on employment and support allowance on the work programme who found a job, compared to those who were sanctioned.

Official figures show that, in the period to March 2014, 14,000 people on ESA who were on the work programme found a job but 41,000 people on ESA on the work programme received a sanction. What that means is that a disabled person on the work programme was three times more likely to be sanctioned than to find a job.

I was very shocked that, when I put those figures to the representatives of Working Links, in particular, they defended the sanctions regime. I have now written to Iain Duncan Smith, asking him to review those contracts, which have already been extended to 2017. I echo the comments made by colleagues that, when we do get control of the work programme, I do not think that profit-driven companies should be put in charge. I think that that view is shared by several other members of the committee. I would like to see the programmes delivered either by non-profit organisations or by government itself.

As with disability, even if we design the best possible alternative to the work programme in Scotland, sanctions remain reserved. The fact that it explicitly singled out sanctions in the bill as something that the Scottish Parliament could not ameliorate or top up reflects the UK Government's whole approach to the devolution of some welfare benefits. It says that it is devolving welfare, but really it wants to keep hold of the culture that defines its welfare to work programme and its approach to welfare, which is imported from the United States and is extremely punitive.

Finally, if I have enough time—

**The Deputy Presiding Officer (John Scott):**  
You can carry on for a little yet.

**Joan McAlpine:** Other people have discussed tax credits at length. Alex Rowley quite rightly mentioned his constituents who work for Amazon and the difficulties that they face around Christmas due to the variability of their income. Addressing that issue would seem to me to be an obvious reason for devolving universal credit, because that is what would help us to tackle the difficulties that are experienced by those people and by people in receipt of tax credits. That is why I was disappointed that Labour chose to vote with the Tories at Westminster not to devolve universal credit.

16:18

**Roderick Campbell (North East Fife) (SNP):**  
As a non-member of the committee, I welcome the

opportunity to contribute to this debate on the future of social security in Scotland. Although we might have differing views on the extent to which the Parliament should have control of welfare, there is no doubt that the Scotland Bill provides an opportunity for the Parliament.

Any social security system ought to exist to protect the most vulnerable in society and we should measure its success by its ability to do so. We must, however, get the new powers on social security right. We must design a system that puts dignity and respect first and adopts a person-centred approach, as my colleague Kevin Stewart powerfully suggested earlier. The Parliament needs to commit itself to powers that make a difference and we have to accept that we operate in an environment in which, far from enhancing welfare, the Westminster Government is intent on making £12 billion-worth of cuts UK-wide.

The Scotland Bill will see us gain responsibility for more than 11 benefits, worth more than £2.5 billion a year. We will also gain powers to top up those who are entitled to benefit payments and to create new benefits. It is a step in the right direction.

I will first say a few words about employment in the work programme. We must continue the good work that we are doing in relation to fair work, the living wage and the creation of an effective and viable Scottish alternative to the work programme. People must be placed firmly at the heart of it. That is why it is important that the Scottish Government continues its public discussion with service users, communities, businesses, training providers and trade unions on how best to tackle the existing challenges faced by employers and those who are looking for work. Only by listening to those groups can we shape our future employment services to the needs of jobseekers and the wider Scottish economy.

The devolution of the work programme and work choice offers an opportunity to improve the fortunes of the most vulnerable Scots. However, there are significant obstacles to overcome. As members will be aware, the committee heard from participants of the work programme who have suffered because of the way in which the programme currently operates. The committee heard painful stories about how participants, throughout their engagement with the work programme, have lived in constant fear of being sanctioned, with the consequent physical and mental effects that that has had. Worryingly, the sanctions aspect of the work programme will remain reserved to Westminster, meaning that the Scottish Parliament will be powerless to protect vulnerable Scots from sanctions.

In his evidence to the committee this week, Mark Willis of the Child Poverty Action Group stated:

“As we have seen, sanctions are imposed quite unfairly in many cases and a lot of sanctions decisions are overturned. There are huge concerns and much evidence of inappropriate use of sanctions.”—[*Official Report, Welfare Reform Committee*, 10 November 2015; c 18-19.]

The decision to retain sanctions at Westminster will create another problem, to which Kevin Stewart referred: confusion. Tanya Gilchrist of the Shaw Trust told the committee:

“I certainly think that it will cause confusion.”—[*Official Report, Welfare Reform Committee*, 3 November 2015; c 17.]

There is certainly a case for the devolution of Jobcentre Plus; it is a shame that that is being missed. I also agree, once again, with my colleague Kevin Stewart that the system could be improved if the conditionality aspects of the work programme were devolved.

**Alex Johnstone:** Given that we have a wee bit of time in the debate, I wonder whether the member will take the opportunity to explain—if he, like many of his colleagues, is opposed to sanctions—whether he imagines a benefits system that would have no measures within it to ensure that people engaged in the process.

**Roderick Campbell:** No. We need to give thought to how the system progresses, but I think that we should be talking about carrots rather than sticks.

The negative experiences of participants in the work programme are an indication that a future Scottish work programme must take account of individual circumstances and requirements. We must examine the evidence to understand what has worked well and what could be done better, building such lessons into the design and commissioning of future services.

I turn to carers allowance. This morning, in the press, we heard about the contribution that unpaid carers make to our society. The University of Sheffield estimates that the 6.8 million volunteer carers are saving UK taxpayers £132 billion. For most of us, contributing time to looking after members of our family is something that we positively embrace, but we must recognise that carers need support. As we know, carers allowance is paid at one of the lowest rates of all working benefits. The announcement in October that the Scottish Government will increase the rate of carers allowance is, therefore, to be warmly welcomed. Although Carers Scotland expressed disappointment that carers benefits are not to be fully devolved to the Scottish Parliament, it nevertheless took the view that the structure of carers allowance could be improved under the

Scotland Bill. We ought to ensure that access to carers allowance and understanding of it are improved so that carers and their families get the financial support that they need. I am also mindful of the evidence that Richard Meade of Marie Curie gave to the committee in September, when he said with some force:

“Health, social care and welfare systems frequently fail carers, particularly those who are caring for someone at the end of life, yet carers are often among the most important parts of that package.”—[*Official Report, Welfare Reform Committee*, 15 September 2015; c 13.]

In any new system, we should take account of concerns such as those that were expressed by Marie Curie.

Nevertheless, the new system will cost money, and let us remember that money that is spent on carers allowance will not be available to be spent elsewhere. That is why it is important—indeed, crucial—that we ensure that the fiscal framework that goes with the bill is fair and workable. My colleague Christina McKelvie was right to mention the importance of the no-detriment principle, and one has only to look at what the Scottish Government is doing now to understand why many of us take the view that social security is better in the hands of those who live and work in Scotland.

Most recently, the Scottish Government began work to administer Scottish and Northern Irish independent living fund service users awards. That was necessary after the previous Conservative-Liberal Democrat Administration terminated the UK independent living fund. ILF provides individuals who have a range of impairments with financial support to live their lives in the community. The funding helps them to exercise choice and control, and enables them to live as independently as possible with the right support.

The Scottish welfare fund, which the Scottish Government obviously has experience of, has been mentioned. The fund has helped more than 164,000 vulnerable households since it began. That indicates our commitment in Scotland to welfare and a track record that we can build on. I sincerely hope that we will do that in exercising the new powers.

We will need to look at practical suggestions about how the new social security powers may be used. Discussions throughout the third sector indicate that a new, coherent approach to policy making is required that can integrate the new and existing powers. The third sector has also been clear that those who will be affected by the new powers should be involved in that design. I believe that that is an eminently sensible suggestion.

The Scotland Bill will open a new chapter on welfare. I hope that Scotland will lead the way.

**The Deputy Presiding Officer:** We now move to the closing speeches. I invite members who have taken part in the debate to return to the chamber if they are so minded, please. I call Annabel Goldie.

16:26

**Annabel Goldie (West Scotland) (Con):** This has been a genuinely interesting and constructive debate, and I am grateful to the Welfare Reform Committee for making it possible.

The committee convener, Hugh Henry, got the debate off to an excellent start with both the tone and content of his speech. Indeed, his willingness to share his speech with us in advance of the debate was a welcome and helpful innovation, because it set some sensible and useful parameters that helped to focus attention on key points and challenges. In fairness, I should say that a number of other members have welcomed the spirit of that overture and have responded positively—not the least of whom was the minister, Margaret Burgess. Malcolm Chisholm made important points, and Mark McDonald made some very reflective points and posed persuasive arguments.

There is an exciting but formidable challenge confronting political parties and this Parliament about how we in Scotland plan, provide and deliver social security under the new powers in the Scotland Bill. We are talking about a welfare budget of £2.7 billion.

Let me talk about ethos. Whatever the system is and whatever benefits it is responsible for delivering, we will probably have our own distinctive Scottish way of doing it. We can do things differently; I suspect that that is what we will choose to do.

**Hugh Henry:** I thank Annabel Goldie for her comments. This afternoon she will have heard the concern that if the powers that will come to us are used to make payments, for example, to top-up benefits that would otherwise be lost, that may result in clawback by Westminster. Could she perhaps use the privileged position that she is in elsewhere to seek clarity on that issue on behalf of the committee?

**Annabel Goldie:** I thank Hugh Henry for making that point. That issue has been raised elsewhere, and my understanding is that there would be no attempt to claw back and that the universal credit provision would be provided in its own right. However, I will seek clarification on that for Hugh Henry.

A useful starting point in the debate was the list of principles to which Hugh Henry referred: dignity and respect, both of which Joan McAlpine mentioned; having a person-centred system, which Margaret McDougall talked about; making sure that we base our system on human rights; making sure that it is passported, with eligibility for one benefit automatically leading to qualification for others; and making it simple, with documentation in plain English, on which Mark McDonald in particular made a telling contribution.

That all gets to the heart of what we must do to create our new Scottish social security system. That is where we are getting to; that is the brand that we are talking about. Therefore, I was interested in the minister's take on that. It is difficult to see how that brand would operate without concomitant political responsibility and accountability, so the logical consequence is that there should be a Government minister who has responsibility for welfare and, probably, that there should be a parliamentary committee.

However, a delicate balance must be struck. Whatever benefits are devised, we need to have in place efficient and cost effective delivery structures and mechanisms. If some such structures already exist—for example, local authorities—it may be possible to use them. The Scottish welfare fund is a good example of that. However, Joan McAlpine made a number of interesting points about some benefits perhaps being better administered nationally. Those are genuinely important matters upon which we need to reflect.

It is also the case that the DWP will continue to have a presence throughout Scotland delivering universal credit. The question that that raises is whether we really want to replicate its presence in all our communities by setting up a separate Scottish social security office. In terms of sensible use of resources, that would seem to be unwise, but how we will take that forward is a matter for discussion. The challenging period of transition will also require co-operation with the DWP.

On employability, work training and work programmes, it is worth reflecting that, in most communities, local authorities carry responsibility for economic regeneration, local schools educate, colleges respond with education provision to the needs of the local economy, and responsibility for business rates may be returning in some form to local authorities. In that context, although I accept that there may be a need for an overall Scottish Government framework, local delivery of the programmes might be much more effective.

It is clear that there is a need for flexibility if the new powers are to work to best effect for the recipients of support. Where we have existing physical presences throughout Scotland, it makes

sense to try to harness them and, where possible, to devolve decision making and delivery of provision to as local a level as possible.

On the powers that we shall have in relation to universal credit, I am sympathetic to the idea that, if the claimant wants the housing element to be paid direct to the landlord, we should do that. There should be flexibility about to whom universal credit is paid, and if fortnightly payment is easier for recipients, why not do that? The really important thing is to find out what works best for a household, what will maximise its ability to budget and what will minimise the prospect of there being difficulty in managing its finances.

The Scotland Bill allows for topping up of benefits and for the creation of new ones in the areas of devolved responsibility. It provides flexibility in relation to setting income tax bands and rates. That includes a nil band, if that is affordable.

Those are wide powers. I appreciate that the different parties in the Parliament may have different approaches to how they wish to deploy and use them, but I say to the convener of the Welfare Reform Committee that we need to exercise some caution and, if possible, to try to find some agreement across parties about structures, mechanisms and process before we plunge into specific proposals about which of the new powers to invoke and in what form. The latter inevitably raises political choices, but the former need not do that.

I hope that the Welfare Reform Committee can continue to facilitate that positive discussion. This has been a good debate in which some sensible points have emerged. There is recognition that we are in new territory and that we have to be exploratory and ambitious, but sensible. If the Welfare Reform Committee can be the fulcrum for that discussion, there is scope for a continuing and, I hope, constructive and positive dialogue.

16:34

**Alex Rowley:** I, too, welcome the debate that we have had. The speeches have been positive and have shown a real desire to create in Scotland a social security system that builds and improves on what is already there, and which can—I hope—be part of a joined-up approach to tackling inequality and poverty across the country.

I will start by addressing some important points that Joan McAlpine made about localism and local government. I have read some of the evidence that was submitted on local authorities being given responsibility for decisions on local benefits, and I agree with the point that Joan McAlpine made about the poor law. I think that Scotland-wide criteria must be put in place. My argument about

devolution to local level related to the work programme; I will come back to that.

I absolutely agree with Joan McAlpine's point about eligibility criteria. Over the many years in which I was in local government, as financial pressure was put on local authorities, the eligibility criteria for a range of services—for example, home care—would suddenly change and be tightened. That has been a way for local authorities to deal with cuts, but it is not the right thing to do for the people who are on the receiving end and who have their services cut. One of the briefings that we received for the debate deals with that interesting point. It states:

“At present the social security budget is demand led with no set limit on the amount of money available. This will not be the case for devolved benefits, meaning that careful planning must take place to ensure that benefit entitlements are sustainable.”

I would hate to see happening what I witnessed over many years in local government, when eligibility criteria kept on being tightened and people would cease to be eligible for certain services purely because of the council's financial situation and the cuts. That has been the experience in local government.

In relation to the work programme, if members look at local government across Scotland, they will find that some extremely innovative projects and work are under way to support people. In many cases, people who are far removed from the labour market lack even basic life skills. That is not recognised in the current work programme, which is about ticking boxes. Intensive programmes need to be put in place to support such people, as a number of organisations that submitted evidence said. There are third sector organisations out there that are very good at that work, but that activity needs to be co-ordinated. In my view, that should be done not by the Government at Scotland-wide level, but on a regional basis. Local government has a key role to play in co-ordination of that as part of a wider network of regional economic strategies that need to be put in place across Scotland. I hope that the minister will not rule out the possibility of local authorities playing a key role in relation to the strategic direction of the work programme and, indeed, its delivery.

Local authorities can pull together the third sector and—this is important—business and industry, which we must involve if we are to make the system work. They should be partners in delivering the anti-poverty strategy. If we are serious about tackling inequality and poverty, we must recognise that giving people the ability to get the skills and to get work is crucial. I have said time and again that throughout the history of the labour movement people have never marched for

benefits: they have marched for jobs, opportunities and skills.

If we are to tackle poverty, we need decent jobs. I gave the example earlier of Amazon, to which Joan McAlpine also referred. I speak to people who are trying to go through agencies to get jobs with Amazon because they are desperate. We must replace such poor employment. That is why I come back to the living wage.

Annabel Goldie summed up for the Conservatives, but she did not talk about tax credits. It is a fact that the cuts in tax credits—I think that a point was made about George Osborne's next round—will drive hundreds of thousands of people in this country into further in-work poverty.

**Kevin Stewart:** I completely and utterly agree with Mr Rowley on tax credits, but I cannot understand why the Labour Party chose to walk through the lobbies with the Tories to have tax credits remain reserved when the Scottish Parliament, which is much more progressive, could have done much better if that power and the resource with it had come here.

**Alex Rowley:** Joan McAlpine made the same point when she spoke about universal credit and asked why it would not have been better to have control over that. We have to start to talk seriously about how we will use the powers that the Scottish Parliament has and the significant and substantial powers that it will have, but I am absolutely clear that that is not the end of the road, for me. I support home rule for Scotland, and I am absolutely clear that we are on a journey, that devolution is a journey and that, if we need more powers, we need to make the case for them. We will make the case on that journey to wherever it eventually takes us.

However, right now, I believe the people of Scotland. The Scotland Bill has gone through and been agreed in the Westminster Parliament. We now need to start to set out very clearly how we will use those powers to tackle inequality and poverty and share wealth better. That is how we need to move forward.

Joan McAlpine made a point about sanctions, and Alex Johnstone asked whether we are saying that there would never be sanctions. There are types of sanction in most walks of life. The point is that the sanctions that are being introduced through the Tory Government's welfare reforms are absolutely unacceptable. We need only to meet people and families out there in communities in my Cowdenbeath constituency and, I am sure, across Scotland and to hear their stories to know that the sanctions are barbaric. People are being picked on, singled out and starved. In this modern day, families are being starved and driven to food

banks. That cannot be acceptable. Therefore, we absolutely oppose the Tory sanctions.

That goes to the heart of the point that Margaret McDougall made; she said that respect and dignity must sit at the heart of the Scottish social security system. We must build in respect and dignity. John Wilson made a point about making it easier to fill in forms, for example. People should be treated with respect and dignity.

I will sum up by making a point that Hugh Henry made when he talked about winter fuel and cold weather payments. Those policies were introduced by Gordon Brown as chancellor, as were tax credits. We need to think about the principles when those policies were put in place. With the winter fuel and cold weather payments, the principle was that older people would tend to be in their houses during the winter; they would not be out or working and so would need more heat. They get cold, so it is right that they should not be in fuel poverty. We need to look at the principles when such things were put in place by the previous Labour Government and ensure that they stay in place, no matter the colour of the Administration in Scotland.

16:43

**Margaret Burgess:** Like others, I think that the debate has been good. There has been consensus across the chamber on a number of issues, particularly on the type of social security system that we want to see in Scotland. We want a Scottish social security system that is based on dignity and respect for the individual and is person centred, as Margaret McDougall mentioned.

During the debate, we have recognised that there are opportunities with the new powers that are coming to the Parliament, but there are also considerable challenges, and we cannot shy away from them. Real challenges are created when partial benefits are devolved. Kevin Stewart and Christina McKelvie highlighted those challenges very well.

Before I respond to points that have been made, I want to say something about tax credits, which a number of members have mentioned, including Kevin Stewart. He showed very clearly the difficulties in having that benefit partially devolved, and that was demonstrated very clearly in the Welfare Reform Committee meeting yesterday.

Like Kevin Stewart and other SNP members, I would much prefer to have the tax credit system devolved in its entirety. I was extremely disappointed—in fact, I almost could not believe it—that, when the UK Parliament considered the amendment on the issue on Monday, Labour members went through the lobby with the Tories and basically voted to retain the power to cut tax



credits at Westminster. Labour voted to allow the Tories in Westminster to cut tax credits at their will, but it then expects the Scottish Government to make up the difference and pay for that. I was so disappointed by Labour's position on that. We have heard about the difficulties that there will be in trying to assist low-income families—as Christina McKelvie said, it is not straightforward. She and Mark McDonald illustrated clearly the difficulties in trying to help the low-income families who will drop out of the system, perhaps this April.

I will respond to some of the other points that have been made. Alex Rowley talked quite a bit about localism, whereas Joan McAlpine came from another point of view on that issue. We are having a genuine and honest debate on that. The Scottish Government is appraising the options for delivery and considering the process. We are consulting COSLA. We want to take time, because we have to get that right. The issue will of course come to the Parliament. We have had initial discussions with representatives, including COSLA and local bodies, as well as people with expert knowledge.

**Alex Johnstone:** Does the minister agree that, if we are going to trust local government to do some of the delivery, we must trust local government to do enough of it so that we can get efficiencies in the delivery network? Does she agree that giving local government a small bit will be inefficient and cost more money than it is worth?

**Margaret Burgess:** I was just going to say that we must be aware that any delivery has to be cost effective. We cannot spend the money in our social security system on administering it; we have to ensure that the money goes into the pockets of the people who need it. Therefore of course it has to be a cost-effective service. It also has to be high quality and customer focused—that is the kind of service that we are looking for.

We have to align delivery to local services. If it is appropriate for any social security to be delivered through local government, we have to ensure that it is properly aligned and that there is flexibility to deliver it in different ways. There is on-going discussion on all that. It is a challenge and an opportunity, and we all have to consider how we take it forward.

Mark McDonald and others talked about how we can make better use of medical evidence. We are considering how we can make the assessment process fairer and one that people have confidence in. A number of members, including Roderick Campbell, Joan McAlpine and, I think, Malcolm Chisholm, talked about the difficulties that people face in getting into the system. We need to involve the stakeholders in that. An important feature of any social security system is that it must

take on board the views of those who will be its customers. At some point, we might all be customers of the system. We are considering how we can make the system accessible and much more customer focused.

A number of members made the crucial point about the clawback of any benefits or top-up payments that the Scottish Government provides. We need absolute clarity about that. I appreciate that Annabel Goldie said that she would take up the issue with her counterparts at Westminster, but we need a clear commitment from the UK Government that there will be no clawback. That will be crucial to any fiscal arrangements that are made. If there is any clawback, there will be no benefit to people and we will be paying to administer something that does not help the people who desperately need help from the system. On that basis, that issue is a red line for me.

I do not have much more time, but I have another couple of points. I think that all members agree that, by putting people at the heart of social security, we will go some way to lifting the fears and rebuilding trust—it is useful to have that commitment from across the chamber. That illustrates the important point, which I want to make again, that we all have a stake in the social security system. It is not a system that belongs to the Government, it does not belong to an Administration and it does not belong to local government; it belongs to each and every one of us and we all have a stake in it. At some point in our lives, we—or our family, neighbours or friends—may need that system. When we do, we need to have confidence in it and we need to know that the support will be there and that there will be no stigma attached to it.

Many people face additional challenges and costs in their daily lives because of ill health or disability. It is right that society as a whole helps to meet those challenges and that we meet them together. I hope that that is the approach that we all agree should be taken forward.

I reinforce the Government's strong record on taking action to mitigate the worst effects of the UK's welfare reforms and to protect Scotland's citizens. Our current and planned funding will result in an investment of around £296 million over the period 2013-14 to 2015-16. We have mitigated the impact of the bedroom tax. We have established the Scottish welfare fund. We have provided £1 million of funding from 2014 to 2016 to help combat food poverty. We have invested around £1.6 million per year since 2013-14 in the living wage across the parts of the public sector where the Scottish Government controls the pay bill, assisting 6,000 people.

All of that demonstrates our commitment to ensuring that there is support in place and that we will continue to support vulnerable people and communities.

**Alex Rowley:** Will the minister take an intervention?

**The Deputy Presiding Officer:** The minister is about to close.

**Margaret Burgess:** Am I in my last minute?

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

**Margaret Burgess:** I am sorry—I cannot give way.

We also have to look at the Scottish welfare fund and reflect on that. I believe that it is a success story, although the circumstances in which it has been set up reflect the damage to our communities of welfare changes.

As I finish, I make it clear that we need to get the fiscal framework right. The Scottish Government's position is clear: we will not accept a fiscal framework that is not a fair deal for Scotland. I hope that the whole chamber can agree with that.

**The Deputy Presiding Officer:** I thank everyone today for making the debate fit the time available. I call Clare Adamson to wind up the debate on behalf of the Welfare Reform Committee.

16:52

**Clare Adamson (Central Scotland) (SNP):** I thank all my colleagues who have contributed to this afternoon's debate. We have heard, from across the chamber, a wealth of different views, options, suggestions and, indeed, warnings, but the common thread that has run through the speeches has been that the future of social security is of key importance for the people of Scotland.

Although the Welfare Reform Committee welcomes the additional social security powers that will be devolved to the Scottish Parliament, we appreciate that designing a new Scottish social security system will be, in Miss Goldie's words, a "formidable challenge"—especially because responsibility for it will still be shared with Westminster, as has been highlighted by colleagues this afternoon.

Despite that challenge, we hope that the powers in the Scotland Bill can be used to build something that will improve greatly on the current system, rectify many of the failings that we have heard about during the course of our inquiry and, in doing so, go some way towards resolving the hardships that are being faced by people around

the country—hardships that we are hearing about in our surgeries and constituency offices day after day.

I want to address some of the points that have been made in the debate. The committee's convener, Hugh Henry, set out the principles of our approach to social security. He talked about dignity, respect, personalisation of the system, the importance of passporting in the new system and the need for the system to be greatly simplified. I think that all members' speeches contained that key theme of dignity and respect; even Alex Johnstone managed to acknowledge that recent research has shown that dignity and respect might be lacking in the current system.

Alex Rowley set out his commitment to tackling poverty in Scotland. I wonder whether he was inspired by what former Prime Minister John Major said yesterday. It is significant that two former Prime Ministers have talked about the importance of tackling inequality and poverty. All members who took part in the debate reflected on that.

On the specifics of the Scotland Bill, disability living allowance and personal independence payments are hugely important. The minister talked about delays in the PIP process, which have caused such confusion and difficulty for people. Welfare reform has had a significant impact on people, even before the powers have been devolved to us.

Mark McDonald highlighted that roll-out of PIP had been requested by, but denied to the Scottish Government. By the time we get control of PIP and are able to make a Scottish solution for it, many people will already have gone through the reassessment that causes the stress and the problems that have been highlighted by many members today.

The carers allowance is also of key importance. The minister highlighted that the carers allowance will be increased to equivalence with jobseekers allowance. Malcolm Chisholm acknowledged that, and Rod Campbell welcomed it. We note the abolition of the 84-day rule, which affects the families of seriously ill and disabled children in hospital.

Many members, including Mark McDonald, Christina McKelvie and Malcolm Chisholm, spoke about clawback. We need clarity on that. I welcome the fact that Miss Goldie has confirmed that she will try to seek that clarity, and I welcome the fact that the minister has highlighted the issue as being of key importance.

The work programme and work choice are significant. We heard evidence about them in committee, and Hugh Henry highlighted them in relation in particular to people with disabilities. The minister simply said that the work programme and

work choice are not working. We know that from evidence to the committee. The fact that access to work grants is being reserved was mentioned by Malcolm Chisholm, Kevin Stewart and Joan McAlpine.

The problems for people with mental health issues within the system, and the question whether they are recognised correctly within it, are also of key interest to members.

There is no consensus about how the new work programme will be delivered: local and national options were discussed, but several members, including Christina McKelvie, mentioned that the profitability of the private sector's involvement may and should be considered.

Universal credit was highlighted as a major concern. We will have administrative responsibility for universal credit, but responsibility will not all be devolved to the Parliament. We will be particularly constrained by the fact that sanctions will remain within the auspices of the DWP, which will cause considerable problems in any roll-out of the work programme or work choice programmes that might be developed for a specific Scottish solution.

On the delivery framework, we discussed local delivery and national delivery, but what seems to be most important to members is that we avoid ending up with a postcode lottery of delivery. When local solutions are adopted, they should be appropriate, and no one should lose out under the system.

The minister spoke about how integration and partnership working in Scotland will be absolutely key to getting delivery right. That was mentioned by many other members, including Margaret McDougall, Malcolm Chisholm and Joan McAlpine. Malcolm Chisholm mentioned in particular the maternity grant, delivery of which should perhaps lie with the NHS.

This has been a very interesting debate, and many issues have been raised about how we should go forward. Partnership working, engaging with stakeholders and working together to find solutions are most important.

One area that has been mentioned in the debate and which is key to the whole thing is the fiscal framework. The minister, Alex Rowley, Malcolm Chisholm, Christina McKelvie and Mark McDonald all emphasised how important it is to get that right.

It has been a privilege to take part in the debate. I believe that those who took part in the work of the committee, on panels and in informal discussions, sometimes giving evidence under considerable stress and difficulty, will know, through this afternoon's debate, that their voices have been heard.

We may not all agree on the extent of the powers, but today I have seen genuine commitment to use the powers that we will get to build a clear, costed and credible Scottish social security solution that is based on dignity, respect and partnership.

## Decision Time

*Meeting closed at 17:00.*

17:00

**The Presiding Officer (Tricia Marwick):** There is one question to be put as a result of today's business. The question is, that motion S4M-14560, in the name of Hugh Henry, on the future delivery of social security in Scotland, be agreed to.

*Motion agreed to,*

That the Parliament notes that, once the Scotland Bill becomes an Act, the responsibility for the delivery of a range of social security powers will pass to the Parliament, including disability living allowance, personal independence payments, carers allowance, the Work Programme and the Regulated Social Fund, as well as some aspects of universal credit and top-up funds; further notes that the Welfare Reform Committee is undertaking an inquiry into the future delivery of social security in Scotland, and would welcome contributions from members on what they consider are the important principles and practical aspects of a new Scottish social security system.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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