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Wednesday 24 January 2018

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Scottish Parliament

Wednesday 24 January 2018

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

Portfolio Question Time

Health and Sport

Football (Coaching Appointments)

1. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government what steps it is taking to encourage the Scottish Football Association and football clubs to follow the lead of the English FA in adopting the principles of the Rooney rule for future coaching appointments. (S5O-01704)

The Minister for Public Health and Sport (Aileen Campbell): We are absolutely determined that people from all backgrounds should be involved in football—and sport generally—at all levels, reflecting the diversity of modern Scotland. We want our national game to be more diverse, and there is no doubt that more can be done, particularly to improve representation in key roles. I want to see more black, Asian and minority ethnic players and coaches in the game, and I want to see other groups represented, too. I have discussed with the SFA how more progress can be made so that Scottish football can be held up worldwide as a game where all are welcome.

I welcome and support the good work undertaken by Hala Ousta, diversity and inclusion manager at the SFA. Hala is an established and well-respected campaigner for equality, diversity and sports in a number of areas, and I will continue to work closely with her at the SFA, as well as with the Scottish Professional Football League, clubs and all other partners to promote equality and diversity in football and all other sports.

Ross Greer: The first black international player played for Scotland in 1881. Since then, we have come a long way in the diversity of our football teams, but not particularly far in the diversity of our football management. The Rooney rule has been very successful where it has been implemented. In the American National Football League, it has increased the proportion of black and Hispanic management from 6 per cent to 20 per cent.

The Rooney rule does not require a quota; it simply requires that an opportunity for interview is given to at least one black or minority ethnic candidate. I ask the minister again: does the

Scottish Government support the principle of the Rooney rule?

Aileen Campbell: I am aware that the English FA has recently announced that it will introduce the Rooney rule across its national set-up later this year. I am extremely interested in the outcome of that, and I know that the Scottish FA will consider whether lessons can be learned.

Nothing will be ruled out, but we need to ensure that any measures that we introduce in Scotland are based on Scottish circumstances and what would be most effective here. Again, I highlight the role and the work of Hala Ousta, who has done a lot of work in the SFA to promote diversity and equality. It is the SFA's intention to implement positive action measures that will build up the capacity of coaches from underrepresented groups, through relevant training and qualifications, to allow them an equal opportunity to apply for roles.

I am happy to continue to engage with the member and to keep him updated on the progress of our work with the SFA and more generally.

David Stewart (Highlands and Islands) (Lab): I refer members to my entry in the register of members' interests as the unpaid chair of Inverness Caledonian Thistle Trust.

As Ross Greer has made clear, the Rooney rule originates from the American NFL, which requires teams to interview at least one ethnic minority candidate for every head coach vacancy. As we have heard, the English FA has adopted that principle.

The Rooney rule is an idea whose time has come. Will the minister write to the SFA to encourage it to adopt the principle in Scotland, not least for the international manager vacancy?

Aileen Campbell: I am sure that the issue is vexing the people at the SFA as they seek to find a new manager.

Dave Stewart mentioned his role in a community trust. That area of football is not well reflected in the wider press. The work that our clubs and trusts do to promote many of the issues that have been described today should get much more coverage and publicity, because of the key role that they play in our communities.

I say again that I am interested to see the outcomes of the research on the Rooney rule. As I said to Ross Greer, nothing will be ruled out, but we must make sure that any measures that we introduce in Scotland are based on Scottish circumstances and what will be most effective here, are impactful and achieve the desired outcome that we all want to see, which is far more diversity in our game at all rungs of the ladder.

We continue to work closely with the SFA, the SPFL, the clubs and other partners to promote equality and diversity. That is Hala Ousta's specific role, and she has achieved an awful lot.

Again, I cite the fact that it is the SFA's intention to implement positive action measures to build up the capacity of coaches from underrepresented groups through the provision of relevant training and qualifications. Work is being done in a host of areas by the SFA and others to promote the diversity that we need to see, and I will continue to engage with the member on the issue and to keep him updated as that work progresses.

Children (Ill Health)

2. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what action it is taking to provide care for children who experience ill health. (S5O-01705)

The Cabinet Secretary for Health and Sport (Shona Robison): The Scottish Government funds NHS Scotland to provide a range of services to promote and protect the health of children. Hospital, general practice and nursing services provide on-going healthcare to children with illnesses ranging from minor ones to more serious long-term medical problems.

Neil Findlay: Since July, 414 sick and seriously ill children have been transferred from St John's hospital to the Royal hospital for sick children, with 341 being admitted because their local hospital ward was closed to admissions.

On a weekly basis, I hear from parents harrowing stories of desperately ill children. They have had enough of getting excuse after excuse. On their behalf, I ask the cabinet secretary to provide us with the timescale that she and NHS Lothian are working to to get the ward at St John's fully operational as a 24/7 service.

Shona Robison: In the interests of the children that Neil Findlay mentioned, the timescale is as soon as possible.

I want to take the opportunity to give an update. As Neil Findlay and other members know, NHS Lothian took the step in question because of safety concerns, but it has been working extremely hard to address recruitment in that area. A 24/7 paediatric service at St John's hospital is, of course, the preferred option for NHS Lothian. As Neil Findlay also knows, the Royal College of Paediatrics and Child Health's report in the autumn of 2017 endorsed NHS Lothian's aim of maintaining that service, but it recognised that the recruitment issues were significant.

NHS Lothian has been doing extensive work as part of its recruitment campaign, and it has confirmed that the medical team in paediatric in-

patient services at St John's is increasing. A consultant who was recruited at the end of last year has now joined the team. The sixth and most recent recruitment campaign, which ended last week, was successful and an offer has been made to another candidate. When that has been finalised, it will take the total to seven. I am sure that Neil Findlay is aware that NHS Lothian is working to recruit eight additional consultants, as well as to strengthen the number of advanced nurse practitioners, in order to support children's services at St John's and the Royal hospital for sick children in Edinburgh.

Good progress is being made on recruitment, which I hope Neil Findlay would welcome.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I remind the chamber that I am the parliamentary liaison officer to the Cabinet Secretary for Health and Sport.

A recent report by the Royal College of Paediatrics and Child Health has shown that Scotland is ahead of the rest of the United Kingdom on the progress that is being made on children's health. What political commitments has the Government made to build on the improvements that have already been made?

Shona Robison: I was very pleased that the report cited a number of policies that have been adopted in Scotland to ensure that children's health is at the core of the Government's policies not just on health but across other areas. Our investment in expanding the health visitor workforce will ensure that, in their early years, children make the best start in life. We are on track to increase the number of health visitors in Scotland by 500 by the end of 2018. That represents an unprecedented 50 per cent increase in the number of health visitors.

The Royal College of Paediatrics and Child Health's report was extremely positive as far as Scotland is concerned, and we should be proud of that.

Peter Chapman (North East Scotland) (Con): Around 450 infants, children and young people die in Scotland every year, and many of those deaths are entirely preventable. In the light of that, does the Scottish Government intend to take the advice of the Royal College of Paediatrics and Child Health and create a system to ensure that child deaths are properly reviewed?

Shona Robison: Obviously, systems are already in place to review any death through the significant adverse event review process, but work is being done specifically on child deaths. That work, which is being taken forward by Aileen Campbell, is extremely important.

The work covers many issues including accidents and whether more can be done through the preventative agenda. If there are any preventable deaths and if there is anything more that this Government can do around those approaches, those steps will, of course, be taken. I will be happy for Aileen Campbell to write to Peter Chapman with an update on the progress that is being made.

Neil Bibby (West Scotland) (Lab): Yesterday, I asked the cabinet secretary whether she would come to Paisley to explain her decision to close the children's ward at the Royal Alexandra hospital directly to the parents who are affected. She failed to accept that invitation. People cannot have confidence in the health secretary's decision if she does not have the confidence to defend it to local parents. I ask her again: will she come to Paisley to explain her decision directly to the parents who are affected, or will she snub them again?

Shona Robison: The most important thing about the decision is to get on with its implementation. It is important that families are given reassurance by the clinicians who provide care and treatment to their children that the new arrangements are safer and are well supported by those clinicians. It is important that they help to address and overcome any concerns that have been expressed by families and ensure that the individual care plans that need to be in place before the change happens address concerns and give reassurances. That should be the priority, and I hope that Neil Bibby and other members will encourage families to engage with their health professionals to make that happen. That is the most responsible thing that Neil Bibby could do in this situation, and I hope that that is what he will do.

Sporting Facilities

3. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Government what steps it is taking to ensure that the sporting facilities at Ravenscraig in Motherwell, and others that are used by people in the South Scotland region, will be maintained in their present form. (S5O-01706)

The Minister for Public Health and Sport (Aileen Campbell): I was extremely concerned to hear about the potential reduction in facilities for sporting communities and residents in North Lanarkshire and beyond, particularly as North Lanarkshire Leisure will continue to benefit from charity relief from non-domestic rates, following our recent rejection of the external Barclay review's recommendation to end that relief. I asked the chief executive of sportscotland to engage directly with North Lanarkshire Leisure on the matter, and I can confirm that the chief executive of sportscotland has now spoken to

North Lanarkshire council's chief executive, who has agreed to pause any decision making on Ravenscraig until all relevant parties are round the table.

As the MSP for Clydesdale, I also maintain a constituency interest in the issue, given the number of my constituents who use the regional sporting facility, and I have made representations on that basis.

Claudia Beamish: I welcome the minister's comments. However, the concern of Law and District Amateur Athletic Club is that a significant part of the indoor facilities at Ravenscraig centre is likely to be cut, impacting on our communities' fitness, happiness, welfare and opportunities for developing elite athletes. The importance of the indoor training facilities, weather-wise, will not be lost on anyone in the chamber. If the proposed cuts in the Scottish Government's draft budget are implemented and funding cancelled, those facilities will be jeopardised. The legacy of the Glasgow Commonwealth games in promoting athletics will be lost if the facilities are not available. What is the strategy to ensure that local sporting facilities are at the centre of Scotland's health and wellbeing?

Aileen Campbell: I remind Claudia Beamish that sportscotland invested more than £7 million in the North Lanarkshire Council area in 2008 to provide a regional sporting facility, as part of the strategy for Scotland, with the aim of developing a network of multisport facilities across Scotland through a partnership approach.

I reiterate that I sought the direct engagement of sportscotland's chief executive with North Lanarkshire Leisure and, through that action, North Lanarkshire Council has now agreed to pause decision making on Ravenscraig until all relevant parties are round the table. I am well aware of the importance that Law and District Amateur Athletic Club attaches to the facility at Ravenscraig from representations that it has made to me. I have received many other representations from athletics bodies across Lanarkshire and beyond because of the regional role that the particular facility fulfils in Scotland. That is the basis on which sportscotland will engage with all the relevant partners around the table to ensure that we can get a successful way forward.

I was extremely concerned to hear about the reduction of facilities for those sporting communities, particularly because of the good and significant progress that we have made on the 2014 Commonwealth games legacy. I will continue to keep members who have an interest updated, but I am pleased that the chief executive of sportscotland has sought and managed to get a pause on the decision until further work has been carried out.

Clare Adamson (Motherwell and Wishaw) (SNP): While this is primarily a decision for the Labour-controlled council's arm's-length external organisation, North Lanarkshire Leisure, does the minister agree that it is vital that future decisions take into account the inclusivity of activities and the impact that such decisions have on the desired effect of maximising sport uptake for all?

Aileen Campbell: Absolutely, which is why it is positive that, given the significant investment that had gone into North Lanarkshire Council back in 2008, sportscotland has managed to facilitate a meeting of everyone who has an interest in the issue to work out a way forward. I understand that there are financial issues around the element of athletics participation at Ravenscraig, but that should not be the only driver for such a regional facility. All sports should have the opportunity to access the good sporting facilities that we have in Scotland due to the significant public investment that has gone in. Given the constituency interest that the member has, I will continue to keep her updated on how the discussions progress.

Brian Whittle (South Scotland) (Con): The Ravenscraig facility received significant public funds, so what protocols are in place to ensure that usage of the facility matches that in the investment application? At the time of the application, a plan was in place to maximise usage of the facility for the purpose for which it was designed.

Aileen Campbell: Sportscotland continues to take a real interest in the operation of the regional facilities that are around the country. The reason for its engaging so thoroughly on the issue is to ensure that we can secure access for all sports to the regional facility, and because of the significant interest and investment that it put in nearly 10 years ago.

Given that we took the decision that we did—to reject the recommendation from the Barclay review—it is very disappointing and concerning to hear of North Lanarkshire Leisure's proposals and also the feeling of many local athletics clubs that they have not been properly engaged in the process. That is why it is important that we await the progress from the meeting that sportscotland will convene to engage all the relevant partners.

Safe Injection Room (Glasgow)

4. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding introducing a safe injection room for drug users in Glasgow. (S5O-01707)

The Minister for Public Health and Sport (Aileen Campbell): Following advice from the Lord Advocate on Glasgow's proposals, I wrote to

the UK Government's Parliamentary Under-Secretary of State for Crime, Safeguarding and Vulnerability on 9 November 2017, requesting a meeting to discuss devolving to the Scottish Parliament powers that would allow Glasgow to progress its proposals for a safer injecting facility. I await a response to that request. However, at the end of a Westminster debate last week, the UK Government said that it had no intention of supporting the proposal or of devolving the necessary powers. I urge it to reconsider, particularly in light of the specific public health needs in Glasgow.

Rona Mackay: I thank the minister for that answer. Given that such projects elsewhere have proved to be successful in reducing harm, for example by preventing increases in HIV infection rates, does she agree that if and when such powers come to Scotland, we should introduce safe rooms for addicts as quickly as is practicable?

Aileen Campbell: I agree that there is evidence that safer injecting facilities are successful in reducing harm for people who inject drugs. Importantly, they also offer a real opportunity to engage with a specific population who may not ordinarily use existing treatment and support services. If we were to have the relevant powers, we could consider, on its merits, any business case to introduce such a facility, particularly in areas where there is a clear public health need.

Women's Football and Rugby

5. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government what it is doing to support women's football and rugby. (S5O-01708)

The Minister for Public Health and Sport (Aileen Campbell): The Scottish Government is a strong supporter of women's and girls' football and rugby, and recognises the strong contribution that they make to encouraging women's and girls' participation, as well as to raising Scotland's profile on the international stage. We work closely with the Scottish Football Association, Scottish Women's Football, the Scottish Rugby Union and many other partners to raise the profile of the women's games, and we provide support and investment through sportscotland. Also, both sports are represented on the women and girls in sport advisory board that I established in September 2017.

Gillian Martin: I must declare a family interest: my niece, Elis Martin, is an under-19 Scotland rugby sevens international. I asked her to ask her team mates what issue they would like me to raise with the minister. With women's rugby and football becoming more popular, it makes sense that the women's games should be able to reach a wider audience. A new BBC Scotland television channel

is due to be launched, so has the minister had any discussions with the channel about how women's rugby and football could be better represented on television?

Aileen Campbell: I wish, and I am sure everybody else wishes, Gillian Martin's niece well with her rugby career. I have recently taken up the game, so if she has any hints and tips to give me, I would welcome them.

I agree that raising the profile of the games is important, and I would warmly welcome more television coverage for women's rugby and football. We are determined to raise the profile of women's sport in order to increase participation, so any steps that broadcasters take to support that would also be warmly welcomed.

I will explore the issue directly with my colleague the Cabinet Secretary for Culture, Tourism and External Affairs, Fiona Hyslop, and we will consider what steps could be taken. Gillian Martin might also like to know that I recently met the director of strategy and partnership at MG Alba, and we discussed that channel's strong commitment to women's football. BBC Alba supports women's football and rugby and I hope that that support continues into the new BBC Scotland television channel.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The Scottish Borders has a rich and strong rugby history. Does the minister agree that efforts to help more women—an example to them being Scotland player Lisa Thomson from Hawick—to take up rugby as part of a healthy and active lifestyle would be welcome? Does she also agree that it is essential to support schools and clubs at grass-roots level to break down the barriers and overcome the challenges of promoting rugby as a game for young girls as well as boys?

Aileen Campbell: The whole country recognises the strong link that the Borders has with rugby, especially as we prepare to watch the six nations tournament with an optimistic-looking Scotland team. I am sure that that will inspire more people to take up the sport.

The six nations women's tournament will also be happening. That should, again, provide opportunities to raise the profile of girls playing a fast-growing sport. It is one of the sports that we highlighted in our women and girls sports week last year as a key area of strength.

I am not sure whether Rachael Hamilton was at last week's Scottish Rugby Union reception in Parliament, at which we heard many stories about how important the club structure is for promoting rugby. I am sure that she is well aware from the many clubs in the region that she represents—there are also many in my area—of how important

the club structure is. They provide nurture, care and attention to young sporting stars of the future—girls and boys—and ensure that we will have in the future the players to continue the sense of optimism of our current rugby squads.

Mary Fee (West Scotland) (Lab): Only one woman sits on the Scottish Football Association's board of directors, and only one woman sits on the SRU's board of directors. I am sure that the minister is aware that positive role models can have a significant impact. What will the minister do to improve and promote female participation at board level, which would have the knock-on effect of improving participation in sport?

Aileen Campbell: I thank Mary Fee for the question, which links back to the question that Ross Greer asked earlier. In her question, she acknowledges a whole area that needs improvement. That is particularly true in the SFA, because there is already opportunity in the SRU, whose vice-president is Dee Bradbury, who will become president of the SRU later this year. She will be the first woman in that tier of rugby to hold the position. She realises the opportunity that the position gives her to make greater strides forward in increasing participation of girls and women in playing and being involved in the structures in rugby. There could be an opportunity to push forward with the same agenda in football.

For Mary Fee's interest, I say that Dee Bradbury sits on our women and girls advisory board because of the significant role that she plays in rugby, and she advises us on what more we can do to ensure that women and girls participate in sport, and that they get the opportunity to establish themselves in the operating structures of sport. Whether we are talking about football or rugby, we need to do far more to have women represented at all rungs of sport.

Hospitals (Waiting Times)

6. Jenny Gilruth (Mid Fife and Glenrothes) (SNP): To ask the Scottish Government what proposals it has to reduce waiting times in hospitals during next winter. (S5O-01709)

The Cabinet Secretary for Health and Sport (Shona Robison): First, I would like to thank health and social care staff for the tremendous contribution that they are making to maintaining safe patient care this winter.

Although we have seen exceptional pressures on accident and emergency services across Scotland, eight out of 10 patients were seen, treated, and discharged or admitted within the four-hour target. Performance in the latest week—the week ending 14 January—was 85.8 per cent. We routinely review winter each year so that we

can learn lessons from what went well and identify areas for improvement.

NHS Fife received £1.36 million from the £22.4 million that was allocated to national health service boards this year to help them to prepare for winter.

Jenny Gilruth: I thank the cabinet secretary for that response.

The latest figures from NHS Fife show that only 81.4 per cent of those who had planned operations were seen within the 18-week initial referral to treatment guidelines. What guidance will the cabinet secretary provide to NHS Fife to ensure that the issue is addressed?

Shona Robison: I have made £50 million available to NHS Scotland specifically to reduce waiting times for hospital-planned care in the current financial year, with NHS Fife receiving £3.4 million of that funding. That funding will reduce waiting times across the whole patient pathway—for out-patient, diagnostics, in-patient and day-case treatment—and I expect NHS Fife and all other boards to make improvements by spring this year.

That funding and the work of the access collaborative, which is led by Professor Derek Bell, should support significant improvement in delivering the 18-week referral to treatment time in NHS Fife and elsewhere during this year.

Miles Briggs (Lothian) (Con): Short staffing was the root cause of a lot of the problems that we have seen across Scotland this winter. There are currently 3,000 vacant nursing posts in Scotland, which is a shortfall that I believe can be directly linked to Nicola Sturgeon's decision to cut nurse training places in 2012. Can the cabinet secretary tell Parliament how she will ensure that that shortfall is reduced by next winter?

Shona Robison: First, I remind Miles Briggs that we have a huge expansion programme for nurse training, with 2,600 training places being made available over the current session of Parliament. That will be important in expanding the workforce. We are recruiting more nurses.

Some of the measures that we have taken have put us in a very strong position. For example, we have retained the bursary and support for student nurses and midwives. If we look at what is happening south of the border because of the loss of that funding—

Miles Briggs: I am talking about Scotland.

Shona Robison: Miles Briggs's party is in charge south of the border and has made decisions that have led to a huge reduction in the number of nurses. If he had watched the BBC over the past few weeks, he would have seen the crisis in nursing south of the border. The Conservatives

cannot be in charge in one part of the United Kingdom, where nurse recruitment is in crisis, and come to this Parliament and accuse the Scottish Government of not doing enough to recruit and retain nurses.

I have laid out the plans for recruitment and retention of nurses. There are 2,600 extra training places for nurses and midwives. That represents a huge investment of more than £40 million, which will go a long way towards ensuring that we reduce reliance on agency nurses and that we can recruit to the substantive posts.

Anas Sarwar (Glasgow) (Lab): Let me take us back to Scotland and the real world.

I start by joining the cabinet secretary in thanking all our NHS staff, who have gone above and beyond the call of duty over the winter. The reality is that the challenge is not only during winter: we have problems in meeting our waiting times all year round, but the challenge is put under the microscope over the winter.

There are three ways to reduce our waiting times. One is to fund adequately our NHS, but the reality is that over the next four years health boards will be making £1.5 billion of cuts. The second is to staff our wards adequately, as there are currently 3,500 nursing and midwifery vacancies. The third is to have appropriate local services, which would mean saving services such as the Royal Alexandra hospital paediatric ward, and not transferring those cases to the already overstretched Queen Elizabeth university hospital. Does the cabinet secretary recognise that her rhetoric does not meet her decisions? What action will she take?

Shona Robison: Anas Sarwar seems to have forgotten that we are talking about the brand new state-of-the-art Royal hospital for children and not the Queen Elizabeth university hospital. I thought that he would have known that that hospital now exists. The performance of the hospital is fantastic—I think that the last published figures show its accident and emergency performance to be around 98 per cent. It has the capacity; there are no issues with capacity at that hospital. It has adequate beds and is able to provide a first-class service.

Anas Sarwar: It does not.

Shona Robison: Anas Sarwar is saying that our new state-of-the-art children's hospital does not provide a first-class service. [*Interruption.*] It is outrageous that he is talking down our first class state-of-the-art hospital, which has been held up as one of the best children's hospitals in the United Kingdom.

Anas Sarwar: Shocking!

The Presiding Officer (Ken Macintosh): Order.

Shona Robison: Instead of talking down that hospital, he should be talking it up. Given that it is one of his local hospitals, I find it quite shocking that he is not.

I will address the issue of funding. Over the course of the current parliamentary session, there will be £2 billion more funding for the NHS—far more than the Labour Party offered in its manifesto. There are no budget proposals from that party to put more money into the NHS for 2018-19. If Anas Sarwar wants to lodge a budget amendment that would put more money into the NHS than we will put into it, I would be interested to see it. However, he has brought nothing. He comes to Parliament and argues for more money, but is not prepared to develop budget amendments that would deliver that money.

We will continue to fund the NHS to record levels. There are more staff working in the NHS than ever before. We will continue to put resources into the NHS and we will leave Labour to snipe from the sidelines.

NHS Grampian (NHS Scotland Resource Allocation Committee Funding)

7. Mike Rumbles (North East Scotland) (LD):

To ask the Scottish Government what action it is taking to correct the £165.6 million discrepancy in NHS Grampian's funding, which the Scottish Parliament information centre has suggested has arisen because the board's NRAC funding targets have not been met since 2009. (S5O-01710)

The Cabinet Secretary for Health and Sport (Shona Robison): NHS Grampian will receive a resource budget uplift of 2.1 per cent in 2018-19, the highest percentage uplift of any territorial board. That includes a £5 million share of additional NRAC parity funding and takes the board's annual resource budget to £921 million.

The Scottish Government has invested significantly in supporting the boards that are behind parity and, over a seven-year period, has committed an additional £1.2 billion to the boards that are below their NRAC parity levels. In 2018-19, all boards will be within 0.8 per cent of NRAC parity. NHS Grampian will have received additional funding of £52 million since 2015-16 for the specific purpose of accelerating NRAC parity.

Mike Rumbles: Over the past nine years, Shona Robison and her predecessor have consistently underfunded NHS Grampian with regard to their own targets. NHS Grampian is already the lowest-funded health board in the country by the Scottish Government's targets. Therefore, to underfund it again—this year, it is underfunded by £12 million—is not satisfactory.

Is the cabinet secretary satisfied with that level of funding for NHS Grampian? If she is, will she explain her position to all the people who are waiting for planned operations that have been cancelled and the people who have to wait more than eight or 12 hours to be seen in accident and emergency departments?

Shona Robison: I encourage Mike Rumbles to occasionally turn up to the briefings that are provided by NHS Grampian to local members. The important information on funding to NHS Grampian that was presented at the last meeting, as I understand it, would have helped Mike Rumbles to better understand the funding position.

Given the year-to-year movements in the NRAC target allocations, it would not have been appropriate or possible to move NHS Grampian—or any other board that is below parity—to absolute parity, as that would result in an equivalent reduction in funding for boards that are above parity, such as NHS Greater Glasgow and Clyde, NHS Borders, NHS Dumfries and Galloway and NHS Western Isles. If Mike Rumbles is saying that money should have been stripped out of those boards and given to NHS Grampian over a single year, I say to him that that would not have been fair, appropriate or a responsible thing to do.

The NRAC formula works by bringing about a gradual movement in the funding of the boards that are below parity. The Scottish Government is supporting all boards that are behind parity. As I said in my initial answer, we have committed an additional £1.2 billion over a seven-year period to the boards that are below their NRAC parity levels. Importantly, they are all now within 0.8 per cent of parity, which is the closest to parity that we have ever been. I would have thought that Mike Rumbles would welcome that.

Malignant Melanoma

8. Peter Chapman (North East Scotland) (Con): To ask the Scottish Government what progress has been made to add malignant melanoma to the detect cancer early programme. (S5O-01711)

The Cabinet Secretary for Health and Sport (Shona Robison): The Scottish Government's detect cancer early programme is supporting five pilot projects that focus on improvements in the early diagnosis of malignant melanoma across five national health service boards. The pilots are due to report at the end of March 2018, when the detect cancer early programme board will consider the reports and the potential to scale up any projects for regional and national activity.

The Scottish Government has reinforced its commitment to earlier diagnosis and treatment, as outlined in "Beating Cancer: Ambition and Action".

That cancer strategy, which is accompanied by £100 million of investment, serves as a blueprint for the future of cancer services in Scotland and aims to improve prevention, detection, diagnosis, treatment and aftercare for people who are suspected to have, or who have a confirmed diagnosis of, cancer of any type.

Peter Chapman: The detect cancer early programme was launched in 2012, focusing on lung, breast and colorectal cancers. Between 2012 and 2016, there were 882 recorded mortalities from malignant melanoma in Scotland. NHS Grampian, which covers my region, had the fourth highest rate, with 79. Cancer early diagnosis rates have failed to increase enough to meet the Government target. Will the cabinet secretary commit to adding malignant melanoma to the programme and raising the early detection targets, with the hope of reducing mortalities?

Shona Robison: The member raises an important point. We have seen an increase in the instances of malignant melanoma. In 2015, there were 1,363 diagnoses of melanoma, which was a 36.6 per cent increase in the number of instances over the previous 10 years. We know a lot of the reasons for that, and I am sure that the member will know about those, too. The important thing is what we do about it.

As I said in my initial answer, the detect cancer early programme board agreed an options appraisal process to look at the potential to include additional tumour groups in the DCE programme. Following that process, it was agreed to consider malignant melanoma as the next tumour type of interest in the programme. The clinical consensus was that a large-scale public awareness campaign would not be beneficial and that funding should focus on improvements in the existing diagnostic pathways to ensure that those who are most at risk are prioritised as requiring urgent assessment. Boards were invited to bid for funding to develop those local tests of change projects for delivery and, as I said, there will be a report in March 2018. Once we have that report, I am happy to write to the member to set out what it says, and we will take action thereafter depending on what the report tells us.

NHS Boards (Performance)

9. Ivan McKee (Glasgow Provan) (SNP): To ask the Scottish Government how it measures the performance of national health service boards to ensure that they deliver the highest quality services for the populations that they serve. (S5O-01712)

The Cabinet Secretary for Health and Sport (Shona Robison): NHS board performance is measured using a broad range of measures including those contained in the local delivery

planning standards, the hospital scorecard and the winter NHS service weekly suite. Measures include important areas such as healthcare associated infections, waiting times, activity, delayed discharge, patient safety and flu consultations. I am happy to provide a comprehensive list of the measures that we currently use, if the member would find that helpful.

Ivan McKee: Each year, the Scottish Government entrusts health boards with more than £13 billion of public money and, more importantly, with serving the health needs of the people of Scotland. What processes are in place to ensure that any performance gaps in health boards are identified and managed?

Shona Robison: We do that in a number of ways. Officials in the Scottish Government work on an on-going basis with their counterparts in local boards and health and social care partnerships. For example, our director of finance works with the directors of finance in the local boards to make sure that, with regard to financial performance, the boards are setting out their plans, meeting key milestones and achieving their targets. Likewise, with regard to performance, work is laid out in terms of the plans that we expect boards to deliver, not least the plans for the funding that we put in for specific purposes, such as £50 million for reducing waiting times.

In addition to all that on-going monitoring, we have the annual appraisal, which is led by either officials or ministers to ensure public accountability on an annual basis for the money that the public put into funding our NHS, as I think that the public are entitled to know what that money is spent on.

The Presiding Officer: I thank the ministers and members for their contributions. That concludes portfolio question time.

Justice

The Presiding Officer (Ken Macintosh): We move on to Conservative Party business. Our first item is a debate on motion S5M-10038, in the name of Liam Kerr, on justice.

14:41

Margaret Mitchell (Central Scotland) (Con): At issue today are the transparency, openness and accountability of the executive branch of government in Scotland and this Parliament's ability to scrutinise it effectively and hold it to account.

The cabinet secretary's intervention in the Scottish Police Authority decision that the chief constable should return to operational duties, and the corresponding absence of transparency, openness and accountability, is not only the most recent but without doubt the most serious example of the Scottish National Party Government's abuse of power.

Let us be quite clear. It is crucial to understand that the police force is no ordinary public service. It protects the rule of law in our democracy and its serving officers have the power to lawfully deprive citizens of their most fundamental freedom: the right to liberty. It is therefore essential that the independence of the force's chief constable is protected from political interference.

During the scrutiny of the Police and Fire Reform (Scotland) Act 2012, concerns were raised that that independence could be compromised with the centralisation of policing into a single force. As a safeguard, the Scottish Police Authority was established as the statutory body with not only oversight of the operation of the single force but the sole responsibility to decide the operational deployment of the chief constable.

Provision was also made for the Scottish Government to have a special power, in exceptional circumstances, to intervene in an SPA decision. That special power has to be invoked for due process to be satisfied in the event of the Scottish ministers intervening in an SPA decision about the operational deployment of the chief constable.

In November last year, Dr Ali Malik issued a paper on the Scottish Police Authority and police governance in Scotland. It quoted a previous SPA board member stating that they were

"shocked, absolutely shocked at the level of government interaction"

with the SPA.

On 14 November 2017, prompted by that report, I lodged a topical question and asked the cabinet

secretary whether he had ever used the special power to give direction to the SPA. He stated that he had never used his special power. That response was given five days after we know that Michael Matheson had in fact intervened in the SPA decision on 9 November. The question remains why the cabinet secretary did not use his formal power of direction.

On 29 November, the cabinet secretary again gave a statement to Parliament regarding policing. In that statement, he omitted from his supposedly full disclosure any reference to the above events.

On 10 January, a full nine weeks after his intervention, the cabinet secretary was forced to make another statement to Parliament to explain his actions. That was only after the conveners of the Public Audit Committee and Justice Committee received evidence that exposed what he had done. Again, he gave a partial account of events by failing to disclose that his senior civil servant had met Phil Gormley in Edinburgh on 30 November to discuss the chief constable's return.

Meanwhile, thanks to a "Good Morning Scotland" interview with the cabinet secretary, it has been established that neither his meeting with Andrew Flanagan on 9 November nor the meeting between his civil servant and Phil Gormley was minuted. We will, therefore, be supporting the Labour amendment.

Furthermore, due to the absence of transparency, there is a messy dispute over the facts that Michael Matheson gave to Parliament on 10 January. We were told that the Police Investigations and Review Commissioner had not been asked for her view on the chief constable's return, but within 24 hours of being asked, the PIRC confirmed that the chief constable's return would not interfere with her investigation. It defies credulity that the cabinet secretary did not have the wit to make a two-minute telephone call to the PIRC to establish her view.

The cabinet secretary said that robust measures to ensure the welfare of staff members associated with the PIRC investigation had not been put in place, but the press release that was approved by the chief constable's lawyers and the SPA confirmed that the "necessary steps" had been taken

"to support the welfare of all involved parties."

The cabinet secretary also stated that Police Scotland's senior command team knew nothing about the chief constable's return. However, yesterday, DCC Livingstone was unable to state categorically that no one in Police Scotland knew about the chief constable's return.

Since 10 January, both the justice secretary and the First Minister, in her responses at First

Minister's questions, have muddied the waters by conflating the duty of the justice secretary to maintain robust and on-going scrutiny of the governance of the SPA with the separate and distinct duty that necessitates the use of the 2012 act's special power provision, if circumstances justify that. If the First Minister and her justice secretary do not understand the difference between the robust governance duty and an intervention that necessitates the use of the special power provision, the public will continue ask legitimate questions about their competence to discharge the duties of the two most powerful offices in Scotland.

That is against a background of the cabinet secretary continually stating that he could not interfere in disciplinary issues, which are a matter for the SPA and the PIRC, and key questions remaining unanswered. To date, the cabinet secretary has failed to confirm whether he sought legal advice. Why? Michael Matheson did not inform Parliament at the time about his decision to intervene. Why? There was absolutely no official record of what was said at the meeting on 9 November. Why?

Our democratic freedoms are fragile and should never be taken for granted. They rely on openness and transparency. The actions of the justice secretary must now be the subject of a full and independent investigation—for example, by the independent advisers on the ministerial code.

I move,

That the Parliament believes that the Cabinet Secretary for Justice has not acted transparently or openly when updating Members regarding the Chief Constable's investigation, special leave and potential return to work.

14:48

The Cabinet Secretary for Justice (Michael Matheson): On 10 January I gave a statement to Parliament on the chief constable's leave of absence, which provided Parliament with a clear account of my engagement with the Scottish Police Authority in relation to the chief constable's leave. Investigations by the Police Investigations and Review Commissioner were on-going then and remain so, and I am very conscious of that fact in framing my comments to Parliament.

I have deliberately focused on my role in seeking assurances that due process is being followed. I will be saying nothing on the substance of the complaints or the investigation, and I urge all members to be respectful of the impact of what they say on the people involved.

My role as the Cabinet Secretary for Justice is to ensure that the public and the Parliament can have confidence in the way in which the SPA as a public body carries out its functions. It is perfectly

legitimate to seek assurances that the SPA is carrying out its functions in a way that is proportionate, accountable, transparent and consistent with the principles of good governance, as required by legislation. Effective decision making is underpinned by robust processes and a concern for those who are impacted by those decisions.

Mike Rumbles (North East Scotland) (LD): Will the cabinet secretary take an intervention?

Michael Matheson: Let me make some more progress.

In this case, that includes seeking assurances that the wellbeing of individuals involved in the complaints had been considered and appropriate bodies had been consulted. The lack of an effective process for those issues meant that I could not have confidence in the decision that had been made. I want to highlight what Susan Deacon, who is the new chair of the SPA, said on that issue in her evidence to the Justice Committee on 23 January. She said:

"had I been in the cabinet secretary's shoes ... I would have asked questions about the process as to how that decision had been made. Personally, I think that the cabinet secretary would have been failing in his duty had he not asked those questions."

Mike Rumbles *rose—*

Daniel Johnson (Edinburgh Southern) (Lab) *rose—*

Margaret Mitchell *rose—*

Michael Matheson: Let me make progress.

I continue to believe that my actions were entirely legitimate in terms of the accountability that public bodies have to ministers for the exercise of their functions.

Mike Rumbles: I fully understand why the cabinet secretary intervened—because the process was not right—but I cannot understand why, on such an important issue, he took two months to inform Parliament that he had done so.

Michael Matheson: Mike Rumbles will be aware that, after my engagement with the chair of the SPA, the SPA board reconsidered the issue on 10 November and at that point made a public statement that it would continue the period of leave for the chief constable. There was no cause to issue ministerial direction to the SPA under the action. I would have considered that option only if the chair had been unwilling to respond to my expectation that the board would strengthen its processes around decision making on the issue. However, that was not the case.

Margaret Mitchell: Will the cabinet secretary confirm whether he sought legal advice on that? I refer to the full quote from Susan Deacon—she

said that she would have taken a formal minute. Perhaps if the cabinet secretary had done that, he would not be before us today.

Michael Matheson: I can assure Margaret Mitchell that I took appropriate advice from members throughout the process. The issuing of directions is a formal process, which is set out. I would have considered using that had the chair of the SPA not agreed to the points that I raised with him. I did not direct the SPA on what the decision on the chief constable's return to work should be. That decision was and is for the SPA to make as the body that has the statutory duty to consider complaints of misconduct against senior officers.

Much attention has focused on the fact that no minute was taken of the meeting on 9 November. The decision on taking a note was a matter for official judgment. Senior officials were clear that the actions from the meeting were for the chair of the SPA to take forward, and that is what happened. A full account of the meeting was given in my statement and a follow-up letter to the Public Audit and Post-legislative Scrutiny Committee from the director general of education, communities and justice, Paul Johnston.

Going forward, the Government is committed to ensuring that appropriate records are kept of meetings between the Government and the SPA. The Government will therefore support Labour's amendment in the vote this evening.

Paul Johnston's letter to the Public Audit and Post-legislative Scrutiny Committee also made it clear that his meeting with the chief constable on 30 November had no bearing on the position that was set out in my statement.

There are therefore both ministerial and civil service accounts of events on the record that provide a level of detail and context beyond what any contemporaneous record would have been likely to provide.

Turning to the bigger picture, I believe that we can look forward with some confidence. In Susan Deacon's evidence to the Justice Committee on 23 January, she set out her commitment to ensuring that the SPA's future decision-making processes and governance arrangements meet the standards expected of a major public body. She has already made improvements, including the setting up of a complaints and conduct committee. I know that she has also considered priority areas for improvement in the SPA. She is engaging with stakeholders to inform that and her ambition is to align board objectives more clearly with the future needs and direction of the organisation, which is to be welcomed.

Daniel Johnson: Will the cabinet secretary take an intervention?

Michael Matheson: I am afraid that time is already pressing.

I understand that one of Susan Deacon's immediate priorities will be to work with the board to ensure that its capabilities to deliver actions to address the issues highlighted by Her Majesty's inspectorate of constabulary for Scotland, Audit Scotland and this Parliament. The recruitment campaign that is currently under way to identify five new SPA board members will provide an opportunity to strengthen the board.

I conclude by saying that I take my responsibilities under the ministerial code very seriously. I and officials have given clear and considered updates to Parliament in circumstances where there is a sensitive and ongoing legal process. I stand by the judgments that I have made in doing so. I believe that the focus now should be on supporting Susan Deacon, as the new chair of the SPA, in her work to lead the SPA board in performing its functions in a way that is robust and commands confidence and trust.

I move amendment S5M-10038.1, to leave out from "believes" to end and insert:

"notes the Cabinet Secretary for Justice's statement to the Parliament of 10 January 2018 regarding the Chief Constable's leave of absence; recognises the importance of due process being followed in respect of all investigations relating to officer conduct, and accepts the need for careful judgement to be exercised when commenting on ongoing investigations in order to ensure fairness to all affected parties."

14:56

Daniel Johnson (Edinburgh Southern) (Lab): It is worth taking a moment to reflect on the context that surrounds this debate. At the end of 2015, Moi Ali resigned from the SPA, highlighting the practice of secret meetings and reporting serious issues with regard to the competence of the board. We have had the suspension of several of the most senior officers from the police force. Audit Scotland has disclosed serious concerns over financial decisions and pay-offs to individuals at the SPA. Most recently, we had the revelation that not only did the cabinet secretary intervene in the case of the chief constable but that that had happened weeks previously and without any record being kept. The brutal bottom line is that, whatever the explanations, justifications or reasons for any of those instances, taken as a whole it is a shambolic place for one of our most vital public services to find itself in.

Police officers and staff do an excellent job across the country. We should be proud of their professionalism and continued diligence in the way in which they carry out their work. However, we cannot separate the governance of an organisation from the work that it does, because

the governance sets the direction and context. Frankly, it is demoralising for those who work in our police force to find themselves working under such shambolic arrangements. Without proper governance, we are quite simply letting let those officers down.

It is in that context that the cabinet secretary's actions in November must be viewed. It is impossible to extract his intervention from the wider chain of events and evidence of substandard practice at the SPA. The cabinet secretary is right that there have been failures in due process and that there were issues with how the SPA conducted itself around the chief constable's special leave. However, those shortcomings were not isolated to that particular instance; they go back months and years. There were also serious shortcomings in the answers that the cabinet secretary provided two weeks ago.

The deficiencies in the SPA are not new; they have been clear for months, if not years. Last year, as Margaret Mitchell pointed out, Ali Malik received a doctor of philosophy award from the University of Edinburgh, with his thesis citing members of the SPA board describing the SPA as toothless and raising concerns about political meddling. When people are writing PhD theses about how bad a body or institution is, it is fair to say that there is a problem. The reality is that Michael Matheson has missed opportunities and ignored warnings time and again.

Mr Matheson has been in his position since 2014. For four of the five years of Police Scotland's existence, he has been the minister responsible for developing the governance structures, processes and procedures that surround Police Scotland, and he has been responsible for the appointments to the SPA and oversight of its work. Its failings are his failings. If the cabinet secretary is saying that he intervened because the SPA's processes were not sufficiently robust, those failures are his failures. If he is saying that he intervened because the people on the board were not competent, those failures are his failures.

Mr Matheson has had almost four years to ensure that the SPA and its board are up to the job. After this intervention, the question has to be: is he up to his?

Ultimately, though, there is a contradiction in the cabinet secretary's explanations. In his amendment, he points to "due process", and he is right: due process is of fundamental importance and is ultimately what this is about. However, has Mr Matheson been following due process himself? Either this was not a serious failure, in which case he should not have intervened, or it was a serious failure, in which case he should have come before

this Parliament to report it once it had happened. He came before this Parliament only after the details were leaked and Opposition parties demanded his presence. In addition, Mr Matheson should have recorded the meeting formally with minutes and an agenda.

Mr Matheson, quite simply, cannot have it both ways. Either this was a serious failure that required intervention or it was not. Serious decisions demand to be treated seriously, and that means recording them and accounting to Parliament for them. Mr Matheson fell short of the standards of transparency and accountability that we should expect from Government ministers.

Our police are dedicated and hard working and they do a phenomenal job serving our communities. They deserve a police force with governance structures that are robust and that put questions of policing beyond the speculation that we have seen played out in the press and in the chamber over recent weeks.

I move amendment S5M-10038.4, to insert at end:

"; further believes that all future meetings between the Scottish Police Authority and the Scottish Government should be minuted, and notes the calls from the campaign, Get it Minuted, that the Scottish Government should be taking agendas, notes and minutes for all meetings."

The Deputy Presiding Officer (Christine Grahame): We move on to the open debate. The time for speeches is a tight four minutes.

15:01

Gordon Lindhurst (Lothian) (Con): We have heard the justice secretary making clear many times, and specifically in relation to the case of the chief constable, that structural safeguards and the need for due process trump his ability to intervene. On 12 September, he said in the chamber that a request had been made by the chief constable for a period of exceptional leave and that

"There is no ministerial involvement in that process."—*[Official Report, 12 September 2017, c 68.]*

On 29 November, the justice secretary said that his Government created the SPA and the PIRC to

"provide independent investigation and decision making on misconduct matters".—*[Official Report, 29 November 2017; c 19.]*

Since then, it has become clear that there has been ministerial involvement in the process, and yet this Parliament has had to endure a merry-go-round in order to obtain only half of the story. I say that because we have learned over the course of the past days and weeks that key details have been missed out when we have heard from the justice secretary in updates to this Parliament.

The example of my colleague Margaret Mitchell's question on 14 November has already been referred to by her. We have learned that, prior to 14 November, the justice secretary had intervened in the case. Was that intervention lawful if he directed the SPA outside his formal powers of direction as set out in the act of this Parliament. Was it not an operational matter that he should have steered clear of?

What of his obligations under the ministerial code? That states clearly that records should be kept of official meetings that deal with substantive Government business. Surely involvement by a Government minister in the future of the chief constable and that of Police Scotland is substantive. If that is not substantive Government business, what is?

Reference to the intervention as a mere chat in which Michael Matheson simply asked a few questions will not do. As Dr Kath Murray pointed out, given the importance of the subject that was being discussed, it should never have been seen as a chat. Without any contemporaneous minutes, we are not to know whether the cabinet secretary made a request or gave a direction.

That is no way to go about Government business, and it places the SPA in an invidious position, given its obligation to try to carry out its functions in a transparent way. How is it to do so if the justice secretary himself does not act in such a way in his dealings around it and this matter, not to mention this Parliament?

The second founding principle of the Scottish Parliament is that

"The Scottish Government should be accountable to the Scottish Parliament and the Parliament and executive should be accountable to the people of Scotland."

How can we as parliamentarians expect to be accountable to the public if we cannot hold the Government to account because it acts in such a secretive way?

I support the Scottish Conservative motion.

The Deputy Presiding Officer: Thank you, Mr Lindhurst. I wrongly signalled that you had only one minute left because I was looking at the wrong clock, but I have come to my senses.

15:04

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I note that PIRC investigations are on-going under a statutory process, so I make my remarks in that context.

Today we could have been debating how best to support our police service: how best to assist Police Scotland in managing changing demands and the changing nature of crime in the 21st

century. We could have been debating the threats of cybercrime or the future of the European arrest warrant with regard to Brexit. In my view, that would have been a much more constructive use of parliamentary time. Nevertheless, I respect the fact that the Conservatives have chosen to use their debating time to discuss the content of their motion and I, like the cabinet secretary, take these matters very seriously.

Part of the justice secretary's job is to ensure that the SPA, as a public body, is carrying out its duties appropriately. That is exactly what he has done throughout the period of the chief constable's investigation, special leave and potential return to work. The justice secretary has not only given statements to Parliament on this matter transparently and proactively; he has acted responsibly—something that the Scottish Conservatives do not know enough about.

Yesterday, all that was backed up by the SPA's new chair, Professor Susan Deacon. For those who were not at the meeting and for those who have not read or observed the statement that she gave, she said:

"had I been in the cabinet secretary's shoes—I have walked in such shoes in the past—I would have asked questions about the process as to how that decision had been made. Personally, I think that the cabinet secretary would have been failing in his duty had he not asked those questions."—[*Official Report*, Justice Committee, 23 January 2018; c 33.]

The position is that the cabinet secretary acted entirely appropriately.

Daniel Johnson: Will the member give way on that point?

Ben Macpherson: I say that because it is difficult to understand how the then SPA board could have made the decision on 7 November to allow the chief constable to return to work—[*Interruption.*]

The Deputy Presiding Officer: Sit down, please, Mr Johnson.

Ben Macpherson: It is difficult to understand how the decision could have been made without first confirming that doing so would not undermine the independent PIRC investigations, of which we should be mindful, or the confidence of staff who are engaged in that process. The justice secretary has acted responsibly, because Police Scotland's senior command team had not been told about the decision by the then SPA board on 7 November to permit the chief constable to return to work. Deputy Chief Constable Designate Iain Livingstone confirmed that point clearly yesterday.

The cabinet secretary took the view that those deficiencies in the then SPA board's process of decision taking on 7 November were completely

unacceptable. That was the right, proper and responsible thing to do.

The important reality is that police performance in Scotland remains robust and public confidence in policing is strong. The majority of people believe that local police, in constituencies such as mine and others across the country, are doing a good or an excellent job. That is a matter of fact.

As DCC Iain Livingstone made clear yesterday, policing in Scotland is strong and moving forward. In my view, the Opposition should focus more on supporting our police officers. That would be a much better use of this Parliament's focus and time.

15:08

Jackie Baillie (Dumbarton) (Lab): Watching events unfold at the Scottish Police Authority and the Scottish Government has been a bit like watching an episode of the "Keystone Cops". For those of us who are too young to remember the Keystone cops, let me share that they could be described as demonstrating incompetence on steroids. I probably do the Keystone cops a disservice by comparing them to the SPA and the justice secretary, because what we are witnessing is a soap opera of cringe-worthy proportions. Audit Scotland's judgment on the SPA is damning—poor governance, poor financial management, secret meetings, and eye-watering and highly questionable payments made to staff, signed off by the chief executive. Then, of course, there is the chief executive himself, who was rewarded for failure with a substantial exit payment.

For the best part of a year, as all that was unfolding, the Cabinet Secretary for Justice did nothing. It cannot have escaped his notice that there were problems. Now he justifies his intervention with the chief constable by saying that we would criticise him if he had failed to do so. Let me tell him clearly: the criticism is that he did not intervene sooner to sort out the mess that is the Scottish Police Authority, rather than involve himself in individual cases.

Let me turn to the question of minutes of meetings. I have fond memories of being a Government minister. Notes were taken of every meeting and even every phone call. Private secretaries took notes, departmental officials took notes, everybody took notes; the civil service culture is to write things down. It is simply not credible for the cabinet secretary to say that no record was kept—officials were present; notes will have been taken. I am impressed by the level of detail that the cabinet secretary and his officials provided, all from memory, more than two months later. Do they think that we are stupid? This is nothing more than a deliberate attempt to avoid

scrutiny. Funnily enough, such behaviour was the hallmark of the Scottish Police Authority, which clearly learned from the Scottish Government.

When the cabinet secretary made his statement, I asked him three questions, which he failed to answer. God loves a trier, so let me have a go again. Did the cabinet secretary have any contact with the Police Investigations and Review Commissioner prior to, during, or after the proposed return of the chief constable? Did the cabinet secretary have any contact with the acting chief constable or the senior management team at Police Scotland prior to, during, or after the proposed return of the chief constable? Let me remind the cabinet secretary that he referred to that in his statement, but suddenly no one at senior command knew anything about it—did he know that they had not been told and consult them about it?

Finally, has the cabinet secretary spoken to the chief constable, or have his officials done so, since 7 November 2017? I know the answer to that question—not that the cabinet secretary provided it. It turns out that Paul Johnston, the director general of the justice department, spoke to the chief constable—something that he did not disclose to the Public Audit and Post-legislative Scrutiny Committee when he was questioned. They discussed, among other things, Mr Gormley's return to work.

Let me throw in another question, for good measure. Did the cabinet secretary know about some of the financial irregularities that Audit Scotland set out, before its report was published? Let me help him out here: I know that he did—in May, months earlier. That leads us to ask what he did about it. I think that the answer is nothing. He was caught like a rabbit in the headlights.

My point, on which I will finish, is that had the cabinet secretary intervened strategically and sorted out the problems at the SPA, perhaps he would not have had to intervene in individual operational decisions and we would not be in the mess that we are in now.

15:13

George Adam (Paisley) (SNP): I have been a member of the Justice Committee for a short time. As the debate has gone on, it has been interesting to see the difference between the evidence that has come forward and what some Opposition parties have presented.

For me, it defies credibility that we are having this debate after hearing the evidence that was given to the Justice Committee yesterday, which I found very interesting. For the Conservatives to bring this debate to the chamber shows confusion, at least, and petty party politics, at worst. We know

from yesterday's committee meeting that Susan Deacon, the current chair of the Scottish Police Authority, thinks that

"the cabinet secretary would have been failing in his duty"—[*Official Report, Justice Committee, 23 January 2018; c 33.*]

if he had not taken the steps that he took.

Liam Kerr (North East Scotland) (Con): Will the member take an intervention?

George Adam: In a short debate such as this, with four-minute speeches, I have time only to get my own points across.

Professor Deacon's words are powerful on a number of levels. This is someone who has held high elected office and knows what it is like to be in a ministerial tower. This is someone who truly understands how organisations such as the SPA should work.

I have no intention of harping on or getting involved in the investigations into this matter, but let us look at the issues.

On 7 November 2017, the Scottish Police Authority, under the leadership of the then chair, Andrew Flanagan, made a decision to have Chief Constable Phil Gormley return to work. At that point, we are aware that there were three serious complaints against Mr Gormley. We are now aware that there is another complaint against him. At yesterday's Justice Committee, when I asked whether anyone from the Scottish Police Authority had contacted the acting chief constable, Iain Livingstone, about that, the answer was not only a definite no from Mr Livingstone, but he added that he had spoken to Mr Flanagan on more than one occasion following that November meeting. Therefore, Mr Flanagan had more than one opportunity to explain what was happening. Even more shocking is that, during all this time, the acting chief constable was not asked to put in place any welfare packages of support for any of the members of staff who had complained about Mr Gormley.

In my humble opinion, the problem lies in the lack of communication from the Scottish Police Authority to Police Scotland. At the committee, Susan Deacon said that there must be a better and correct relationship between the SPA and Police Scotland. The acting chief constable, Iain Livingstone, added that better communication is the key to such issues.

I have another serious concern. I find it difficult to understand how any employee could return to the workplace without it having been confirmed whether doing so would undermine the independent Police Investigations and Review Commissioner's investigations.

The Scottish Government has been entirely transparent about the actions in relation to the chief constable's leave. The justice secretary has acted entirely appropriately, and it is disappointing that the Tories are attempting to use Police Scotland as a political football because, as the acting chief constable explained yesterday, the men and women of Police Scotland are still serving and protecting our nation. He gave one example that stands out for me: since the inception of Police Scotland, no murder has gone unsolved. He added that he would be interested to see whether any other jurisdictions have figures such as that.

There have been challenges and issues, but Police Scotland still delivers for the people of Scotland. In Susan Deacon, we have someone who has plans to improve the SPA and to move things forward.

Liam Kerr: Will the member take an intervention?

The Deputy Presiding Officer: The member is closing.

George Adam: Although I will continue to keep a watching brief, I have faith that we are in the right place with this issue and that we can move forward.

15:17

John Finnie (Highlands and Islands) (Green): I agree with Jackie Baillie's use of the term "soap opera". I, too, have been extremely critical of the SPA, but I have great hopes for Professor Deacon. This debate has become a wee bit of a soap opera—although I must say that it would have been an entirely different debate had the cabinet secretary not done what he did.

On transparency, I am sure that the Government will reflect that things could have been done better. In the previous session of Parliament, I consulted on a proposed member's bill called the local Government accountability and transparency (Scotland) bill. I had to abandon my proposal because of lack of support, so I am absolutely delighted by the renewed interest in openness and transparency, and look forward to more debates on such matters. I mention that because I need no persuading of the benefits of there being as much information as possible in the public domain.

We all interact formally and informally daily. We know—as we heard from Professor Deacon yesterday—that informality often drives things forward. However, that in no way detracts from the need for Government to be accountable. Almost every mention of interaction at yesterday's Justice Committee meeting was peppered with

interjections about whether there had been a minute taken of the interaction. We must strike an appropriate balance.

Language is terribly important, too. The term “operational” has been used by at least a couple of members. The Police and Fire Reform Scotland (Scotland) Act 2012 has been talked about. I did not know that the cabinet secretary had “special powers”—if he did, I am sure that he would go back and write a note on some of his meetings. I presume that the special powers to which members have referred are those in section 5(2)(a), which specifically absolutely excludes direction being used in relation to police operations. *[Interruption.]*

It is important to say that there is a very clear—*[Interruption.]*

The Deputy Presiding Officer: I do not like to interrupt, but I say to the Minister for Community Safety and Legal Affairs and Ms Baillie that I do not want debates across the chamber, please. Thank you.

John Finnie: Thank you, Presiding Officer.

The Deputy Presiding Officer: You are much more interesting, Mr Finnie. Proceed.

John Finnie: You are very kind, Presiding Officer.

Section 2(3) is on the functions of the authority. It says:

“The Authority must try to carry out its functions in a way which is proportionate, accountable and transparent and which is consistent with any principle of good governance which appears to it to constitute best practice.”

That is precisely what Mr Flanagan failed to do.

Margaret Mitchell: Were you referring to section 5 of the 2012 act—the directions provision?

John Finnie: Yes. That is what I have just read from. I hope that Margaret Mitchell will take an opportunity to reflect on it in the future.

We have heard about the implications of the SPA’s flawed decision. Those implications do not concern only the welfare of officers who, in a disciplined organisation, have had the courage to come forward and make a complaint. No regard was paid to that; significantly, no regard was paid to the operational implications of the decision. Yesterday, the acting chief constable Iain Livingstone covered the implications for the statutory obligations that a chief constable has in relation to a number of outside bodies, including the Crown Office and Procurator Fiscal Service, and, importantly, he covered the demarcation regarding discipline for federated ranks and superintending ranks.

In the limited time that I have left, I express the hope that we will all take a measured approach. In its amendment, the Government talks about the importance of following “due process”, but it would be better for us all if, henceforth, the cabinet secretary would keep a note of meetings.

15:21

Willie Rennie (North East Fife) (LD): I say at the outset that I think that the justice secretary was right to ask questions of the chairman of the SPA when the new information about the chief constable returning to work was brought to his attention. We have already addressed the issues to do with the PIRC, the acting chief constable knowing about the decision and the welfare of the complainants. I think that Mr Matheson was right, and if I had been in his position, I would probably have asked the same questions.

However, it is on the central point that I am disappointed with the justice secretary’s response. He has tried to conflate the substance of his intervention with the process surrounding that intervention. He chose not to tell Parliament about his intervention. Today, he has explained that because the SPA changed its mind, he felt that there was no need to tell Parliament about it. I think that we still would not have known about his intervention if the *Sunday Herald* had not reported the fact that he had made it. As a matter of principle, Parliament should have been informed of such an important intervention so that we could scrutinise it. Mr Matheson would have kept it secret if the *Sunday Herald* had not brought it to our attention.

My party asked about the issue in a freedom of information request on 6 October, and we got an answer on 21 December. It is not unusual for it to take seven weeks to get an answer, but the response contained no mention of the justice secretary’s intervention in the previous month. I presume that that is because, in our FOI request, we specified the period between July and October. It would surely have been in the interests of transparency—in which the cabinet secretary claims he has been acting throughout this process—for him to have brought his intervention to our attention at that stage, but he again chose to keep it secret. As well as not telling Parliament about his intervention, he failed to tell our party about it in response to a genuine FOI request.

The final issue on which Mr Matheson got it wrong was in his failure to keep a minute—or a note, a record or however he wants to define the bit of paper—that would have described what happened when he spoke to the chairman of the SPA. His failure to keep a record of such an important event has left him open to the accusations that he faces today. Susan Deacon

said yesterday that it would be appropriate to keep an “audit trail” for such important events. The issue is nothing to do with the substance of the justice secretary’s intervention; it is all about the transparency of the process. He did not tell Parliament about his intervention, he chose to dodge an open and genuine FOI request on the subject and he failed to keep a minute.

Everything that happened was inevitable.

I ask for the tolerance of members in reminding them of what I said in a speech in 2011, which sums up the situation:

“Who will appoint every single member of the police authority? The Justice Secretary.

Who will appoint the convener? The Justice Secretary.

Who will set the Budget? The Justice Secretary.

Who has to approve every chief officer appointment? The Justice Secretary.

Who has to agree the policing plan? The Justice Secretary.

But who says that he won’t have any control at all over the police?

The man who is the Justice Secretary.”

I said at that time:

“We might think ... that ‘there’s no harm in it’ and ‘what does it matter?’ I don’t expect ministers—even with these new powers—to start to order individual arrests. That’s not how it’s going to happen.”

However, when a crisis happened and the pressure was on, that was the point at which the justice secretary intervened. We warned about it then, and that is exactly what has happened. He should have been transparent, he should have told Parliament and he should have kept a minute. It is unforgivable that he did not.

15:25

Maurice Corry (West Scotland) (Con): On 29 November 2017, the justice secretary said in a statement to the Parliament:

“We created the Scottish Police Authority and the Police Investigations and Review Commissioner to provide independent investigation and decision making on misconduct matters”.—[*Official Report*, 29 November 2017; c 19.]

That came only 20 days after the justice secretary made the decision to insert himself into that process, ceasing its ability to make independent decisions. Section 5 of the Police and Fire Reform (Scotland) Act 2012 is clear: the Scottish Police Authority must comply with any direction that is given to it by Scottish ministers, but that does not include directions on operational matters. I think it would be safe to say that the status of the chief constable is an operational matter.

Of course, there is a level of ambiguity about what exactly the justice secretary said in his meetings with the then SPA chair, because of the Government’s continued desire to hide the contents of its discussions by not minuting meetings. As was correctly pointed out by Dr Kath Murray a policing and criminal justice researcher:

“This was a critical meeting, not just a chat. Without minutes, it’s not clear whether the intervention was a request or a direction.”

The public should have been able to find out what happened at that meeting between two senior figures who were involved with the running of the police in Scotland. That is another example of the SNP Government’s attempt to create a secret Scotland in which no one is able to hold it to account for its actions. We do not know—I doubt that we will ever know 100 per cent—what was said between the justice secretary and Andrew Flanagan. What we do know is that the justice secretary has acted foolishly and without due regard for the disruption and chaos that his actions could cause for the leadership of our police service. This whole episode has raised questions about his judgment and leadership.

In this country, we still operate under the basic principles that were outlined when the first professional police force was put in place by Robert Peel. The police are civilians in uniform, and they are able to police only with the implicit consent of their fellow citizens. Policing by consent works only because it is built upon support from the public for it, which is built upon transparency, integrity and accountability. By his actions, the justice secretary has done harm to all three of those principles. By not minuting his dealings with the SPA, he has damaged the public’s ability to hold him and the SPA to account for their actions. By not being open and truthful to the chamber about his dealings with the SPA, the justice secretary has damaged the integrity of his office and that of the Scottish Police Authority. He has brought into question the ability of the Scottish Police Authority to act independently and to hold Police Scotland accountable.

It is clear from what I have said, and from what I have heard from colleagues on the Conservative side of the chamber, that the justice secretary has not acted in a transparent manner. That is why it is necessary for members to support the motion in Liam Kerr’s name.

15:29

Richard Lyle (Uddingston and Bellshill) (SNP): I will begin by reflecting on the nature of the motion that is before the chamber today, which I believe has a deeply personal undertone. That is why I want to start my remarks by focusing on my

personal experience of the Cabinet Secretary for Justice.

Members: Oh, come on.

Richard Lyle: Members can be bored with that if they want to be.

I first met Michael Matheson some 21 years ago, when he was standing as the SNP candidate for Hamilton North and Bellshill during the election in 1997. At that time, I was a member of the Bellshill branch of the SNP and he was nominated by the Mossend branch as the constituency candidate—and he was an excellent one. I believe that it was his first attempt at being a candidate—*[Interruption.]*

The Deputy Presiding Officer: In calling for order, I gently chide Mr Lyle. This is not a job reference. I hope that you are going to speak to the motion.

Richard Lyle: Maybe not, but I—*[Interruption.]*

The Deputy Presiding Officer: Please sit down, Mr Lyle. I do want to hear from you. I understand that you are speaking to the Conservative motion, which is about acting

“transparently or openly when updating Members regarding the Chief Constable’s investigation, special leave and potential return to work”,

so I would like you to speak to that, please.

Richard Lyle: Yes, I will speak to that, Presiding Officer.

I believe that Michael Matheson is honest, forthright and someone who can be relied on at every opportunity to provide accurate information. I was very impressed by the cabinet secretary, and I remember saying to him, “You’ll go far, son.” I am sorry that I did not keep a record or a minute of the meeting.

For the Tory Party to bring this debate to the chamber today is, frankly, outrageous and shallow. *[Interruption.]* As the First Minister touched on last week, the cabinet secretary acted entirely appropriately in questioning whether the PIRC, as well as the senior command at Police Scotland, had been consulted, given the on-going investigation into allegations about the chief constable. For Ruth Davidson, Margaret Mitchell and the Tories to assert that Michael Matheson’s procedural questioning was unlawful is totally unjustified.

As the First Minister also noted, the justice secretary is accountable to this Parliament and has a responsibility to ensure that the SPA is carrying out its duties properly. By asking the questions that he asked, the cabinet secretary took steps to ensure that the SPA was handling its investigation appropriately. Indeed, after

questioning the SPA, the cabinet secretary found that it had not taken the necessary steps to ensure and support the welfare of all parties in the investigation. Moreover, it is clear that, from the questions asked, the cabinet secretary could not be satisfied that due process had been followed in the SPA’s investigation, and he found that Police Scotland’s senior command team had not been told about the decision to permit the chief constable to return to work. To reiterate: the cabinet secretary was simply doing his job, and for the Tories to suggest that he was doing otherwise is poor form and shows how shallow they can go.

On the topic of transparency, which Ruth Davidson, Margaret Mitchell and the Tories claim has been absent, the Scottish Government has taken all the appropriate measures to ensure complete transparency. Not only is the Tories’ criticism unjustified, it is incredibly hypocritical as well. Weekly, the Opposition parties criticise the Scottish Government for not intervening enough in the operation of Police Scotland, yet now they complain that our cabinet secretary is asking legitimate questions. As the First Minister mentioned, if Michael Matheson had not asked such questions, the Tories and others would rightly be asking why he had not. I imagine that they would have been going at it hammer and tongs, asking why the cabinet secretary did not do this or that, yet now they ask why the cabinet secretary got involved. The Tories’ position is riddled with hypocrisy.

Members: That is long enough.

Richard Lyle: No, that is not long enough—I could go on.

In closing, I will paraphrase a rather famous comment made by Senator Bentsen to Dan Quayle in the 1988 United States vice-presidential debate. I know Michael Matheson. He is a friend of mine. Michael Matheson is an exceptional cabinet secretary. I suggest that members accept his word on this issue—

The Deputy Presiding Officer: Please conclude now.

Richard Lyle: —and reject this personal attack on his character and integrity.

The Deputy Presiding Officer: Thank you. Please sit down.

I say to members that it is for the Presiding Officer to decide when a member must conclude. I made a long intervention on that member’s speech, so he got some more time to make up for that. However, I will not have indications from the floor as to whether a member is getting the right amount of time—that is a job for me.

We move to closing speeches, and I call Daniel Johnson. You have four minutes, Mr Johnson.

15:34

Daniel Johnson: Thank you, Presiding Officer—

Mike Rumbles (North East Scotland) (LD): Follow that.

Daniel Johnson: I am not entirely sure how to follow that.

This is a serious debate with serious implications for the way in which our police force is run and governed. Ben Macpherson spoke at some length, asking whether there are not more important things to discuss. I put it quite simply: there is no more important point than the effectiveness of the governance of policing in this country. That governance has had fundamental and serious questions asked about it, so it is vital that we discuss them, and that we have transparency around the governance and the decisions that are made.

Other members have questioned the evidence and asked what evidence we have. If we were to listen to them, we might think that that evidence started in September last year, which is ridiculous. As a number of members have pointed out, there were concerns at the very inception of the legislation. There were concerns about local accountability, effective oversight and separation from ministers when the legislation was first introduced and right through stages 1, 2 and 3.

Since Police Scotland was formed, the SNP has had form. It has interfered with police matters. Kenny MacAskill interfered in stop and search. There has been interference over routine arming and control rooms. That interference in operational matters has extended into issues around the governance and decision making and the failures of the governance and oversight of the SPA. Ministers are directly involving themselves in decision making.

John Finnie: Is it the member's view that the cabinet secretary, the Government and members should have no view on the routine arming of police or, indeed, the additional arming of police?

Daniel Johnson: Of course we should take a view on policy matters, but it is about how those policy matters are followed up, how we are informed, and the communication between ministers and the police, which has to be mediated through the SPA as laid down in the law. That is what the statute says and that is the law that ministers should be following.

It is fundamentally important that the SPA is robust and that it operates independently of Government. That is a matter of principle and a matter of law. Maurice Corry was right to point out the important principles that underpin our policing, such as policing by consent and public trust. The

independence of the SPA is one of the fundamental points that underpin that, because the police cannot be viewed as an organ of ministerial direction and control. That is why the independence of the police is so important, why the legislation is set out as it is, and why questions around the decision making and whether ministers have been involved in that process are so key. They are also a matter of law.

The chief constable is accountable to the SPA, which is accountable to the minister. Direction can be taken from ministers but only if Parliament is notified, and it was not. There is a serious question as to whether what happened was direction.

The cabinet secretary was very clear in the statement that he made two weeks ago. He made a request of the chair of the SPA, and the chair complied with it. Can the cabinet secretary please explain to me the difference between a request and a question? It is fundamentally important, and how can we ever know without a proper record of what the request was and how it was made?

As I said in my earlier speech, the effectiveness of these institutions ultimately reflects on that of the cabinet secretary. They are his appointments and the SPA has operated under his direction and control. That is why he must answer for its failure, for its failures are his failures.

15:38

Michael Matheson: In my opening remarks, I set out clearly the nature of my engagement with the SPA on the return of the chief constable from leave. I will try to pick up on some of the issues that have been raised during the debate.

As I set out in my statement, and as I said here again this afternoon, there was no doubt in my mind that there were significant deficiencies in the process that the SPA applied to its decision-making process on 7 November. From the discussion that I had with the chair of the SPA, it was clear that no account had been taken of the PIRC's investigation into the complaints that were already live, and that there had been no contact with the PIRC to understand the impact on the investigation should the chief constable return to his duties. That was set out in the letter from the commissioner to the Public Audit and Post-legislative Scrutiny Committee in December last year or January this year.

We also know that there was no engagement at that point with the head of Police Scotland—Iain Livingstone, the deputy chief constable designate—about managing the return of the chief constable. No welfare arrangements were put in place for the complainants, who worked in the organisation, or for the chief constable in returning

to his duties. We should keep in mind that Police Scotland has a whistleblowing policy to encourage people to have the confidence to come forward to make complaints and raise concerns as and when it is appropriate.

Willie Rennie: Will the cabinet secretary give way?

Michael Matheson: Sorry—I need to make progress as we have limited time.

Had I known that there had been no engagement with the PIRC or the command team in Police Scotland, and that no welfare arrangements had been put in place for the staff who had made complaints or even for the chief constable, I have no doubt that all the members in the chamber who are seeking to criticise me this afternoon would have been shouting even louder about my failure to take action on the matter.

Let me turn to the inherent confusion that the Conservatives in particular have about operational responsibility. It is somewhat ironic that I am now being accused of and criticised for intervening in an operational policing decision when, on 17 October, Liam Kerr issued a press release that was entitled “Matheson—a justice secretary who won’t take responsibility for police”. In that press release, he accused me of referring to as the responsibility of the chief constable issues such as the number of unfilled chief inspector posts, the performance of control rooms, the cost of overtime in Police Scotland, the control centre in Dundee, the number of staff, IT outages and a database for vulnerable persons. Those are all operational matters. He went on to say:

“This is the behaviour of a justice secretary who doesn’t want to take responsibility for his brief.”

Contrast those operational policing matters with this issue, which is not an operational policing matter but one that clearly falls within the responsibility of the SPA rather than Police Scotland. It is a point about governance and is a matter on which there is clear accountability to ministers.

The actions of the Conservative Party this afternoon, reflected against its press release in October, show the hypocrisy at the heart of its attack.

Margaret Mitchell: Will the cabinet secretary give way on that point?

Michael Matheson: Let me make the point. We have had the spectacle of Margaret Mitchell appearing to question whether it was true that welfare arrangements had not been put in place, when the deputy chief constable designate has categorically said that they were not. It is completely inappropriate to question Iain Livingstone’s views on that issue. I am very

conscious of time, but I note that the Conservatives do not like to hear the truth or to reflect on the hypocrisy of their stance.

I also want to make it very clear that I am confident that the new chair of the SPA will take forward a range of measures to improve performance and the way in which the SPA operates. She has already established the SPA’s conduct and complaints committee, which will consider these issues. She has also made it very clear since arriving as the chair of the SPA that she intends to operate in a very different way in the months and years ahead. It is now time to give the new chair of the SPA the opportunity to make those improvements.

15:44

Liam Kerr (North East Scotland) (Con): This has been a contentious and, at times, highly charged debate. Despite the cabinet secretary’s attempts to introduce ancillary matters, it is predicated on a narrow motion: whether Parliament believes that this justice secretary has acted transparently and openly when updating members on the chief constable matter. To be clear, this is not about whether the decision not to let the chief constable return to work was right or wrong; this is about whether the justice secretary has acted in a legal and transparent manner. Transparency and openness are imperative when dealing with such matters. Maurice Corry was right to say that policing by consent works only because it is built on public support, which, in turn, is built on transparency, integrity and accountability.

Margaret Mitchell opened with a key point. During scrutiny of the bill that became the Police and Fire Reform (Scotland) Act 2012, concerns were raised that police independence could be compromised as a function of the centralisation of policing in a single force. As a safeguard, the SPA was established as a statutory body with not only oversight of the operation of the single force but sole responsibility to decide the deployment of the force’s senior officers. The justice secretary has been clear that he could not interfere in disciplinary matters—eight times. Gordon Lindhurst specifically referenced the fact that on 12 September, for example, the justice secretary told Parliament that a request was made by the chief constable to be granted a period of exceptional leave and that there was

“no ministerial involvement in that process”.—[*Official Report*, 12 September 2017; c 68.]

Maurice Corry made a further, related point when he noted that, on 29 November, the cabinet secretary said:

“We created the Scottish Police Authority and the Police Investigations and Review Commissioner to provide independent investigation and decision making on

misconduct matters”.—[*Official Report*, 29 November 2017; c 19.]

Yet it transpires that, less than three weeks earlier, he had apparently inserted himself into that process—or had he? We just do not know whether the justice secretary made a possibly unlawful interference in an independent decision of the SPA—made behind closed doors, apparently unrecorded.

John Finnie: Will the member take an intervention?

Liam Kerr: No, I will not.

Gordon Lindhurst also referenced Dr Kath Murray, the respected criminal justice academic, who said:

“this was a critical meeting, not just a chat. Without minutes, it’s not clear whether the intervention was a request or a direction. These things matter.”

Yes, they do.

Our analysis of the ministerial code of conduct and the civil service code and guidance shows that ministers and civil servants should have made an official record of the crucial meeting because records should be kept of official meetings that deal with substantive Government business. If a meeting to discuss the future of Scotland’s chief constable is not a substantial piece of Government business, I do not know what is.

There is a further lack of clarity. On 11 January, the justice secretary told BBC Scotland that he would be happy to release minutes of his meeting with the SPA. However, later that day, a Scottish Government spokesman said that that would not be possible as no minute of the meeting had been taken. Where is the transparency?

Our motion also calls for openness. This is an incredibly serious matter. It involves a meeting the result of which has consequences for peoples’ lives. However, when the cabinet secretary gave a statement to Parliament on 29 November on policing, he omitted any reference to the above events. As Mike Rumbles pressed home in his intervention on the cabinet secretary, it was only on 10 January—a full nine weeks after the cabinet secretary’s intervention—that he saw fit to make a statement to Parliament explaining his actions. The cabinet secretary further failed to disclose at that point that his senior civil servant had met with Phil Gormley in Edinburgh on 30 November to discuss the same matter in another unminuted meeting.

Immediately following that statement, I specifically asked the cabinet secretary whether he had taken legal advice, because he might have broken the ministerial code if not. I still await an answer, although I was very interested in his answer to Margaret Mitchell’s intervention, in

which he said that he took advice from “members”. That is very interesting—let us hear more about it.

The Labour amendment calls for future meetings between the Scottish Police Authority and the Scottish Government to be minuted, and references the get it minuted campaign. Speaking in support of that amendment, Daniel Johnson said that minutes are fundamental to transparency and therefore to good government. That is a good point and it was well made. I can confirm that the Scottish Government will be pleased to support the Labour amendment at decision time.

Members: Scottish Conservatives.

Liam Kerr: What did I say? I meant the Scottish Conservatives.

Adam Tomkins: The next Scottish Government.

Liam Kerr: Yes, the next Scottish Government will support the amendment.

It is clear from the debate that, throughout this process, the justice secretary has not acted in a manner that is either transparent or open. Greater transparency and public accountability are mandatory. It is simply not acceptable for a Government to behave in this way. Willie Rennie was right when he said that the justice secretary chose not to tell Parliament and chose not to keep a minute, and that he should have been transparent.

Margaret Mitchell properly stated that

“Our democratic freedoms are fragile and should never be taken for granted. They rely on openness and transparency.”

I urge members to vote for the motion today and to send a signal to this place, to the people involved in the process and, above all, to the people of Scotland that the situation is not acceptable and that, starting now and going forward, transparency and openness must be the watchwords by which the Government operates.

The Deputy Presiding Officer: That concludes the debate. I will allow a few minutes for those on the front benches to take their places—and for Mr Kerr to get his breath back, because I believe that he is speaking to the next motion.

Railway Policing

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-10039, in the name of Liam Kerr, on railway policing. Are you ready, Mr Kerr?

Liam Kerr (North East Scotland) (Con): Yes.

The Deputy Presiding Officer: I am impressed. I call Liam Kerr to speak to and move the motion.

15:50

Liam Kerr (North East Scotland) (Con): The British Transport Police polices railways, stations and trains throughout the United Kingdom. It is accountable to the BTP chief constable, the British Transport Police Authority and, ultimately, the United Kingdom Parliament. The BTP is funded by Network Rail, the train operating companies and the freight operating companies, which enter into a contract with the BTPA. The Smith commission recommended devolving the functions of the BTP, and the UK Parliament has since passed the Scotland Act 2016, which transfers legislative competence in relation to the policing of railways in Scotland to the Scottish Parliament. On 27 June 2017, the Scottish National Party-Green alliance voted through the Railway Policing (Scotland) Bill, to transfer responsibility for railway policing in Scotland from the BTP to Police Scotland. That means that the Scottish division of the BTP will be carved out from the UK BTP and will become part of Police Scotland. The date for the merger is April 2019.

We respect all those decisions. However, we believe that it would be prudent to pause the integration, and I will set out why.

It is imperative that the transfer happens smoothly and that nothing compromises the effectiveness and ability of the railway police. However, Her Majesty's inspectorate of constabulary in Scotland has stated:

"the scope and scale of the challenges and complexity posed by the transfer should not be underestimated."

That is not surprising. Deputy Chief Constable Livingstone was clear at the Justice Committee yesterday when he said that

"it is not a merger of like with like"—[*Official Report, Justice Committee*, 23 January 2018; c 36.]

and that the BTP is different with regard to pensions, entitlements and employee status. Those concerns remain.

HMICS has also described the lack of a plan to integrate control rooms as a "key risk" to the merger, saying that

"much work will need to be done around the interface of each organisation's contact, command and control systems and processes, as well as the interface between Police Scotland and Network Rail's control systems."

That is true.

Yesterday, DCC Livingstone told the Justice Committee that information and communication technology provision, terms and conditions, pensions and pre-existing third party contracts will not be resolved by 1 April 2019, and he could not provide detail on when the work on those will be complete. I presume that that means that, post April 2019, there will be on-going dependency on the BTPA in relation to those areas, with only a partial integration.

There are also significant personnel concerns. In a response to a letter from the convener of the Justice Committee, the British Transport Police Federation revealed that it had not

"had sight of any written proposals on pensions, pay or Terms and Conditions"

and questioned how the Scottish Police Federation could represent BTP officers, who are not Crown servants. In that regard, it is notable that the SPF and the BTPF sent letters to the Justice Committee this month highlighting what they say is a lack of consultation with them by the Scottish Government.

Uncertainty abounds on pensions. Serving BTP officers are part of a healthy BTP fund, which sits in a further fund that is valued at around £24 billion. It is understood by officers that the Scottish Government plans to set up a segregated closed fund for transferring BTP officers, perhaps with retired colleagues. One estimate suggests that that has a £400,000 set-up cost, plus an ever-increasing administration cost to the taxpayer, to say nothing of the loss of security for those transferees.

Furthermore, given that the minister conceded to me in November that the Transfer of Undertakings (Protection of Employment) Regulations do not apply, there remains ambiguity over which terms and conditions will apply, to the extent that the BTPF suggests that the complexities have been underestimated. The Labour amendment, which we shall support, seeks to address that point, so I will leave that for Labour members to develop.

What of the BTP personnel who are based outside Scotland but who support Scottish operations? It remains unclear, in the absence of TUPE, what impact there will be on them post merger.

It is perhaps not surprising, therefore, that an internal staff survey revealed that only around a third of BTP officers say that they will definitely

transfer. The remainder are considering leaving, retiring or moving to other BTP divisions. Yesterday, DCC Livingstone agreed that some BTP officers might decide to retire before the merger, to ensure that their terms and conditions are not affected.

If BTP officers leave, presumably their positions must be backfilled from within Police Scotland. Can Police Scotland really spare 50 officers, say, and train them in time? What if legacy BTP officers are taken from their core rail policing duties to bolster the resilience of Police Scotland? How comfortable will the funding companies—or the public—be with that?

Talking of the taxpayer, it is notable that the HMICS report says:

“The full costs associated with the transfer of railway policing in Scotland have not yet been assessed and there is uncertainty among stakeholders as to who will pay these costs.”

On that point, it would appear that the police service agreements between the train operating companies, the freight operating companies and Network Rail that are currently in place will need to be addressed and concluded on by 18 March this year, as the BTPA is required to provide 12 months’ notice of termination.

During the negotiations, which will need to take place with Police Scotland, of course, the rail companies will need to know what is happening from April 2019. Who is going to be policing our railways, and how? As we discovered yesterday, that is currently not clear.

Then there is the other side. As we discussed earlier, Police Scotland is in the midst of a challenging period. The chief constable is on special leave, four other senior officers have been suspended in connection with a range of allegations and the justice secretary is in the chamber fairly constantly defending himself. The Scottish Police Authority is under its third leader in four years and is involved in a recruitment process for five new board members.

On that point, having railway experience on the SPA board was a key HMICS recommendation, which is not surprising given that the BTPA—the SPA’s counterpart—currently has 12 board members whose sole focus is railway policing. Yet the chair of the SPA confirmed yesterday that it is not looking to recruit specialist railway experience to the board.

The BTPF has made it clear that it does not feel that the current climate of policing in Scotland lends itself to integrating the BTP. We agree.

That is the context within which we bring this debate. The merger might be a good idea. It might deliver the kind of seamless police service and

cost savings that ministers clearly believe that it will. However, the merger has to be done right. It is clear that the integration date is unachievable. The BTPF describes the merger date of April 2019 as a “cliff-edge scenario”.

The merger process has extremely difficult issues to address, such as pensions, terms and conditions, the estate, career progression, cross-border policing difficulties, BTP staff and budgets. It must be more sensible to take a step back, pause and set a realistic timeframe. Let us understand the significant value added by the BTP, review how that can best continue to be delivered and build a detailed, full and robust plan that involves a detailed cost analysis that asks whether the aims of integration can be secured through a different route with fewer risks. Many voices are offering those suggestions, and I suggest that we listen to them.

It is time to pause. It is time to listen.

I move,

That the Parliament respects the devolution of railway policing as agreed in the Scotland Act 2016, but notes concern regarding the leadership challenges facing Police Scotland; believes that railway policing is of critical importance to public safety, particularly in responses to terrorism, and further believes therefore that it would be prudent to pause the integration of the British Transport Police into Police Scotland.

The Deputy Presiding Officer: Thank you very much, Mr Kerr. I call Humza Yousaf to speak to and move amendment S5M-10039.2. Minister, you have six minutes, please.

15:58

The Minister for Transport and the Islands (Humza Yousaf): I welcome the opportunity to participate in the debate.

First let me reflect on the fact that this Parliament passed the Railway Policing (Scotland) Act 2017 in June. That act is the basis on which the integration work is progressing, under the oversight of the joint programme board, which is chaired by the Scottish and United Kingdom Governments. My starting point, therefore, is that the will of the Parliament is that integration should happen. Liam Kerr mentioned what he flippantly called, I think, the SNP-Green alliance. He forgot to mention, of course, that the integration of the British Transport Police was in his own Conservative Party’s UK and Scottish manifestos in 2017.

I will now deal with the parts of the Conservative motion that refer to leadership in Police Scotland and the effectiveness of the police response to important issues such as terrorism. I am clear that the evidence does not support the concerns that are expressed in the motion. I go further and say

that the motion undermines the enormous effort that our officers put into tackling and preventing acts of terror on the front line. In fact, it does a disservice to them and to BTP officers to suggest that they would be incapable of carrying out that function while integration takes place.

Daniel Johnson (Edinburgh Southern) (Lab): Will the member take an intervention?

Humza Yousaf: I will finish this quote, then give way. Last March, the Prime Minister said:

“Police Scotland is the second biggest force in the UK, with huge capabilities and capacity, and working with other police forces across the UK to help to keep us safe.”

Daniel Johnson: Given the minister’s remarks, what is his reaction to Nigel Goodband, chair of the British Transport Police Federation, who raised exactly those points as part of his concerns and calls for suspending the integration?

Humza Yousaf: I simply do not agree. Police Scotland is directly connected to the UK-wide anti-terrorism network. We heard media reports of armed Police Scotland officers at railway stations across Scotland last May, when there was a critical state of alert. The reality is that the BTP in Scotland already relies on Police Scotland for key anti-terrorism capabilities. Those matters were well rehearsed during the passage of the Railway Policing (Scotland) Bill.

In the past few days, we have seen further evidence of Police Scotland’s effectiveness, with its bringing to justice nine members of a sophisticated organised crime gang, who were sentenced to a total of 87 years in prison. As ministers have made clear in this chamber previously, successes such as that are built on the outstanding commitment of officers and staff, who provide leadership at every level. That strength and depth ensures public safety from a wide range of threats, including terrorism, every day in our communities, cities, airports and ports right across Scotland. Police Scotland is therefore well placed to take on the additional responsibilities.

Let me turn to the progress of the integration programme, building on the update that I provided to the Justice Committee on 31 October. As members will recall, ministers have given a clear triple-lock guarantee to secure the jobs, pay and pensions of railway policing officers and staff in Scotland. Secondary legislation is now being drafted on the basis that officers and staff will retain the same terms and conditions of service, pension and employment status. In short, planning is proceeding on the basis of transferring officers and staff as is, in relation to terms and conditions.

Jamie Greene (West Scotland) (Con): I thank the minister for that update on terms and conditions. If he is so confident that the matter has been addressed, why did DCC Livingstone say to

the Justice Committee that the April 2019 deadline is still proving to be challenging? He specifically mentioned terms and conditions. Why is the minister confident but the police themselves are not?

Humza Yousaf: I read again and looked at the detail of what DCC Livingstone said. As Liam Kerr said in his opening remarks, he was talking primarily about information and communication technology functions. When it came to pensions, he was talking about harmonising them, but he said that he was confident about operational integration by the April 2019 date.

Liam Kerr also mentioned the BTPF and our engagement with it. The BTPF recently attended four days of detailed discussions on terms and conditions, for which three additional days are now scheduled in February. A further meeting with the federation and the Transport Salaried Staffs’ Association is planned for 12 February. That detailed work is allowing us to map current terms and conditions to ensure that they are transferred intact. The joint programme board recently published an extensive questions and answers document to help officers and staff to understand what the transfer means for them. We recognise that there are still areas in which they are looking for greater detail.

Liam Kerr: Will the member take an intervention?

Humza Yousaf: I need to make progress—I know that my time is short.

The Scottish Government is therefore committed to continuing to engage with BTP officers and staff representatives to further develop materials that explain that transfer. That will be carried forward alongside face-to-face engagement with officers and staff, led by Police Scotland and the BTP, with a number of sessions having already taken place.

Although the Greens’ amendment was not selected, the Government would have supported it, because we understand and acknowledge that, despite all that work and engagement, there is some level of discontent among some stakeholders and, indeed, officers. We will redouble our efforts with stakeholders and, of course, honour our commitment to no detriment.

The Deputy Presiding Officer: You must conclude now. I know that you took interventions, but I have given you extra time.

Humza Yousaf: I move amendment S5M-10039.2, to leave out from “, but notes concern” to end and insert:

“; notes the passage of the Railway Policing (Scotland) Act 2017; further notes that the Joint Programme Board is closely monitoring progress of the integration programme;

asks the Scottish Government to keep the programme timetable under review with advice from the Joint Programme Board; recognises that the Scottish Government has given guarantees to protect the jobs, pay and pensions of British Transport Police officers and staff in Scotland; notes the publication of a series of workforce questions and answers to support this, and recognises the need for ongoing engagement with staff, officers and their representatives to ensure that the terms of transfer are fully understood.”

16:05

Colin Smyth (South Scotland) (Lab): When the Railway Policing (Scotland) Bill came before Parliament, Labour shared the universal concerns about it that were raised by stakeholders including the trade unions—the National Union of Rail, Maritime and Transport Workers; the Associated Society of Locomotive Engineers and Firemen; and the Transport Salaried Staffs’ Association—the British Transport Police, the British Transport Police Federation, the Rail Delivery Group, ScotRail, CrossCountry and Her Majesty’s inspectorate of constabulary and fire and rescue services, whose report on the merger concluded:

“no detailed and authoritative business case”

for

“the transfer to Police Scotland was developed.”

Those concerns were universally ignored by the Scottish Government, which is obsessed with putting ideology ahead of addressing concerns about integration. The failure to even consult on the three options for railway policing in Scotland that were presented by the Delegated Powers and Law Reform Committee highlighted the arrogance at the heart of the Government on integration. The Government has not only failed to address genuine concerns; it has failed to engage in a meaningful way with the stakeholders who raised those concerns. During one Justice Committee session, the British Transport Police Federation stated that it felt that its concerns and the risk associated with the integration had simply been ignored.

Throughout the bill process, a key concern that was raised with the Justice Committee was the threat posed to the British Transport Police’s capacity and expertise. The British Transport Police’s submission to the committee posed the question:

“how in practice will the plans to merge the two forces in Scotland embed and sustain BTP’s specialist ‘transport policing ethos’?”

Michael Hogg from the RMT stated:

“From a staff and trade union perspective, we can see the BTP expertise and knowledge being lost if the merger of it and Police Scotland goes ahead.”—[*Official Report, Justice Committee*, 14 March 2017; c 49.]

Protecting the expertise and focus of the British Transport Police is vital if we are to maintain the current high standard of service. The need to provide firm proposals on the future of staff pay and conditions is key to that. Although the Government has confirmed that jobs, pay and pensions will be protected during the process of integration, too many questions about the long-term implications of integration for staff still remain unanswered.

The consequences of that uncertainty are there for all to see. The British Transport Police staff survey found that two thirds of officers were unsure about whether they will even transfer to Police Scotland following the proposed integration. At the end of last year, HMIC reported:

“As a result of the uncertainty about their future, officers described morale as being low”.

We urgently need firm proposals from the Government to protect staff pay and conditions in the long term. Moving forward with the integration before those details have been published and agreed would be utterly irresponsible.

In the time since the bill passed through Parliament, it is not just concerns surrounding staff terms and conditions that have remained unresolved and been compounded. I represent South Scotland, through which all 8 million of the cross-border services pass on the west and east coast main lines and the Nith valley line every year, and I know that it is a huge concern that it is still unclear exactly what arrangements will be put in place to properly police cross-border services.

This week, Deputy Chief Constable Iain Livingstone of Police Scotland told the Justice Committee that it had become “absolutely clear” that merger issues such as integrating two information technology systems would not be tackled by the Government’s deadline for integration of April next year.

All that comes before we even take into account that Police Scotland and the Scottish Police Authority are currently in a state of uncertainty at best—and a state of chaos at worst. They are unable to get their own act together, never mind take on additional responsibilities.

To date, the Scottish Government’s approach to the integration of transport policing has been defined by its uncompromising and reckless pursuit of its own agenda and its burying its head in the sand.

Humza Yousaf: Colin Smyth talks about uncertainty, and I understand his opposition, but can he say, after all these years, what Labour’s position would have been on what to do with the BTP post the Smith commission?

Colin Smyth: One of the cases that were put forward was for a separate Scottish transport police. However, the point is that three proposals were put forward, and we would have consulted on all three proposals. Maybe the cabinet secretary would like to get to his feet and explain why he refused to consult on the three proposals that were put forward and why he, simply for entirely ideological reasons, pursued one obsessive agenda.

Parliament now has an opportunity to tell the Government to at the very least pause and, for once, to start to listen, take stock, and work constructively with all stakeholders and Parliament to ensure that the changes that the Railway Policing (Scotland) Act 2017 will bring—unwanted as they may be—are brought in in a way that at least minimises the risk to public safety and properly protects staff.

Last year, the chairman of the British Transport Police Federation, Nigel Goodband, wrote to the transport minister, asking him not to put passengers and staff at risk. He said in his letter:

“Given the recent terrorist attacks in Manchester and London, and the ongoing and significant threat from terrorism, I am writing to you as a matter of urgency to implore you to suspend the Railway Policing (Scotland) Bill.”

The Government needs to listen to those warnings instead of simply brushing them aside, as the minister did in his comments earlier. The Government needs to pause the integration of the British Transport Police into Police Scotland. Crucially, the Government needs to provide firm proposals on long-term pay and conditions so that we can address the uncertainty that staff currently face and prevent a workforce crisis that will happen if the Government does not listen. The best way to do that is to support Labour’s amendment to a perfectly reasonable motion.

I move amendment S5M-10039.3, to insert after “facing Police Scotland;”:

“further notes concerns regarding the effects on terms and conditions of employment of officers and staff undergoing transfer, and the subsequent impact that this could have on morale and retention of experienced officers and staff;”

The Deputy Presiding Officer: Before we move to the open debate, I apologise to the minister, because he did not overrun his time. I did not have my glasses on, but they are on now. It is on the record that the minister was not at fault.

We now move to the open debate. I call Margaret Mitchell, who has four minutes, please.

16:10

Margaret Mitchell (Central Scotland) (Con): The security of the travelling public relies on

effective policing of our railways. Following the recommendation of the Smith commission, the Scotland Act 2016 provided for the functions of the British Transport Police to be devolved. The British Transport Police Authority submitted three possible options to achieve that recommendation. The Scottish Government ignored two of the options and consulted only on the full integration of BTP officers into Police Scotland.

Thereafter, the Railway Policing (Scotland) Bill 2016 was referred to the Justice Committee, as lead committee. The committee’s members were divided on support for the bill’s general principles, but Parliament approved them by a majority at stage 1.

At stage 3, SNP MSPs, with the support of Green MSPs, voted to pass the bill, despite widespread criticism from stakeholders including the British Transport Police Federation, the British Transport Police Superintendents’ Association Branch, the rail unions—including RMT, the Associated Society of Locomotive Engineers and Firemen and the Transport Salaried Staffs’ Association—the Rail Delivery Group, which represents Network Rail and the train operators, including ScotRail, CrossCountry, Virgin Trains East Coast and TransPennine Express, and Samaritans Scotland, which has first-hand knowledge of suicide and mental health issues in rail settings. Those stakeholders warned of the dangerous consequences of full integration, starting with loss of expertise through the exodus of BTP Scotland officers as a result of the Scottish Government’s failure to deliver on the guarantees that were sought by officers regarding jobs, pay and pensions.

Meanwhile, the rail operators that fund the BTP in Scotland, including ScotRail, Virgin Trains and CrossCountry, expressed concern about the loss of specialisms such as reducing cable theft and assessing bomb threats. Those skills not only keep our railways safe, but help to minimise the impact of incidents UK wide.

Perhaps most telling is the independent watchdog’s report on BTP in Scotland and the proposed transfer, in which HMICS stated that the Scottish Government had failed to set out a

“single, detailed and authoritative business case”,

that there was a total lack of thought regarding the fact that the proposals would lead to a dual command structure for railway policing across Great Britain and that the

“specialist and distinct nature of BTP’s work has been underestimated”.

More specifically, the report highlights the interface between the different contact, command and control systems of the organisations as being a key risk of integration, which is critical to

ensuring the safety of officers and the travelling public.

Humza Yousaf: Will the member take an intervention?

Margaret Mitchell: I am in my last minute.

The BTP Scotland division has an exemplary record in ensuring that our railways are secure. Given all that I have said, and that we are in a time of heightened terrorism awareness, it is absolute folly to proceed with integration. That is particularly the case because, only yesterday, DCC Livingstone confirmed that IT issues, as well as pensions and terms and conditions, will not be resolved by the integration date of April 2019, and that he shares the concerns about how officers will be integrated. I therefore urge Parliament to support the motion calling on the cabinet secretary to, at the very least, pause and reconsider the Government's ill-conceived plan.

16:15

Rona Mackay (Strathkelvin and Bearsden) (SNP): In my view, this debate should not be happening. The premise of the Conservative motion on the Railway Policing (Scotland) Bill, which was passed by Parliament last summer, is simply not valid. We have so far heard a rerun on the merits of the bill from the Opposition members, which does not actually reflect the motion.

Liam Kerr's motion is framed around pausing the merger of the BTP and Police Scotland due to "the leadership challenges facing Police Scotland".

As he, I and the rest of the Justice Committee heard yesterday from Iain Livingstone, the deputy chief constable designate, that is utter nonsense. DCC Livingstone emphatically stated that policing on the ground is not affected in any way by internal wrangling at the top of the tree. Indeed, he forcefully outlined the strength of policing in Scotland today, which is in the main down to our having an effective single force, and he reiterated that crime is at its lowest level since 1974.

Liam Kerr: Just to get back on point, is Rona Mackay aware of whether the Government has made any contingency plans should two thirds of Scottish BTP officers decide not to transfer to Police Scotland?

Rona Mackay: I will come on to that later.

The motion highlights that railway policing

"is of critical importance to public safety, particularly in responses to terrorism".

That is, of course, correct, but the fact is that merging the BTP with Police Scotland will, as we heard in evidence before the bill was passed, strengthen the force's ability to respond quickly to

cross-border terrorist threats. That has been happening and will continue to happen after the merger. With more than 93 million rail journeys being made within Scotland each year and 8 million cross-border rail journeys being made, it makes sense to upskill all police officers to ensure greater public safety and the security of our country.

Liam Kerr said that DCC Livingstone is worried about the pay and pensions and the terms and conditions of the officers who will be transferred. That is, of course, understandable, but what Mr Kerr did not say in his speech was that DCC Livingstone stated categorically that he personally has nothing to do with that side of the merger because his remit is purely on the police operational side, but that—of course—his officers' pay and conditions are of concern to him.

As was said many times during the passage of the bill, the Scottish Government has given a triple-lock guarantee to protect the jobs, pay and pensions of British Transport Police officers and staff in Scotland, and it is working hard with officers and their representatives to ensure that the terms of the transfer are fully understood. A further meeting with the British Transport Police Federation and the Transport Salaried Staffs' Association is scheduled to take place next month. The BTP Federation has been briefed that the joint programme board is developing draft secondary legislation to transfer officers and staff in Scotland to Police Scotland, which will be done with no detriment to the pensions of serving, deferred or retired BTP officers and staff.

There are currently 285 full-time equivalent BTP officers in Scotland, and more than 17,000 regular police officers. In my view, integration can only improve the service to the rail network throughout Scotland. The specialisms in transport policing, which Margaret Mitchell mentioned, have been recognised emphatically, and Police Scotland has confirmed that a bespoke railway policing unit will be established for railway policing in Scotland. What more proof do the Conservatives need that the merger has been planned meticulously to ensure a smooth transition in 2019?

In addition, the integration of the BTP with Police Scotland will make it fully accountable to the people of Scotland and the Scottish Parliament, which is entirely as it should be.

It would be preposterous to pause the process while negotiations are on-going, so I urge the Conservatives to stop trying to derail the merger, which will make Scotland a safer and more secure place in which to live and travel.

16:19

Neil Bibby (West Scotland) (Lab): My position and the position of Scottish Labour on the Railway Policing (Scotland) Act 2017 and the Scottish Government's intention regarding the British Transport Police has not changed since we last debated the issue: I do not support the merger. There is, as I see it, no reason why devolution of the British Transport Police should mean its dissolution.

However, I hope that members throughout the chamber can agree that, throughout the process and the Parliament's on-going scrutiny of the merger, our absolute priority must always be the safety of the travelling public.

My views about the merger have always been informed by the views of British Transport Police officers and staff unions, who have been consistent in arguing that, on a practical level, integration could have an impact on their members and their capacity to keep people safe. They have described the merger as "imprudent" and they have warned that it could result in "an inferior service." They remain deeply concerned about what the merger means for officers and staff, with the dilution of specialist railway policing skills and the on-going uncertainty over terms and conditions.

There were always questions about the path of full integration by 2019, which was chosen by the Scottish Government. I do not think that any of us can say that the merger was ever going to be easy and straightforward. That view is backed up by evidence that was given to the Justice Committee yesterday, which confirmed that issues around integration of information technology systems, pensions and terms and conditions remain unresolved. Indeed, as has already been said, acting chief constable Iain Livingstone stated that those issues will not be resolved by 1 April 2019, which is the date of the proposed merger with Police Scotland.

As has also been mentioned, Nigel Goodband, who is the chair of the British Transport Police Federation, which represents front-line officers, issued a statement responding to yesterday's committee evidence session in which he said:

"Now it is clear that full integration cannot be achieved by April 2019, it is our suggestion that the process is suspended until such time as there is a full and robust plan, detailed analysis of cost and a full and complete understanding of the terms and conditions of our members."

Every member of Parliament should give the fullest consideration to that serious and genuine request by the federation on behalf of the front-line officers whom we trust with our safety week in, week out.

I remind members that those latest calls for suspension of the process follow an 11,000-signatures-strong petition by the TSSA calling for a halt to the merger. It is of the utmost importance that the workforce and passengers have confidence in the new railway policing arrangements, whatever they might be. I believe that putting the process on pause would send an important signal that the concerns of officers and staff are not being ignored, that they are being listened to and that there will be no rush to a merger. I also believe that it would send the important signal that lessons have been learned from the creation of Police Scotland.

At stage 3 of the Railway Policing (Scotland) Bill, the Government and Parliament agreed to a number of my amendments, which set out in the bill mechanisms for engagement with trade unions. That was not just a matter of process, but an important point of principle. We agreed that those who represent the workforce should have a voice in the merger. Given the steps that Parliament and the Scottish Government were prepared to take last year to ensure that the workforce has a voice, it seems to me to be only right that we should demonstrate today that the workforce's concerns have been heard and will be listened to. I also believe that it is time to listen to what has been said regarding bringing a halt to the merger.

16:22

John Finnie (Highlands and Islands) (Green): The Railway Policing (Scotland) Bill was passed by the Parliament and it has to be respected. Throughout the passage of the bill various concerns were raised. I accept that there are those for whom the integration of the two services will never be acceptable. Those views are held for various reasons. I take no issue with the Conservative Party bringing forward this subject for debate, because it is entirely appropriate that we discuss it—I will come on to say why I think that.

I get that British Transport Police officers and the British Transport Police Federation have pride in their existing arrangements, because the British Transport Police is the force that they joined. As someone who served in two forces, I understand that. We know that the same mindset exists with regard to regimental amalgamations and the like.

Once again, language is important. We have been talking about safety, which I put at the forefront of everything. The six Green MSPs will make decisions on the basis of what we think is right, which will mean that there are some very odd shades of alliance on some occasions. It is not often that I would find myself on the opposite side from the police federations, the Association of

Scottish Police Superintendents and the RMT. Views are held in good faith.

The history of policing is that, from the Zetland constabulary in the north to Dumfries burgh police in the south, there have been integrations. I think I said recently that I have two neighbours who were members of Inverness burgh police—I will never persuade them that there will ever be a police service to match it. It is important that we move on but that we do not forget.

As I said, assurances were given, but the concerns about terms and conditions are genuine and remain. It is important to address them if we are to ensure that integration is effective, as members said. I am reassured by what the minister said—indeed, I appreciate his comments about the amendment that the Greens lodged. However, we are still not supporting the Government amendment. This is a complex issue, but as someone said recently, it is as complicated as we want to make it. The pension is a complicated matter, as are terms and conditions.

Let me touch on some of the operational issues. I appreciate that some members here did not sit through the extensive evidence that was taken, but it is entirely wrong to say that the issue of control rooms has suddenly appeared. That issue has been addressed. There was no issue whatever to do with the collaborative working that takes place between Scottish forces, forces south of the border and the BTP. In Scotland, there will be one control room to deal with, not 43.

Liam Kerr: Will the member take an intervention?

John Finnie: No, I will not.

It is also important not to make an issue of cross-border arrangements, which were dealt with historically, reinforced in the Police and Fire Reform (Scotland) Act 2012 and covered extensively in the context of the Railway Policing (Scotland) Bill. Cross-border activity is a regular thing. The committee heard about officers who escort Newcastle United fans; the issues have been addressed.

Oliver Mundell (Dumfriesshire) (Con): Will the member take an intervention?

John Finnie: No I will not do so, in the short time that I have. If it was a longer debate, I most certainly would take interventions.

Acting chief constable Livingstone's words have been much quoted in the debate and, I think, misrepresented. It will be interesting to see whether we can resolve the existing IT issues in the timeframe, never mind any other IT issues.

The Scottish Government regards itself as a host in the process. As a host, it should be

welcoming. It can do that by smoothing the passage and sorting out terms and conditions. I welcome what the minister said about jobs, pay and pensions, but I am concerned that there is a measure of complacency about the timetable in that regard. There is a lot to be sorted out in a short time. We need to get it sorted out soon.

16:27

Liam McArthur (Orkney Islands) (LD): I welcome John Finnie's acknowledgement of the legitimacy of this debate; some members called that into question and suggested that the debate goes against the will of the Parliament. Given the concerns that have been raised with the Parliament and with individual members about the impact that the Railway Policing (Scotland) Act 2017 is likely to have and the timescale in that regard, it would be remiss of us not to hold the Government to account. I welcome the debate.

Since we passed the 2017 act, HM Chief Inspector of Constabulary in Scotland has criticised the proposals for lacking a

"detailed and authoritative business case".

In his draft report, Derek Penman even referred to the merger as politically motivated.

Many BTP officers and staff have expressed serious doubt about whether they see a future for themselves in the newly merged operation.

However, none of that is new. Most respondents to the Government's initial consultation expressed views that ranged from the sceptical to the hostile. The response to the committee's call for evidence was scarcely more supportive of the plans.

Ministers, of course, cling to the delusion that the merger merely implements the will of the Smith commission. In truth, it reflects only the SNP's interpretation of Smith. Merger was just one of three options that were identified, and it was the option that carried the highest risk and was opposed by most stakeholders.

As Colin Smyth said, ministers made no attempt to seek views on the other options, which would have minimised disruption to a service that we know operates efficiently, effectively and with a high degree of professionalism, across the United Kingdom. Having made up their minds, ministers carried out no proper assessment of the risks or costs of abolishing the BTP.

The failure to do that basic work to identify and plan for the benefits, disbenefits, risks and costs associated with the merger leaves the joint board with the task of implementing the policy at any cost and irrespective of the problems that are identified. That is inexcusable. It is little wonder that current and former BTP officers and staff have

been expressing concerns in the way that they have been doing. Should significant numbers choose not to transfer or decide to move on shortly after the merger, the loss of expertise and specialist policing knowledge will be highly damaging, yet the minister still cannot provide answers to the legitimate questions that officers and staff are asking.

At yesterday's Justice Committee, DCC Livingstone made a valiant attempt to provide the reassurances that he could, but he acknowledged that it is ministers who need to come up with many of the answers. He also acknowledged that the merger could be postponed if the issues are not ironed out ahead of next year's deadline.

I rather suspect that, with everything he has on his plate at the moment, this latest SNP centralisation is the last thing that DCC Livingstone and his colleagues in Police Scotland need right now. With no clarity over risks or the business case, the costs or who will be expected to pay and the future working arrangements and the retention of specialist knowledge, it seems as though the only thing over which there is clarity is the Government's pig-headed determination to ignore all the concerns and carry on regardless.

For years, SNP ministers have had an agenda to disband the British Transport Police in Scotland. For months, they have tried to come up with a justification and a way of making it work. To date, they have failed. It is not too late for them to come to their senses. For the sake of policing, and in the public interest, I urge the Government to pause this ill-thought-through merger and to support the motion in Liam Kerr's name.

16:30

Fulton MacGregor (Coatbridge and Chryston) (SNP): The next time I hear a Tory tell me that we should not have a referendum that was clearly outlined in our manifesto because we have had one already, I will remind them about this motion.

Parliament decided less than a year ago to go ahead with the plans, and work is well under way on making it so after the Railway Policing (Scotland) Bill went through the proper parliamentary process. I should know—I am a member of the Justice Committee that scrutinised the bill at all stages.

I take issue with the wording of Liam Kerr's motion. He suggests that DCC Livingstone and his team of senior officers around him are incapable of carrying out their duties. That is unacceptable.

Let me also be clear that, whether the Tories like it or not, Parliament passed the bill. Is Liam Kerr suggesting that Parliament should intervene

in a police operational matter? The Tory motions today are counter to each other; they lack consistency. I am thankful that Liam Kerr's earlier assertion that his party will be the next Scottish Government is likely to remain a dream—

Jamie Greene (West Scotland) (Con): Will the member take an intervention?

Fulton MacGregor: No, I will not take an intervention, because of the time limits.

I am not sure what committee some members were referring to in their speeches. Yesterday, when I directly asked DCC Livingstone whether a pause would be prudent, he made it clear that if, at any time, he considers that a pause or delay is necessary, he will highlight that. At this time, however, plans are going as expected and there should be no issue with integration going ahead on 1 April next year.

As part of the wider debate, DCC Livingstone highlighted that policing is not in crisis. It is important that we continue to praise our officers and have faith in them, particularly when we are talking about operational matters.

When I spoke in last year's stage 3 debate on the Railway Policing (Scotland) Bill, I highlighted various reasons why I support integration. I have not changed my position. Instead of a limited number of officers being trained in railway policing, all police officers in Scotland will be trained in railway policing, which will increase coverage across Scotland. As is the case in other areas of policing, such as roads and criminal investigation, there will be officers who are trained to an advanced level. I do not hear the Tories calling for a Scottish roads police force to be established.

When we consider the numbers—285 BTP officers compared with 17,000 Police Scotland officers—I cannot believe that we are even having the discussion. Instead, we should ensure that all our police officers are trained and able to police anywhere in Scotland.

There are on-going issues of governance within Police Scotland, but Liam Kerr's suggestion that everyday policing should stop as a result is ridiculous. There is a reason why the chief constable has a deputy: there are deputies in every organisation. If Ruth Davidson were to take a leave of absence, would the Conservatives stop until she came back?

It will be interesting to see whether Labour will support its Tory friends yet again in kicking the police, just as they do our nurses and teachers. The two parties seem to be supporting each other more and more often. I wonder whether they can see that. It is time that both parties stopped playing politics and valued our public services.

Having heard DCC Livingstone yesterday, I have every faith that he will be the first to say so if the plans to integrate by April next year are not realistic and we need a pause. I know that the Scottish Government will continue to monitor the situation on that basis. It will be DCC Livingstone to whom we will listen about whether a pause is needed—not a Conservative motion.

16:34

Oliver Mundell (Dumfriesshire) (Con): I am perhaps a little bit overeager to speak in the debate, but I must be honest enough to admit that I agree with Rona Mackay on this occasion: the debate should not be taking place, because we should never have got to this point in the first place.

It has been clear to me, as someone who, as a member of the Justice Committee, listened—along with Fulton MacGregor—to the evidence on the proposed merger from experts and from practically every stakeholder organisation, that it is not only the wrong plan but the wrong time, and that the consultation that the Scottish Government held right back at the start of the process was fundamentally flawed.

Humza Yousaf: I want to read out a quotation.

“We will create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.”

That is from the UK and Scottish Conservative Party’s manifesto in 2017. If it is not the right plan for us, why on earth is it the right plan for the Conservatives?

Oliver Mundell: The minister’s intervention is almost exactly the same as one that I took from his colleagues during the stage 3 debate on the Railway Policing (Scotland) Bill. The Conservatives set out a proposal that was completely different from the Scottish Government’s: we were interested in protecting specialised policing and retaining expertise. We have not proposed merging specialised policing with regular policing anywhere in the United Kingdom. We recognise the skills that British Transport Police officers have and the value that they add to public safety.

It is little wonder that the minister said that he recognises that some people are still discontented with the process. That is because he continues to ignore what experts are saying. No wonder they are discontented—they have been taken for an ideological ride. The SNP’s plan is politically driven and has absolutely nothing to do with the best interests of policing. The SNP is always asking whether people have a backbone. Fulton

MacGregor told us that my colleagues should not have brought the issue back to the chamber for debate, but it was right that they did, because sometimes the Government needs to be big enough to accept and acknowledge that it has made a mistake.

Fulton MacGregor: Does Mr Mundell accept that it was the democratic will of the Parliament that the Railway Policing (Scotland) Bill be passed?

Oliver Mundell: Of course I accept that, but that does not mean that decisions of Parliament and, in particular, decisions of the Government should not continue to be scrutinised, especially as new evidence comes to light. [*Interruption.*] Time has moved on. We are getting closer and closer to a deadline—

The Deputy Presiding Officer (Linda Fabiani): I ask members to stop the sedentary interventions.

Oliver Mundell: Others have described the deadline as a “cliff edge”. We are still no closer to BTP officers being satisfied with the terms and conditions that they are being offered. What worries me from my discussions with rank and file officers in Police Scotland is that there is a growing resentment among them that BTP officers will join the force on a different set of terms and conditions, after they have been through an extremely difficult process.

Given what we heard in the previous debate, we know that Police Scotland is not in a position to prioritise what is a highly complex process. Compelling arguments for a pause in the process have been made by colleagues from across the political divide. The question now is whether the Scottish Government is finally willing to listen.

The Deputy Presiding Officer: We come to the final speech in the open debate.

16:38

James Dornan (Glasgow Cathcart) (SNP): Before I start my speech, I say for the record—you missed this earlier, Presiding Officer—that I have known Michael Matheson longer than anybody here. I have known him since he was five. He was a cheeky wee midden then and he has not improved at all. [*Laughter.*]

I have listened to the speeches that have been made and I have watched members’ performances. When I listened to Liam Kerr with his soft, gentle, persuasive, lawyery voice, I was almost persuaded, before I realised that behind it lay an ideological fervour to ensure that nothing that is “British” ever becomes “Scottish”, because that is not what the Conservatives are about.

Oliver Mundell rose—

James Dornan: Sit down. It was agreed by the Conservatives, as part of the Smith commission proposals, that railway policing would be devolved. *[Interruption.]*

The Deputy Presiding Officer: Please sit down, Mr Mundell.

James Dornan: It appears to me, having listened to Oliver Mundell and Margaret Mitchell, that the Conservatives are quite happy to have agreed to that as long as they never have to do anything with it. As Fulton MacGregor rightly said, last year the Parliament passed the Railway Policing (Scotland) Bill. Now, some members want to kick it into the long grass.

We had honesty from Neil Bibby: he did not support the merger then and he does not support it now. Although he got what he wanted through amendments to the bill, he is still looking for more. He should support us and we should be moving forward with the merger.

If anybody here is seriously saying that having the British Transport Police within Police Scotland is a bad thing for safety and joint working, they are not paying appropriate attention. As the minister said, Police Scotland already goes to railway stations when there are major issues. When there have been terrorism incidents, they did not phone up the armed branch of the British Transport Police and ask them to get there. Police Scotland made sure that armed police got there. When they are all part of the same police force, such things can happen much more quickly and smoothly than they do now.

I have a constituent who is a full-grown man with severe mental health issues—*[Interruption.]* If Conservative members think that that is humorous, it says a lot about them. My constituent was involved in an incident on the railways and was arrested by British Transport Police. Not long after that I was contacted by his parents, who were distraught with confusion and concern because of how he was dealt with. Neither police force had dealt with him wrongly, but they dealt with things in different ways: he did not get exactly the same treatment from the British Transport Police as he would have expected from Police Scotland. That led to confusion for him and concern for his parents and, to be fair, for many people in the British Transport Police. As part of the same police service, they would have had a uniform way of working. My constituent would have known exactly what he was going into: that person with mental health issues would not have had those concerns.

The debate is not about bettering the police system. This is about you holding on. We have been given devolution of powers, but you do not

really want us to use them. If you honestly think that Police Scotland taking in the British Transport Police is going to be bad for the safety of the people of Scotland, you are completely wrong.

The terms and conditions have been worked on regularly and I am pretty sure that, when they get to the merger, everybody will be happy. There has never been a merger in which every person who has moved has said, “This sounds like a great idea”. We will always get staff who want to stay where they are, who have been in one group for a long time and do not want to move to the other. That is human nature, and you should not be making so much of it. I support the amendment.

The Deputy Presiding Officer: I remind members that they should always speak through the chair. We move to the closing speeches.

16:42

Daniel Johnson (Edinburgh Southern) (Lab): As I stand, I am taking a deep breath, as that may be needed at this time. It is clear that some members are a bit upset that we have had two fraught debates on policing. At least that has given them the opportunity to hear from me not once, not twice but three times. There is an upside to everything.

However, in all seriousness, although the phrase “the will of the Parliament” has been used on many occasions, nothing in the motion or the debate has challenged the will of the Parliament. We are merely saying that, if integration will not be completed in time, and if the many things that were raised by DCC Livingstone at yesterday’s Justice Committee meeting will not be completed, maybe we should think again. He described a situation in which terms and conditions, IT, third-party contracts and pensions will not be integrated and ready to be completely converged in time for the deadline. What kind of merger is it when such substantial issues as the terms and conditions of employment, IT systems and third-party contracts will not be in place? How on earth will the merger operate? When such fundamental things are not completed, the Government has to pause, because otherwise we will have a mess.

Fulton MacGregor: Does Daniel Johnson not accept that the issue is for Police Scotland, as I said earlier? It is for DCC Livingstone to say to the minister and the Scottish Government that we need a pause; it is not for the Tory Party to bring the issue to the chamber after the bill has been passed. That is the point that I was making.

The Deputy Presiding Officer: I can allow you a little extra time, Mr Johnson.

Daniel Johnson: Thank you, Presiding Officer.

If it were just the Tories who were making that point, I might agree with Mr MacGregor. I have little time for or trust in them, although, every now and then, they happen—[*Interruption.*] Just wait for it. Every now and then, they happen to be right. It is not just the Tories who are saying it but trade unions and representative bodies. That is who we, on these benches, will listen to. Those bodies represent the staff who undertake the work—the officers who carry out the duties in the BTP—and they say that the process needs to be paused.

Liam McArthur put it very well, because it now appears that, given those issues and the various problems that have been outlined, the Government is simply pursuing integration at any cost. Likewise, he was absolutely right when he raised the conclusions of the Smith commission. The Smith commission did not propose just one model—that of devolution—but three different ones that could have been adopted, but the Government did not want to look at anything other than complete integration with Police Scotland. Of the other models that could have been examined, one was about loose administrative alignment and accountability. One went further in being about statutory alignment but with direction from the Government. Both of those models would not have encountered the problems that we are now seeing. Quite simply, the warnings and concerns of the many interest groups and bodies that Colin Smyth laid out have been proved to be right.

Nevertheless, we must also look at the key strength and distinctiveness of British transport policing. There is distinct law regarding the railways and a unique style, a specific skill set and one integrated railway network across the UK; therefore, the challenges are profound.

Neil Bibby is absolutely right to raise concerns around safety. If such fundamental issues as those that I raised at the beginning of my remarks cannot be integrated, we have to ask how effective integration will be across the range of duties.

Ultimately, we have to ask about the impact on staff. The different employment model and the challenges that it presents, such as for pensions, raises the question whether, if TUPE were to apply to the merger, it would be possible at all. My understanding of TUPE is that we need such things in place before a transfer can take place; therefore, if it were to apply, should we proceed with the merger at all?

We should heed the calls to pause the merger. Nigel Goodband is right and so is the TSSA. We cannot pursue the merger at any cost; we need to pause so that we can get it right.

16:47

The Cabinet Secretary for Justice (Michael Matheson): At the outset, I recognise and acknowledge the concerns that have been expressed by organisations such as the British Transport Police Federation and other trade unions with regard to the staff's terms and conditions and the transfer of the BTP into a single command structure under Police Scotland. Such issues have never been ignored; we have always acknowledged and recognised them. I fully acknowledge the most recent manifestation of such concerns and the letters that have been written by those various representative bodies. We will continue to work with them as best we can to address the concerns that they have raised with us the issues that they believe we should make further progress on as quickly as possible.

The integration of British transport policing into a single command structure in Scotland is not a new idea; it is a position that we set out back in 2011, before Police Scotland was established, as we believed that railway policing would be better if it were integrated into local policing to create a single command structure and a higher level of accountability for its operation. The idea of such integration—for example, with a force such as Police Scotland, which is the second largest in the UK—is not peculiar to Scotland. When Boris Johnson, who is now the Foreign Secretary, was the mayor of London, he was in favour of the integration of the BTP in London into the Metropolitan Police because that would have created an integrated system with a single command structure. I know that there are still views in London that that should happen in order to give policing above the ground the same command structure as policing below the ground, on the extensive underground network in London.

Members will recognise—my colleague Humza Yousaf pointed this out—the commitment from the Conservative Party to abolish the BTP in order to integrate it with the Civil Nuclear Constabulary and the Ministry of Defence Police.

The reality is that BTP, along with those other constabularies, is on borrowed time because of the UK Government's commitment to infrastructure policing, which brings together railway policing and major road policing, removing them from local constabularies. That was in the Conservatives' manifesto in the past few months.

Oliver Mundell: What discussions has the cabinet secretary had with the United Kingdom Government about the proposal to establish whether there is time to pause the process, as we have suggested?

The Deputy Presiding Officer: I can allow you a little more time.

Michael Matheson: That is Oliver Mundell's Government's policy, not ours. Our policy is integration. We set that out in 2011. The UK Government's decision is to go with integration to single-infrastructure policing, and that is its choice. It is not an approach that we think is appropriate in Scotland.

Terrorism is referred to in the Conservative motion. When it comes to tackling terrorism on the railway network in Scotland, Police Scotland does that. The BTP has no armed policing in Scotland. It does not even have a custody facility in Scotland; custody is provided by Police Scotland. I have four police stations in my constituency and, at a recent meeting with my local commander, I asked him about the level of BTP input into policing at the four train stations. There is none. The local police officers of Police Scotland deal with any issues on the railway network at the local level.

As the second biggest force in the UK, Police Scotland has a significant counter-terrorism capability—the second biggest in the UK. It is plugged into the UK network in a way that the BTP is not. That allows our single integrated command structure to ensure that, whether we are talking about railways or anything else, everything is fully integrated.

Colin Smyth raised the idea that we will lose specialisms. Police Scotland has a range of specialist areas of policing such as border policing, airport policing, air support policing, underwater policing, firearms policing, roads policing and mountain rescue policing. All those areas need a specialist capability and particular culture, and there is no reason why railway policing could not sit alongside them.

Colin Smyth: Is the cabinet secretary simply dismissing the concerns of the trade unions and the BTP about the uncertainty in its own staff survey, which shows that two thirds of staff might not transfer to Police Scotland because of the Government's failure to provide long-term certainty around pay and conditions? Is the cabinet secretary prepared to dismiss that and risk the loss of experienced staff, who will not bring their skills to the new body in Scotland?

Michael Matheson: I said at the outset of my speech that I recognise the concerns that have been raised by the trade unions and the federation in representing their members. We will continue to work hard to address those issues.

The programme has been taken through by the joint programme board, which is jointly chaired by the Scottish Government and the UK Government, and we are managing it in an orderly fashion.

Liam Kerr: Will the cabinet secretary take an intervention?

Michael Matheson: I am not sure how much time I have left, Presiding Officer. Do I have time to take another intervention?

The Presiding Officer (Ken Macintosh): You can take a brief one.

Liam Kerr: In the spirit of transparency that we talked about earlier, will the Government publish its full risk register in relation to the merger?

Michael Matheson: The way in which all the risks are being managed is being taken forward by the joint programme board, and we provide details of that to the Justice Committee regularly.

We would have supported the proposed Green amendment, because we recognise and acknowledge that there is concern among members of staff and officers about their terms and conditions. We will redouble our efforts to address those issues as quickly as we can, and we continue to do everything possible to engage with representative bodies in doing so. We remain committed to the no-detriment policy and to a triple lock being in place when it comes to jobs, pay and pensions. In particular, when BTP officers transfer to Police Scotland they will be able to take their BTP pensions with them.

We are working as hard as we can to address the issues and concerns. There are complexities around the merger—no one ever underestimated them—but we are doing everything that we can to manage it. I have no doubt that a single command structure for railway policing alongside all the other aspects of policing in Scotland will provide a much more secure system. That will help us to deliver safety on our railways in the same way as we deliver safety on our roads and in communities right across Scotland on a daily basis through the dedication of our officers in Police Scotland.

16:55

Jamie Greene (West Scotland) (Con): Today's debate has been interesting, because Opposition chamber business rarely allows Parliament the opportunity to carry out one of its other functions: to shine a light into what happens in the real world after the political decisions that we take at decision time are put in place. In the chamber we should not just pass legislation; we should question how it is implemented and what happens when policy becomes a reality.

Today's debate, which was brought forward by Liam Kerr, asks that question. There is not just a broad wealth of experience in the chamber on the subject; a wide range of important views and opinions have been expressed by external stakeholders, so the debate goes far beyond what one might expect of an Opposition motion. It is rare that in a single debate on a single issue—in

this case, the merger of the BTP into Police Scotland—we hear a unanimous view from such a broad spectrum of stakeholders, who all share concerns on the progress of the merger.

It is very rare that I find myself in agreement with someone such as Manuel Cortes of the TSSA, who has said that the merger should be scrapped because it will endanger cross-border rail safety. It is rare that I find myself in agreement with the RMT and ASLEF, which have raised rightful concerns on staff conditions and passenger safety. Such is the nature of the widespread concern from many corners of the political and public sphere that we would fail in our duties were we not to highlight those concerns today.

The concerns are as varied as the sources. On one side, the Samaritans have acknowledged the specialist knowledge and training of BTP officers. The BTP Federation, which represents rank-and-file officers, has said that that expertise will be “diluted”—that is its word, not mine.

On the other side, ScotRail—and bear in mind that ScotRail operations are run by Abellio, which has experience in running the Dutch railways—has stated that its experience of the Dutch system was that the loss

“of a dedicated railway police service and integration with the national police force can lead to a loss of specialism”.

Even Her Majesty’s inspectorate of constabulary in Scotland has said that no proper due diligence was done on the business case—and how evident that is today.

Rona Mackay and Oliver Mundell are both right on this occasion: this debate should not be taking place. However, the very suggestion that we should not be debating the matter at all is a disgraceful defence from SNP members. The question should not be why we, on the Conservative benches, have to justify why a pause is required. Those on the Government benches should be explaining why a pause is not required.

Neil Bibby said that we should be listening to the concerns of officers, and he is right. Liam McArthur said that the Government should swallow its pride and accept that there are issues with the progress of the merger, and he is right. My colleague Liam Kerr opened his remarks by pointing to a number of very live and on-going issues. Anyone who watched the footage from the Justice Committee yesterday will know that the April 2019 deadline is proving to be something of a challenge, and something of a cliff edge.

I was intrigued by the contribution of John Finnie, of the Greens. He said that, in his view, there are no issues with integrated control rooms or cross-border policing. I appreciate that Mr

Finnie and I are probably on opposite sides on the principle of the merger, but he should accept that, like it or not, stakeholders are concerned, and it is the stakeholders’ views that matter.

John Finnie: Does the member acknowledge that there is on-going co-operation, as we have heard from various sources? That is not an issue. There are a range of different control systems across the United Kingdom. British Transport Police works collaboratively with Police Scotland at the moment and that will continue.

Jamie Greene: If there were no issues, we would not be receiving representations from such a wide group of stakeholders who are telling us that there are issues that need to be addressed. They have a number of concerns—it is not only the issue of control rooms that they are concerned about. What progress has been made on pensions, terms and conditions, dual command systems and IT systems? Further, if the internal BTP survey translates into reality, we could be facing a situation in which two thirds of BTP officers did not transfer to Police Scotland. What would we do in that situation? What if they took retirement, transferred south of the border or left the force altogether? Where would that leave Police Scotland? Where would it leave us?

Our motion is clear about the fact that we respect the devolution of control of transport policing, and we respect the decision of Parliament last July. However, following that decision, the Government had a choice. Devolution could have been achieved in other ways. It is no great secret that we oppose this merger in principle. However, if it is to go ahead, the sensible thing to do is to do it in a measured way that addresses the many concerns that people have. Let us respect the will of Parliament, but let us also respect the fact that Parliament has a duty to hold the Government to account.

I say to the cabinet secretary and to any member who is inclined not to support our motion today that they should not take our word for it—with the greatest of respect to Liam Kerr, they should not just take his word for it, either—but they should listen to rank-and-file officers, senior officers, the BTPF, HMICS, train operators, the unions and the acting chief constable himself. The target date of April 2019 is a challenge, so we ask the Scottish Government to take a sensible pause in proceedings and to take stock of some of the concerns and issues that have been raised not only by MSPs but by those who will be directly affected by the merger. If there are any benefits to be found in the merger, it is important that we get it right.

I encourage members to do the right thing and support our motion.

Business Motions

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two business motions in the name of Joe FitzPatrick: S5M-10062, setting out a business programme; and S5M-10063, on a stage 2 timetable for a bill.

Motions moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 30 January 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 3 Proceedings: Gender Representation on Public Boards (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 31 January 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Communities, Social Security and
Equalities

followed by Stage 1 Debate: Budget (Scotland) (No.2) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 1 February 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 3 Proceedings: Domestic Abuse (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 6 February 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 7 February 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Economy, Jobs and Fair Work;
Finance and Constitution

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 8 February 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 1 February 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill at stage 2 be completed by 9 March 2018.—[Joe FitzPatrick]

Motions agreed to.

Decision Time

17:02

The Presiding Officer (Ken Macintosh): The first question is, that amendment S5M-10038.1, in the name of Michael Matheson, which seeks to amend motion S5M-10038, in the name of Liam Kerr, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)

Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 64, Against 57, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-10038.4, in the name of Daniel Johnson, which seeks to amend motion S5M-10038, in the name of Liam Kerr, on justice, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-10038, in the name of Liam Kerr, on justice, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Green)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robison, Shona (Dundee City East) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Michael (Argyll and Bute) (SNP)
Sarwar, Anas (Glasgow) (Lab)
Smith, Elaine (Central Scotland) (Lab)
Smyth, Colin (South Scotland) (Lab)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Swinney, John (Perthshire North) (SNP)
Todd, Maree (Highlands and Islands) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wightman, Andy (Lothian) (Green)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Peter (North East Scotland) (Con)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Corry, Maurice (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Golden, Maurice (West Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harris, Alison (Central Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Lindhurst, Gordon (Lothian) (Con)
Lockhart, Dean (Mid Scotland and Fife) (Con)
Mason, Tom (North East Scotland) (Con)
McArthur, Liam (Orkney Islands) (LD)
Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 88, Against 34, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes the Cabinet Secretary for Justice's statement to the Parliament of 10 January 2018 regarding the Chief Constable's leave of absence; recognises the importance of due process being followed in respect of all investigations relating to officer conduct; accepts the need for careful judgement to be exercised when commenting on ongoing investigations in order to ensure fairness to all affected parties; further believes that all future meetings between the Scottish Police Authority and the Scottish Government should be minuted, and notes the calls from the campaign, Get it Minuted, that the Scottish Government should be taking agendas, notes and minutes for all meetings.

The Presiding Officer: I remind members that, if the amendment in the name of Humza Yousaf is agreed to, the amendment in the name of Daniel Johnson will fall.

The next question is, that amendment S5M-10039.2, in the name of Humza Yousaf, which seeks to amend motion S5M-10039, in the name of Liam Kerr, on railway policing, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)

Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 59, Against 57, Abstentions 6.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S5M-10039, in the name of Liam Kerr, on railway policing, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley)

(SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 59, Against 57, Abstentions 6.

Motion, as amended, agreed to,

That the Parliament respects the devolution of railway policing as agreed in the Scotland Act 2016; notes the passage of the Railway Policing (Scotland) Act 2017; further notes that the Joint Programme Board is closely monitoring progress of the integration programme; asks the Scottish Government to keep the programme timetable under review with advice from the Joint Programme Board; recognises that the Scottish Government has given guarantees to protect the jobs, pay and pensions of British Transport Police officers and staff in Scotland; notes the publication of a series of workforce questions and answers to support this, and recognises the need for ongoing engagement with staff, officers and their representatives to ensure that the terms of transfer are fully understood.

Adverse Childhood Experiences

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-09381, in the name of Gail Ross, on adverse childhood experiences. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that in Caithness, Sutherland and Ross, and across Scotland, there are still many children who are growing up with adverse childhood experiences (ACE), a term that covers abuse, neglect and household adversity, the effects of which can cause chronic stress responses and have a lasting impact on children as they grow into adults; notes research, which suggests that instances of ACE rise with the level of deprivation that a child is living in; understands that there are no published studies to date of the prevalence specifically of ACE among the general population of Scotland; notes what it sees as the benefits of early intervention and addressing ACE; considers that such an approach has a positive impact on the person as well as society as a whole, and notes the view that, in order to mitigate against these experiences, a greater understanding must be achieved among policy makers and that focus should lie on prevention, resilience and enquiry.

17:09

Gail Ross (Caithness, Sutherland and Ross) (SNP): I thank everyone who has come to the chamber tonight; everyone who has supported us with briefings and advice, including the WAVE Trust, Barnardo's, the National Society for the Prevention of Cruelty to Children Scotland and Children 1st; all the people who have been in touch on social media; and everyone who has signed the motion, which has gained support from members from all sides of the chamber. I ask anyone who is interested in ACEs to support the WAVE Trust's 70/30 campaign, which aims to reduce adverse childhood experiences by 70 per cent by 2030. This is the first time that I have ever done this but, if people are following the debate on Twitter, we have a hashtag, which is preventACEs.

Presiding Officer, ACEs might be a relatively recent term in our social discourse, but childhood trauma is far from a new phenomenon. For many decades, psychologists, social scientists and educational experts have insisted that events that we experience in our early years can go on to form how we think, act and form relationships in adulthood.

I was first introduced to the concept in 2013, when psychologist and attachment expert Suzanne Zeedyk came to Highland Council and gave us a talk about childhood trauma. It really got to me. My son was very small at that point, and I had recently completed a course in child development. I think that most of the councillors

who were present that day would agree that it was one of the best discussions that we had. It opened our eyes to the way that childhood trauma affects lives.

Suzanne Zeedyk was one of the first people to talk to Highland Council about love. Those of us who have been in a council chamber will understand that that was a welcome change. She told us about the importance of the very early years—how attachment or insecure attachment to a loved one or a caregiver can mould us, not just emotionally and socially, but physically, in the way that our brains develop. She showed us two brain scans: one of an infant who had been loved and nurtured and had good attachment, and one who had not. The difference was stark.

I met Suzanne again last October at an event, and I pledged to help in any way that I could to raise awareness and initiate action on ACEs. I think that we have begun that today.

There are no statistics on ACEs in Scotland. I hope that the minister can address that in her closing remarks. A prevalence study that was conducted by NHS Scotland would give us a baseline from which to work and let us see the scale of the issue that we are dealing with.

Statistics from the 70/30 campaign tell us that 67 per cent of the population might have at least one ACE. I do not know how many people here in the chamber have used the ACEs tool provided by Barnardo's on the ACESTooHigh website, but a massive 87 per cent of people who have taken that test have at least one ACE.

What are ACEs? They basically sit in three categories: abuse, neglect and household dysfunction. The 10 indicators are physical, sexual or emotional abuse; physical or emotional neglect; mental illness; mother treated violently; substance abuse; divorce; and incarcerated relative.

Research has shown that, compared to people with fewer ACEs, people with four or more have three times the levels of lung disease and adult smoking, 11 times the level of intravenous drug use and 14 times the number of suicide attempts. They are four times as likely to have had sexual intercourse by the age of 15 and four and a half times as likely to develop depression. They have two times the level of liver disease. People with six or more ACEs can die 20 years earlier than those who have none.

ACEs can lead to disrupted neurological development; social, emotional and cognitive impairment; the adoption of health risk behaviours; disease, disability and social problems; and early death. They can lead to a life of drug and alcohol addiction, homelessness, mental health problems, long-term unemployment, aggression and criminality.

Studies also show that preventative spend to invest in our early years can save millions of pounds of public money. In Highland Council, Suzanne Zeedyk gave us an analogy of a baby in a stream: do the hard work at the source and you will not be fishing them out further down the stream in later years when they are playing up in school or are in prison, are homeless or worse. We could avoid not just the physical cost but the social and emotional cost to individuals and families all across the country.

We know that the best thing to do is to try to prevent ACEs from occurring in the first place, but we have to be realistic and recognise that in every instance that may not be possible. Therefore, we need to help build resilience in people with trauma so that they can deal with it. A lot of those people have never been shown love and affection, and in turn they find it difficult to show those things when they become parents. That is why schemes such as the family nurse partnership are hugely important to breaking the cycle. Our professionals, teachers, social workers, health workers and organisations such as the police need to be fully aware of, and trained and equipped to spot, the signs of trauma and to deal with the resulting behaviours and other consequences.

The sectors of education, health care, justice, social security and housing all need to work together to ensure a trauma-informed approach to the way that they work. We also need to embed a trauma-informed approach in our teacher training. I believe that Strathclyde university is already doing that, and may well be the first university in the United Kingdom to do so.

I know a teacher who set up a social enterprise that encouraged school refusers and young people from disadvantaged backgrounds to learn new skills and, in turn, to raise money for the school. I will never forget the time that she had 30 kids in the school on a Saturday morning, learning how to knit. She never apportioned blame, always tried to understand the backgrounds of the children, asked them questions, rewarded good behaviour and attendance, and cared about the kids. They rewarded her with increased attendance, attainment and confidence, because they trusted her.

We do things well in Highland. We were the first to integrate health and social care back in 2012 with the lead agency model—the only one currently operating in Scotland. We have led on many children and young people initiatives, such as the named person scheme, which—no matter if you do not agree with it—was working. So it comes as no surprise that I am putting on record my request to the WAVE Trust to use Highland as the area for its pioneer community project and my

asking the Scottish Government to consider becoming a third partner in that initiative.

In Scotland, we pride ourselves on the way that we look after our children, we strive to get it right for every child and we want Scotland to be the best place in the world to grow up in. Let us get an assurance here tonight to work together across all sectors to make Scotland an ACE-aware nation, and to fulfil our United Nations Convention on the Rights of the Child commitment to protect children against all forms of neglect, cruelty and exploitation. There are a lot of people out there with the knowledge and drive to make things better.

We are never going to close the attainment gap until we address ACEs. Children cannot learn properly when they are suffering from trauma. Let us get them talking about feelings, and teach them to be kind and loving individuals who matter. ACEs have been cited as the single greatest unaddressed public health threat that we face. We need action from Government and in society, and the time for that action is now.

The Deputy Presiding Officer: We move to the open debate, which is heavily oversubscribed, so I will be very strict with times. Contributions should be absolutely no more than four minutes, and less in some cases would be appreciated.

17:17

Rona Mackay (Strathkelvin and Bearsden) (SNP): I thank Gail Ross for bringing this vital and timely debate to the chamber. Earlier this month I hosted an event to screen a film called “Resilience”, which highlights the ACEs initiative. It was my second time of viewing the film and it probably hit me even harder than the first time, as I picked up on more and more of its astonishing content.

That sell-out film took Scotland by storm in 2017. It features the research of a pioneering doctor called Nadine Burke Harris, who works in America with children who are primarily, but not always, from disadvantaged backgrounds. As a former children’s panel member, I have seen children thrive when they were taken out of hostile environments. I knew that it happened, but I did not really know why. Now I know, and it is like finding the final piece of a jigsaw.

It is important to remember that the ACEs initiative is based on scientific evidence, not academic theories. Altered responses to stress lead to physical changes in the way that the brain develops, as Gail Ross described. I urge everyone to examine the evidence and the research that has been done on the subject; it is truly revolutionary and could shape the way that we deal with

disadvantaged young people for generations to come.

The psychological and scientific communities are in agreement about the harmful impact of ACEs. When someone is subjected to any kind of abuse, neglect or household adversity through their childhood, they often continue to suffer the consequences far into adulthood. In other words, for each traumatic experience that a child has, such as domestic violence, physical or sexual abuse, addicted parents, neglect and more, the higher their ACE score is and the more they will be affected.

Early traumatic experiences condition children to normalise stress and terror. That is called toxic stress. Children who experience ACEs are more likely to self-harm or attempt to commit suicide as adults. Unlike other children of their age, children with multiple ACEs are not worried about an upcoming exam—they are worried about how they will get their next meal or whether they will be safe at home. In short, they are worried about their own survival, day to day.

The eminent research scientist and ACEs pioneer Dr Suzanne Zeedyk, who Gail Ross mentioned, reports that those prolonged emotions “change the way the body functions.”

That impacts on the quality of their lives and their overall life expectancy.

We want Scotland to be the best place in the world for children to grow up in, so we need to take action to get all our young people, whatever they have experienced, help and emotional healing. Children with a high ACE score are not doomed if they receive the correct care and understanding. In the film “Resilience”, we hear from a professional who says:

“If we want to improve the lives of our children we have to transform the lives of those caring for them.”

A lot of knowledge is already out there about ACEs. As ever, Scotland’s wonderful children’s organisations, such as Children 1st and Barnardo’s, among many others, are right at the forefront of how we deal with affected youngsters. However, we need to ensure that teachers and social workers receive training about ACEs, how to recognise the behaviour of a child who is affected, and how to respond to their needs.

We can also begin to spread awareness about the commonality of ACEs in childhood so that those who are suffering do not feel isolated. A major conference that will take place in Glasgow in September will be an amazing forum in which to spread the word. That is testament to the will and determination of all those who work passionately in the field.

Any efforts to help those children and adults are an investment in the future of Scotland. Let us make Scotland a beacon for the rest of the world in dealing with ACEs, because we can do that.

17:21

Elaine Smith (Central Scotland) (Lab): I congratulate Gail Ross on securing this debate. I apologise to members and to the Minister for Mental Health in particular for having to leave early, I am afraid, as I have a meeting to go to.

I recently attended the showing of the "Resilience" documentary that was hosted by Rona Mackay, which she mentioned. It was interesting. It explained the ACE score sheet, how it works and its origins. As Gail Ross outlined, research has found a direct link between childhood trauma and adult onset of chronic disease as well as depression, suicide, being violent and, indeed, being a victim of violence. It also found that the risk of health, social and emotional problems increased with the more types of trauma that were experienced.

As Rona Mackay mentioned, a copy of an ACE questionnaire was sent with the Barnardo's briefing that we received. I was surprised to see that bereavement was not one of the categories. Other traumas can affect health and wellbeing but, apparently, the 10 factors that are used are the most common.

Although divorce and separation are included in the 10 ACE factors, we must take care to ensure that the approach does not stigmatise any child or any parent in a one-parent family, whether that is by choice, divorce or bereavement. Sometimes separation can protect children from trauma from difficult or abusive parental relationships. Across Scotland, there are many parents, grandparents and carers who are doing a great job in providing a secure home and giving the children in their care the best start in life in many different family settings, and we should recognise that.

One concern that I want to raise is the apparent absence of any equalities and discrimination analysis from the study and the development of the ACE scores. Racism and racist abuse, for example, can blight a child's life from the outset. We have a responsibility to continue to tackle all discrimination head on.

In many cases, childhood trauma has its roots in poverty and deprivation, of course. Many parents who live in poverty provide security and stability for their children despite massive challenges, but there is no doubt that poverty puts a strain on family finances and therefore relationships. We know that children who grow up in low-income households have, on average, poorer mental and

physical health. A Joseph Rowntree Foundation report on poverty tells us:

"At age five, children who have had high-quality childcare for two to three years are nearly eight months ahead in their literacy development than children who have not been in pre-school."

I welcome the cross-party commitment in the Parliament to increasing quality childcare provision in Scotland. However, to go back to the impact of poverty on families and children, it is shameful that the UK end child poverty campaign coalition reported yesterday on a significant increase in child poverty across the UK. The report highlights that 45 per cent of children in one Glasgow constituency now live in poverty. That is unacceptable.

There is no doubt that many people who experience trauma and abuse are resilient, but others are not. Suffering traumatic events and adverse childhood experiences undoubtedly increases the risk of inequalities, disadvantage and poorer physical and mental health. That means that building resilience and coping strategies in children and young people is clearly necessary to help to prevent negative outcomes. Family support is also important, as is ensuring that those who care for and look after children are properly supported and trained.

We have the tools to diagnose the problems and we know what some of the answers are, but all that has budgetary implications for the Government, local authorities and, indeed, the third sector. That includes the pay and conditions of staff. Earlier this week, the Jimmy Reid Foundation published a report, commissioned by Unison, that highlights the vital contribution made by local government to local services and communities. The experience of children and families living in poverty will undoubtedly be worsened by continuing cuts to local government budgets and essential services. On the other hand, increasing wages and investment to provide high-quality public services will improve children's life chances and help reduce those ACE scores for many children. It is clearly an area where preventative spending will be of great benefit in the long term, not only to individuals but to society as a whole.

Again, I congratulate Gail Ross on securing a debate on this important issue.

17:25

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank Gail Ross for bringing this important debate to the chamber. I remind members of my entry in the register of members' interests, which shows that I am currently

registered with the Scottish Social Services Council.

I have eight years' experience of working in a busy child protection social work office. As Gail Ross highlighted, trauma is prevalent in the lives of children who are referred to that service. One of the issues that I encountered most often was domestic violence—an issue that leads to many child protection referrals and interventions. I am glad that the Government is taking forward the Domestic Abuse (Scotland) Bill. In debates on that bill, I have highlighted the gap in child protection, and I am glad that there is cross-party support for the gap to be addressed.

Earlier today, I talked about child sexual abuse with people from the cross-party group on adult survivors of childhood sexual abuse, of which I am a member. For most people, there is little that is more harrowing than such abuse, but it is something that there is still mainly silence about. I remember the number of times that I had to go out and deal with such cases. Unfortunately, people still do not want to talk about that issue—we still have a lot to do.

What Elaine Smith said about poverty and deprivation is right. There is no doubt in my mind that, in more deprived areas, more child protection referrals were likely, as parents became more stressed and so on. I take this opportunity to welcome John Finnie's proposed member's bill on giving children equal protection from assault.

I think that we have made a lot of progress over the past few years. I have mentioned before in the chamber that I started in social work in 2004. I was in the child protection team between 2004 and 2012, and over those years I noticed a lot of changes, particularly in relation to agencies sharing information, which became much more common. We need to do even more collaborative working. As I remember it, at first everybody was just in their own wee groups, but then we trained with the police and health visitors, for example, and shared training became more common. I know that local authorities in different areas have different ways of doing that, but it was heartening to hear what is happening in the Highland area in that regard.

Everybody knows that we need to prioritise early intervention, but everybody would also accept—Elaine Smith touched on this—that that is easier said than done. When a child protection case comes in, that becomes the priority for agencies, and we should ensure that resources exist to tackle both child protection and early intervention issues across all services, including social work. I ask the minister, in winding up the debate, to respond to that point. Incidentally, I note that it is a health minister rather than a minister for young people who will wind up the debate, so I should

probably declare that I am the parliamentary liaison officer to the Cabinet Secretary for Health and Sport.

Policy is also important. I was very proud of some of the Scottish Government's policies when I worked in social work, particularly the getting it right for every child policy and framework, which has really had an impact. Like Gail Ross, I will not get in into the controversy around the issue, but I support the named person scheme and think that it can make a difference as well.

I am a very big fan of the nurture approach. A lot of good work is going on in that area in schools in my constituency and in organisations—too many to mention, as I see that I am running out of time. Play is also important—we can use play and other approaches to support children. I finish with the point that it is never too late for the nurture approach. I dealt with a number of teenagers who, in the end, just wanted to feel secure—we would see coming out of them a wee child of only four or five, which was amazing.

17:29

Jeremy Balfour (Lothian) (Con): I thank Gail Ross for bringing the important issue of adverse childhood experiences to the Scottish Parliament's attention—and, to be honest, to my attention, as I was ignorant of the issue until the motion was lodged.

Adverse childhood experiences are stressful events. Gail Ross outlined many of them as well as the different categories. A survey of adults in Wales found that those with four or more ACEs were more likely to have been in prison, to develop heart disease, to visit their general practitioner frequently, to develop type 2 diabetes, to have committed violence in the past 12 months or to have health-harming behaviours such as smoking or high-risk drinking or drug use.

When we talk about ACEs, we are talking about developmental trauma. Children who have experienced trauma and ACEs often struggle to develop the skills that are required for learning and for developing social relationships, resulting in high levels of tension and anxiety. The behaviours often manifest themselves in the school environment and can be misconstrued by teachers as bad behaviour and as requiring discipline rather than support.

However, research has found that a relationship with one trusted adult during childhood can mitigate the impacts of ACEs on mental and physical wellbeing. The children's charity Barnardo's, which works with children, young people and parents who have experienced trauma and abuse, has identified that, in areas where their staff have specific training in trauma-informed

practice, they see changes in lifestyle. Professionals are identifying trauma in multi-agency meetings and in assessments, and schools are flagging trauma in the same way that they flag autism or attention deficit hyperactivity disorder.

Just this week, I spoke to a primary headteacher in the Lothians who welcomes the increased awareness of ACEs among professionals. She believes it is important that information is available to professionals to ensure that plans are in place to counterbalance the trauma experienced by children and to allow nurturing adult and child relationships to develop. However, she feels that care should be taken to ensure that we do not unintentionally place additional labels on vulnerable children.

It is important that we support those who care for children with ACEs and that the root causes of the issues that are being presented are dealt with. It is crucial that those who work with children who have experienced trauma are adequately supported through supervision and training.

I agree with Fulton MacGregor that children can often be helped by play and other such activities. The Scottish Government has made 2018 the year of young people, and the importance of the early years is reflected in many areas of the Scottish Government's work. However, as Gail Ross said, unlike England and Wales, Scotland does not have an ACE survey. I encourage the Scottish Government and the Minister for Mental Health to consider whether such a survey would provide greater evidence for and put more emphasis on the need for action and, as has been mentioned, give us the baseline that we require.

ACEs should not be seen as deciding someone's destiny or as defining someone for the whole of their life. Much can be done to offer hope and build resilience in children, young people and adults who have experienced adversity in early life. I welcome the steps that are being taken to raise awareness and understanding, but we still have a long way to go. It is incumbent on all of us, whether in local or national Government or in the third sector, to play our part.

The Deputy Presiding Officer: I notice that speeches are gradually creeping past four minutes and then past the next five or 10-second mark. Can we have a bit of care, please?

17:33

Emma Harper (South Scotland) (SNP): I congratulate my colleague Gail Ross on bringing this difficult subject to the chamber today. She described ACEs with commendable detail, and I welcome that.

Gail Ross's motion describes adverse childhood experiences as

"abuse, neglect and household adversity".

My first experience of witnessing child abuse occurred when I was a student nurse. As part of my training, I did a clinical rotation in paediatrics. I was part of a team that was looking after an 18-month-old girl who had been admitted for a respiratory illness. That was when the cigarette burns were discovered—cigarette burns on her arms, her chest and her back. She was 18 months old and I was 18 years old at the time.

I have thought about that case a lot over the past 30-odd years, especially when I hear stories of weans in California and children from Smyllum Park in Lanarkshire, and when I hear stories from constituents when they come to my office. I understand that there are no published studies in Scotland on the prevalence of ACEs. I agree with Gail Ross that further investigation of the nature and prevalence of ACEs in our country should be a priority.

I am a member of the Health and Sport Committee, which recently took evidence from Sir Harry Burns, Scotland's former chief medical officer, who emphasised the correlation between deprivation and adverse childhood experiences. There is an excellent TED talk by Sir Harry Burns online, in which he talks about the work of the American psychologist Professor Aaron Antonovsky, who interviewed hundreds of concentration camp and Holocaust survivors—I highlight that this week is Holocaust education week.

As a result of his research, Professor Antonovsky began to fill the space in scientific understanding between social circumstances and molecular physical events—or, as Sir Harry Burns puts it, the biological consequences of social chaos. Professor Antonovsky found that although 70 per cent of interviewees were unhealthy, 30 per cent survived. The common denominator found among the 30 per cent was an understanding that the world is comprehensible, manageable and meaningful. That provided those individuals with a resilience that helped combat chronic stress.

One of the biological consequences of social chaos is the way in which stressful events in early life affect the development of brain structures. The longer a child has been looked after away from a single significant parent, the greater their stress hormone levels are. The hippocampus in the brain, which enables us to suppress the stress response, is less developed in those with a chaotic early life, as a result of exposure to those hormones.

We are already doing things in Scotland to address ACEs and stop abusive cycles. For

example, we are encouraging parents to tell their children bedtime stories to improve the cognitive attachment between child and guardian. We are enabling smoking cessation and the promotion of breastfeeding and of baby boxes—524 were given out in Dumfries and Galloway between their introduction and the end of December last year. The children who received a baby box last year will also be among the first to receive more than 1,000 hours of fully funded early learning and childcare from 2020. That support is available to all families, building on the principle established by the baby box that all children are born equal.

When I spoke to the minister early this morning, she told me that the interim review of the care sector would address any problems as soon as they were identified and that immediate action would take place—there would be no waiting, because the issue is so important.

In the words of Harry Burns,

“let’s not spend a fortune trying to find drugs to fix these problems—let’s change the chaotic and difficult circumstances.”

I am sure that the Scottish Government will need to spend some money—wisely, though—on sorting these problems.

In Scotland we are on the way to breaking the cycle of ACEs and their consequences in later life. I look forward to being part of that work and, once again, I thank my colleague Gail Ross.

The Deputy Presiding Officer: I told members earlier that the debate is heavily oversubscribed. Due to the number of members who wish to speak, I will accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Gail Ross to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Gail Ross]

Motion agreed to.

The Deputy Presiding Officer: I will say it again: please come in under four minutes. It is a very important subject and I do not want to cut anybody off when they are making an important statement, so please have a care.

17:39

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank Gail Ross for securing time for us to debate the subject and for her excellent speech to start off proceedings. I remind members of my interests, given my career in residential childcare and the voluntary sector for children.

In that career, I came to know a little boy in one of our care homes who, at the age of 9, had been

through 37 failed foster and residential placements. That a boy who was the age of my eldest son could have endured such a fractured existence kept me awake at night: it should keep us all awake at night. The trauma that the boy had suffered in early life had created in him such a profound attachment disorder that he went into every new foster placement expecting it to fail. In a desperate attempt to exert some control in his life, he would, through challenging behaviour, seek to bring the placement crashing down on his terms, rather than wait for what he saw as the inevitable rejection by his foster family. Every failed placement represented, for that child, an adverse childhood experience. Failed placements were just one kind of ACE in a catalogue of ACEs that he had suffered by that young age, which ranged from bereavement and desertion to abuse and neglect.

Understanding adverse childhood experiences is critical to our deliberations in Parliament, because such experiences lie at the root of so many negative life outcomes. As Barnardo’s informs us, they are not determinants that there will be negative outcomes, but they severely hamper a person’s ability to cope with adversity, and negative outcomes stem from that. People who have experienced four or more ACEs are 20 times more likely to be incarcerated and 14 times more likely to have been a victim of violence in the past year, compared with people who have had no such experience.

It is small wonder, then, that, as we heard in Emma Harper’s excellent speech, a recommendation of Sir Harry Burns’s review of targets in the NHS was that we should routinely capture the extent and nature of adverse childhood events, so that we can form a holistic response to that reality. Sir Harry Burns’s work beyond the review addresses the internationally recognised fact that adverse events in early life have a physiological effect on the brain at genetic level, which can inhibit serotonin receptors and, thereby, the brain’s ability to cope with stress and anxiety or to experience joy.

Simply by recording adverse events for every child, we can begin to target resources effectively. However, we are certainly not meeting that challenge right now. A 2017 report by the National Society for the Prevention of Cruelty to Children found that only two of 15 local authorities that were considered provided dedicated trauma-recovery services for children.

We are not equipping our educationists with a trauma-informed approach, as we have heard. It has been 10 years since I started campaigning with others in the sector for student teachers to receive training in attachment disorder, trauma and loss, and their impact on behaviour. The issue

is a key reason why educational attainment is so poor and school exclusion so high among the 15,000 young people who are in the care of the state in any given year. I therefore agree with the call from Barnardo's Scotland and Children 1st for a trauma-informed approach for everyone who works with children and young people.

We cannot limit trauma recovery to children. We need to remember that adverse life events are multigenerational and that neglect or abuse by a parent might well stem from unresolved trauma in the parent's life.

As we have heard, 2018 is the year of young people. What better time could there be to do more for young people who have been handed the worst start in life? It feels as though we are on the edge of a long-overdue period of revelation and revolution in the field of trauma recovery. We need to start here, in Parliament, which is why I am so grateful to Gail Ross for securing the debate. If we do not start collecting data on the prevalence of adverse experience in Scotland, we cannot begin to help the children who have such experiences, each of whom is fighting an individual battle that we might otherwise know nothing about.

The Deputy Presiding Officer: I am afraid that this is the final warning that I am able to give. We are now in a position in which I might have to cut members' speaking times.

17:43

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I congratulate my friend and colleague Gail Ross MSP on securing the debate, and I remind members that I am parliamentary liaison officer to the Cabinet Secretary for Education and Skills.

As Emma Harper said, the former chief medical officer for Scotland, Sir Harry Burns, gave evidence last month to the Parliament's Health and Sport Committee, on which I, too, sit. In response to a question that I asked, he said:

"The link is absolutely cast-iron: adversity before someone goes to school leads to failure when they get to school. If we are serious about having a flourishing, inclusive economy, we have to get that link built more strongly. Well-meaning policies such as GIRFEC have arrived, but it is time someone came up with a system to create success at school and pulled all of that together."—*[Official Report, Health and Sport Committee, 5 December 2017; c 42-3.]*

The getting it right for every child policy has not just arrived: the policy can be traced back to 2004 and the review of the children's hearings system under the previous Lab-Lib Administration. We are 14 years on.

I think back to my time working in the classroom, which was not that long ago. I look at the list of adverse childhood experiences—abuse,

neglect and violence—and I can think of pupils whom I taught who experienced a range of adverse experiences before they even crossed the school gates. How was that information communicated to me as a professional? Sometimes, it was not, because the school was not informed. Sometimes, I would catch the guidance teacher after a staff meeting. Often, however, teachers simply would not know about the adverse experiences that were impacting on their pupils before the school day had even begun.

"No homework today? Detention for you." "Can't complete today's task? Stay in over lunch." "Don't have a tie on? Go to the headie." More restorative approaches to discipline are to be welcomed, but there is still a draconian hangover in many Scottish schools, which creates a culture of fear when it comes to discipline. That is not healthy, and it is fundamentally detrimental to pupils' wellbeing.

Week in, week out in the Health and Sport Committee, I am struck by the disconnect between the rhetoric of the health portfolio and the rhetoric that is espoused in education. We talk about closing a poverty-related attainment gap, but the language of adverse childhood experiences rarely features in that discourse. The trauma is often caused by abuse or neglect, and abuse and neglect often arise from the conditions that are created by poverty.

What do we already know? In 2015, 159 children were on the child protection register in Fife. Parental substance misuse was a concern in 91 cases, domestic abuse was a concern in 102 cases and parental mental health was a concern in 77 cases. Who is aware of that information? Classroom teachers are not, deputy heads rarely are, guidance teachers occasionally are, as I have mentioned, but social workers often are. There is therefore a disconnect not just between health and education—a disconnect is also apparent between education and social work.

The 1997 ACEs study, in which the term "adverse child experiences" was coined, was carried out in America. I welcome Gail Ross's proposal that the Government commit to a similar piece of qualitative research in the Scottish context. I make my own additional suggestion that the research should not be carried out exclusively by NHS Scotland, but should be done in conjunction with Education Scotland, thereby forcing those two disparate Scottish Government departments not only to work together, but to focus on agreeing a common approach to tackling adverse childhood experiences, because our schools cannot be expected to be trauma informed if we do not have a full understanding of the national picture.

On page 18 of Professor Burns's recent report to the Government, he recommends that

"Analysis of school attainment rates should routinely consider the effect of adverse circumstances arising from socioeconomic deprivation on attainment."

He supplemented that view in committee, saying that

"There are ways of achieving success that we should collect data on. We should try to have a more consistent approach, because if we have a piecemeal approach, everything just gets fragmented."—[*Official Report, Health and Sport Committee*, 5 December 2017; c 43.]

This is the situation that we have: a fragmented approach to gathering information on adverse childhood experiences, and one that does not link effectively to the Government's aspiration to close the poverty-related attainment gap. I hope that the Government will commit to challenging that fragmentation for the health and the wellbeing of children who are yet to be born.

17:47

Alison Johnstone (Lothian) (Green): I, too, thank Gail Ross for bringing the debate to the chamber this evening.

We have heard that Children 1st considers that adverse childhood experiences are the single biggest health and social care issue affecting children and families in Scotland. Last night, I hosted an event with the Royal College of Paediatrics and Child Health, which published yesterday its scorecard on the state of child health. The college is calling on MSPs to prioritise child health and to ensure that the health and wellbeing of children are put at the centre of every decision that we take here. Its scorecard shows that we are not doing enough to shape our health and social care services around children's needs. Doing all that we can to prevent adversity in early childhood is fundamental to that.

John Carnochan, who is a retired director of the violence reduction unit, wrote an insightful piece on adverse childhood experiences for *Holyrood* magazine on Kirsty the Holyrood baby, which urged us to

"consider all our public policy within the context of prevention and develop our strategic planning through the lens of adverse childhood experiences and if we do this, we won't have to imagine a Scotland that is less unequal, it will be a reality."

As Emma Harper and Jenny Gilruth have shared, the Health and Sport Committee recently heard evidence from Professor Sir Harry Burns on his health and social care targets. He advocates renewing the focus on the early years. He was clear about the evidence base around the long-term impact of ACEs, and stressed:

"we had better start getting it right in the early years if we want to have a flourishing population."—[*Official Report, Health and Sport Committee*, 5 December 2017; c 39.]

We know that experiencing a number of adverse events can affect children's brain development and capacity to develop healthy and meaningful relationships. With that comes an impact on their ability to learn, to cope with stress and to manage difficult decisions. Down the line, children who have been through significant adverse experiences are eight times more likely to struggle with alcoholism or substance misuse, or to be arrested for violent offences, and are much more likely to develop chronic illnesses as they go through life.

I recently visited the Edinburgh access practice a couple of times to learn more about the fantastic work that it does. I have met people who are in recovery from addiction, and it could not be clearer that the one thing that those inspiring people have in common is that they have experienced adverse events in childhood. Meeting people who have been exposed to shocking circumstances that I would struggle to cope with today—I cannot imagine coping with them today, let alone as a vulnerable child—has left me in no doubt about the impact of ACEs. What is worse is that it was not until some of those people had been through years and years of insecurity, poverty and trauma and had developed chronic health issues and addiction problems that they got the support that they had needed since childhood.

As part of her work with the violence reduction unit, Karyn McCluskey has a presentation and a film—I do not know whether members have seen them—about David, who found himself being sentenced for culpable homicide at the age of 16. She went back and researched his life story, in which she found alcoholism, domestic abuse, constant house moves and family members with more than 100 convictions between them. There was a real pattern there, and Karyn McCluskey could not be clearer about the need for intervention at the earliest possible stage.

It is right that our NHS is leading work to develop our understanding of the long-term impact of adverse childhood experiences in Scotland, and it is right that we foster a trauma-informed approach to care and treatment. It is time for us to shift the focus of care from an approach that involves asking, "What's wrong with you?", to one that involves asking, "What happened to you?"

In 2016, there was an important conference on the impact of ACEs across our lives, the report on which was called, "Polishing our Gems: A Call for Action on Childhood Adversity". Before the Presiding Officer asks me to wind up, I ask members who have not had the opportunity to

read it to do so, because it will be really helpful as we take forward our work on the issue.

17:52

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I pay tribute to Gail Ross for bringing such an important issue—one that is sometimes overlooked—to the chamber for debate.

It is not a sign of weakness to recognise an adverse childhood experience. I make it clear that the study of such experiences is not pseudo-science, that it is not an unfathomable, abstract concept, and that we are not talking about the nanny state or political correctness gone too far. No shame or disdain should be cast on someone for admitting to being a victim of an adverse childhood experience. In fact, it is the realisation of victimhood that can sometimes help us all to come to terms with the impact of such an experience in later adult life.

Victims can carry the pain for many years, silently, alone and in solitude. That might lead to the communication of chronic stress through lashing out, self-harming, truancy and many of the other things that we have heard about today. Acting out in distress can escalate into criminal behaviour or more severe episodes of mental ill health. The Scottish Government's seriousness of purpose on mental health and wellbeing should not be forgotten. That is demonstrated at the national level by our 10-year mental health strategy, but it extends to the local level, where inspiring organisations in my constituency such as Wholistic Life do all that they can to help young people through the tribulations of an adverse childhood experience. They are doing such work in schools as we speak.

Last year, I had the privilege of introducing the award-winning video "Never too late to tell", which is an NHS Lanarkshire training video that has been designed to help people to spot the signs of childhood sexual abuse, which is an adverse childhood experience in its most reprehensible form. I pay tribute to the NHS Lanarkshire gender-based violence service and to the survivors of childhood sexual abuse who bravely shared their experiences so that the professionals would know what they were looking for and other victims would not suffer the same adverse trauma.

That adverse trauma can manifest itself in many ways. Although the repression of ACEs might have little impact on people's daily lives, minor incidents can in later life trigger behaviour that is much more damaging not just for the person concerned but for those around them. Their reactions to small things may be more violent than the experience may warrant, and those extreme

reactions can be devastating to individuals, families, friends and the people they work with.

To get to the key crux of ACEs, we have to look at deprivation, inequality and the lack of sustainable opportunities, and those need to be recognised. The negative pressures of rising inequality are driving feelings of powerlessness and anger in situations in which people feel shame and feel compelled to lash out. Intervention, support and a global understanding of wellbeing are critical to effectively treating the harm caused to victims of adverse childhood experiences. That means addressing bigger issues for our localities, such as poverty, unemployment, housing and education, because they are all part of an agenda for equality that could help to interrupt the cyclical nature of an adverse childhood experience.

17:55

Kezia Dugdale (Lothian) (Lab): I congratulate Gail Ross on securing the debate and I commend her for an excellent speech that laid out much of the context for why ACEs matter and why we are talking about them tonight. One of my first meetings as an MSP was with Barnardo's, at which SallyAnn Kelly talked about toxic stress. She gave us a lesson on what it meant, which I was profoundly struck by and which had a lasting impact on me.

We have heard that there are 10 indicators of adverse childhood experiences. Domestic abuse is one, and I will concentrate my comments on it. The Barnardo's survey, which was mentioned by Gail Ross, is about how a person can identify whether they have experienced an ACE. It includes a question on domestic abuse as it relates to a child's mother. It asks:

"Was your mother ...

Often pushed, grabbed, slapped, or had something thrown at her?

or

Sometimes or often kicked, bitten, hit with a fist, or hit with something hard?

or

Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?"

If the answer to that question is yes, that is one ACE point in the Barnardo's scoring system.

We have heard from a number of speakers that there is not enough data. We do not count the number of ACEs in Scotland as they do in Wales. I add my support to Gail Ross's call for the Scottish Government to look at that. However, just because we do not count ACEs, it does not mean that we do not know what is going on—a point that was made by Jenny Gilruth.

I have spent most of the afternoon looking at the Government social work statistics. I started with a random year, 2013, when there were 2,681 children on the child protection register, of whom 700 had experienced domestic abuse. Back in 2013, that was the seventh highest reason for being on the register. The most recent statistics, which were published last year, for 2016, show that the number of children who were on the child protection register was slightly higher at 2,723 kids. However, more than 1,000 of those children had domestic abuse marked as one indicator for being on the register, and it was now the second most dominant issue on the register, preceded only by alcohol abuse. Therefore, we have a rising prevalence of domestic abuse impacting on children.

It is worth reflecting quickly on how we approach domestic abuse law. It is often approached from a gendered perspective, being about women, and rightly so. A by-product of that is that we do not always consider the impact on children. In the history of domestic abuse law as it impacts on the access of a parent to their child after being convicted, section 11 of the Children (Scotland) Act 1995 dealt with it; it was reviewed again in 2006 in this place by the Family Law (Scotland) Bill; and in 2008, it was reviewed again by the Scottish Government's national domestic abuse action plan, priority 5 of which was to review the issue properly. In portfolio questions this week, I received an answer from Annabelle Ewing that said that the Government is now starting that review, 10 years after it was promised.

It is important to recognise that the new Domestic Abuse (Scotland) Bill, which I hope will come into law next week, has made huge progress in that regard, particularly around coercive control. The Government's equally safe strategy says that the physical abuse of a mother is coercive control of the entire family. I understand that the bill's measures on non-harassment orders are entirely down to the work of Mairi Gougeon, for which she should be recognised and commended. The bill would not include those measures if it were not for her work in the Justice Committee.

We have come a long way, but we need to look specifically at domestic abuse as it impacts on children in the context of the law if we are going to achieve the fundamental goal of reducing ACEs by 70 per cent by 2030.

17:59

Clare Haughey (Rutherglen) (SNP): I refer members to my entry in the register of interests, in that I am a registered mental health nurse and currently hold an honorary contract with NHS Greater Glasgow and Clyde. I, too, thank Gail

Ross for bringing this very important issue to the chamber to be debated.

I argue that addressing ACEs is the biggest challenge that is faced by public health—not just here in Scotland but across the whole of human society. Our childhood experiences shape who we are and how we respond to the situations that life presents to us—even more so if they are the negative experiences of neglect, harm, violence, poverty or abuse.

The correlation between ACEs and future negative outcomes is supported in study after study. The Scottish Government itself highlights research that shows that, compared with people with no ACEs, those experiencing four or more were 15 times more likely to have committed violence against another person in the past year. Do we really need any more evidence to prove how vital early intervention is?

Crucially, ACEs do not need to be a determinant of future poor outcomes, as the right support and interventions can and do make a difference. Taking steps to prevent occurrences of ACEs is essential. However, prevention alone is, sadly, not enough. Some ACEs, such as parental separation or parental mental illness, are unavoidable, which is why we must have a focus on resilience and early intervention, too.

For many years, I worked as a perinatal mental health nurse. Ensuring the early detection and treatment of maternal mental distress and illness is critical in helping to secure better outcomes not only for a mother's mental health but for the baby and the family as whole. Promoting, developing and maintaining good attachment between mother and baby will foster a healthy and happy relationship between them, and it will substantially assist with the infant's mental health, too.

If people who have had an ACE have little support when entering parenthood, the development of a good relationship with their child is often difficult to achieve. Parenting programmes such as the Solihull parenting approach help parents to develop skills that they may not have or recognise in themselves. The Solihull approach—in which I declare that I am trained—has been adopted by health and social care professionals across the UK and beyond. It promotes knowledge and understanding of emotional processing for both babies and parents, which is known as containment, and it promotes sensitive, attuned reading of babies' own cues and language, which is known as reciprocity. Being attuned and responsive to a baby's needs helps to promote the resilience that each child requires. Other programmes, such as triple P and mellow parenting, which are used across Scotland and beyond also provide essential building blocks for healthy attachment and therefore resilient families.

Evidence, as well as my experience, shows that parent education and family support programmes can help to provide a secure attachment between mother and baby. In turn, that forms the basis of the child's wider relationships and is a protective factor against the impact of ACEs throughout their lives.

In doing some research for writing this speech, I came across a Scottish public health network report that was published in May 2016. The wording in its foreword struck me as getting to the heart of why early intervention and addressing ACEs are so crucially important:

"A very wise ... Health Visitor used the analogy, when talking about children that they are like diamonds: their potential is inherent, but they need to be polished with care and attention. Sadly, not all of our children in Scotland are ... 'polished' with enough care and attention".

We need to be bold in our ambition for our children's future, innovative in our support of parents and carers and challenging of the barriers that prevent our children from being those polished gems.

The Deputy Presiding Officer: I call Gillian Martin, and then we will have what I hope will be a very small contribution from Mairi Gougeon.

18:03

Gillian Martin (Aberdeenshire East) (SNP): I thank Gail Ross for allowing us to debate this hugely important subject. I want to use my opportunity to speak on it to concentrate on the word "resilience", which features in the motion.

I recognise that most members have talked about early years trauma. However, now—more than any other modern time—is the most challenging time to be a teenager. The freedom of expression that we all enjoy as a result of the rise of social media gives many opportunities to our young people, but it also puts tremendous pressure on teenagers. My biggest worry is that, in recent years, the abuse, coercion and intimidation that are perpetrated online are having a serious effect on the mental health of young people and how they form adult relationships.

Members will be aware that I keep coming back to this subject. I have been campaigning on better awareness of the dangers of the sharing and unsolicited receiving of intimate images, as well as so-called sexting between young people. There has been a rise in the crime rate of sexual abuse of young people by other young people and it is my belief that social media might be one of the causes of that. Right now, young people are being swept up in activity that could put them at risk of offending under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

Apps such as Snapchat, Instagram, Messenger and so on liberate and connect young people, but they can also be channels for abuse of a sexual nature. There are too many examples of that to go into in the short time that I have available. The answer is to promote resilience and care around social media use. Parents and teachers have a role in that, but young people themselves have the biggest role, and I commend to everyone Young Scot's digi, aye? programme, which is working with me and the students of North East Scotland College who are, as we speak, designing a range of films to highlight the all-too-common misuses of social media that can lead to the types of sexual abuse that can have a lasting negative effect on the recipient and the perpetrator.

Children who are recovering from ACEs are at particular risk. The extra pressure on children who have suffered ACEs and are entering their teens can be acute. I appreciate that I have concentrated on the other end of the childhood experience, but Gail Ross's motion has led me to discover a new aspect of childhood trauma that makes work on resilience as teenagers, with all the pressures that they face, ever more urgent. Children who have experienced trauma can become vulnerable young adults and a healthy approach to relationships is particularly important in the face of the online pressures that teens face. As Emma Harper said, let us break the cycle of ACEs.

The Deputy Presiding Officer: That is the way to do it. I can now allow Mairi Gougeon up to three minutes.

18:06

Mairi Gougeon (Angus North and Mearns) (SNP): I was away to ask if I get an extra minute's grace.

I start by adding my thanks to that of my colleagues across the chamber to Gail Ross for bringing up such an important issue. The reason why the debate has been so popular that it is oversubscribed is that everybody realises what a hugely important issue it is and the impact that it has.

I also thank Rona Mackay for sponsoring the screening of "Resilience" in Parliament the other week. I attended that and I am genuinely glad that I did. I left the screening itching to do something, because it is an issue that we need to tackle.

First, we need to do something about preventing ACEs, because we know all about the impact that they can have. Kezia Dugdale talked about the toxic stress that they can cause in a child's life and how that can continue into adulthood.

I add my support to the 70/30 campaign. Preventing ACEs means attacking the issue from all sides. This is not just a health issue and it is not just an education issue. It is about health, education, social work, justice, welfare and many other elements all working together to challenge the myriad issues that children face.

As the motion says, we know that the level of ACEs rises with the level of deprivation that a child lives in. However, when I watched the screening of “Resilience”, I was surprised at how ACEs impact on people from right across the spectrum. That was also found when audiences at the screenings were interviewed.

We know about ACEs and we can try to prevent them as far as possible, but what can we do to help children and young people who have suffered ACEs so that they do not go on to suffer later in life? At the screening, it was great to see some of the methods that are being used in certain schools in the US and how they are working. One such technique is the Miss Kendra technique, which provides an environment in which children discuss their thoughts and feelings.

That brings me to the real reason why I wanted to speak in tonight’s debate: to highlight the work of Maisondieu primary school in Brechin, in my constituency. There, staff recognise the importance of the positive mental wellbeing of our children and the fact that early intervention and building resilience is vital. The school has developed a long-term strategy involving parents, the Scottish Association for Mental Health and specialists who work in the area of mental health in young people. Last week, the school held its first wellbeing event, which I was unfortunately unable to attend. It had workshops for children, yoga, relaxation, mindfulness and reading workshops for parents and their children. The school recognises that there is no mental health part to the curriculum, so it is actively trying to do something about it. From nursery through to primary 7, it is helping children to explore their feelings and develop coping strategies, and, as part of the roll-out of its programme, it will be looking at nurture and attachment.

Our schools cannot solve all the problems or challenges that a child faces when they are at home, but they can play a key role in helping to develop resilience and build coping mechanisms to ensure that the ACEs that children have do not hold them back or have a lasting impact on the rest of their lives.

The Deputy Presiding Officer: It seems to me that some members were determined that the minister was not going to be able to conclude the debate. I call Maureen Watt.

18:10

The Minister for Mental Health (Maureen Watt): I am very pleased to have the opportunity to close today’s debate on the crucial agenda of addressing adverse childhood experiences. I thank Gail Ross for bringing the important issue to the chamber and thank all members present for their valuable contributions—including that of Alex Cole-Hamilton, who has first-hand experience in the area.

We all know that what happens to us as children shapes who we are and can have a huge impact on us throughout our lives, especially on those who have adverse experiences involving abuse, neglect, harm, violence and poverty.

Kezia Dugdale talked about the profound effect that meeting someone from Barnardo’s had on her. I will always remember how, when I was Minister for Schools and Skills and we worked jointly across ministerial portfolios to produce “Equally Well”, Harry Burns—who is very modest and does not tell people that he has done a lot of work himself in the area—talked about research on identifying holes in children’s brains during pregnancy and how that can be prevented, partly by the good nurturing of babies in the womb and of children in every possible way.

Last year, we made a commitment in the programme for government to reduce ACEs and to promote resilience in those children and adults who are affected. It is about building on positive policy developments to date and placing the rights and wellbeing of children and young people at the heart and centre of all that we do. ACEs impact on all areas of life and we have a truly cross-cutting agenda for physical and mental health, education, social work, the justice system, employers and many more areas. It requires working jointly across services and sectors. A number of ministers wanted to reply to the debate, which shows how we are all involved.

As the Minister for Mental Health, I am concerned about the impact that early-life adversity has on people’s future mental health, wellbeing and lives overall. As members will know, we published our ambitious 10-year mental health strategy, which highlights the impact of ACEs—there is a whole paragraph on it. The key focus of the strategy is on prevention and early intervention. A wide range of actions that are currently being implemented will help to reduce the incidence and impact of ACEs. Those actions include improving the identification of mental health problems during pregnancy, reviewing pastoral guidance in school and counselling services for children and young people, and supporting the mental and emotional health of young people on the edges of, and in, secure care—people who we know will experience ACEs.

Although ACEs surveys usually look at the 10 key types of childhood adversity that many members have mentioned, the Scottish Government's focus is on all types of childhood adversity. A few weeks ago, I visited Polmont young offenders institution and met a young offender who told me that he had been seriously adversely affected by a number of traumatic bereavements in his life. I also think about the adversities that many child refugees and asylum seekers who have arrived in Scotland have experienced, particularly those who have arrived from war-torn countries. Therefore I use the term ACEs in the broadest sense to encompass all stressful and traumatic experiences that negatively impact on children's development.

We can already see awareness of ACEs increasing across Scotland. NHS Education Scotland has facilitated screenings across the country of the "Resilience" documentary that many members have mentioned. The screenings have attracted huge audiences, which have included Scottish Government ministers and officials, who have engaged in this agenda.

I have been struck by the way in which ACEs evidence is providing a shared language that we can use to engage in debate and discussion. It is telling us about what we can collectively do to improve our children's lives and how we can better understand the lives of adults and young people who have lived through the most challenging circumstances. The contributions of members tonight have been really important. We must continue to raise awareness of the impact of ACEs, drive forward progress in preventing ACEs from happening in the first place and, when they cannot be prevented, mitigate their negative impact as effectively as possible.

We know that, with the right support at the right time, people can develop coping strategies and resilience in overcoming adversity, and I thank all the members who have stressed the importance of promoting resilience.

Our commitment to addressing ACEs is part of our on-going national approach to getting it right for every child. Alison Johnstone mentioned the event that was held last night by the Royal College of Paediatrics and Child Health and the scorecard that Scotland got that showed that we have enacted more policies to improve children's health than have been enacted in the rest of the UK. We are steadfast in our commitment to children and young people. That is particularly evident this year, which is the year of young people. That will give young people a stronger voice on social issues and will celebrate and showcase their talents and ideas, as the event last night did.

The best start for children begins before they are born, which is why implementation of the best-

start review of maternity and neonatal services maximises opportunities for early intervention and support from the early stages of pregnancy. We are expanding the family nurse partnership across Scotland and are extending the offer to vulnerable mothers up to the age of 24. That means that more first-time young mothers will be supported to develop and strengthen their parenting capacity and skills. We are increasing home visits through the universal health visitor pathway. That offers an opportunity to identify and provide the right support at the right time for all families to prevent and reduce the impact of ACEs.

We know that ACEs occur across all incomes and can impact all members of society. However, we also know that those living in poverty have an increased risk of experiencing ACEs and are less able to access resources to support them in the face of adversity. In that regard, it was interesting to hear from Christina McKelvie about what is happening in Lanarkshire. The Government's action on reducing childhood poverty is crucial in this area, because we know that poverty and ACEs both impact on children's long-term health and life outcomes, so we need to address both in order to reduce inequalities in Scotland.

I am optimistic that much of the work that we are taking forward across education, health and justice is taking us in the right direction with regard to addressing ACEs. The pupil equity fund enables teachers to best meet the needs of children who are living in poverty and who are experiencing other types of adversity. Minimum unit pricing might well have a positive impact on reducing ACEs. The move to a presumption against short prison sentences might also reduce the number of children experiencing parental imprisonment. Further, we are increasing our investment in the provision of good visitor centres to help to reduce the negative impact on children with family members in prison.

Gail Ross, Jeremy Balfour and Emma Harper asked about collecting data. We are looking at the best options for obtaining data on ACEs in Scotland. Work is under way to test the inclusion of ACEs questions in the 2019 Scottish health survey. Scottish data on ACEs will inform our understanding, but there is a lot of positive action that we can take now.

We have a good understanding of the impact of ACEs from the evidence from the US and closer to home in Wales and England. Health staff, police officers, social workers, teachers and many more people across Scotland speak to me of the sometimes devastating impact of ACEs that they see day to day in their work. Many are already driving progress in creating ACE-informed places and services, and there are many positive examples in the third sector as well as in public

services. The Scottish Government and our partner organisations are working to build on their learning and good practice, as well as exploring new areas of development.

For example, we are testing out approaches that involve routinely asking adults who come into contact with services about their experiences of early life adversity. Such routine inquiry about ACEs can help people to better understand how their childhood experiences are affecting their lives and how best they can be supported. Importantly, in the case of parents, that can help them to prevent the cycle of ACEs from being repeated with their children.

Routine inquiry into ACEs is being considered as part of the wider work on taking forward the national trauma training framework, which aims to help all of Scotland's workforce develop services that respond appropriately to people's experiences of early life adversity and trauma in adulthood. It is part of an overall movement towards trauma-informed services. As Alison Johnstone said, it involves a shift from asking, "What's wrong with you?" to asking, "What's happened to you?"

I assure Jenny Gilruth and others that my ministerial colleagues and I are absolutely determined that Scotland's children should get the best start in life. The disconnect that she highlighted at local level is certainly not my experience in Government. We are focused on making Scotland the best country in the world for all children to grow up in, so that all children and young people can achieve their full potential in a safe and supportive environment. The Government is whole-heartedly committed to continuing to work across all sectors and services to do all that we can to prevent ACEs and, where they occur, to support the resilience of children and adults in overcoming that early life adversity.

Meeting closed at 18:22.

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