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Scottish Parliament

Thursday 19 September 2019

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

General Question Time

St Andrew's Day Events

1. Tom Arthur (Renfrewshire South) (SNP):

To ask the Scottish Government how it will support St Andrew's day events this year. (S5O-03557)

The Minister for Europe, Migration and International Development (Ben Macpherson):

Modern Scotland's sense of national identity is proudly and passionately inclusive, diverse, compassionate, open and outward looking, as is emphasised by the Scottish Government's we are Scotland campaign. Reflecting those values, the Scottish Government supports a range of initiatives on and around St Andrew's day—including funding and supporting with partners the Scotland's winter festivals events fund, which is administered by VisitScotland's events directorate; BEMIS Scotland's multicultural events programme; and Scotland's participation in the global fair Saturday movement—in order to develop unique and distinctive events in Scotland that celebrate Scotland's national identity in an inclusive manner and internationalist spirit.

Tom Arthur: I thank the minister for meeting, earlier this year, the cross-party group on St Andrew's day, which I convene. Will he join me in commending the work of the All About Barrhead Ltd business improvement district, which is organising a festive fair that will take place in Barrhead on St Andrew's day, which will highlight the ethos of fair Saturday and feature Scottish entertainment to celebrate St Andrew's day as part of its "An awfy Scottish winter wonderland" event? Will he also join me in thanking the entire All About Barrhead team and, in particular, its manager, Andy Dunlop, for the excellent series of cultural events that it organises in the town throughout the year?

Ben Macpherson: I commend Tom Arthur and the whole cross-party group on St Andrew's day, and I thank it for its engagement and its work. I am also delighted to commend the work of All About Barrhead in planning for St Andrew's day and what it does throughout the year. I thank the whole of that team.

To fully harness the significant potential that events can provide, partners across Scotland—local authorities and bodies such as community and business organisations, like All About

Barrhead—are always encouraged to support and help to deliver their own activities as to join in the celebration of Scotland's winter festivals, including St Andrew's day.

I particularly thank and commend the team at All About Barrhead for, this year, engaging in the fair Saturday movement, which is a global movement that encourages communities to follow the consumerism of black Friday with a response through cultural activity on fair Saturday in support of social causes in a spirit of social empathy. This year, fair Saturday falls on St Andrew's day, which is 30 November. I encourage as many communities across Scotland as possible to sign up to hosting a St Andrew's day fair Saturday event by visiting standrews.fairsaturday.org, just as All About Barrhead has commendably done.

Sheriffhall Roundabout (Planned Improvements)

2. Iain Gray (East Lothian) (Lab): To ask the Scottish Government what progress has been made with the planned improvements to the Sheriffhall roundabout on the A720. (S5O-03558)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):

The Scottish Government remains committed to undertaking improvements at the Sheriffhall roundabout, and Transport Scotland continues to progress the detailed development and assessment of the preferred option for the grade separation of the roundabout with a view to publishing draft orders later this year for formal comment.

As part of the essential preparatory work, Transport Scotland has undertaken ground investigation and environmental survey work, with the output informing the design of the scheme. In addition to that, extensive consultation with active travel stakeholders has been undertaken to ensure that the proposed improvements include suitable provision for all users, including cyclists.

Iain Gray: The improvements have been promised for years, and it sometimes seems to commuters from my constituency that they have spent those years waiting in a queue at the Sheriffhall roundabout. Will the minister please give us a date on which the work will start?

Michael Matheson: The member will be aware that the improvements were committed to through the Edinburgh and south-east Scotland city region deal, which was agreed back in 2017. Progress has been made since then, and the development assessment work on the preferred option is being taken forward by Transport Scotland.

It is difficult to give a specific date for completion because, once the draft orders are issued, individuals are allowed to comment on the matter,

which could trigger a local public inquiry, and that could have an impact on the timeframe. I assure the member that we are committed to taking the project forward. I wish to see the project moving as quickly as possible, but certain issues could have an impact on the finalised timescale for completion of the project.

Glasgow to East Kilbride Train Line (Improvement)

3. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government whether it will provide an update on its plans to improve the Glasgow to East Kilbride train line. (S5O-03559)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Following extra seating capacity being added in May, the first physical works that will inform proposals for future investment on the Glasgow to East Kilbride rail corridor will commence this month. Key site and geological investigations will be undertaken following tree and vegetation clearance by Network Rail along the 11-mile route corridor. The outcome will help to determine the right long-term solution for the route, which will focus on providing enhanced connectivity and better transport integration, with improved park-and-ride facilities. While delivering that, our aim is to move towards carbon-free journeys by progressing the option of efficient electrification.

Graham Simpson: The cabinet secretary mentions improved park-and-ride facilities, which will be possible if we move the existing station at Hairmyres and get a new station. Can he give a timeline for when work might start—or, at least, when a decision will be taken—on that project?

Michael Matheson: I am aware of the request for additional parking at Hairmyres station. That will be a principal focus of the project to enhance the Glasgow to East Kilbride line. I am aware that Network Rail and Transport Scotland have been working with South Lanarkshire Council and the Strathclyde partnership for transport on the issue, and they are looking to make progress on plans for enhanced provision at Hairmyres station. That will be part of the wider package of measures to improve services and connectivity on the line. We have provided Network Rail with almost £25 million to start that work and to finalise plans on what enhancements should take place in the next couple of years.

Transforming Towns

4. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government what its response is to the FSB Scotland report, “Transforming Towns: Delivering a Sustainable Future for Local Places”. (S5O-03560)

The Minister for Public Finance and Digital Economy (Kate Forbes): I have read, and I welcome, the report by the Federation of Small Businesses and its ideas and ambitions for our town centres. We are committed to supporting our town centres in becoming more diverse, successful and sustainable. Officials will meet the FSB in October, along with Scotland’s Towns Partnership, to discuss the report in more detail.

Dean Lockhart: Despite what the minister has just outlined, according to a PWC report, more than five shops a week closed on Scotland’s high streets in the first six months of this year, with increasing business rates cited as one of the main reasons. More than 22,000 firms across Scotland are now subjected to the large business supplement, which is pushing many of them close to bankruptcy. When will the minister listen to leading organisations across Scotland and scrap the financially crippling large business supplement?

Kate Forbes: The member will know that the large business supplement is discussed at every budget, and I warmly welcome his engagement with this year’s budget. The FSB report also highlighted that more than half of FSB premises-based members pay no business rates, because we are committed to supporting the high street and ensuring that more than 100,000 small businesses are lifted out of paying rates altogether.

Bruce Crawford (Stirling) (SNP): Does the minister agree that the FSB report on transforming towns provides a positive outlook for the Scottish economy? In particular, Kippen features on the report’s list of the top 20 towns in relation to the self-employment rate, and Stirling’s vacancy rate for non-domestic premises is well below the national average. Does that not demonstrate not only that the Stirling area is open for business but that, given the city region deal and the Scottish Government’s small business bonus scheme, Stirling is the place to do business?

Kate Forbes: I certainly agree that Stirling is one of the places to do business. I will not mention that some of the towns at the top of that list are in the Highlands—that is for another day. The Scottish Government understands that businesses face both challenges and huge opportunities in our evolving town centres. That is why we have provided the £50 million town centre fund to stimulate growth and investment and to back the businesses that are already doing well in our town centres. We will continue to back small businesses through our town centre action plan.

Mossmorran Ethylene Plant

5. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government what

discussions it has had with the operators of the ethylene plant at Mossmorran regarding the climate emergency and the need for a just transition. (S5O-03561)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): I met representatives of ExxonMobil on 12 September 2019 to discuss its £140 million investment through 2019 and 2020, which will significantly improve the site's efficiency, sustainability and environmental performance. The investment will support employment opportunities and, by implementing necessary infrastructure improvements, it will support the transition towards a net zero emissions economy in a way that is consistent with a just transition. Alongside reducing greenhouse gas emissions, we expect that the investment will help to address key issues identified by the Scottish Environment Protection Agency and the local community through lowering the frequency and impact of flaring, as well as associated issues such as noise pollution.

Mark Ruskell: I welcome the £140 million investment announced by the operators this week. ExxonMobil was forced into that announcement by the regulatory and political pressure that has been exerted on the company over the past few years. Not a penny of that investment will enable us to meet the net zero climate target that is currently in the Climate Change (Emissions Reduction Targets) (Scotland) Bill. Will the Scottish Government back a green new deal and an industrial strategy for Fife that will help to plan investment in jobs in clean industries and technologies that have a genuine future?

Paul Wheelhouse: Mr Ruskell raises important points. The programme for government that was announced in the past fortnight highlights a number of measures that will benefit the Fife economy through their support for industrial development and decarbonising the economy. I have had assurances that a considerable part of ExxonMobil's investment will go towards improving the efficiency of the plant, including its energy efficiency; reducing greenhouse gas emissions from flaring; and improving the air quality in and around the area that is served by the plant. I believe that significant progress is being made there, but I note Mr Ruskell's point that we in this Parliament are working together to deliver a net zero emissions economy, and I look forward to working with him on that.

Annabelle Ewing (Cowdenbeath) (SNP): Does the minister agree that ExxonMobil's welcome announcement of £140 million investment with 850 jobs attached is an illustration of what determined communities can achieve through ensuring that their voices are heard? Will the minister confirm

that robust scrutiny and monitoring of the plant will continue apace?

Paul Wheelhouse: The investment is indeed very welcome. I pay tribute to the role that Annabelle Ewing and other campaigners have played in representing the concerns of the local community. The recent variations to the permits of both operators at Mossmorran will mean that there is a clear timetable and detailed plans for implementing improvements in flaring. Those actions should improve compliance and drive further investment to better protect local communities.

SEPA has a range of enforcement powers. I understand that the air quality monitoring equipment will remain in force and will be used throughout the process. My hope is that SEPA will not be required to use its enforcement powers and that ExxonMobil will move swiftly to implement the promised improvements.

Motorway Improvements (Compensation for Residents)

6. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government how much compensation has been paid out to residents by the M8/M73/M74 motorway improvements project, including for noise pollution and house damage. (S5O-03562)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Approximately £10.75 million has been paid in compensation for the acquisition of land on the M8/M73/M74 motorway improvements project to date. In addition, a number of part 1 claims for the depreciation of value to property through the use of the works have been received. I confirm that those claims are under active consideration by the district valuer and that formal negotiations are expected to commence shortly.

Richard Lyle: The cabinet secretary will be acutely aware of the many questions that I have asked both in and outwith this chamber, on behalf of my constituents, about the M8/M73/M74 improvement programme. How soon will we get a fuller picture on whether my constituents will receive other compensation for their inconvenience? How will that information be communicated to them?

Michael Matheson: As I have confirmed, the part 1 claims have been received and are currently under active consideration by the district valuer. That includes consideration of the pre-scheme noise readings against the predicted noise levels, reviewing nearby sales information and undertaking a number of external inspections. I anticipate that the initial sift will be completed shortly, and that formal negotiations with Richard

Lyle's constituents or their appointed agents will commence directly thereafter.

Jamie Greene (West Scotland) (Con): Much of the congestion that remains around the M8 is at Glasgow airport, and the improvement project has done very little to address that. The cabinet secretary might be aware of the efforts of the A737 action group, which is hoping to reduce some of the fatalities on that road, which feeds into the M8 at Glasgow airport. Is he aware of the campaign, and will he update us on what action the Government has taken to address the group's concerns about the road?

Michael Matheson: I am aware of the campaign and, as Jamie Greene will be aware, we are actively looking at a range of potential options to help to address congestion on the M8, particularly around the Glasgow airport area. One of the commitments that we set out in the programme for government is to look at how greater provision of public transport could help to reduce congestion in that area, including the possibility of repurposing parts of the motorway network around Glasgow to address some of the issues by reducing the number of cars on the M8. We are committed to taking forward a range of measures to reduce congestion, including the repurposing of parts of the motorway for public transport.

Clyde and Hebrides Ferry Services (Vessel Reliability)

7. Donald Cameron (Highlands and Islands) (Con): To ask the Scottish Government what action it is taking to ensure that vessels operating on the Clyde and Hebrides ferry services are robust and reliable. (S5O-03563)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): Under the terms of the CHFS2 contract, CalMac Ferries, as the operator, is required to keep the vessels seaworthy and in a good and efficient state of repair. That is done during the annual vessel overhaul of the CHFS fleet, which includes maintaining the classification of the vessels with the relevant classification society, as well as complying with all other regulations and requirements, statutory or otherwise.

In August 2018, the Scottish Government announced the creation of a £3.5 million resilience fund for the CalMac fleet during 2018-19, with a further £4 million being allocated in the 2019-20 budget.

Donald Cameron: The minister may be aware that a ferry summit took place on Islay on Monday, which was chaired by his colleague Mike Russell and attended by a wide variety of organisations and individuals, including me. All parties present

agreed a set of proposals, which will shortly be published in a local paper, *The Ileadh*. Will the minister commit to working with the public bodies that developed the proposals, so that Islay benefits as soon as possible from a ferry service with enhanced capacity?

Paul Wheelhouse: I certainly welcome Donald Cameron's positive remarks. Our officials participated in the summit and will be feeding back to me their thoughts on what can be taken forward. I am happy that the summit took place and that there was obviously a very constructive discussion around the improvements that are needed to meet the growing needs of the Islay economy, with the growth in distilling activity on the island.

We are conscious that there are also commercial plans for investment in ferry services to Islay, but I commit to working with Donald Cameron and others across the chamber to make sure that we get the right balance and supply of ferries to meet the needs of the community on Islay. Donald Cameron will be aware that we are taking forward our new ferries plan, which will go beyond 2022, and also updating the vessel replacement deployment plan to take on board the issues that he has raised.

Regulation of Legal Services (Review)

8. Tom Mason (North East Scotland) (Con): To ask the Scottish Government whether it will provide an update on progress of the Robertson review of the regulation of legal services. (S5O-03564)

The Minister for Community Safety (Ash Denham): The Scottish Government formally responded to the Robertson review in June 2019. That response set out that we will seek to build consensus as to the way forward with regard to the future of the regulatory framework, prior to taking forward legislative change. We are currently working with the Law Society of Scotland and the Faculty of Advocates in order to build that consensus. In the programme for government, which was published on 3 September 2019, we committed to launch a consultation on reforming our legal services in early 2020.

Tom Mason: A number of my constituents have raised serious concerns about existing practices in the Scottish Legal Complaints Commission, particularly around transparency of investigations, the lack of oral representation during proceedings and the lack of available appeal mechanisms. They believe that those things may be a breach of their human rights. What assurances can the minister give that the review will consider those important issues in a timely manner?

Ash Denham: I thank the member for raising those important issues. The complaints system is integral to the legal services system, but we recognise that the Law Society of Scotland and others sought a review to consider the wider aspects, rather than the complaints system alone. In my view, there should be a joined-up, forward-looking regulatory framework of legal services in Scotland and, as such, the system should be reformed through one piece of legislation rather than in a piecemeal fashion.

The Presiding Officer: Before we move to First Minister's questions, I am sure that members would like to join me in welcoming to our gallery, from Ireland, the Ceann Comhairle of the Dáil Éireann, Seán Ó Fearghail. *[Applause.]*

I also invite members to welcome His Excellency Edil Baisalov, Ambassador of the Kyrgyz Republic. *[Applause.]*

I have one further item before we turn to First Minister's questions. I am sure that members will share my disappointment that significant details of the statement on getting it right for every child and the named person's legislation have been leaked to the media in advance of this afternoon's announcement. I understand that the Government is investigating the matter, but as members know, announcements on major policies should not enter the public domain before they are communicated to Parliament. I urge the Government to have regard to that guidance on announcements, which I expect it to adhere to.

First Minister's Question Time

12:02

Named Person Policy

1. **Jackson Carlaw (Eastwood) (Con):** I will try to artfully dance around the comment that you have just made, Presiding Officer.

The Scottish National Party's named person policy, which would allow public authorities to share confidential information about children in Scotland without the child or young person or her parent being aware, has been utterly discredited. Last month, even the expert panel that was set up by the Scottish Government to try to make sense of the policy declared that it could not. Would not the First Minister agree that the panel was right?

The First Minister (Nicola Sturgeon): The Deputy First Minister will make a statement on the subject this afternoon. I will not pre-empt the detail of that statement, but I will make some general comments about the direction of travel. The Deputy First Minister's statement will do three things in general terms. First, he will set out the Government's response to the getting it right for every child—GIRFEC—practice development panel's report, which will be published this afternoon. Secondly, he will set out the implications for the statutory underpinning of the named person policy. Thirdly, he will set out how we intend to support and seek to improve current GIRFEC practice, particularly in relation to the important issue of information sharing.

Let me be clear: young people across Scotland already benefit from a named point of contact, who is usually a health visitor or a promoted teacher, and we want that to continue. We want to ensure that councils and practitioners are well supported with the right guidance to help them to fulfil their roles effectively. That is the general thrust of what the Deputy First Minister will outline this afternoon. I hope that I have not breached any conventions in giving the Parliament that information. The Deputy First Minister will go into more detail and answer questions on that detail.

Jackson Carlaw: If the statement had been made yesterday there would be no question of pre-empting anything and we would all be properly briefed to ask the First Minister about it today.

Let us recall what the expert panel said. It was asked by John Swinney, the Deputy First Minister, to write a code of practice that would ensure that the SNP's named person policy would not break the law. We were reassured by Mr Swinney that that was entirely possible and it was suggested that anyone at all who doubted it was

scaremongering. However, that panel of experts concluded that a code was

“not the right thing to do at this time”

and that it would

“not be desirable”.

Along with many others, we warned the SNP that that would be the outcome when the courts ruled the Government’s policy unlawful. Why did the Government not listen?

The First Minister: First, there was Tory opposition business in the Parliament yesterday afternoon. I suspect that, had we chosen to constrain it, Jackson Carlaw might have had something to say about that.

I remind everyone in the chamber that people who are watching at home will have it in mind that we are talking about issues of child protection. We all want to make sure that this country has in place systems that give children, particularly children who are living in vulnerable circumstances, the greatest protection that it is possible to give them. When we reflect, inside and outside of this chamber, on tragic incidents that affect children and which sometimes lead to the loss of a child’s life, one of the things that we often reflect on is the inability of different professionals to share information about the life and circumstances of that child. In good faith, we have been looking at how we improve those situations and make sure that all children have in place a system that has their best interests at heart.

We have listened to the views of experts. We established the practice development panel so that it could look in detail what is a complex issue. Obviously, one of the things that has changed while it has been doing its work is data protection law, which, as we all know, has undergone significant change. We will set out a considered response to that report this afternoon, including the implications for the statutory underpinning of the policy. Most important of all—I hope that all members will engage in this—we will also set out the further steps that we will take to make sure that those who work on the front line and do the job of protecting our children have the best guidance and policy framework to do that. I believe that that is one of the most important responsibilities that I, as First Minister, have; indeed, I believe that it is one of the most important responsibilities that this Parliament has to children across our country.

Jackson Carlaw: I reassure the First Minister that Conservatives are always willing to revise our business in order to hold this Government to account.

Despite all that the First Minister now says, the one thing that the Government has not been doing

is listening. Everybody—from teachers to social workers and, most crucially of all, parents—made their case against it, patiently and calmly. However, rather than listening, the response of ministers was to stick their fingers in their ears—they refused to budge. As a result, the ordinary taxpayer has been left with a staggering legal bill of £800,000 and teachers and parents have been left, as usual, in the dark.

Can the First Minister honestly say, looking back at the six long years since the policy was first announced, that she and her deputy stand by their handling of this fiasco?

The First Minister: Jackson Carlaw is able to hold this Government to account. He is rightly able to do that right now, and members will be able to do that when the Deputy First Minister gives a statement later this afternoon. Of course, nobody is able to hold the Tory Government in Westminster to account right now, because Parliament is suspended.

I remind Jackson Carlaw that the Children and Young People (Scotland) Act 2014 was passed by this Parliament. All along, we have listened and responded to concerns. We also, as was expected of us, took the time to consider carefully the court judgment around information sharing. Indeed, that is why the panel was asked to do its work, and we have considered its views carefully. All of that leads to the statement that John Swinney will make this afternoon.

To come back to the central point, I absolutely accept that there have been differences of opinion on the policy, and I absolutely accept that Jackson Carlaw and any other member of this Parliament has every right to ask detailed and searching questions of the Government about this or any other policy. However, the tone of some of that is regrettable, because all of us want to do our level best to protect children, particularly vulnerable children, as much as possible. Everything that the Government does around that is done in good faith, and that will continue to be the case.

As well as setting out our response to the panel and the implications for the legislation, some of what is most important in what John Swinney will say is about the on-going work to make sure that practitioners who are trying to protect children are as well supported as possible. While, of course, not giving up on scrutinising the Government, I hope that all members will get behind that motivation and the objectives that we are seeking to fulfil.

Jackson Carlaw: It is precisely because we want to do our best by vulnerable children that Scottish Conservatives have looked to a massive increase in the number of health visitors that we have—health visitors who would be concentrating

on vulnerable children and not reporting on their parents.

More than three years ago, the Scottish Conservatives held a debate in this Parliament calling for a pause in the introduction of the named person policy—a pause that might have allowed some common sense to emerge from this Government and might have spared the Government and the taxpayer all the needless waste and cost that have followed. Instead, ministers hurled abuse at those of us who stood against the policy and they charged on regardless. They were warned countless times. We told them when the policy was introduced, we told them again when it was clear that it was not going to work, and we tell them again today: “For once, listen to teachers and parents. Dump the policy, and dump it now.”

The First Minister: I think that Jackson Carlaw’s tone is regrettable here, although the detail of this is extremely important.

This Government is increasing the number of health visitors. We are investing massively in perinatal mental health support and, for example, increasing mental health councillors in our schools. We are doing everything that we can do to protect vulnerable children from the impact of austerity and the cuts to welfare that are being imposed by Jackson Carlaw’s party. We are doing a range of things to make sure that we are supporting and protecting vulnerable children in every way that we can, and we will continue to do that.

These are complex issues. By their very nature, they are sensitive and often controversial issues, and there are rarely easy answers.

We will continue to take the right steps. We will continue to listen to experts and continue to set out plans that see this Government and, I hope, this Parliament fulfil their obligations to those who work on the front line with children who are at risk and, indeed, any child who is living in vulnerable circumstances. The Deputy First Minister will set out more detail on that when he stands up this afternoon.

Universities (Funding)

2. Richard Leonard (Central Scotland) (Lab):

This morning, Audit Scotland has delivered a damning verdict on the state of universities’ finance under this Government’s watch: universities’ funding has been cut by more than 11 per cent over the past five years. As a result, more than half of our universities are now in deficit.

We used to be proud of the international reputation of our universities, but the European University Association calls Scottish higher

education a “declining system under pressure” and Universities Scotland says that

“Government funding for universities is decreasing at a faster rate than the Scottish Government’s budget, suggesting university funding has been deprioritised.”

Can the First Minister explain why our universities have been “deprioritised” by her Government? (S5F-03543)

The First Minister (Nicola Sturgeon): I do not know about Richard Leonard, but I am still proud of the international reputation of Scottish universities, and whenever I meet people from other countries or travel overseas, including yesterday in Germany, I meet people who are envious of the reputation, the record and the performance of Scottish universities.

On the Audit Scotland report that has been published today, I first point to the fact that, in this financial year, resources to universities—the higher education budget—have increased. The report also sets out that the total income in the sector has increased over the past few years. Of course, resources are tight.

I may be mistaken in this, but I do not recall Richard Leonard requesting additional money for universities in the recent budget. He will correct me if I am wrong.

Our universities are performing strongly. We have more top-200 universities per head of population than any country bar Switzerland. We are repeatedly setting records for students from Scotland going to university, and we see more people from the poorest backgrounds going to university. We have made massive progress in widening access.

I am sure that Richard Leonard knows this, because he will have read the Audit Scotland report in full. Although that report points to constraints in Scottish Government funding, some of the biggest funding challenges for universities that it sets out come from policies of the UK Government—pension costs, the Augar review of tuition fees and, of course, Brexit, which the report says threatens £211 million of funding to Scotland’s universities. I do not know whether Richard Leonard has anything to say about any of that.

Richard Leonard: I have not only read the report; I have also been listening to what people who work in the university sector say.

Just yesterday, the principal of Edinburgh Napier University warned members of the Scottish Parliament that there are

“severe funding challenges facing the sector”.

Universities Scotland says that our universities see

“this year’s budget from the Scottish Government as a pivotal point in their future.”

It is pivotal because, in its words, there has been “a pattern of cuts to core budgets”.

There has been an 11 per cent cut in funding over five years, which amounts to more than £120 million less being invested in Scotland’s universities each year. That is a cut of £700 for each Scottish student every year.

Therefore, Scotland’s universities have a straightforward request. They want a 2 per cent real-terms increase in university teaching and research grants in next year’s Scottish budget. Will the First Minister meet that straightforward request and invest in our universities, starting with that 2 per cent, or will she continue to preside over their managed decline?

The First Minister: Well, well, well.

Our universities are performing extremely well, and that is down to the experts who work in them. We have more top-class universities than almost any other country in the world.

On widening access, figures that have come out just today show that the number of Universities and Colleges Admissions Service acceptances of university applicants from the 20 per cent most-deprived areas has gone up again. That is the fourth year in a row in which we have seen such an increase at this stage in the process.

Richard Leonard has made a specific request for a 2 per cent real-terms increase in funding for universities, so I will make my usual offer to him. As I keep reminding him, we allocate all the Scottish Government budget every year—it is fully allocated to our hospitals, to our schools and other local government services, and to our universities and colleges. If Richard Leonard wants a 2 per cent increase for universities, on top of the increases for which he has called for local government and everything else that we are responsible for, he should set out where in the Scottish budget he thinks we should make reductions. I have asked Richard Leonard to do that on countless occasions, but he has not once come forward with any ideas. Maybe today will be different. The door is open, as always.

Richard Leonard: This is First Minister’s question time, and I am asking the First Minister questions about her record on higher education. I did not hear an answer to my question. If the First Minister will not promise to increase the funding to Scotland’s universities, will she promise at least to retain funds in Scotland’s universities? There is currently £90 million funding for tuition fees for European Union students. Our universities have asked for a simple promise: whatever happens regarding Brexit—I am determined that we should

remain—the Scottish Government must promise to keep that £90 million invested in our universities. *[Interruption.]*

The Presiding Officer: Order.

Richard Leonard: It is no wonder that universities are concerned about that £90 million, because on the First Minister’s watch we have witnessed funding decreasing and the system declining, all because her Government is deprioritising higher education. Will the First Minister end that failing policy and give our universities the guarantee that they are looking for? Is not that the very least that our universities and our students deserve?

The First Minister: As an aside, I note that we have possibly just heard Labour position on Brexit number 452. It is utterly bamboozling. That rambling and incoherent series of questions demonstrates why Richard Leonard will never stand here answering questions to the First Minister, because he has zero credibility.

I point out to Richard Leonard that it is for Parliament to pass the budgets of this Government. As we keep on being reminded, ours is a minority Government, so we have to win support from other parties to get our budget through. If Richard Leonard wants us to spend more on any area, we have to spend less on another area—that is simple arithmetic. *[Interruption.]*

The Presiding Officer: Order, please.

The First Minister: If Richard Leonard wants Labour to be taken seriously even as an Opposition party—not as a potential Government, because that is a long-lost cause—he has to make proposals. I am still waiting for him to bring forward anything that has any credibility. Until he does, Labour and Richard Leonard will have zero credibility among the electorate.

Tesco Metro Dundee (Lease)

Shona Robison (Dundee City East) (SNP): Has the Government been made aware of Sports Direct’s sudden decision to terminate Tesco’s lease on its Dundee city centre Metro store? Its refusal to grant a short-term extension, to help Tesco support affected staff, will lead to the needless loss of 74 jobs. Has the Government been in contact with the companies concerned about that worrying situation?

The First Minister (Nicola Sturgeon): I confirm that Jamie Hepburn, the business minister, spoke to Tesco yesterday about the company’s restructuring programme and the situation in Dundee. I understand that the Tesco Metro store is due to close on 2 November, which will, as Shona Robison said, result in 74 job losses due to

Sports Direct, the landlord, terminating the lease, despite Tesco's wish to continue trading. I ask Sports Direct to reconsider that.

The minister has offered assistance to Tesco about the situation, and, as always, our partnership action for continuing employment team stands ready to offer any support to staff facing redundancy. I am more than happy to ask Jamie Hepburn to discuss the matter further with Shona Robison, to make sure that the Government is doing all that it possibly can to help.

Loch Lomond and the Trossachs National Park (Community Buyout)

Jackie Baillie (Dumbarton) (Lab): The First Minister will be aware that Flamingo Land Ltd's planning application to build at Loch Lomond and the Trossachs national park has been withdrawn. On that basis, will she advise whether the agreement with Scottish Enterprise is set aside? Will she support consideration of a community buyout?

The First Minister (Nicola Sturgeon): I am happy to get back to Jackie Baillie on the detail of the situation on Scottish Enterprise—I will ask the relevant minister to respond. We will always consider community buyout proposals. Of course, there is legislation on community empowerment and community right to buy, and those issues should always be discussed and considered carefully.

Northern Isles Ferries Contract

Liam McArthur (Orkney Islands) (LD): Transport Scotland officials reportedly told those at a meeting in Shetland earlier this week that the Government can no longer guarantee that the new northern isles ferries contract will be in place by the end of October as previously promised. Will the First Minister confirm whether that is the case? Does she accept that further delay in letting the contract creates uncertainty and makes it impossible for many businesses in Orkney and Shetland to plan? Will she therefore ensure that the Government sticks to the October deadline?

The First Minister (Nicola Sturgeon): I absolutely agree that it is very important to communities in Orkney and Shetland that they have certainty on the future contract. The Government is very keen to stick to that deadline, and I hope that we will set out the outcome of that process very soon.

As Liam McArthur is aware, we have been involved in legal challenges; the European Commission also has a role to play here. Therefore, certain processes have had to, and will have to, conclude before we can announce the

next steps, but we want to be in a position to do that as soon as possible.

Independence Referendum

3. Patrick Harvie (Glasgow) (Green): Five years ago, the First Minister and I were disappointed at the referendum result, but we were willing to work with those who promised to strengthen devolution and give the Scottish Parliament legal permanence. Instead, we have seen the United Kingdom lurch from crisis to crisis, we have seen the promises about protecting our place in Europe broken, we have seen the people of Scotland ignored—especially the 200,000, and counting, young voters who have never had a vote on their country's future—and we have seen the UK Government treat devolution with utter contempt.

Another referendum is coming—we all know that. Does the First Minister think that we can trust that the head of state will once again be invited to interfere in a vote of the sovereign people?

The First Minister (Nicola Sturgeon): Scotland's future should always be a matter for the Scottish people. We know that support for independence is rising—demand for another independence referendum is rising.

If members do not want to take my word for that, all I can do is quote polling expert John Curtice, who said yesterday that

"also ... becoming more difficult to sustain is the argument that Scotland does not want a second independence referendum".

Scotland has the right to choose its own future. The revelations—if I can call them that—from David Cameron today say more about him than about anybody else, and they demonstrate the panic that was in the hearts of the UK Government in the run-up to the independence referendum five years ago. Of course, that is nothing compared to the panic that is in the hearts of the unionist parties now about independence. They are progressively, one by one, making themselves look utterly ridiculous. They are reduced to trying to block or rig Scotland's democratic right to choose and all because they know that they do not have the arguments against independence. They know that, when Scotland is given the right to choose, this time Scotland will choose to become an independent country.

Patrick Harvie: The great many young people who have never had a vote on independence deserve to have a say. Tomorrow, many thousands of them will be taking to the streets across Scotland, demanding a response to the climate emergency. They know that Scotland cannot hold its head up high next year when the United Nations climate conference comes to

Glasgow if we are still committed to maximum oil and gas extraction. They know that we need system change and a new economic direction—a genuine Scottish green new deal, not a Tory-lite economic plan written by people who still think that fossil fuels offer a secure future. Will the First Minister give tomorrow's climate strikers the news that they want—that Scotland is ready to end its reliance on the lethal fossil fuel industry?

The First Minister: Just finally on independence—*[Interruption.]*

The Presiding Officer: Order, please.

The First Minister: Okay, Presiding Officer, I probably have to admit that this is not the final thing from me on independence; I may mention it again at some point in the future. However, I am struck by the barracking and heckling of the unionist parties in the chamber. I suspect that the louder they get, the more obvious it is how panicked they are. The big question for them is this: if they are so confident that people in Scotland do not want independence, why are they running so scared of an independence referendum?

On climate change, I say to Patrick Harvie that I had the pleasure of meeting the co-leader of the German Greens in Berlin, yesterday. He was very positive about the leadership role of the Scottish Government on climate change. I am absolutely happy to look young people—to whom I pay tribute for the action that they are taking—in the eye and say that Scotland is, and will continue to be, a leader in the transition to a net zero economy. Oil and gas are part of that transition but, as we have discussed many times in the past, we have to make that transition in a way that is, first, fair and just and, secondly, actually reduces carbon emissions rather than, perhaps in the short term, inadvertently increasing them. We will continue to show real leadership, not just in the UK or across Europe but globally, as we face up to and address the climate emergency.

National Testing (Five-year-olds)

4. **Willie Rennie (North East Fife) (LD):** It is one year since Parliament voted to scrap national tests for five-year-olds. Since then, the Scottish Government has ordered tests for another 50,000 primary 1 pupils. Why has the First Minister allowed that in the face of the clear vote by Scotland's Parliament?

The First Minister (Nicola Sturgeon): After that vote, the Deputy First Minister set out the action that we were taking to respond to it. An independent review of primary 1 assessments was carried out. That report was published. We set out our response to it—the changes that we were going to make—and that is the right and proper

way to have proceeded. The assessments that we have in place in our schools are proportionate and right. They did not, of course, introduce assessment for the first time. All local authorities previously carried out assessments; some did so more than once a year. That is part of the process of making sure that we have information that allows us to determine whether our education system is delivering for the young people it serves, and we will continue to take that action because that is what we owe young people across the country.

Willie Rennie: When Boris Johnson tramples over parliamentary democracy, the First Minister is outraged; when her education secretary does exactly the same, she pats him on the back. It is not just Parliament; teachers are being snubbed, too. In 400 pages of fresh criticism, teachers said that the tests were “a logistical nightmare”, caused a lot of stress to pupils and were “a waste of time”. That is on top of the criticism of the tests by the Government's own advisers. Experts are against the tests, teachers have spoken out against the tests and Parliament voted against the tests. I know that John Swinney is not having a good day, but will the First Minister finally listen and tell him that he has to scrap the tests?

The First Minister: Parliament asked us to look at the evidence, which is what we did. We established the David Reedy review—he conducted a comprehensive independent review, which involved speaking to many stakeholders and inviting written feedback from many. He spent considerable time in schools talking to teachers and children and he watched children undertake the assessments. It is absolute nonsense to suggest that David Reedy's report provided anything other than a clear recommendation that primary 1 assessments should continue. Research has shown that a majority of primary 1 teachers believe that the children in their classes had a positive experience overall. The review reported that there was “scant evidence” of children becoming upset in the way that Willie Rennie and others had suggested.

We have taken action to ensure that changes that were required are being made. We will continue to take action to ensure that teachers have information about the performance of children so that they can help those who need extra help and make sure that children are performing at the levels that they should be. That is the right way to proceed, and we will continue with it.

Minimum Unit Pricing (Alcohol-related Deaths)

Clare Adamson (Motherwell and Wishaw) (SNP): The First Minister will be aware of new research showing that there has been a 21.5 per

cent decrease in alcohol-related deaths in Glasgow since the introduction of minimum unit pricing. Does the First Minister agree with the British Liver Trust that Parliaments across these islands should get on with the day job and follow Scotland's lead in the area?

The First Minister (Nicola Sturgeon): Yes, I strongly agree with the British Liver Trust. I am proud that the Parliament introduced minimum unit pricing. It is of course early days for that policy, and a full review is built into the legislation. However, all the early indications, including the statistic from Glasgow that Clare Adamson referred to, suggest that the policy is working and is saving lives and improving health for people across the country. I am proud of the policy, and I think that the Parliament should be proud of it. Although it is for others to make their decisions, I encourage other Governments and Parliaments across not just the rest of the UK but the world to look at the policy and consider implementing it in their countries.

Government Business (Use of Private or Party Email Address)

Donald Cameron (Highlands and Islands) (Con): Has the First Minister ever used a private or party email address to conduct Scottish Government business?

The First Minister (Nicola Sturgeon): The Government is completely subject to freedom of information legislation, and we would be covered by that. Rightly or wrongly, most of my conduct of Government business is on paper. I receive paper boxes, not email boxes, and I make handwritten notes. We will continue to respond to freedom of information requests about email correspondence on any particular issue.

Asda (Treatment of Female Workers)

Pauline McNeill (Glasgow) (Lab): The First Minister will be aware that MSPs and MPs from all parties have been expressing concern that Asda is threatening its predominantly female workforce with the sack if they do not accept extremely detrimental terms and conditions. Of course, Asda is not threatening its mainly male distribution workers in the same way and, this year, it announced a £92 million jump in profits, with bonuses all round for the mostly male senior members of the board of directors. Will the First Minister join me in asking Asda to get round the table with the GMB union and start treating women workers in its stores with some respect?

The First Minister (Nicola Sturgeon): I share those concerns. I know that Asda has responded to some of the MSPs who have raised concerns, of whom I am one. There is an Asda store in Toryglen, in my constituency, and I have

corresponded with Asda about the issue on behalf of constituents. I encourage Asda to continue to discuss the issues, to get around the table with staff and unions and to reach a positive resolution.

Climate Strike (College Bursaries)

Ross Greer (West Scotland) (Green): Tomorrow, thousands of young people in Scotland will join millions around the world in a historic climate strike, but many college students are concerned that, if they take part, they will lose their lifeline bursaries due to strict attendance requirements. The National Union of Students has not been able to get a straight answer from the Scottish Government or Colleges Scotland. Will the First Minister confirm today that any college student who takes part in tomorrow's climate strike will not lose their bursary because of it?

The First Minister (Nicola Sturgeon): I am clear that students who are engaged in legitimate, peaceful protest should not lose their bursaries for doing so. I am more than happy to ask the Minister for Further Education, Higher Education and Science to correspond with Ross Greer about the detail of those assurances so that students know that they can take part in the protests without having those concerns.

European Union Nationals

Tom Arthur (Renfrewshire South) (SNP): Members will be aware of new research showing that European Union citizens feel safer and more welcome in Scotland than in other parts of the United Kingdom. Will the First Minister reiterate that her Government will always stand up for the rights of EU nationals living in Scotland?

The First Minister (Nicola Sturgeon): We will do everything that we can to stand up for and protect the rights of EU nationals. Although I was reassured to read the research that was published earlier this week that suggests that EU nationals feel safer and more comfortable in Scotland than in other parts of the UK, I found it distressing that EU nationals in any part of the UK do not feel safe and comfortable.

I find it deeply distressing that EU nationals have had to put up with the uncertainty, stress and anxiety that they have suffered now for more than three years. It is utterly disgraceful and shameful—it is one of the most shameful aspects of the whole Brexit fiasco. I again call on the UK Government to do everything that it can to ensure that the anxiety for EU nationals stops. We will continue to send the clear-as-possible message that we welcome people to our country, we want them to be here and to stay and we value highly the contribution that they make.

Accountability (Government Policy)

Neil Findlay (Lothian) (Lab): When unemployment rates go down, it is because of Derek Mackay's genius; when they rise, it is nowt to do with him. When hospital projects degenerate into shambles, it is the fault of health boards or the matrix—whatever on earth that is—but it is never the fault of Jeane Freeman or any of her predecessors as health secretary. Why is it that nobody in the Scottish Government ever accepts responsibility for the failure of their key policies?

The First Minister (Nicola Sturgeon): Neil Findlay is talking nonsense. This week, the Cabinet Secretary for Health and Sport announced a statutory public inquiry into the situation at the Royal hospital for children and young people in Edinburgh to look at the issues around accountability, technical specifications and construction standards. That is the right and responsible way for a Government to proceed. We thought that Labour members were calling for an inquiry, which makes it more than passing strange that they now seem to be objecting to it.

Drug Driving (Police Officer Numbers)

5. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the First Minister what action the Scottish Government is taking to alleviate the reported concerns regarding the number of police officers available to enforce a crackdown on drug driving. (S5F-03548)

The First Minister (Nicola Sturgeon): Drug driving is completely unacceptable, which is why we have given Police Scotland new powers to keep our roads safe. Those new laws, together with our stringent drink-drive limit, will ensure that we have the United Kingdom's most robust laws against impaired and unsafe driving.

The deployment of officers in preparation for implementation is a matter for the chief constable. Although all police officers can enforce legislation, including for road traffic offences, our understanding is that extensive training of relevant officers is under way to ensure effective implementation.

Stuart McMillan: I welcome the Scottish Government's zero-tolerance approach to drug driving. I have raised the issue in the chamber before.

The use of drug-detection kits by police officers at the roadside means that doctors will no longer be required to attend to take a sample. Will the First Minister outline the benefits that the new legislation will also bring to the national health service by freeing up doctors' time?

The First Minister: I welcome Stuart McMillan's long-standing interest in the issue. It is true that

the new offence does not require evidence of impairment, which should free up time, as doctors will no longer need to consider impairment in police stations, though some doctors might still be involved in taking blood samples.

More generally, as I have said, together with our drink-driving limit, the new laws will ensure that we have the United Kingdom's most robust laws against impaired and unsafe driving, which will contribute enormously to improving safety on our roads.

Liam Kerr (North East Scotland) (Con): I have a freedom of information response from Police Scotland from August, relating to the drug-driving legislation. It says:

"An online learning package, requiring completion by all operational officers of the rank of Inspector and below is in the process of compilation and will be available prior to the introduction".

Is that online learning package now available, and will all officers have completed it by 21 October?

The First Minister: The training of officers is an operational matter for the chief constable. I have not seen the freedom of information response to which Liam Kerr refers. If he writes to me or to the Cabinet Secretary for Justice, we will respond in more detail.

Those are operational matters. Parliament sets the law, as it has done around drug driving, and we expect our chief constable—acting independently of Parliament and politicians—to make sure that the arrangements are in place. I have every faith in the chief constable and Police Scotland to ensure that that is the case.

David Stewart (Highlands and Islands) (Lab): Nine years ago, two young constituents died as a result of drug driving. Since then, I have been a road safety campaigner and I have consistently called for lower drug-driving limits and for drugalyser tests.

The First Minister will know that police in England and Wales have had drugalysers for four years and that their drug-driving conviction rates are significantly higher than the rate in Scotland. I welcome the new drug-driving limits, but why has it taken so long to implement them?

The First Minister: I recognise David Stewart's interest in the issue. As he will appreciate, we first legislated to reduce the drink-drive limit, and we now have the most stringent drink-drive limit anywhere in the United Kingdom. That is also an important part of road safety.

The drug-driving limits have not been straightforward. A significant number of drug types are included, so careful consideration has been required. It is extremely positive that we have the new law in place. It is more stringent than laws

anywhere else in the UK, and it will ensure that our roads are even safer than before.

David Stewart referred to tragic cases in his constituency. Many members will be aware of tragic cases of that nature. It is important that we do everything that we can to reduce their incidence. Combined, the actions that we have taken on drink driving and on drug driving will make our roads safer.

HIV (Action on Stigma)

6. Brian Whittle (South Scotland) (Con): To ask the First Minister what action the Scottish Government is taking to tackle stigma surrounding HIV. (S5F-03558)

The First Minister (Nicola Sturgeon): We are providing third sector funding of more than £2 million over three years to support innovative work in sexual health and blood-borne viruses. That includes funding to support Waverley Care to engage directly with people who are affected and to inform the development and delivery of targeted services that challenge stigma and promote prevention, testing and support.

A person who is diagnosed with HIV in Scotland today can expect to live a full life, with near-normal life expectancy. A person with sustained undetectable levels of HIV in their blood cannot transmit HIV to their sexual partners. We will continue to work to eradicate the stigma around the virus and to tackle the false myths and prejudices that, sadly, still surround it.

Brian Whittle: Will the First Minister join me in commending the former Welsh rugby captain Gareth Thomas on his journey to tackle stigma and prejudice around homophobia and his recent HIV diagnosis? In doing so, will she condemn his disgraceful treatment by elements of the press and public?

Given Mr Thomas's experience, does the First Minister agree with HIV Scotland that, in the era of treatments such as PrEP, it is time for a public health campaign to end HIV stigma?

The First Minister: I join Brian Whittle in paying tribute to Gareth Thomas. His brave and emotional intervention this week will have done a great deal to address that stigma. Many people across the United Kingdom and further afield owe him a great deal of gratitude for that. We send him our best wishes.

I agree that much more needs to be done to tackle that stigma, and we all have a part to play in that. To be blunt, the media have a part to play in making sure that they are not disseminating the myths and false impressions of HIV that we often read about.

There is an argument for a campaign, particularly given the successful introduction of PrEP. We will continue to consider what work we can do to consign to the dustbin of history the horrible stigma that wrecks people's lives. I am sure that we will all come together to do that.

12:44

Meeting suspended.

12:47

On resuming—

Social Security Scotland (First Anniversary)

The Presiding Officer (Ken Macintosh): The next item of business is a members' business debate on motion S5M-18758, in the name of Shona Robison, on Social Security Scotland's first anniversary. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that it has been one year since Social Security Scotland was established, employing around 400 people with its headquarters in Dundee; commends the aim of the new agency to ensure that the service is based on dignity and respect; is encouraged by research published in June 2019, which it understands showed high satisfaction levels with the service provided by Social Security Scotland; considers that thousands of people are already benefiting from the increased financial support that has been delivered, including the Carer's Allowance Supplement and the three elements of the Best Start Grant; believes that, by removing barriers to application and promoting the take-up of benefits, more low-income households have received much-needed support; welcomes that nearly £13 million has already been paid out through Best Start Grants, and welcomes that the agency will also deliver the new Scottish Child Payment, which it understands has been described as a "game-changer" by antipoverty campaigners.

12:47

Shona Robison (Dundee City East) (SNP): It is a privilege to bring this debate to Parliament. I thank my colleagues from across the parties who have supported the motion, giving us the opportunity to mark Social Security Scotland's first anniversary. I look forward to listening to their speeches and I hope that they will help to shape the future of social security in Scotland, as they helped to shape its beginning.

It was a proud moment for me when the Parliament passed the Social Security (Scotland) Bill—it was a proud moment for all of us who want to see a fairer, more respectful and more dignified Scotland. Great credit must go to all those who campaigned, many of them for many years, for control over our welfare policy. This is indeed a good start.

Across the United Kingdom, Scotland is showing the way forward, implementing a system that is based on the principle that social security is a fundamental human right. That principle has helped to shape the new body and its charter.

At the inception of Social Security Scotland, the people of Scotland were asked how the social security powers should be used. The message that came back was that the UK system is

stressful, complicated, impersonal and even inhumane. We were determined to do things differently, to deliver benefits in a humane, personal and positive way and to see social security as a fundamental human right. We asked people from many different backgrounds to shape our principles and to share their experiences in order to help us build a system with them at the centre. From that, the charter was formed. The charter states that:

"social security is an investment in the people of Scotland ... social security is itself a human right and essential to the realisation of other human rights"

and

"respect for the dignity of individuals is to be at the heart of the Scottish social security system".

Since its establishment, the agency has headquartered in Dundee—which of course makes me extremely happy—bringing more than 700 well-paid and highly valued jobs to Dundee in challenging economic times for the city. Those jobs are very welcome indeed. There are a further 750 jobs at its base in Glasgow, and a further 400 jobs are located in communities across Scotland, with people delivering face-to-face support to those who need it.

The agency's first year has been a success. Audit Scotland's recent review found that the Scottish Government has delivered on the commitments that it made for the first year: establishing a new agency that paid the first Scottish benefits; developing a social security charter; forming the Scottish Commission on Social Security; undertaking important groundwork to support the delivery of future benefits; embedding new ways of working; supporting the phased delivery of the benefits; and reflecting the principles of fairness, dignity and respect.

The report also says that many challenges are still to be faced as more powers come to Scotland. We do not doubt that those challenges will come, but we do not fear them. We see them as an opportunity to build a fairer future for all. We will build on what we have already done. Only yesterday, the Government announced the job start payment, which will support young people in a new job after a period of unemployment. That comes on top of the carers allowance supplement, which has helped more than 77,000 people so far by providing payments totalling £35 million in addition to the £157 million in carers allowance payments; the 9,700 families who are supported through best start grants; and the Scottish child payment, which will lift 30,000 Scottish children out of poverty and has been described as a "game changer" by anti-poverty campaigners.

We see what has been done; we see what can be done; and we see what needs to be done. Let

us not forget the words of the United Nations special rapporteur on extreme poverty and human rights, who said:

“Even while devolved authorities in Scotland ... are frantically trying to devise ways to ‘mitigate’ ... the worst features of the Government’s benefits policy”

the UK Government’s

“compassion for those who are suffering has been replaced by a punitive, mean-spirited, and often callous approach”

to welfare. He went on to say that Scotland has used new powers to establish a “promising social security system”. We have made a promising start, but I know that we can do so much more.

I echo the calls of the Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville, for all social security to be devolved to Scotland. I think that we have shown what we can do with those powers. What we want is to have the rest of the powers, so that we can support our people even more. We can create a system with the people of Scotland for the people of Scotland.

The UN letter declares that poverty is a political choice. Well, let us not choose poverty; let us choose to end poverty. Let us choose a system with the people of Scotland, for the people of Scotland.

I look forward to members’ speeches.

12:52

Michelle Ballantyne (South Scotland) (Con):

It gives me great pleasure to speak in this debate, and I thank Shona Robison for bringing it to the chamber.

Marking the first anniversary of Social Security Scotland today is important, because it is not often in the chamber that we find such consensus around an issue, particularly in recent weeks. However, I think that we can all remember the infectious optimism that was evident in Holyrood that April afternoon when, unanimously, we passed the bill that enabled the creation of the agency. It was the culmination of the largest devolution settlement since this Parliament opened. The Social Security (Scotland) Act 2018 presented the Parliament with the opportunity to create something dynamic, exciting and new.

As we have heard from Shona Robison—and as we will no doubt hear from the cabinet secretary later—David Wallace and the team at Social Security Scotland have done well to adapt to the challenges that they have been presented with practically and at a policy level. When I visited the agency’s offices in Dundee, as I have done on a couple of occasions, I was impressed by the enthusiasm with which the staff described their roles as well as their desire to build a

compassionate system that is tailored to Scotland’s needs. I cannot fault them for the work that they have done and will carry on doing. Today, I add my thanks for all that they are doing to ensure the smooth delivery of the devolved benefits and the new ones that are being created.

That said, it would be foolish to rest on any laurels just yet. What has been accomplished already is an achievement, but a sense of perspective is required. The benefits that have been delivered by Social Security Scotland to date are just the tip of an iceberg and it is of some concern that we are already seeing delays.

In June, the cabinet secretary announced a whole series of postponements. I am glad that the funeral expense assistance that was promised in the summer has now arrived—albeit a month late—but the former Secretary of State for Work and Pensions, Amber Rudd, warned of an impending cliff edge for disability benefits if the Scottish Government does not keep to its timetable. That could potentially affect thousands of Scots each month after the Department for Work and Pensions assessment contracts expire in 2021.

The importance of that date cannot be overstated. With no mechanisms in place to provide disability assessments, there is a serious risk that the Scottish Government could be forced to guess eligibility or, worse, that people may not receive the benefits that they are entitled to. The decision to bring forward the first instalments of the Scottish child payment threatens to disrupt those essential benefits. Although I welcome the Scottish Government’s intention with that policy, I hope that it takes the greatest care to ensure that its decision does not affect the disability benefits that we absolutely need to deliver.

George Adam (Paisley) (SNP): I take on board Michelle Ballantyne’s attitude to disability benefits, but is that not hypocrisy from her, as her Government in London has attacked the disabled community? It is an absolute disgrace for Michelle Ballantyne to come here and state that.

Michelle Ballantyne: It is very sad that George Adam has suggested that it is a disgrace to be concerned that people who are entitled to disability benefits may not get them if the deadlines are not met. I do not see that as hypocrisy in any way. George Adam is trying to make an inappropriate political attack. There are real concerns, and there is a problem if he is not able to take that on board. I think that the cabinet secretary has taken that on board and that she is working very hard to ensure that there is no cliff edge and that we do not miss making the payments. It is legitimate to express concerns in the Parliament.

There are also a number of operational concerns that need to be addressed. At a Public Audit and Post-legislative Scrutiny Committee meeting earlier this month, members raised concerns about the programme in relation to budgeting, staffing and capacity. Again, those are legitimate concerns, and I am sure that the cabinet secretary is working hard to ensure that they are addressed. For example, the senior Scottish Government official involved in the new social security system was unable to provide the committee with even a ballpark figure on how the Scottish child payment will affect the programme's long-term financial planning.

There was also confusion about whether the programme would stick to its own timetable. The relevant Scottish Government director told the committee:

"We are still working through the process to understand whether we can hold to the dates that the cabinet secretary shared".—[*Official Report, Public Audit and Post-legislative Scrutiny Committee*, 5 September 2019; c 6.]

Given the concerns about disability payments, I sincerely hope that that work is completed swiftly and that we are not faced with an autumn statement from the cabinet secretary that details fresh delays to benefits that are already late. I would have thought that George Adam, too, would want to ensure that that work is done swiftly.

I hope that the cabinet secretary will give us some information about what is to happen with the ending of the lease of Dundee house. I understand that alternative premises are yet to be identified. Given that wave 2 benefits are coming, I hope that we will hear soon where the social security agency will be located. Obviously, it will be faced with quite a lot of work given that new benefits are coming and that it will have to move. I hope that we will hear some information about that.

I am absolutely behind the cabinet secretary in that I want her to get those things right. However, it is legitimate for us to raise concerns.

12:58

Jenny Marra (North East Scotland) (Lab): I thank Shona Robison for bringing the debate to the chamber. Given the scale of Social Security Scotland's work, any time that we can devote to debating it is to be welcomed.

On Monday, I had the great pleasure of visiting Funeral Link, on Albert Street in Dundee. That is a recent initiative to address locally concerns about funeral poverty. It provides advice for people on ways in which they can cut down the costs of a funeral and still give their loved ones a dignified funeral and send-off. I ask the cabinet secretary to note that although the Scottish funeral payment started this week, that project, which is doing very

good work, already faces funding challenges. I would be very grateful if she would look at that.

As Shona Robison said, Audit Scotland's recent report was very helpful. It is important that the huge transfer of powers and public investment be monitored closely in order to ensure that it is done in the most efficient way. The Auditor General for Scotland highlighted some issues relating to the efficiency of information technology projects—I am sure that the cabinet secretary has studied the report—so it is very important that Parliament continue to scrutinise the new agency, how it is being set up and its efficiency in use of public funds.

As Shona Robison said, Social Security Scotland is headquartered in Dundee. I understand that of the 750 jobs that were promised, 250 people are already employed.

The new agency has, of course, had its successes. The new benefits that have been delivered, and the ones that are planned, will be a welcome boost to struggling families. Delivering them properly might allow us to finally start to cut into Scotland's appalling and shameful poverty figures, which are particularly evident in Dundee.

However, like all agencies, Social Security Scotland has had its teething problems. Delivery of the Government's new Scottish child payment has raised concerns due to fears that uptake of benefits will be impacted by use of an application-based process rather than an automatic payment process. That will require more form filling for applicants who have already been through the universal credit process, and it will create more work for agency staff, despite the then Minister for Social Security, Jeane Freeman, having demanded a simpler and more streamlined approach to benefits applications than the approach that is taken by the Westminster Government.

The decision to delay devolution of a host of benefits means that we have not yet been able to maximise the full potential of that process, and it has left thousands of Scots still dealing with the Department for Work and Pensions. I hope, therefore, that the cabinet secretary has delayed the process in the interests of an efficient and effective transfer of powers.

Like Michelle Ballantyne, I note the lack of a permanent base for the agency's headquarters. It is important for the agency to have permanent headquarters. It is currently housed in Dundee City Council's headquarters, which is called Dundee house, on an 18-month lease, but that lease will soon come to an end. When, at last week's meeting of the Public Audit and Post-legislative Scrutiny Committee, I asked the chief

executive when the lease will end, he said that he was not sure.

Dundee City Council is in the process of selling the building in which it has its headquarters to a Canadian insurance company—Canada Life UK, I believe—and will then lease it back. I do not know whether negotiations in that process are taking place but, as Michelle Ballantyne said, it is incumbent on the cabinet secretary to indicate when there will be a permanent base. Will the agency be moving out of Dundee house soon? There is a lot of empty office space in Dundee—whole buildings are empty, and although they might require a bit of refurbishment, they could certainly hold 750 staff. It is important for the future of the agency and for its ability to plan its service delivery that it gets clarity on where the headquarters will be.

13:03

Bob Doris (Glasgow Maryhill and Springburn) (SNP): As others have done, I thank Shona Robison for bringing the debate to Parliament. I also thank the team at Social Security Scotland: the public-facing side of the operation—the front line—and those behind the scenes who make a substantial effort in developing IT systems and the structures that underpin the entire Social Security Scotland network.

Another key “Thank you” must go to the people who have lived experience of the benefits system, who have been key and have been at the heart of developing, implementing and rolling out a variety of benefits, through experience panels and other extensive consultation. Lived experience is crucial, as are the key principles of how Social Security Scotland should conduct its business, as outlined in the social security charter, which people who have lived experience helped to create.

Social Security Scotland has sought—as it should—to build a strong and positive relationship with claimants and potential claimants on the bases of dignity, respect and trust. The new Scottish social security system is already, in its infancy, making a significant difference to the lives of many of my constituents.

The carers allowance supplement will put an extra £452 into the hands of 83,000 carers each and every year, going forward. Many of them will be constituents of mine. The best start grant includes a number of payments, from the pregnancy and baby payment to the early learning payment to the school-age payment, which have been rolled out incrementally over the past year. Some 42,000 payments have already been made to 10,000 low-income families, and £13 million has been paid out, to date. That will have benefited

many of my constituents in Glasgow Maryhill and Springburn, and many others. It is a more generous contribution than the previous UK benefit: people in Scotland with two children receive £1,900, which is £1,400 than if they would receive if they stayed elsewhere in the UK. That is a substantial contribution.

As we have heard, this week saw the launch of the funeral assistance grant which is, on average, £1,300. There is no set amount. That will contribute to costs for people on low incomes at a distressing time when, as Jenny Marra outlined, they should not have to worry about money. The grant will make a significant contribution to their giving loved ones a fitting service. The grants are being promoted on social media, and I note that people can fill out paper applications or do online applications, and that there is a telephone helpline. The idea that application is not digital by default is an important principle.

I also very much welcome the expected job start payments. Up to £400 for young long-term unemployed people will be paid from around spring next year.

There is a lot to welcome, and it all builds up trust. I have not even mentioned the child payments. It is right that low-income households are seeing delivery of the child payments of £10 per week being accelerated, such that the first delivery for under-six-year-olds will be in 2021.

That brings us to disability assistance, which has been mentioned by a few members. The key thing for me—I have sought assurances on this from the First Minister at a Conveners’ Group meeting on the programme for government—is the commitment to make sure that those who will undergo a new personal independence payment assessment by the end of this session of Parliament will do so under the new Scottish disability assistance and not under the flawed, dreadful and punitive UK system. That reassurance has been consistently given. Of course, it is a challenge and we will have to scrutinise that, but let us do it in a supportive and constructive way for the better Scottish social security system that we all want.

My constituents would want me to finish by saying that this is money that they are entitled to and that there should be sufficient funds to deliver it. My goodness! How much more we could do if every social security benefit was devolved to the Scottish Parliament—not least the hideous universal credit, which causes my constituents so much misery.

I thank Shirley-Anne Somerville for her efforts, Shona Robison for bringing the debate to the chamber, and the team at Social Security Scotland

for making a success of its first year. I wish it a happy birthday.

13:08

Alison Johnstone (Lothian) (Green): I thank Shona Robison for the opportunity to debate this issue. The transfer of responsibility over some areas of social security to the Scottish Parliament is a major milestone on Scotland's devolution journey. It gives us the opportunity to reclaim the idea that when we provide a good, reliable income for the most vulnerable people in society, everyone benefits—and we need that idea more than ever.

We have a UK system that continues to treat some of the people who need its help in the most heartless way possible, despite years of being called out by academics, organisations representing people who need support, and now even by the United Nations. However dedicated and compassionate many of the public servants who run the social security system are, it is a system that often appears to be tone deaf to the needs of our most vulnerable citizens.

Many members across the chamber will have experience that my office does, ever more regularly, of having to help people who are totally ground down by a system that simply does not appear to care what it puts people through. That is only the people who ask for help; we know that some are so totally bewildered and exhausted by the complexity of the system that they give up. Others drop out of the system altogether, and that affects take-up. We know that there are many millions of pounds that are unclaimed and, as Bob Doris said, that money is an entitlement.

I am grateful that we have this opportunity to debate the agency's work so far. One of the most important tasks that the agency has is to build a new culture around social security, by sweeping away that culture of suspicion of people who ask for help, and instead encouraging and empowering them to apply for what they are entitled to. When people do apply, they should get help from a system that understands the challenges that people face in applying for and getting support, and a system that takes away so many of the barriers that have been put in place by the DWP.

Bob Doris highlighted the challenges that the digital-by-default model has. He made it clear that we must have in place different mechanisms for people to get in touch in order to get the help that they need. However, such things can be much easier said than done. Social Security Scotland will need to undo decades of denigration of the very idea of social security and of the people who need its help.

Staffing the new system with people who have lived experience of social security is absolutely a good first step, and I would be very interested to hear from the cabinet secretary on that point in particular.

The motion is rightly very positive about the promise of Social Security Scotland and the progress that it has made so far, but there will always be room to improve. Although the number of complaints about best start grants is low compared with the number of applications, I note that the research that is referred to in the motion shows that the majority of complaints that have been made about best start grants were upheld.

Although I accept that the Scottish child payment could well be a huge boost to some of our poorest families, it is means tested and will face the challenge of take-up that almost all means-tested payments face in terms of ensuring that people are aware of their entitlement and are encouraged and supported to apply.

Dignity and respect are rightly at the heart of the work of the new agency, but we cannot have dignity and respect if we simply do not have enough money. The Scottish Government is absolutely right to top up carers allowance, and it is great to see best start paying out more than double the sure start maternity grant, but we have to continue to monitor those increases and ask whether they are really good enough. The new rate for carers is still far below what they deserve, given the huge value of unpaid care, which stands at more than £10 billion a year.

The real challenge, of course, will come when disability assistance for working-age people begins. It will replace PIP, which, according to Sheffield Hallam University research that was commissioned by the Social Security Committee, has taken an average of £2,600 from disabled Scots. Banning unnecessary face-to-face assessments, which is a change in the law that was brought about by the Greens, will be an important part of that, as it should mean that applicants get a fairer assessment of their needs.

The Greens wish Social Security Scotland a happy first birthday and applaud the excellent work that has been done so far by the agency and its staff.

13:12

Jeremy Balfour (Lothian) (Con): I, too, thank Shona Robison for securing the debate. I was happy to support the motion and I wish Social Security Scotland a happy birthday. The first few years of the agency will be very important, as they will set the groundwork for going forward.

It is very important that we understand the role of the agency and the roles that other parties have to play in relation to it. When the Social Security (Scotland) Act 2018 became law, there was cross-party support for the idea that people who make applications will be entitled to independent advice and assistance throughout the process. Clearly, the agency can help, but I am concerned about some of the rumours that I am hearing, such as that the agency thinks that providing advice and assistance will be its role, not the role of a third party. I would be grateful if the cabinet secretary could confirm that, from the date of application, through the whole process, an individual will be entitled to independent advice and that it will not be the role of the agency to provide it.

George Adam's intervention was disappointing, because we, as a Parliament, have to scrutinise what the new agency is doing and will do. The agency has done a lot of good work. We acknowledge that and say well done, but if we, as parliamentarians, are not going to scrutinise things that go wrong or raise difficult questions—

George Adam: Will the member take an intervention?

Jeremy Balfour: No, I am sorry, I do not have time.

If we did not carry out that scrutiny, that would be disappointing. Audit Scotland raised some issues, so we need to make sure that we are going in the right direction.

Like Alison Johnstone, I think it is important that those with lived experience and other minorities work for the new agency. However, the figures that I have seen show that we are below the percentage that the new agency set as its target. I hope that the Scottish Government will encourage the agency to keep going towards that aim. As a Parliament, we must ensure that those with lived experience are given the appropriate opportunities.

The Audit Scotland report pointed out that, even in the agency's first year, there has been a high level of contractors and temporary staff coming in and we do not have the number of people working for the new agency that was envisaged at this stage. We have to ensure that what is delivered is being delivered appropriately. Are the IT and cybersecurity absolutely right? I have been impressed when visiting the agency and was impressed by the Scottish Government presentations that Bob Doris and I attended and that suggest that those issues are on track. However, it is the role of the Scottish Parliament to ensure that they are delivered.

The best start grant is welcome, but in many ways it was one of the simpler benefits taken over by the new agency. Some questions have to be

asked about why so many of those who were refused first time got the grant on appeal and what lessons we have learned from that. As we go forward with more complex benefits, we have to ensure that we get it right first time as often as possible.

We welcome the new agency, its principles and openness. However, as we often say in Parliament, actions speak louder than words. We need to see not only what actions took place in the past, but also those that will take place in the years ahead.

13:16

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): I am grateful to my colleague Shona Robison for lodging the motion for debate. It has been a good opportunity to mark the many positive things that Scotland's new social security delivery agency has done in its first year.

Before Social Security Scotland was even established, many things were said about the delivery of our new system: it was going to be the single largest programme of work undertaken by any Scottish Government since devolution and the new agency would be making more payments in a week than the entire Scottish Government had previously made in a year. All those things remain just as true a year after the launch of our new agency as they were before. The challenge is no smaller and the level of complexity is still as high—indeed it is growing.

However, we have made good progress. In its first 12 months, Social Security Scotland, ably supported by colleagues from the wider social security directorate of the Scottish Government, has successfully launched the carers allowance supplement, the best start grant family of three separate cash payments, the best start foods scheme and, as recently as this week, the new funeral support payment. That is six benefits in 12 months. That is on top of the underlying work completed by the programme and the agency around the social security charter, for example, and the important groundwork for future benefits that is already in train.

We go on: the young carer grant will be launched in the autumn of 2019; with the co-operation of the UK Government, job start payments will be delivered by spring 2020; by next summer, we will deliver the first benefit in the Scottish disability benefit family; and, by the end of 2020, the Scottish child payment—a game-changer in the fight to end child poverty in Scotland—will begin. In early 2021, we will begin our new replacement for PIP.

All that is being done against the background of our continuing, overarching effort to deliver a person-centred system that is founded on the principles enshrined in the Social Security Act that was passed unanimously by the Parliament, reflects the commitments in our social security charter, and, as several members have pointed out, is co-designed by people with lived experience of the UK system. I take the opportunity to thank again everyone who has been involved in the experience panels and our working groups. They have played such a large and important part in what we have today. It is fundamental that, at the heart of our system, we have a belief that social security is a human right.

I come to a number of the points that members raised during the debate, beginning with Michelle Ballantyne. Let us start on a point of consensus: I acknowledge her welcome for the enthusiasm of the staff and their work, which she saw when she visited the agency's headquarters. I am pleased that she had that impression; it is certainly my impression every single time that I go there. However, I gently warn her around the language that she used in relation to the joint ministerial working group and her very selective quotes from the previous Secretary of State for Work and Pensions, Amber Rudd, including the reference to discussion of a "cliff edge" because DWP assessments will end on a particular date. As the minutes of that ministerial working group show, the meeting was entirely a conversation between two Governments that recognised the time limits that they were under to get a joint project—the devolution of social security to the Scottish Parliament—under way.

I had many disagreements with Amber Rudd on a number of issues around benefit strategy, particularly in relation to reserved benefits. However, the meeting to which that quote relates was exceptionally constructive. That is the way in which she and I worked together in her time as secretary of state, and I look forward to that same constructive approach with the new Secretary of State for Work and Pensions.

People in the Scottish and UK Governments, and everybody who is involved in the process, absolutely recognise that there will be, as Audit Scotland said, a step change as we move towards wave 2. We absolutely recognise that step change, and we are well aware of the challenges that lie ahead. I am confident that the work that the Government and the agency are putting together will stand us in good stead.

I say, absolutely and clearly, that the Scottish child payment does not threaten disability payments. When Aileen Campbell made her statement in June, she announced changes in the timetable to certain disability payments in order to

ensure that we could deliver the Scottish child payment and deliver the rest of the disability benefits, carers benefits and the case transfer—and so on—in a way that ensures that we are doing it as quickly as we can while never losing sight of that safe and secure transition. I hope that Michelle Ballantyne will accept that reassurance. I will, of course, update Parliament on the further work that we have been doing on the Scottish child payment in due course.

Turning to Jenny Marra's contribution, I am afraid that I do not think that the constituency organisation that she mentioned sits in my portfolio remit, but in that of Aileen Campbell. I therefore invite her to write to my colleague to raise any concerns. I do not think that they will come to me personally, but I am sure that Ms Campbell will respond to Jenny Marra's points in detail.

It is very important that we consider the range of options that we could have had for the Scottish child payment. The example of automation, and the benefits that it could have had, was given. Although automation undoubtedly offers benefits—that is why we considered it as part of the discussions around the Scottish child payment—it was determined that it was not the quickest way that we could deliver the payment, and it was important for us to move quickly. I refer Jenny Marra to the policy position that the Scottish Government put out around the Scottish child payment and to the statement that Aileen Campbell made in June.

I will move on to the discussion around the offices in Dundee, which I appreciate that some members—particularly Jenny Marra—mentioned. The Dundee house lease is an 18-month lease initially, with a six-month rolling lease beyond that. We are, of course, considering wider options and our permanent base. Due to commercial confidentiality, Jenny Marra will unfortunately get the same reply from me that I believe she did from David Wallace when he was at her committee last week. Although I cannot go into the detail of that, I hope that I can reassure her that we, and the agency, are doing everything that we can to move that on as quickly as possible.

Jenny Marra: We can check the *Official Report*, but I believe that the chief executive said that it comes down not to commercial confidentiality, but to restrictions in the commercial property market in Dundee. I do not share that perception. A lot of office accommodation is available in the city. Some more clarity on that from the minister would be really welcome.

Shirley-Anne Somerville: The point that I am trying to make is that I cannot go into the details of the work that we are doing around what offices we are looking at or the work to achieve a permanent

office, due to commercial confidentiality. It would not be appropriate for me to go into the details of that, but I recognise Jenny Marra's point about the importance of making a quick decision on that, if at all possible.

A number of other points were raised by members. I do not have time to go into them all in detail, but Alison Johnstone was quite right about the recruitment culture that is required. I am pleased that the number of staff within Social Security Scotland who have a disability or a long-term condition is the same as the proportion in the wider Scottish public. I hope that that again provides reassurance that we are moving forward with our recruitment in a very serious way to ensure that those with lived experience are part of the agency and that it reflects wider Scottish society.

In closing, I pay tribute to the more than 400 staff of Social Security Scotland who have, since the agency was established last year, put money into the pockets and bank accounts of over 91,000 people across Scotland—payments that, in a significant number of cases, they would not have got under predecessor schemes. All of that has been done with the support of the dedicated and hard-working staff in the social security programme, whose work has been critical in getting us to the point of having an agency with the systems to deliver it.

There is much that we can rightly be proud of in the Government, in the wider Scottish Parliament and, I hope, in Scotland about what we have done in our first year of having a social security agency. We will have lessons to learn and there is much still to be done, but I believe that we have set a very proud and firm foundation that shows that we can indeed build a social security system with dignity, fairness and respect at its heart.

13:27

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Communities and Local Government

The Deputy Presiding Officer (Christine Grahame): The first item of business this afternoon is portfolio question time. I repeat my usual mantra: succinct questions, succinct answers. This is a test. Question 1 is from Anas Sarwar—I know that he will not fail me.

Anas Sarwar (Glasgow) (Lab): I start by apologising to members, because I will have to leave at 2.45. I have a pre-arranged meeting with the Cabinet Secretary for Health and Sport about a constituency matter. I informed the Presiding Officer in advance. [Interruption.] Was that me taking up time? I am sorry.

The Deputy Presiding Officer: Mr Sarwar, that does not count. Members, do not barrack him. [Laughter.]

First-time Buyers Pilot Scheme (Criteria)

1. **Anas Sarwar (Glasgow) (Lab):** To ask the Scottish Government what the criteria will be for the allocation of funding for the pilot scheme for first-time buyers. (S5O-03549)

The Minister for Local Government, Housing and Planning (Kevin Stewart): The new shared equity scheme will be open to all first-time buyers in Scotland by the end of the year. It will provide them with a deposit of up to £25,000. Buyers will be required to contribute a deposit of 5 per cent of the property value from their own funds.

The new scheme will be part of the range of support that we give to those looking to buy their own home, which includes our help to buy Scotland scheme and open market shared equity scheme. It will help buyers purchase a property that meets their needs in the area where they want to live.

Anas Sarwar: Will the minister clarify whether the scheme will include existing stock or be limited to new stock? If it will not include existing stock, what is the rationale for that?

Kevin Stewart: The scheme is for all stock—new and existing. As I said, it will provide first-time buyers with up to £25,000 towards the deposit for a property. It fits in well with the suite of schemes that we already have. It is a pilot, so we will of course analyse how it all works, but I think that it will be beneficial to first-time buyers and to the construction industry in Scotland.

Angela Constance (Almond Valley) (SNP): Yesterday was Scottish housing day. How will the £150 million national pilot scheme build on the Government's delivery of 86,000 affordable homes and its support of more than 32,000 households via home ownership schemes?

Kevin Stewart: The pilot scheme will support at least 6,000 first-time buyers on to the property ladder, enabling them to buy a home that meets their needs in the area in which they want to live. It will complement our existing home ownership schemes, which have helped more than 32,000 households purchase their property since 2007.

We are working hard to increase the number of homes in Scotland, so that everyone has a good-quality home that they can afford and that meets their needs. We will spend more than £3.3 billion during this parliamentary session to deliver at least 50,000 affordable homes by March 2021, at least 35,000 of which will be for social rent.

Graham Simpson (Central Scotland) (Con): How will the pilot scheme be advertised? If somebody borrows up to the maximum of £25,000, how much will they have to repay when they sell their home?

Kevin Stewart: It is an equity-based scheme and, as with the other schemes, people will pay back the percentage of the sale based on the equity.

Officials are finalising the operational details of the first-time buyer scheme. A draft version of the administrative procedures was issued this week, alongside the legal procurement documents. That is all now in the public domain. The administrative procedures set out how the scheme will work in practice, as well as the criteria for applicants.

New Homes (Accessibility)

2. **Miles Briggs (Lothian) (Con):** To ask the Scottish Government what plans it has to legislate to ensure that all new homes are fully accessible, including having downstairs sleeping and washing facilities. (S50-03550)

The Minister for Local Government, Housing and Planning (Kevin Stewart): We want everyone in Scotland to have a home that is warm, affordable and meets their needs.

In the summer, we published our draft vision and principles for a shared vision for our homes and communities in 2040. That shows our ambition to have enough accessible and adaptable homes across Scotland that are suitable for older and disabled people. In the coming months, we will engage further on how to make that a reality.

Miles Briggs: Today, the British Red Cross published "Life beyond the ward", a document that

has recommendations to improve hospital discharge. One of the challenges is that some people are not able to return home because they do not have facilities downstairs. What learning will the Government take forward from those sorts of documents, especially with regard to our ageing population?

Kevin Stewart: We always take cognisance of publications from third sector partners, which often have good experience of what folks face.

I have said previously in the chamber that 99 per cent of the homes that we are delivering in the affordable housing programme meet the housing for varying needs standards.

In answer to a question from Miles Briggs's colleague, Jeremy Balfour, on 27 March, I said that we would look at the housing for varying needs standards, because they are "a bit old now". We must ensure that the homes that we build are fit for purpose not only for today but for tomorrow. We will continue to look at all that. I urge all members to encourage all stakeholders and everyone in their communities take part in the consultation on housing to 2040, in which we can encapsulate their views.

Pauline McNeill (Glasgow) (Lab): The Scottish Government set a target to build 50,000 new homes. In order to focus the minds of the housing sector on the desperate need for a wider range of accessible homes—including for the 17,000 wheelchair users in Scotland—is it time to set a target for 10 per cent of those homes to be accessible?

Kevin Stewart: The right way to tackle difficulties in our communities is not necessarily for national Government to set an arbitrary target. In their housing need and demand assessments, local authorities must ensure that they capture all the folk who require specialist housing in their area and deliver those homes accordingly.

During the course of the housing programme, I have been clear that, although subsidy standards are set, we will be flexible with local authorities and housing associations that want to deliver wheelchair-accessible homes, specialist homes or homes with a greater number of bedrooms—we know that there is a need for those homes, too.

Some local authorities and housing associations have grasped that opportunity. We have seen more wheelchair-accessible and specialist homes being delivered in many places. I want other authorities to look at what the best are doing to capture the needs in their area and to ensure that they deliver for the needs of their people.

The Deputy Presiding Officer: Question 3 was not lodged.

Homelessness Registration (Support for Councils)

4. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government how it will support councils in upholding the changes to the regulations regarding homelessness registration applications and people having a local connection. (S5O-03552)

The Minister for Local Government, Housing and Planning (Kevin Stewart): We will work closely with local authorities as we prepare the ministerial statement, which we are required to issue within 12 months of commencing the provisions in the Homelessness (Scotland) Act 2003. We will listen to their views and see what we can do together to assist their preparation. That will include amending current data collections to ensure that we can measure and, where appropriate, act on the changes. We will update the code of guidance on homelessness so that local authorities are able to access the information that they need.

Our homelessness and rough sleeping action group recommended changing the operation of local connection referrals. We all agree that we want people who face homelessness to be able to choose where they settle and to access the support that they need, wherever they find themselves in their homelessness emergency.

The Deputy Presiding Officer: I appreciate the answers, but I want to get as many members in as possible, so please make the answers—and the questions—a little shorter.

Jeremy Balfour: I welcome the minister's answer. We can all agree on the points that he has made.

There are concerns in Edinburgh, where the changes might bring a major increase in the number of homelessness registration applications. The City of Edinburgh Council's five-year plan indicates a cost of £9.2 million for implementing the changes. Will the Government provide additional funding to support the City of Edinburgh Council through the process?

Kevin Stewart: The Government has recently increased the amount of money for the implementation of rapid rehousing transition plans from the original £15 million to £24 million.

That money is about transition. It is about allowing local authorities to use that additional resource to bend the spend of their current resource to do what is right for the people in their communities. I have spoken to the City of Edinburgh Council this week, and I have spoken to other places about the changes and how we can help them to ensure that those changes are the

right ones for them. My officials and I will continue to collaborate with local authorities on that.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Does the minister agree that, although the Scottish Government is working hard to tackle homelessness—including, most recently, through the £15 million homelessness prevention fund—it is a multifaceted issue and that, through its unnecessary austerity agenda, the Tory United Kingdom Government continues to exacerbate the problems around homelessness?

Kevin Stewart: Yes. I agree with Mr MacGregor. By 2020-21, a total of £3.7 billion in annual UK Government welfare cuts will be felt here, in Scotland, with more people being at risk of homelessness through debt and rent arrears. The shambolic introduction of universal credit means that tenants on UC have arrears that are, on average, more than 2.5 times the arrears that tenants on housing benefit had, and they are more than twice as likely to be in debt as other tenants.

We have continually called on the UK Government to backtrack on those flawed policies, to change its mind and to do what is right for the most vulnerable people in our society. I hope that folk across the chamber will join us in continuing to campaign for those changes and for the UK Government to finally see sense on the issue.

Sarah Boyack (Lothian) (Lab): Will the minister support further action to tackle the housing crisis in Edinburgh? Will he allow the council to cap the number of short-term lets in the city, and will he accelerate the funding that is available for new affordable housing, so that we can eradicate homelessness?

Kevin Stewart: We recently concluded our consultation on short-term lets, and we are working through the 1,000-plus responses in order to get whatever legislation is required right not only for Edinburgh but for other parts of the country.

During the current programme, Edinburgh has received £31 million more than the original resource planning assumptions in order that it can deliver more social and affordable housing in the city. I am pleased that Edinburgh has been able to utilise those resources well.

The Deputy Presiding Officer: Questions 5 and 6 have been withdrawn.

Tackling Inequalities (Intergenerational Work)

7. Angela Constance (Almond Valley) (SNP): To ask the Scottish Government how it will support intergenerational work in communities that aims to tackle inequalities and improve life chances. (S5O-03555)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government values intergenerational work, and we have demonstrated that by providing funding of £70,000 this year to the national experts in the field, Generations Working Together. We believe that intergenerational projects break down barriers between generations, tackle negative attitudes and stereotyping and strengthen local communities.

Generations Working Together sits on the older people's strategic action forum and our national implementation group for our strategy on social isolation and loneliness. Through that strategy and our "A Fairer Scotland for Older People" framework, which was published earlier this year, we will consider what more we can do to promote intergenerational practice.

Angela Constance: A community enterprise in my constituency has researched a model of community-led care, taking an intergenerational and community empowerment approach that views young people and older citizens as assets, not problems. However, the concept needs some investment. Can the cabinet secretary advise us about specific funding streams and opportunities to test that innovative approach to intergenerational work?

Aileen Campbell: That sounds like an incredibly interesting project. I do, of course, agree that local community groups are essential for cohesion and for bringing folk together. There are many examples across the country of great intergenerational work, some of which are managed by the third sector while others are managed by integration joint boards. If the member writes to me with the details of the group and the specifics of what it does in her constituency, we will certainly look into possible funding solutions and give her further information on that point.

Michelle Ballantyne (South Scotland) (Con): Outside the Scottish Parliament this morning, Aberlour Child Care Trust launched its campaign, "A bad start shouldn't mean a bad end." Unfortunately, many of us were not able to attend the launch, as we had to be in committees. Aberlour is calling for a commitment from the Scottish Government to create a transitional fund to support local authorities to deliver early intervention family support services. Will the Scottish Government commit to considering such a fund?

Aileen Campbell: We will continue to work with Aberlour and others who point out where there might be a need for additional support. We will also ensure that what we do across Government creates a whole-life package of support across the life journeys of children and supports them at key

transition points. If there is more that Aberlour wants to discuss, I am sure that Maree Todd will be happy to engage—I see her nodding—and so will I.

Scottish Borders Council (Meetings)

8. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government when it last met Scottish Borders Council. (S5O-03556)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Ministers and officials regularly meet representatives of all Scottish local authorities, including Scottish Borders Council, to discuss a wide range of issues as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland.

Rachael Hamilton: I thank the cabinet secretary for that answer, but I do not think that she answered the question.

Recently, Nicola Sturgeon announced that Scottish schools will be rebuilt or refurbished in the first phase of the £1 billion investment programme, benefiting 50,000 pupils across Scotland. However, none of those schools is located in the Scottish Borders Council area. Rightly, parents were angered by that decision.

Will the Scottish Government give assurances that Scottish Borders Council will receive a fair share of the funding that is allocated to school investment in the future?

Aileen Campbell: I understand that discussions are on-going and that work is being undertaken with Jedburgh academy. We continue to work with Scottish Borders Council on the strategic direction of the council's learning estate and on which of the council's upcoming projects might be suitable for Scottish Government support in future phases of the programme.

Getting it Right for Every Child (Practice Development Panel Report)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by John Swinney on the getting it right for every child practice development panel's report. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:47

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): There is wide agreement across the chamber that we want to get it right for every child so that they can grow up loved, safe, respected and able to reach their full potential. However, too often, we have all heard of cases where children and families have not had access to the support that they need. The named person service was designed to help to address that and to ensure that every child in every part of Scotland would be able to get the support that they need, when they need it. That is a key characteristic of getting it right for every child, and I reaffirm the Government's commitment to that policy direction today.

I believe that everyone in the chamber shares our aim of promoting the wellbeing of Scotland's children, even if we sometimes disagree on how best to do that. Naturally, parents are the biggest influence on a child's wellbeing, as caregiver, role model, teacher and guide. However, sometimes, a child or their family might need some additional help.

I have had the great privilege of meeting people across Scotland who are passionate about providing that help, and I have seen powerful examples of the difference that they make to children's lives. I want to make sure that that support is available to all who need it. Legislation to support the named person service was intended to help to do that. The aim, as set out in the policy memorandum to the Children and Young People (Information Sharing) (Scotland) Bill, has always been to have in place someone who can

"act as a clear point of contact for children, young people and their parents to go to, should they wish to seek support, information or advice."

That function has never really been controversial. Where there quite obviously has been significant controversy is around when and how information should be shared by and with a named person.

Legislating to support and safeguard something as individual as a child's wellbeing has its

challenges, and we believed that the Supreme Court judgment required us to make changes to legislation on information sharing. The result was the Children and Young People (Information Sharing) (Scotland) Bill. However, since we introduced that bill in 2017, there have been significant changes to the data protection legal landscape, with, for example, the introduction of the general data protection regulation and the Data Protection Act 2018. In addition, of course, the Parliament's scrutiny through the Education and Skills Committee resulted in the pausing of consideration of the bill.

In order to chart a way through that complexity, I established a panel of experts to explore the development of a statutory code of practice for information sharing. There was a critical point in relation to its work. I charged it with ensuring that the code was, to quote its remit,

"workable, comprehensive and user-friendly for children and young people, parents and practitioners".

I asked the panel to produce a code that everyone—not just lawyers who specialise in data protection—could understand and use, and I thank Professor Ian Welsh OBE and the panel members for taking on that complex task.

Today, I have published the panel's report. The panel concluded that achieving all the aims that I set it in a single statutory code is simply not possible. In light of that, I have had to consider how best to proceed.

Foremost in my mind has been how to ensure that families can access the help that they need when they need it in a way that respects their rights and gives them confidence that personal information is handled correctly. In considering that, the panel's work has proven invaluable. It reviewed the data protection legislation that came into force during 2018 and concluded that the world has moved on significantly since the bill was drafted. Now that we have a new statutory framework, including through the introduction of GDPR, the panel concluded that we should not introduce a statutory code of practice and that we can rely on the law as it currently stands, founded on the Data Protection Act 2018 and GDPR.

In practical terms, that means that we will not produce a binding legal code and that information sharing will take place only in line with the law as it currently stands. The panel has recommended that, instead of the code, we provide practical help, guidance and support to enable professionals, practitioners, children and families to understand their rights under the existing law. We accept the panel's recommendations in full. That also reflects feedback from practitioners, who have loudly and clearly called for clarity on how and when information can be shared.

My officials will now work with stakeholders to develop a suite of products to support and promote good, proportionate and appropriate information-sharing practice within existing law. That will include further training and guidance for practitioners, updated getting it right for every child guidance and material to reassure the public about how the service operates.

The panel's report sets out the details in full, but the four recommendations on additional investment, an update of the getting it right for every child policy statement, measures to support the transparency of information sharing and a refreshed suite of practice guidance are crucial.

From a parent's point of view, that means that information about a child or young person will not be routinely shared without their or their family's knowledge or engagement. From a practitioner's perspective, it simply means that those operating the services must handle personal information in line with existing guidance and laws, such as those that are applicable to data protection, confidentiality and human rights.

In taking that approach, I hope and believe that we have resolved the information-sharing controversy at the heart of the named person approach in a way that protects the vitally important policy of getting it right for every child.

The law on information sharing will not now change. The way in which information is shared will be based on existing law, and we will provide help and support to make practitioners certain that they will get it right and to ensure that families know what can and cannot happen to their personal information. Consequently, I will write to the Presiding Officer to withdraw the Children and Young People (Information Sharing) (Scotland) Bill.

That brings me to the Children and Young People (Scotland) Act 2014 and the statutory named person scheme. Part 4 of the act makes provision for every child and young person to have a named person. Part 5 introduced the requirement for a child's plan when a child's wellbeing requires the support of a targeted intervention. Those elements of the 2014 act are awaiting the passage of the Children and Young People (Information Sharing) (Scotland) Bill before being brought into force.

However, the reality is that many community planning partnerships already operate elements of a named person service and a child's plan. Those services are provided within their existing statutory functions, under existing legislation, and they have evolved over the past 10 years to provide early help, high-quality planning and the co-ordination of services. I want more families to benefit from those services.

I want to be absolutely clear: the services do not require wellbeing information about a child or young person to be routinely shared without their or their family's knowledge or engagement. As I said earlier, the aim of supporting families when and where they need it has largely been uncontroversial.

Having addressed the information-sharing controversy, we must now ensure that the help and support that the named person service provides to children and families continue. That service is already making a massive difference in children's lives. It should be recognised that, in the past five years—since we introduced the 2014 act—we have seen real advances in culture, systems and practice in services that support families. That progress has improved lives the length and breadth of the country and we must continue to build on it in order to increase confidence in the delivery of the getting it right for every child approach, including the named person service. I am wholly supportive of existing good practice continuing.

The child's plan is also being used across children's services, and it has been well received. Children and families already benefit from practitioners working closer together in a co-ordinated way to support children in all aspects of their wellbeing.

Our commitment to those policies and the practitioners who implement them is reaffirmed today. They are in place, they are effective and they change lives for the better, without the need for underpinning legislation. I therefore give notice of our intention to repeal parts 4 and 5 of the Children and Young People (Scotland) Act 2014. We will do so in due course, using a suitable legislative vehicle.

Today, we have taken an important step forward in providing families and practitioners with certainty about how information sharing can support wellbeing in a transparent way that respects everyone's rights. We will now not underpin in law the mandatory named person scheme for every child. We will withdraw the Children and Young People (Information Sharing) (Scotland) Bill and repeal the relevant legislation. Instead, existing voluntary schemes that provide a point of contact for support will continue, under current legal powers, when councils and health boards wish to provide them and parents wish to use them.

In that way, we will support our children and young people, so that they can thrive and rise to the challenges and opportunities that life brings. Only through continued investment in our children's wellbeing will we achieve our vision of a prosperous country where everyone gets the chance to fulfil their potential and no one is left

behind. That is why we continue to be fully committed to getting it right for every child.

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

Liz Smith (Mid Scotland and Fife) (Con): I thank the cabinet secretary for prior sight of the statement.

The Parliament knows only too well that I have held strong views on the named person policy from the very beginning, and I do not believe that any tears will be shed this afternoon by parents, teachers, health and social care professionals, campaigners or, of course, the public, who have persistently told the Scottish National Party that the policy is one of the most deeply unpopular, illiberal and unworkable ones of modern times.

Will the cabinet secretary now apologise to all those professionals on the front line who have had to endure endless bureaucracy and anxiety about where their legal responsibilities lie? Will he apologise to local authorities who have had to divert significant resources away from other spending priorities in order to retrain their officials and practitioners? Will he apologise to all the families across Scotland for the general upset that the policy has caused over the past five years?

John Swinney: In all of this discussion, it is really important that we remember that the Government's policy intention, at all times, has been to put in place measures that would support and enhance the wellbeing of children and young people in our society. I will not apologise for trying to find the best way to do that. In so doing, the Government has had significant support from and engagement with the self-same professionals and local authorities and families that Liz Smith talks about. What I hear from members of the public who come to see me—and those who have come to see me over the past 20 years as their member of this Parliament—is frustration at the lack of connection between public services in meeting the needs of individual families, and cries for help when people have needed those services the most. I will not apologise for trying to help those individuals. What I will do is put in place, as I do every day of the week, measures to support the enhancement of the wellbeing of children and young people in our society, and that is what I am determined to do in the future.

Iain Gray (East Lothian) (Lab): I thank the cabinet secretary for prior sight of the statement. When the cabinet secretary dropped his proposed education bill, I called it the mother of all ministerial climb-downs, but he has outdone himself today, losing two bills—one dropped and

one repealed. This must be the mother and father of humiliating U-turns. The difference is that the education bill was a bad idea; the named person scheme was a good idea, supported by this Parliament, that has been destroyed by the incompetence of a succession of ministers, who lost control of the implementation, lost the support and confidence of practitioners and the public, lost the legal challenge in the Supreme Court and lost the argument in the Education and Skills Committee.

The cabinet secretary talks about the policy's good intentions. Good intentions do not alone make for good government, and this has been very poor government indeed.

The cabinet secretary would not apologise to Liz Smith. Labour members have tried to support the legislation, as have many professionals and organisations in the sector. Will the cabinet secretary at least apologise to them for the mess that he has made?

John Swinney: The crucial point is that the legislation that I have tried to enforce and take forward was supported in this Parliament by the SNP, the Labour Party, the Liberals and the Greens; in the final vote on the legislation, the Conservatives abstained. Parliament has supported the legislation comprehensively. Obviously, the legislation was challenged in the courts in Scotland before I became the education secretary and it succeeded in passing those challenges. An issue of concern was raised by the Supreme Court in relation to the provisions on information sharing and we have done our level best to try to protect the legislation that Parliament enacted.

That is the duty of the Government—to try to ensure that we do everything we can to implement the legislation that Parliament has passed and to make sure that that can be done effectively. I have sought every possible avenue to do that, through the introduction of successor legislation and by inviting Professor Ian Welsh and his colleagues to look carefully at how the issue could be resolved. They have found it impossible to find a way to provide a meaningful statutory code of practice, which was, in our view, the means to address the issues raised by the Supreme Court.

I cannot ignore the Supreme Court and I have never at any time sought to do so, but we and the panel have found it impossible to address the Supreme Court's issues in a workable fashion. We have made every effort to do so. I have acknowledged and faced the reality of that difficulty today and I am committing the Government to make sure that we put in place all the support that we possibly can, in every respect, for the vulnerable children and young people in our society who need the help of public services.

The Deputy Presiding Officer: I have no desire to stymie questions and answers, but I would like to get 11 members in, so I ask members to follow my mantra of short questions and succinct answers. I understand that this is a very important question session.

Clare Adamson (Motherwell and Wishaw) (SNP): The Deputy First Minister has outlined that the Scottish Government will repeal sections 4 and 5 of the Children and Young People (Scotland) Act 2014. Does he share my view, that the impetus around the named person service since the bill was introduced to Parliament has resulted in improvements across children's services?

John Swinney: Yes—it has. We can see that from some of the assessments of the support that is available for children and young people, particularly the recent Nuffield Trust report, “International comparisons of health and wellbeing in early childhood”, which illustrated some significant improvements in the circumstances of children and young people in our country. Other challenges will come their way, such as challenges from poverty—which is acute in Clare Adamson's constituency of Motherwell and Wishaw—as a consequence of the changes to benefits regimes that are taking their course. The Government will remain relentlessly focused on supporting those vulnerable children and young people. Today's statement and the pathway that I have set out will, I hope, assist in ensuring that that is the case for children and young people across Scotland.

Michelle Ballantyne (South Scotland) (Con): For me, this debacle has been very personal, as I was the head of a children's service and a member of my local authority's GIRFEC implementation team. Therefore, for me, it is about asking the cabinet secretary to not only apologise but recognise that we had to put in a lot of extra work to make the scheme work on the ground. We told him back then that we could make it work without legislation and that it was about professional judgment. I therefore want the cabinet secretary to commit to listen to those of us who are on the front line, and to recognise that it is bureaucracy that creates many of the gaps in the scheme, because social workers and children's workers do not have enough time—instead, they are filling in paperwork.

John Swinney: There are elements of Michelle Ballantyne's question that I agree with. I want to make sure that our professionals on the front line are able to take, and are confident about taking, the necessary steps to support the wellbeing of children and young people in our society. That work does not need to be drowned out by bureaucracy; it needs to be supported by good

practice, good communication and good integration of services.

Many people in the professional community have contributed hugely to the development of the named person service and have developed much of the practice, which I applaud. I want to make sure that anyone who is observing my statement takes from it an encouragement to continue and enhance their practice. As I said to Clare Adamson a moment ago, I believe that the named person practice that we are seeing in place is actually benefiting the lives of children and young people.

Today, I have set out a route that empowers professionals to take that agenda forward and I look forward to supporting them in their endeavours.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome the cabinet secretary's continued commitment to GIRFEC, which was described by the Nuffield Trust last year as leading the way in the UK.

Will the cabinet secretary expand on how the policy direction will shape the revised national guidance for child protection in Scotland that was announced in the programme for government?

John Swinney: The work that we are doing there will be about the importance of early intervention and prevention to support children and young people, as acknowledged in the Nuffield Trust report. The whole agenda is predicated on ensuring that active support is in place. One of the foundations of the expansion of early learning and childcare is to ensure that we have the earliest possible intervention to support children and young people.

On the question on child protection, we have in place a very well-ordered, clearly defined child protection approach. It is there to make sure that children who are at risk of harm are properly supported, and that issues are resolved on their behalf. The thinking that comes out of the early intervention work will be brought to the heart of the work that is taken forward on child protection as a consequence of the programme for government.

Daniel Johnson (Edinburgh Southern) (Lab): When the Education and Skills Committee took evidence on it in the autumn of 2017, it became clear that the Children and Young People (Information Sharing) (Scotland) Bill ran the very real risk of either conflicting with data protection laws, or being rendered meaningless by them. The issues that were identified by the committee must have been identified by the Government's advisers. Will the cabinet secretary say whether their advice contained those warnings, and when he received it?

John Swinney: Mr Johnson's question gets to the nub of the difficulty that the panel was trying to resolve. There is intense complexity in respect of interweaving pieces of legislation. The objective of the bill on information sharing was to try to chart a course through that complexity; that was the framework in which the Government intended to operate.

It became clear through the work of the panel that that could not be done in a way that would be accessible to children, young people and their families as well as to practitioners. I accept that conclusion. That is why I am here today and that is why the Government is not pursuing that bill. We had hoped that the framework in the bill would create the architecture within which that work could be undertaken. The panel has told us that that cannot be done. I accept that conclusion, which is why we are taking the steps that we are taking today.

Ross Greer (West Scotland) (Green): The cabinet secretary's announcement today completely vindicates the position that was taken by the Education and Skills Committee in 2017, which was that we should not proceed with his unsound bill. The unquestionably legitimate policy of having named persons has been devastated by the bungling of the Government. What does the Deputy First Minister have to say to people who are already acting as named persons across the country, who will face further anxiety and uncertainty as a result of today's announcement?

John Swinney: I hope that those professionals will take from my statement the Government's unreserved support for the work that they are undertaking. I do not accept Mr Greer's comment that they have been in any way undermined by the issues that we have been wrestling with: they have been getting on with the work of supporting children and young people in our communities in order to address the issues and difficulties that they face. I say first, to those professionals, a word of thanks for their efforts and their contribution, and, secondly, a word of encouragement to continue to develop the excellent practice that they have undertaken.

Alex Cole-Hamilton (Edinburgh Western) (LD): The bill has wasted years of time and the good will of the people, including me, who are involved in delivery of the policy in the children's sector. The cabinet secretary knows that he had the support of my party. However, we kept telling him where the faults lay and still he did nothing. What is the cost of the legal bills and workforce hours that have gone into that failed policy? What confidence can he offer hardworking colleagues in the voluntary and public sectors that their concerns will be better heeded in other areas of policy?

John Swinney: There were several points to address in there. Mr Cole-Hamilton knows that the Government has faced legal costs for defence of the legislation in the outer and inner house of the Court of Session and in the Supreme Court. It is quite reasonable for the Government to commission legal costs to protect legislation that has been agreed by Parliament—and which was supported by Mr Cole-Hamilton and his colleagues. We have incurred relatively modest costs on the practice development panel—less than £10,000. The panel has spent a huge amount of time and effort on its work, but its members gave their time voluntarily.

Contrary to what Alex Cole-Hamilton said, practitioners—many of whom were involved in the practice development panel—have given of their time willingly, because they are hugely supportive of the policy's direction of travel and want it to succeed. I encourage them to continue in those efforts. I hope that my statement today has given them confidence and clarity for the future.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I refer members to my entry in the register of interests as a registered social worker. I associate myself with the comments that have just been made by the Deputy First Minister.

Practitioners in social work and other services work tirelessly on a multi-agency basis and want—in fact, demand—confidence from members of the Scottish Parliament in what they are doing. I welcome the Deputy First Minister's emphasis on that in his statement.

Can he expand on how the Government, local authority partners and other stakeholders can work together to encourage even more joined-up working across children's services, in order to build on the progress that has been made in recent years and the good practice that exists out there?

John Swinney: One of the principal ways to do that is by designing approaches that relentlessly focus on the circumstances of individual children. The more we can keep the interests of the child and children's wellbeing at the heart of our interventions, the more we will encourage focused joint working among public bodies. That is the sensible and rational evidence-based approach that will enhance the life chances of children and young people in our society. I encourage professionals to follow that guidance.

Maurice Corry (West Scotland) (Con): My colleagues across the chamber have already outlined what a very great waste of time and money this fiasco has been from start to finish. Will the cabinet secretary give us his firm assurance that every public body that is involved will have in place up-to-date information on

sharing guidance by the end of this year? If not, how long does he expect that that will take?

John Swinney: The clearest signal that I am giving to public bodies today is that they need to operate within the current legislative framework, particularly in relation to issues around data protection and in connection with human rights. That is not something new that has been announced today—that is the law of the land as it is today, and public bodies should be operating in that fashion.

John Mason (Glasgow Shettleston) (SNP): I have been a strong believer in a named persons system as a good scheme for helping vulnerable families in my constituency who are seeking help to avoid being passed from pillar to post. Can the cabinet secretary give reassurance to vulnerable families in my constituency that they will be able to find help when they go to the public sector?

John Swinney: That was the import of my statement. I want to make sure that the people in our society who need assistance are able to get it. The sentiment that John Mason expressed about encountering families who feel that they are being passed from pillar to post is an experience that I have had all too often in my parliamentary life. I want to address that, so I give him reassurance that that is the focus of the policy, and of the guidance and the advice that we will provide as a consequence of it. I am confident that local authority partners, health boards and other bodies are similarly focused on taking forward that agenda.

Mary Fee (West Scotland) (Lab): Additional recommendation 4 of the GIRFEC practice development panel's report states:

"There should be additional multi-year investment in multi-agency training."

Will the cabinet secretary tell Parliament how much that investment will be, and when it will be in place?

John Swinney: Those issues will be part of the implementation approach that the Government takes. We will discuss that with our local authority and health board partners in the normal course of our activities, in order to ensure that we have in place the proper support that will enable the recommendations of the panel—which I accept in full—to be taken forward and implemented.

David Torrance (Kirkcaldy) (SNP): I appreciate that the cabinet secretary has set out that we will not proceed with the Children and Young People (Information Sharing) (Scotland) Bill. Will he outline how the role of consent will be factored into information sharing, following that decision?

John Swinney: Practitioners must take a careful approach to handling consent. Consent lies at the heart of the matter, including the question of how practitioners evaluate whether members of the public are giving consent voluntarily in cases where they might feel obliged to give it. Practitioners must exercise great care in how they approach the question of consent. Good family engagement and good dialogue are central to making sure that the people who need services are able to access them, and that practitioners can make the appropriate judgments, in that context.

The Deputy Presiding Officer: That concludes questions on the statement. I thank the cabinet secretary and members, because everyone got to ask their question—as should be normal.

Pre-release Access to Economic Statistics (Committee Bill Proposal)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-18727, in the name of Gordon Lindhurst, on a bill proposal on pre-release access to statistics. I call Gordon Lindhurst to speak to and move the motion on behalf of the Economy, Energy and Fair Work Committee.

15:20

Gordon Lindhurst (Lothian) (Con): I apologise for this debate being something of a repeat. Members will think of it, perhaps, as the BBC Four of parliamentary debates. We were here last November, discussing the twin topics of data and economic performance, and it was clear at that point that the Scottish Government had not altered its position.

With respect to the Minister for Public Finance and Digital Economy, I note that her predecessors, Keith Brown and Derek Mackay, were nothing if not consistent. Whatever it was, they were against it—or, at least, such was their stance regarding changes to pre-release access. I hope that the minister will be more willing to engage with the committee and will consider why we have been pursuing the issue for almost two years now, although there have been times when I have wondered that, too. As the playwright said,

“Try again. Fail again. Fail better.”

Why, then, do we propose a bill addressing the topic? I will outline what we propose to do and why. First, I will address the “why”. Pre-release access, or PRA, is rather a niche topic and we did not envisage that it would occupy the time that it has occupied. What is PRA and why does it matter? It is the practice of making statistics available to ministers and their advisers prior to publication. The Office for National Statistics stopped doing that in July 2017, and the Bank of England followed suit.

In our economic data report, which was published in February 2018, we called for an end to PRA for four sets of statistics that are of national importance, including those on gross domestic product and “Government Expenditure and Revenue Scotland”. That was the majority view of the committee. The minority opinion, although more cautious, still sought a presumption against pre-release. I add that the recommendation was just one of the 29 that we set out in our report, the majority of which were accepted by the Scottish Government and others,

including the Scottish Fiscal Commission and the ONS.

Why was our call for an end to PRA not agreed to? The chief statistician suggested that the issue had been overplayed. By some curious logic, it was right for the ONS to end PRA but, in our case, it was “not necessarily straightforward”. We pressed the Scottish Government on the matter in further correspondence and meetings, and the lengthy discourse can possibly be distilled into five words: ministerial benefit versus statistical integrity. I will elaborate on that a little, after which I will come to the matter of there being two views among committee members.

The standard argument for PRA is that it is preferable for ministers to be briefed in advance. Those who are in favour say that that allows ministers to make sensible and informed comments at the time of publication, so the practice has public merit. So far, so plausible. The counter view is that it puts ministers—whichever party is in power—in a privileged position and allows the figures to be framed in a particular way, or even to be spun.

The Minister for Public Finance and Digital Economy (Kate Forbes): I have a genuine question about the idea of first-mover advantage. How can PRA offer first-mover advantage if, at the same time as the Scottish Government gets access, so, too, do the Scotland Office and the Treasury?

Gordon Lindhurst: The point is that the Scottish ministers get access before other politicians or commentators do.

It is said that PRA enables ministers to provide a positive slant before anyone else can respond, thereby risking the public’s trust in the veracity of official statistics. The majority view of the committee sides with that side of the argument, on statistical integrity. Some colleagues take a different view, and I shall let them speak for themselves, but I think that it is only fair to say that they, too, would like to see a shift in the approach to PRA.

Such is the context of our bill proposal. I will now outline what the proposed bill would do. There are three strands to that: first, the removal of PRA for two specific categories of economic data; secondly, a phased approach to that removal and review of its impact; and, thirdly, the reduction to one working day of the PRA for those statistics for which five days is currently the norm. I will share the thinking behind each of those strands.

First, the bill would end PRA for two of the four categories of economic data that we identified in our original inquiry—the GDP and retail sales data. Neither of those categories of data is subject to PRA at a United Kingdom level. The Scottish

Government would not lose anything that is retained by the UK Government.

The second strand of the bill would stipulate that the removal of PRA be phased: one day would be cut to 12 hours after one year and then removed entirely after two years, and there would be an independent review of the impact after three years. That review would be laid before the Parliament, and ministers would be obliged to respond to its findings.

The third strand of the bill would reduce from the current five days to one day the PRA for other economic statistics. As the Royal Statistical Society remarked of the five-day scenario during our inquiry,

“Scotland is very much an anomaly relative to almost the whole developed world.”—[*Official Report, Economy, Jobs and Fair Work Committee*, 26 September 2017; c 9.]

In fairness to the Scottish Government, it wrote to us, in May, with a compromise suggestion. Mr Mackay said that ministers would seek a period of one day where a period of five days now applies. That sounded promising. However, when pressed, the cabinet secretary told us that he favoured a “pragmatic approach” and did not wish to make what he regarded as “unnecessary amendments to legislation”. We, on the other hand, would rather that a five-days-to-one reform be given legislative underpinning.

At this point, it might be helpful to say what our bill would not do. It would not put the Scottish ministers at a disadvantage compared with their UK counterparts or Whitehall departments, because the statistics that we focus on—the GDP and retail sales data—are in the gift of the ONS and, hence, are not subject to PRA. The bill would not legislate on any data other than the categories of economic statistics that are specified—for example, it would not cover health or education stats.

The bill would not question—nor, indeed, do we question—the integrity of Scottish statisticians. As a representative of the UK Statistics Authority—the guardian of the independence of official statistics—told us,

“They are genuinely highly professional statisticians who do an excellent job. I just think that pre-release access makes their work harder.”—[*Official Report, Economy, Jobs and Fair Work Committee*, 7 November 2017; c 23.]

How is PRA viewed by the wider statistical community? The Royal Statistical Society supports ending it, the ONS supports ending it and the UK Statistics Authority supports ending it. Professor Sir Charles Bean, who led the 2016 independent review of economic data, supports ending it. John Pullinger, the recently retired UK national statistician, supports ending it. The list goes on. His successor, the former principal of the

University of Aberdeen, Professor Sir Ian Diamond, supports ending it. In fact, in May 2017, he co-signed a letter to *The Times* that described PRA as “outdated and unnecessary” and “detrimental to public trust”. The letter argued that its abolition

“would cost nothing but have the very welcome effects of reducing the opportunities for media spinning, improving the health of our political system and safeguarding public confidence in official statistics.”

There were 114 signatories to that letter, among them senior academics and statisticians as well as the directors of think tanks as diverse as the Institute for Public Policy Research and the Adam Smith Institute.

Nine years earlier, in another letter, the UK Statistics Authority had argued for

“a progressive reduction in the length of time for which privileged access is granted”.

It added:

“We would encourage the Scottish Government to adopt statistical policies that promote equal access, the earliest possible publication, and minimise the opportunity to make policy proposals or comments from the advance sight of the unpublished statistics.”

More than a decade on, the direction of travel has moved even further away from PRA, and the Scottish Government finds itself on the wrong side of the argument. It can, of course, always change that.

The American poet Ogden Nash said:

“People who have what they want are fond of telling people who haven’t what they want that they really don’t want it.”

I can repeat that. [*Laughter.*] That might be helpful for members who are not fans of Ogden Nash or familiar with his works. He said:

“People who have what they want are fond of telling people who haven’t what they want that they really don’t want it.”

Members can call me an optimist if they want, because, after 19 months of trying and failing, I remain hopeful that we can make some progress today. Our premise is simple: we believe that statistics are a public asset and that they should be an aid to understanding the political and macroeconomic decisions that affect us all. As such, the numbers should be available on an equal and not a privileged basis, which is the purpose of our proposed bill.

I look forward to hearing from the minister, committee colleagues and the former deputy convener, John Mason—I nearly said “John Major”, but I caught myself.

I move,

That the Parliament agrees under Rule 9.15 to the proposal for a Committee Bill contained in the 7th report (2019) of the Economy, Energy and Fair Work Committee, Pre-release Access - Committee Bill proposal report (SP Paper 553).

15:31

The Minister for Public Finance and Digital Economy (Kate Forbes): As much as I love talking about data and I am looking forward to this afternoon's debate, it is remarkable that this is, as the convener said, the second debate on this issue. I would have thought that there are far more pressing issues facing the economy right now to consider. There is also the matter of the time and effort that the legislation would require, should the committee introduce it. However, that, of course, is the committee's choice.

Gordon Lindhurst: Perhaps if the Scottish Government did the minimum amount of alteration to the statutory legislation, it would not take such an amount of time to deal with the matter.

Kate Forbes: As the convener has mentioned, the cabinet secretary made an alternative proposal. That pragmatic approach, which the committee referenced, would retain public confidence in economic statistics and provide Scottish and United Kingdom ministers with limited and tightly controlled PRA to statistics.

I will lay out the wider context now, and when I sum up, I will address members' specific points.

Pre-release access is the norm: all UK Government departments other than the ONS have kept PRA. The ONS sits at arm's length from Government, so it is quite different from the chief statistician.

I want to make it clear that there is nothing inappropriate about pre-release access to official statistics. It is in line with legislation. People receive early access only if the person responsible for producing the statistics considers it necessary and legitimate, it is not contrary to the "Code of Practice for Statistics" and it is standard practice that is not limited to ministers. For example, the Scotland Office, local authorities and others receive pre-release access where appropriate.

Dean Lockhart (Mid Scotland and Fife) (Con): The minister contends that the Government is following standard practice. On pre-release access, the Royal Statistical Society said:

"Scotland is very much an anomaly relative to almost the whole ... world."—[*Official Report, Economy, Energy and Fair Work Committee*, 26 September 2017; c 9.]

Kate Forbes: I have looked at the evidence, which is valuable and valid. I repeat the point that, since the ONS ended PRA to its statistics more

than a year ago, only the Bank of England has followed suit. Whitehall departments still operate with 24-hour PRA as per the Pre-release Access to Official Statistics Order 2008.

It is important that members see pre-release access in the context of the whole Scottish official statistics system and the unique role that statistics play in ensuring that we make the most of Scotland's rich data sources and tap into the valuable information that is contained in our official statistics.

Of much more importance is having the statisticians with the right professional skills, the right processes and—critically—the independence to produce those statistics. If the committee legislates, it will end the independence that the chief statistician currently enjoys. I understand that the UK Government has not legislated on PRA: a decision was taken by the ONS, which is an arm's-length organisation, to change the way in which it operates.

On ethical and trustworthy government, I am a strong believer in the ethical use and handling of data. This Government has demonstrated such an approach and continues to put that principle at the forefront of our work. In the recent programme for government, we set out clearly our commitment to the ethical use of data.

It is important that we reassure people—the public as well as members of the Scottish Parliament—that we take our responsibilities with data very seriously and that our actions need to be principled and ethical if we are to make the most of data, for the benefit of all. We are clear about our responsibilities on data and statistics.

Our long-standing position is that decision making on and responsibility for statistical matters, including pre-release access, is fundamentally for the professionals—in this case, Scotland's chief statistician. We are not legally obliged to take that position, but we have made that call. The advice of the professionals who produce official statistics, based on their professional experience, is to have tightly controlled pre-release access, as per the legislation.

In other words, having PRA is an important part of the official statistics system. We recognise that that comes with responsibility.

A myth that I want to dispel, which the convener pursued in his speech, is the idea that pre-release access to GDP statistics, for example, gives the Scottish ministers a first-mover advantage. That is simply not the case, and to believe that is entirely to miss the point that others—the Scotland Office is one example—also get early access to GDP statistics.

We think that people who are in authority or who have responsibility for a policy area that is of national importance should be able to talk about new information with understanding, depth and accuracy when they are asked to do so, as they always will be when statistics are published.

Jackie Baillie (Dumbarton) (Lab): If this is helpful to the minister, let me say that it is not a question of denying access just to Scottish Government ministers. I would deny access to Scotland Office ministers, too. The minister's argument is a bit of a red herring.

Kate Forbes: I recognise that that would be the effect of what is proposed. I am trying to dispel the myth that somehow it is only the Scottish ministers who have access and can use—or misuse—statistics. The Scottish ministers cannot do that, because there is access for others. Jackie Baillie is right to say that if the proposed legislation goes ahead, there will be implications and consequences not just for the Scottish ministers but for the Scotland Office and the Treasury.

Alex Rowley (Mid Scotland and Fife) (Lab): Will the member take an intervention?

Kate Forbes: Yes. This is turning into a proper debate.

Alex Rowley: If the minister is saying that the Scotland Office and the Scottish Government should have privileged access, why is she denying the Parliament—Scotland's legislature—that access? That is the fundamental issue. What makes the Executive more accountable or more powerful than the legislature?

Kate Forbes: Nothing makes us more powerful. However, we are asked to comment, in many cases, the minute that something is published, and I would far rather that comment were informed by the facts, as opposed to being a knee-jerk response to high-level figures.

When I talk about others having access, I am not in any way suggesting that we want to preserve our access but deny access to the Scotland Office, for example. I am making the point, first, that there is an element of accountability in that regard, and secondly, that no one is denying access to statistics for those who legislate or the general public. All will have access. My point is that PRA enables us to make a far more informed comment when something is published than just a knee-jerk response. Everybody has access to the statistics as soon as they are published.

I am going over my time, so I will draw to a close. Given the whole group of issues that the Scottish economy faces, whether it is a disorganised European Union exit or anything else, the Parliament needs to focus on and devote

its energy to doing all that it can to support and protect the people, industries and reputation of Scotland. I look forward to working with the Economy, Energy and Fair Work Committee to do that.

15:40

Dean Lockhart (Mid Scotland and Fife) (Con): I thank the Economy, Energy and Fair Work Committee clerking team, the Scottish Parliament information centre and the witnesses who contributed to the committee's valuable inquiry.

I will address the specific issue of pre-release access shortly, but I first want to mention the wider backdrop to the debate, which is the increasing number of concerns about the level of transparency and governance under the Scottish National Party Government. Just this weekend, there were reports that the Scottish Government has refused to answer freedom of information requests to reveal details of how £130 million of taxpayers' money has been invested under the Scottish growth scheme. That comes on top of the recent widespread concerns over the level and accuracy of information that the Scottish Government has provided in relation to the crisis at Ferguson Marine Engineering.

That should come as no surprise from a Government that, last year, was criticised by its own Scottish Information Commissioner for secretive and biased responses to freedom of information requests from the media and Opposition parties.

John Mason (Glasgow Shettleston) (SNP): Does the member accept that the UK Government does not exactly command total confidence on the issue and that, on the whole, there is an issue for politicians in general and not just a particular group?

Dean Lockhart: Part of the debate, which I will come on to, is about aligning the Scottish Government's approach to pre-release access with the best practice that is followed by the UK Government. That is the whole point of having the debate.

The SNP Government says that it has

"the most open, far-reaching freedom of information laws in the UK",

but, as we know, the reality is very different. The concerns about open governance and transparency are reflected in the debate. The Scottish Government continues to insist on having pre-release access to vital economic statistics, which is inconsistent with international best practice, transparent government and democratic accountability and fairness. As Alex Rowley rightly said, the lack of access to information at the same

time affects the Parliament's ability to hold the Government to account.

Pre-release access gives the Scottish Government 24 hours or longer to spin a story around key economic figures, no matter how bad they are. That means that, when the information is released to the public, headlines are already dominated by the Scottish Government spin. For example, yesterday's news that Scotland's economy is close to recession was dominated by SNP spin that Brexit was to blame. That is an odd excuse, given that the rest of the UK economy, which is subject to the same Brexit uncertainty, is growing at almost twice the rate of the Scottish economy.

The Scottish Conservatives will support the Economy, Energy and Fair Work Committee's proposal for a committee bill to equalise access to vital economic statistics. The committee is acting because the Scottish Government has refused to do so. The Government has refused to listen to overwhelming evidence that pre-release access is contrary to the "European Statistics Code of Practice" and the United Nations resolution on the fundamental principles of official statistics.

Kate Forbes: The member often talks about ways in which the Scottish Government should do more to boost the economy. Does he think that pre-release access is the most pressing issue facing the economy right now?

Dean Lockhart: Parliament's ability to have equal access to information in order to hold the Scottish Government to account is an important component of what needs to be looked at.

The committee heard compelling evidence from a range of witnesses. I will not repeat everything that the convener set out, but a witness from the UK Statistics Authority made it clear that the issue is important. He said:

"why do we care so much about this? It is because, at the heart of what statistics are about, they are a public asset."—[*Official Report, Economy, Jobs and Fair Work Committee*, 7 November 2017; c 23.]

He said that pre-release runs against that principle.

As Gordon Lindhurst highlighted, a Royal Statistical Society witness commented that five-day pre-release access to data

"is very much an anomaly relative to almost the whole developed world."—[*Official Report, Economy, Jobs and Fair Work Committee*, 26 September 2017; c 9.]

In written evidence, the committee was told:

"We believe that ... privileged access undermines public trust in official statistics",

which

"creates opportunities for figures to be 'spun' to the media or 'buried' beneath other announcements."

Despite that evidence, the cabinet secretary refuses to recognise that the Scottish Government is out of line with international best practice. In response to his refusal to listen to that evidence, the Economy, Energy and Fair Work Committee has set forth proposals that are straightforward and represent a compromise.

There are three strands to the proposed bill. First, it proposes the entire removal of pre-release access for two categories of economic data—GDP and the retail sales index—as neither of them are covered by pre-release access at the United Kingdom level. Secondly, it proposes a phased approach to the removal of PRA and an independent review of its impact. Our idea, which we discussed at committee, is that the gradual approach and review will offer accountability in relation to the changes that we propose. Thirdly, we seek reduce to one working day the pre-release access to the economic statistics to which the Scottish Government currently has five working days' access. Those include statistics on exports, productivity and non-domestic rates. The committee proposals will go some way to bring Scotland in line with the rest of the United Kingdom and the rest of the world.

The minister mentioned that, when giving evidence to the committee, the Scottish Government argued that the ONS approach is an outlier, in that no other UK Government department has ended pre-release access. That misses the point, which is that the ONS is the gatekeeper to key economic statistics, and it gave up the right to grant pre-release access. The scope of the bill is limited to vital economic statistics, and does not make any stipulations on sets of data other than the economic figures that I have mentioned.

The experts are clear that the Scottish Government's approach to pre-release access is out of step with best practice and the policies that are followed in other Organisation for Economic Co-operation and Development countries. In the interests of transparent government and democratic fairness, it is time to put an end to pre-release access. I support the committee bill to that end.

15:47

Rhoda Grant (Highlands and Islands) (Lab): I thank the Economy, Energy and Fair Work Committee for its investigations into pre-release access. The Scottish Labour Party will support the committee's bid to introduce a committee bill to address the anomalies regarding pre-release access to statistics.

It is clear that pre-release access puts the Government in a position to spin statistics to their best advantage, which can cause confusion and undermine public trust in the system. Often, on the day that statistics are released, we get a commentary from the Government that puts a gloss on them that is not reflected in the statistics themselves. The following day, after Opposition parties, the press and the rest of Scotland have had a look at the statistics, the garden is not quite so rosy.

Pre-release access happens with regard to statistics on both devolved and reserved issues. PRA on reserved issue statistics is not affected by the bill that the committee proposes, but it is worth noting that they are pre-released a maximum of 24 hours in advance, while some statistics on devolved issues are pre-released five or more days in advance.

For those who receive pre-released statistics, the benefits are clear. They know what is in the report in advance, allowing them time to either bury bad news or spin the findings. It allows them to accentuate good news and mitigate the bad. However, parliamentarians and the press are left behind trying to assess the data while the Government is already setting the scene.

If we follow press coverage of some data releases, we can see that, on the day that data is released, the media highlights what is good about the statistics—what the Government wants to be highlighted—and, the day after, the coverage is much less positive. The minister said that the Government is often asked to comment on statistics very quickly after they are released but, at the moment, the Government has its comment already prepared. That leads to mixed messages and public confusion, and undermines public confidence. How can the public believe what they are told when the same statistics give very different stories on different days? Ending PRA would mean that a more realistic analysis of the statistics was in the public domain. People would clearly see the pros and cons together and be much better informed as a result.

In 2017, the committee expressed a view that the Scottish Government's pre-release access to economic statistics should end, but the Government made it clear that it would not act on that recommendation. That decision instigated a second committee report, which proposes a committee bill to end PRA.

The bill would not stop all PRA. A modest change is proposed. As stated by others, there would be three strands to the bill. First, PRA would be entirely removed for only two specific categories of statistics. Secondly, that removal would be phased in and be independently reviewed. Thirdly, for economic statistics, five

working days' PRA is currently the maximum; the proposed bill would reduce that to one working day. That would pull Scottish PRA into line with the rest of the UK. The Scottish Government does not dispute that part, but it disputes the fact that we need to legislate for it. I do not understand why that change cannot be enshrined in legislation.

Kate Forbes: One of the key points is that, irrespective of who is in Government, the chief statistician is independent. The idea of legislating undermines that sense of independence. Does Rhoda Grant believe that the chief statistician is independent?

Rhoda Grant: It does not interfere with the independence of the chief statistician. It interferes with the Government's head start on spin when statistics are released.

The committee does not recommend that we end pre-release access for situations in which the UK Government continues to have it.

That action would bring the Scottish Government in line with EU best practice, which does not agree with PRA. We note that the Bank of England and the Office for National Statistics have ended PRA.

The Royal Statistical Society's written submission to the committee stated that it believes that

"such privileged access undermines public trust in official statistics as, for example, it creates opportunities for figures to be 'spun' to the media or 'buried' beneath other announcements."

It is clear that, by providing some Government officials with an unfair political advantage ahead of statistics being released to the public, PRA creates an uneven playing field. The committee underlines that it is important to build public trust in statistics and to make sure that that trust is retained.

In its report "Pre-Release Access to Official Statistics: A review of the statutory arrangements", the UK Statistics Authority stated:

"We believe it would be in the public interest if all UK administrations amended their secondary legislation to adopt a maximum period of pre-release access of 3 hours, with a shorter period as the norm. A three hour limit was also recommended by the House of Commons Treasury Committee in 2006."

That goes back some time. It is clear that the authorities on statistics and their release are in favour of ending pre-release. We support the committee's position that that should be legislated for, albeit in a modest bill, by ending pre-release in some areas and possibly eventually ending it entirely.

15:53

Andy Wightman (Lothian) (Green): I regret that we are having the debate. The committee's economic data inquiry focused on a wide range of matters. The only contentious recommendation was around pre-release access to statistics.

It is frustrating, because it is not a new issue. In August 2008, the then Minister for Enterprise, Energy and Tourism, Jim Mather, was in correspondence with the chair of the UK Statistics Authority over the draft Pre-Release Access to Statistics (Scotland) Order 2008. The chair of the UK Statistics Authority was critical of the draft and the policy that lies behind it. I quote from Sir Michael Scholar's letter of 2008:

"The Statistics Authority would wish to see a commitment both to a progressive reduction in the length of time for which privileged access is granted, as well as in the number of officials and Ministers seeing statistics prior to their publication. We would encourage the Scottish Government to adopt statistical policies that promote equal access, the earliest possible publication, and minimise the opportunity to make policy proposals and comments from advance sight of the unpublished statistics."

The same statistics authority carried out a review of pre-release in 2010 and it clearly stated that it would be in the public interest, as Rhoda Grant said, if all UK Administrations amended their secondary legislation to adopt a maximum period of pre-release of three hours, with a shorter period as the norm. As we have heard, since then, the ONS has ended all 24-hour pre-release access, as has the Bank of England.

The committee's inquiry revealed that the outdated 2008 order is still the governing statute for pre-release. Our convener cited some of the expert witnesses who said that pre-release must end, hence our recommendation. Those witnesses included the Royal Statistical Society, the director general of the UKSA and Professor Sir Charles Bean.

However, successive cabinet secretaries have stuck their heads in the sand. First, in response to the committee's report, Keith Brown, the then cabinet secretary, dodged the recommendation completely in his response, passing the buck to the chief statistician to respond on the question of pre-release. That was spectacularly inappropriate, given that the chief statistician is the person to whom power is given by the 2008 order to authorise pre-release access.

Keith Brown's successor, Derek Mackay, maintained his distance in a letter dated 10 July 2018, claiming that the question remained under the purview of the chief statistician and that he did not feel that it was appropriate for him to add anything further. In October 2018, Mr Mackay repeated the assertion that

"Fundamentally this is an issue for the Chief Statistician."

That is misconceived. The issue before us, then and now, is whether it is right or appropriate as a matter of law that the chief statistician be given such powers to authorise pre-release of up to five working days. Our argument with the Government is about what the law should say.

In response to the committee's direct proposals, Derek Mackay then took an entirely contradictory position in his 20 May 2019 letter to the convener. He maintained that it

"is a matter for the Chief Statistician"

but in the next breath, he went on to suggest that he would tell the chief statistician that ministers would

"require PRA of only one working day for those economic statistics".

If the independence of the chief statistician is so important—the minister for public finance has referred to it on at least two occasions this afternoon—that it prevented ministers from even responding to the committee's pre-release proposals, what on earth makes the finance secretary suddenly feel able to tell the chief statistician that he requires certain actions to be taken? That is precisely why we need an updated order.

This proposal is not about this Government; it is not about the last Government; it is not about Keith Brown or Derek Mackay or the chief statistician; it is about the statutory framework for pre-release—specifically, should there be pre-release at all? If so, how much and for what purpose? Who should authorise such pre-release and in what circumstances?

Those are precisely the matters that are set out in the 2008 order and they are precisely the matters that the committee has been concerned with. They are precisely the matters that all those giving evidence to the committee have suggested should be dealt with by ending pre-release. They are the matters that this debate is about. They are the matters that ministers should pay far closer attention to and they are the matters that members who are here this afternoon should pay careful attention to.

A government spokesman is quoted in *The Herald* newspaper today as follows:

"Pre-release access is consistent with the Code of Practice for Statistics which states that it should be in line with the rules and principles set out in legislation."

That is a statement of nothing. The Government is basically saying, "We need to abide by the law." Of course it does. The spokesman is quoted further as saying:

"Indeed, UK Government Departments provide pre-release access to their statistics in a similar way to the Scottish Government."

That is nonsense—that is rubbish. The UK pre-release order grants PRA for a maximum of 24 hours, not five days. The spokesman continues:

“Pre-release access is a matter for the Chief Statistician and the independence of his role is crucial. Any proposal to curtail access would cut across his ability to ensure the key figures about Scotland are properly communicated and understood.”

That is another meaningless and completely erroneous statement because the minister is telling the chief statistician what to do in response to our report in order to avoid the need to introduce other secondary legislation.

The committee’s proposal does not even go as far as the recommendations of experts. It does not even go as far as the committee’s own recommendations in its economic data report. This is such a modest proposal that no member—far less a Government minister—should have any difficulty supporting it if they believe in good governance and transparency. The way to ensure that is for the minister to introduce a statutory instrument that would amend, in a modest way, the 2008 order. The instrument would fly through the committee. I cannot speak for other committee members but I am pretty sure that if the instrument satisfied the committee’s recommendations, the committee would have no problem with it.

Ministers are fond of coming to the chamber to tell us that this or that policy is world leading, but this one certainly is not. The most sensible thing for the minister to do is to concede that pre-release access is not best practice, follow the advice and recommendations of the country’s leading statistics experts and commit to ending pre-release access.

16:00

Gordon MacDonald (Edinburgh Pentlands) (SNP): The committee report of 6 June highlights the three strands that are being proposed for the committee bill—a bill that I am yet to be convinced is necessary or required.

Earlier, we heard from Gordon Lindhurst what the three strands of the bill are, and I will highlight my reasons for why the bill proposal should probably go no further.

Andy Wightman: I agree that there is no need for this legislation. Does the member agree that the way to resolve this impasse is for the Government to introduce secondary legislation that deals with the committee’s concerns?

Gordon MacDonald: I am glad that Andy Wightman agrees that the bill should not go any further and is not necessary. At the last meeting that he appeared at to discuss this matter, the cabinet secretary highlighted what he thought was a way forward that we could all agree with.

Strand 1 is the removal of pre-release access for two specific categories of economic statistics. Much has been made of the decision of the ONS in 2017, and the report states:

“ONS ended all 24-hour PRA for its official statistics.”

However, is that really the case? The Bank of England immediately applied for pre-release access for specific ONS economic statistics, and that was granted. That PRA access has been renewed every year since, including to the end of this year. The letter from the Bank of England to the ONS dated 10 June 2019 asks that the pre-release access period be increased in order that statistics scheduled for release on 18 June be pre-released to it on 14 June—four days early. The letter then requests further brought-forward pre-release dates in September and December 2019.

The committee report points out that

“the ONS approach is unusual in that no other UK Government Departments have followed its example.”

Indeed, a review paper that was produced by the UK Government Cabinet Office at the time of the last review highlighted that

“There was almost universal rejection of the idea of removing pre-release access altogether, and of reducing it to a maximum of three hours. Over 90% of ministerial private offices, over 80% of press offices, over 90% of senior officials and about three quarters of officials who produce briefs had strong objections to the idea of eliminating pre-release access altogether.”

As it pointed out, pre-release access is important for good government, for avoiding misreporting in the media and for helping to spot mistakes. That view is backed up by the fact that, since the ONS removed PRA in 2017, not one of the 30 Government departments or agencies operating across the UK have followed its example—not one of them has removed PRA from its own publications, and they continue to issue in excess of 1,000 statistical releases each year. Further, the UK Government has passed no new legislation in this area since 2008.

I will come back to strand 2 in a moment, but strand 3 suggests that PRA should be reduced from five days to 24 hours for those economic statistics where five working days is currently the maximum. In a letter to the committee dated 20 May, the Cabinet Secretary for Finance, Economy and Fair Work stated, in a spirit of compromise, that he would accept a reduction from five working days to one day

“for those economic statistics where five working days is currently the maximum.”

In a further letter to the committee, on 24 May, Derek Mackay pointed out that the committee would be aware that the chief statistician had

“already taken the decision to restrict pre-release access to a maximum of 24 hours for key economic statistics.”

Strand 2 suggests that there should be a review to assess the impact of the reduction. In his letter to the committee of 24 May, Derek Mackay said:

“The Chief Statistician will review the impact of my proposed changes once they have bedded in. If he is content with how things are operating then he can ensure that changes are permanent.”

One area that the committee report fails to tackle is the independence of the chief statistician. Pre-release access in Scotland comes under the Pre-release Access to Official Statistics (Scotland) Order 2008. The Scottish ministers decided to place the decision making around PRA in the hands of the statisticians and to formalise the framework in which they work, which includes appropriate safeguards to reduce the risks associated with PRA. By proposing a committee bill, are we as politicians introducing an element of political interference in an area that is the preserve of civil servants? I would have thought that Parliament would agree that pre-release access is a matter for the chief statistician and that the independence of his role is crucial.

Scotland is facing a cliff-edge Brexit, which, according to the UK Government's own papers, will mean increased energy prices, food shortages, price hikes, medicine shortages, impacts on employment, and the potential loss of markets for our fishing industry because of delays at ports, to name but a few areas. I am dismayed that, given the crisis that we face with Brexit, the Economy, Energy and Fair Work Committee wants to tie up parliamentary time legislating in order that a couple of stats are not released 24 hours early. The chief statistician has already limited PRA for all economic statistics to 24 hours, which the committee asked for, and the cabinet secretary has agreed that a review should take place, which the committee asked for. That leaves the remains of a proposed bill that would be so narrow in focus that it would not be a good use of parliamentary time.

As I said at the beginning, I am yet to be convinced that a committee bill is either necessary or required.

The Presiding Officer: I remind members that we are meant to be having five-minute speeches, not six-minute ones.

16:07

Bill Bowman (North East Scotland) (Con): I could make my speech very short by just agreeing with what Andy Wightman said. I think that I have never said that before in the Parliament.

To take up the minister's point about first-mover advantage, I say that information has a time value, and anybody who has information before

somebody else simply has an advantage in such a circumstance.

I will go on to the main part of my speech.

As my colleagues have mentioned, pre-release approval is the practice of making official statistics and the written commentary that accompanies them available in advance of publication to specific individuals who have not been involved in their production. Those who issue the statistics may grant pre-release to an eligible person. In most cases, that includes Government ministers and officials who advise them.

In the interests of clarity, it might be helpful to set out what the bill would not do. It would not remove anything from the Scottish Government or its ministers that the UK Government or specific Whitehall departments would retain. It would not make any stipulations on any sets of data other than categories of economic statistics that are specified, and it would not call into question the integrity or professionalism of Scottish Government statisticians or other civil servants who work in the field of economic data or other areas of data.

The reasons for restricting PRA are overwhelmingly laid out in the recent committee bill proposal report. My colleagues have already spoken about those reasons. Among them are a number of preliminary positions, including the adoption of a default position of no PRA except for in exceptional circumstances; removing it for statistics that are deemed to be of particular national significance; and seeking a definitive end to the practice for all Scottish economic statistics.

The remit of the committee in exploring the issue was

“to examine the accuracy, utility and comprehensibility of Scottish economic statistics; to consider what data is required for effective delivery and scrutiny of policy; and to recommend where any improvements might be made.”

In fulfilling its remit, the committee considered a number of arguments both for and against PRA. For example, positions in favour of pre-release access outlined concerns that ministers must be properly briefed ahead of having to make a comment at the time when the statistics are published. That is because ministers are formally accountable for the statistics that have been released, and the practice of pre-release allows ministers ample time to understand the statistics in question and their broader impacts on ministerial portfolios.

For example, “Pre-Release Access to Official Statistics: A review of the statutory arrangements” was published in March 2010 and made the case that there was a “widespread expectation” that ministers should comment immediately when statistics are published. It also commended

“a central principle of good statistical practice—equality of access.”

That includes market-sensitive statistics, for which the Pre-release Access to Official Statistics (Scotland) Order 2008 recommends a PRA maximum of one working day before publication.

The review also recommended that

“it would be in the public interest if all UK administrations amended their secondary legislation to adopt a maximum period of pre-release access of 3 hours, with a shorter period as the norm.”

That position was supported by stakeholders including the Bank of England, the Royal Statistical Society, the UK Statistics Authority board and the Office for National Statistics, which ended all 24-hour pre-release access for its official statistics on 1 July 2017. The national statistician wrote to the chair of the UK Statistics Authority board, stating:

“On the basis of all the information now available to me I consider that the public benefit likely to result from pre-release access to ONS statistics is outweighed by the detriment to public trust in those statistics likely to result from such access”.

The ethical dilemma surrounding that decision demands that we in this chamber care about how statistics are treated, because they are for public consumption as information that enables the public to understand the nature of the world, the nature of policy and the nature of the decisions that are made.

Although there are arguments for and against PRA, I believe, as recommended by the committee, that the practice should end. That is at odds with the SNP’s position. The previous cabinet secretary stated that the current arrangements worked well, with the pre-release access to data allowing ministers to respond quickly to stats at the time of publication in an informed way. However, after an extensive inquiry and evidence sessions, the committee reached its recommendation to end PRA, so I urge the minister to reconsider the recommendation, and the Parliament to agree to the proposal.

The Presiding Officer: Thank you, Mr Bowman. You were perfectly on time.

16:12

John Mason (Glasgow Shettleston) (SNP): I am delighted to speak in the debate. As members might know, I was the deputy convener of the Economy, Energy and Fair Work Committee when we did this work, but I have now been promoted to the Finance and Constitution Committee.

There is a lot more openness throughout society than there used to be. Freedom of information is now much more widespread, and we have added

organisations such as housing associations to rules on FOI, and we might add more organisations in the future. Scotland has been good at openness, and we want to be seen as being at the forefront among open and transparent countries.

Therefore, it was not surprising that the committee questioned some of the conventions of the past, whereby certain people had access to certain statistics a considerable time before others got them. Public trust is a key component in this debate. No one is questioning the trustworthiness of statisticians or of the figures that they produce. However, trust in politicians has reduced, and what they might be doing during five days of PRA is the challenge that we face here.

We need to accept that public expectations have changed over the years; people expect more transparency nowadays. That point came to a head with the publication, in 2018, of the committee’s report on economic statistics. Paragraph 230 recommended that PRA should end, with the Government setting out how it would end it. That was the majority view of the committee. I held the minority view, which agreed that

“there should be a presumption against pre-release access”,

but left room for exceptions for specific statistics.

Although I do not want us always to compare ourselves with the neighbours, the reality is that there have been changes down south. The Office for National Statistics ended all PRA in 2017, at the recommendation of the UK Statistics Authority. On the other hand, UK Government departments that produce statistics still give themselves PRA, so there is immediately a problem with comparisons. Should we compare Scottish statistics that are produced here with those from the ONS, and so abolish PRA, or should we compare them with those from UK Government departments, and so keep some PRA? The situation is further complicated by the fact that some figures that are produced by the ONS for England and the rest of the UK are produced by the Scottish Government for Scotland.

I suppose my expectation was that the Government would probably be willing to move a bit in the direction of more openness and less pre-release access, and I suspect the committee might have accepted that, but at that point both sides dug in. The Government refused to budge and the committee considered whether to up the ante by threatening a committee bill. That was the situation on 14 May 2019, when the committee voted by four to two to move towards a bill, with Tom Mason, Angela Constance and me abstaining.

I add that I think this is a good example of the committee system working well. We all looked at the evidence and weighed up the arguments: we did not just vote along party lines.

However, things changed. On 20 May 2019, the Government belatedly agreed to move in the right direction—I see that Derek Mackay has just walked in; that is good timing—and offered to cut the maximum five days PRA to one day. I felt that that was what the committee had been looking for all along. Page 14 of the proposal report notes that I moved that the committee amend the main report to take account of the Government's changed position, which seemed to be a reasonable course of action, but the committee decided to press ahead with publication by a majority of five to four, so we now have the report.

Overall, I think that the committee was right to use the threat of the bill to encourage the Government to compromise, and that the Government could have compromised earlier. Now that it has compromised, there seems to be much less disagreement between the two sides, so I wonder whether we really need a bill.

I accept that PRA, as others have said, might appear to be not the most urgent issue that we face, in comparison with budgets, life-saving drugs and all the other important issues that we deal with. However, trust in politics and politicians is hugely important, so anything that we can do to improve that trust has to be worth while and of long-term benefit.

The Opposition parties should remember that the rules would apply to them if they were ever to get into government. I accept that it is hugely unlikely that the Lib Dems will ever get into government—they are not even in the chamber—but the rest might think that they have an opportunity, so they should consider that point if they intend to support such a bill.

The Deputy Presiding Officer (Christine Grahame): I remind members that speeches should be five minutes.

16:17

Jackie Baillie (Dumbarton) (Lab): I know that many colleagues might think that pre-release access to statistics is a boring subject to debate. They would, of course, be entirely wrong, and in my short five minutes, I hope to convince them otherwise.

Before I move to the substance of the proposal, let me tell members that the last time a committee bill was taken forward in the Parliament by a subject committee was in 2003, with the Commissioner for Children and Young People (Scotland) Bill, so it has been 16 years since we

had a committee bill. I have no idea why that is, because it is not as if there have not been opportunities and issues on which there has been disagreement with the Government.

I remind members that, at the very start of the Parliament, external commentators considered that having the ability to initiate legislation would give committees, and by extension the Parliament, more teeth. If the Scottish Government really did not want to do something and a committee thought that there was merit in the issue, it could bring that issue forward itself.

I will not rehearse the detail of the bill proposal, as others have done so already. The Economy, Energy and Fair Work Committee has not arrived at this position lightly or quickly. As members heard from John Mason, we have gone backwards and forwards with the cabinet secretary. John Mason himself even tried to find a compromise with the cabinet secretary, without the degree of success that we imagined he would achieve; the suggested changes were not as great as we hoped that they would be. What is before members today is a compromise and a pragmatic approach from the majority of the committee.

Stopping pre-release access to statistics is not a novelty—it really is not anything stunningly new. The Office for National Statistics does it and the Bank of England does it—in fact, they have been doing it for more than two years and the ceiling has not fallen in. The UK Statistics Authority recommends it, and the House of Commons Public Administration and Constitutional Affairs Committee recommends it, too. The Fraser of Allander institute recommends it, in a blog today, and Sir Charles Bean, a former member of the monetary policy committee at the Bank of England, recommends it. The Royal Statistical Society believes that it is absolutely the right thing to do, and would extend it across all departments. In short, the proposal is best practice. It is the gold standard that is expected of statistics. It is about transparency and trust—and facts free of spin.

Ed Humpherson, director general of the UK Statistics Authority, summed it up for me when he talked about statistics being a public asset

“that enables the public to understand the nature of the world, the nature of policy and the nature of decisions that are being made.”—[*Official Report, Economy, Jobs and Fair Work Committee*, 7 November 2017; c 23.]

He also pointed to the importance of statistics being “equally available to all” without some having “privileged access”.

Every expert in the field says that we should end pre-release access to economic statistics, but the Scottish Government—

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): Will the member take an intervention?

Jackie Baillie: No. The cabinet secretary has only just arrived in the chamber. Had he been here for the whole debate, I might have taken his intervention. Let me say to him—*[Interruption.]* Clearly, the Scottish Government is wiser than all those experts in the field and is going to do something different.

The SNP's arguments are weak. The SNP says that we do not have a problem—what complacency. It says that ministers need time to have an issue explained to them. I think that ministers are not stupid people; I think that they get it. The SNP then says that journalists will not understand it, but I think that the problem might be that journalists understand it all too well. I ask the Scottish Government: if it is such a minor measure, why not just do it?

I know that the SNP loves nation building; it loves talking about Scotland leading the UK and even leading the world. *[Interruption.]* Despite the cabinet secretary's heckling from a sedentary position, I like that too. However, in this area, the Government surely cannot be content to be described as secretive or to be second best. In truth, it wants privileged access to the statistics so that it has time to spin them. There is a growing culture of secrecy and a lack of transparency in Government, and it is not only about pre-release access. I am glad that the finance secretary is here, because it is also about the Government's failure to publish financial information for 10 months and its deliberate delays to FOI responses.

Let us not forget that the SNP has form with statistics—it had its knuckles rapped before by the UK Statistics Authority. I will not dwell on that, because Andy Wightman is right—this is not just about this Government. We must not allow any Government, whatever its political stripe, to weaponise statistics and spin them for its own political agenda.

This is about the fundamental machinery of Government, and the nation deserves better. I ask members to support the committee bill proposal.

16:22

Richard Lyle (Uddingston and Bellshill) (SNP): I have only just joined the Economy, Energy and Fair Work Committee, but I am wondering whether I have made the right decision.

I welcome the opportunity to contribute to this committee debate on the pre-release access to statistics bill proposal. A key element of producing official statistics is ensuring that they are properly

understood by stakeholders and the public. Pre-release access is clearly an integral part of the Scottish statistics system and best supports that aim.

As members know, pre-release access is the practice of making official statistics available in advance of publication to specific individuals who are not involved in their production. That allows ministers and others to make informed comments at the time that the figures are published. So what is the problem? I do not see a problem.

PRA in Scotland comes under the Pre-release Access to Official Statistics (Scotland) Order 2008. The order sets out the rules and principles relating to the granting of pre-release access to official statistics in their final form prior to publication. The order was made using powers in the Statistics and Registration Service Act 2007, which allows the Scottish ministers to set rules on PRA for devolved Scottish statistics.

PRA is a longstanding practice—it has been around since before the 2008 order. The "National statistics—Code of practice and protocol on release practices", which is non-statutory and was superseded by the order, set a maximum of 40.5 hours for market-sensitive statistics and five working days for non-market-sensitive statistics.

The Economy, Energy and Fair Work Committee carried out an inquiry into economic data and published its findings in a report, "How To Make Data Count: Improving The Quality And Coverage Of Our Economic Statistics", on 12 February last year. The report set out the prevailing view and recommendation of the committee that PRA should stop completely for four specific areas of Scottish economic statistics.

The Scottish Government accepted a number of recommendations that were made by the committee in the report, but did not agree with the committee's recommendation for the Government to end

"PRA to economic statistics which are market sensitive—including Scottish GDP, the Retail Sales Index for Scotland (RSIS), Quarterly National Accounts Scotland (QNAS) and Government Expenditure and Revenues (GERS)"

and to set out how it would do so.

In spite of on-going and extended correspondence with the convener, Gordon Lindhurst, on behalf of the committee, it was not possible for the Scottish Government and the committee to reach a compromise over that recommendation, and here we are.

The Cabinet Secretary for Finance, Economy and Fair Work wrote again on 20 May, seeking a compromise whereby Scottish ministers would receive 24 hours' PRA to economic statistics. PRA

is still granted for statistics produced by other UK Government departments.

PRA is important for statistical integrity. One of the key policy objectives of PRA is to enable statisticians to manage the release of statistical publications effectively. The PRA period is used by statisticians to ensure that those who need to comment on the statistics at the time that they are released can do so on an informed basis without misinterpretation. It is better for ministers and others to be involved in the orderly release of official statistics than to be commenting on out-of-date or incorrect figures near the publication of the statistical publication, as that would be confusing for the public and could damage confidence in official statistics.

The public, Parliament and the media expect ministers to be able to respond to statistics when they are released, so ministers need to be clued up. I would expect nothing else. We all expect ministers to be aware of what is happening in the public services for which they are ultimately responsible.

Andy Wightman: Will the member take an intervention?

Richard Lyle: No, I need to make progress—I am using the usual Tory rebuff.

Gordon Lindhurst: Will the member take an intervention?

Richard Lyle: No.

Statisticians place considerable value on ensuring that ministers respond to statistics in an informed way, based on a correct understanding. I believe that removing PRA would mean that statisticians would have considerably less opportunity to influence the immediate reaction of ministers to statistics. Alternatively, ministers could end up saying that they are unwilling to comment until such time as they have had a chance to consider the statistics and take advice on the policy implications, which would reduce the scope for discussion and debate. The Opposition would then say that the minister was not up to speed. As far as I am concerned, Opposition members cannae have their cake and eat it. I believe in PRA—it should stay. I do not agree with the Opposition.

16:27

Graham Simpson (Central Scotland) (Con): I congratulate those in the public gallery who have stayed the course and stuck with it. When I was allocated a speaking slot in the debate, I realised that Gordon Lindhurst would be opening the debate and I would have to listen to his dulcet tones for more than 10 minutes. Naturally enough,

my heart sank. However, he exceeded himself and gave one of his wittier performances.

I would not have thought that anyone could get passionate about the subject, but members have done, and Andy Wightman summed it up rather passionately when he said that we may well ask—as someone who is not a member of the committee, I certainly did—what the fuss is all about.

What is it all about? I turned to the very useful report that was produced by the committee, and there it was. John Pullinger, the chair of the UKSA, said that, as the president of the Royal Statistical Society, he has

“always argued that fairness demands that everyone has equal access to statistics”.

That seems reasonable.

The report asks why we should care so much about the issue. Ed Humpherson, the director general of the UKSA, told the committee:

“It is because, at the heart of what statistics are about, they are a public asset.”—[*Official Report, Economy, Energy and Fair Work Committee*, 7 November 2018; c 23.]

They are a public asset that belongs to us all. The figures do not belong to the Government but are there for public consumption, as information that enables the public to understand the nature of the world, policy and decisions that are being made.

That is all reasonable enough. Then we come to the attitude of the Government, which is probably the attitude of Governments across the world. It wants to know things first, because—as Kate Forbes said—it does not want to give a “knee-jerk” reaction to statistics. We can understand why a Government would say that. However, given that the statistics are a public asset, is it right that the Government should know them before every member of the Scottish Parliament?

Derek Mackay: I assume, from the quotations that we have heard from Mr Simpson so far, that we will hear a further one from the evidence of the chief statistician of Scotland. However, if members of the Opposition choose to take the bill forward, it will question and—I believe—interfere with the independence of the chief statistician, whose judgment we have trusted to determine what it is appropriate to share with ministers. Why do politicians know better than the chief statistician of Scotland, and will we hear any quotes from him?

The Deputy Presiding Officer: I will give you your time back, Mr Simpson.

Graham Simpson: I do not need the time back, thank you very much. [*Laughter.*]

If the cabinet secretary had been here throughout the debate, he would have heard plenty about the chief statistician. Nobody

questioned his independence. *[Interruption.]* Mr Wightman has put forward a perfectly reasonable proposal, which would have been totally unnecessary had the Government engaged more fully and stopped digging in. That is what has been happening, and that is why we have the rare event of a committee wanting to put forward a bill. The issue could be dealt with by regulations—we do not need to be in this position. We are lucky that Mr Mackay has turned up for the debate, but I am afraid that the situation is largely his fault.

I will leave it at that.

16:32

Alex Rowley (Mid Scotland and Fife) (Lab): Disraeli is quoted as saying:

“There are three kinds of lies: lies, damned lies and statistics.”

When statistics are spun and when politicians throw them back and forward at each other, we see why Disraeli’s comment could seem pertinent and why we have to ensure that that is not the case.

As Rhoda Grant said, in setting out Labour’s support for the motion, the Government is accused of having an advantage that allows it to spin the statistics to suit its specific political narrative. A number of members have raised that concern today. I think that people will be a bit baffled as to why we are here, because it would have been best to try to resolve the issue if that was at all possible.

Kate Forbes: Does Alex Rowley not think that the committee should have accepted Derek Mackay’s compromise option?

Alex Rowley: Andy Wightman highlighted the point that there seemed to be an inconsistency whereby Mr Mackay said that he had no influence over the chief statistician but was able to come back and say that he was prepared to put forward some kind of proposal that the chief statistician would agree to.

Both the minister and the finance secretary have tried to muddy the waters a bit today by making it about people’s confidence in the chief statistician. Nobody is in any way suggesting that they have anything but confidence in the chief statistician; they are saying that, if statistical information can be made available to the Government and to the Scotland Office, it should be made available to this legislature and to the public. It is really quite straightforward.

My good friend Richard Lyle said that he does not see a problem with the Government’s position. However, as Gordon Lindhurst pointed out, a whole host of distinguished academics, policy wonks and think tanks say that there is a problem.

It is as though the Government is doing a Boris Johnson and putting its hands over its ears. It is unwilling to listen to the evidence that has been clearly presented by many academics and others with expertise in the field, who say that a change is needed. I hope that the Government, even at this late stage, will accept that a modest change needs to be made and will proceed to make it.

John Mason: Does the member accept that a modest change has been made? The report was written before the Government made its compromise.

Alex Rowley: The committee is clearly setting out its views, and Labour will support the committee’s position today.

In order for our democracy to work, we need clear checks and balances.

Derek Mackay: Just for clarity, so that I understand, why did the Labour Executive not deny pre-release access when the Labour Party—including Jackie Baillie—was in office?

Alex Rowley: First, I was not part of that Executive. Secondly, if the cabinet secretary has a question for Jackie Baillie, he should put it to her and not to me.

Jackie Baillie: Will the member take an intervention?

Alex Rowley: I will.

Jackie Baillie: Perhaps he could communicate to the cabinet secretary that this really did not become a thing until 2017. I would love to have been in government for all of that time, but, unfortunately, we have not been in government since 2007. It is back to him. *[Laughter.]*

The Deputy Presiding Officer: I call Alex Rowley.

Derek Mackay: Will the member take an intervention?

Alex Rowley: I will. *[Laughter.]*

Derek Mackay: Will the same rule apply to the UK Labour Party, which is also seeking office? My understanding is that it will not.

Alex Rowley: That is the point. I think that it was John Mason who said that any of the political parties in the Parliament that have aspirations to be in government should be aware that the proposed changes to pre-release access would apply equally to them. The answer is that, if this is the right thing to do, we should do it, regardless of the political colour of the Government. The key point is that we should introduce fairness to the system.

I urge the Government to think again. Let us get this sorted and then, as Kate Forbes said, get on to the big issues that impact on people's lives.

The Deputy Presiding Officer: I did not realise that you had finished, Mr Rowley. Thank you.

I call Jamie Halcro Johnston to close for the Conservatives. You have six minutes or thereabouts, Mr Halcro Johnston.

16:37

Jamie Halcro Johnston (Highlands and Islands) (Con): I add my thanks to our committee clerks for their always-diligent efforts. From the outset of our inquiry into economic data and throughout the committee's consideration of pre-release access, their input and advice, and that of SPICe, has been immensely valuable.

Our convener, Gordon Lindhurst, provided a comprehensive account of the committee's work in the area so far. We have looked in significant detail at the whole range of economic figures that are produced in Scotland, and the question of pre-release access has been a common thread across that work.

The committee decided to take a further look into the issue in order to highlight what is to most of us an example of a clear anomaly. Today, we are reporting back to the Parliament with some sensible proposals for change, because the question at the heart of today's debate is one of fairness and good practice.

In his introduction to the report of the 2010 review of pre-release access, the chair of the UK Statistics Authority commented that equality of access is

"a central principle of good statistical practice".

At a time when economic statistics often cause significant political ripples, the issue of fairness arises, too. In several cases, pre-release access provides what is obviously an advantage to ministers, allowing them to formulate responses well in advance of release. Where the matters under discussion are controversial, that advantage also acts as a disadvantage for others.

Some have suggested that ministers are in a unique position in that they are expected to give informed comment quickly, but in practice that amounts to saying that ministers—and possibly, in some limited circumstances, the 24-hour news media—will be inconvenienced by a reduction in the scope of pre-release access. I would have more sympathy with that position if those considerations were applied equally to others. In giving evidence in support of a no-change position, Keith Brown commented that pre-release access ensures that,

"when ministers are called upon to respond quickly to stats at the time of publication, they can do so in an informed way".—[*Official Report, Economy, Energy and Fair Work Committee*, 14 November 2017; c 32.]

I see that that concern does not extend to other parties that are involved, and I do not just mean Opposition parties in this Parliament—I am referring to the wide range of organisations beyond the Parliament that can be greatly affected by such releases.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Will the member take an intervention?

Jamie Halcro Johnston: I will not, at this stage.

Those organisations are also often called on to comment at short notice. It seems a peculiar argument that ministers should be informed while others are not. If ministers cannot prepare informed statements without pre-release access, they must equally accept that it becomes impossible for others to challenge their statements without having a full understanding of the facts.

The committee's proposals deal with those dual issues of fairness and good practice, which should, in short, be the starting point for the regulation of pre-release access. We have heard from a number of members of the committee, as well as from a number of other members from around the chamber. My colleague Dean Lockhart spoke about the Government's wider duty to be transparent and accountable to the chamber and to the people we represent. What is proposed would end the unjustified disparity between the Scottish and UK Governments.

Kate Forbes: Jamie Halcro Johnston talks about the disparity between the Scottish and UK Governments, but I repeat that the ONS is at arm's length and that all Whitehall departments still operate with 24 hours' PRA.

Jamie Halcro Johnston: We are talking about economic data, but I will come back to that point.

Dean Lockhart spoke at some length about the comparison between the two Governments. I will not reopen his argument, save to say that the Scottish Government appears to find itself in an anomalous position. It is down to this Parliament to take a view on whether that is acceptable.

Bill Bowman went into some depth on the bill proposal document that the committee has published. As I said previously, how we take forward those principles of fairness and good practice will ultimately be a matter for Parliament. He spoke about the merits of the option of having a phased approach and an independent review of the impact of the removal of pre-release access. Although a default position is proposed, it can be adapted to exceptional circumstances. It is not an

ill-considered proposal that disregards caution; it is one that addresses legitimate concerns.

I want to briefly cover some other contributions. Graham Simpson highlighted Gordon Lindhurst's fantastic, witty performance and was disappointed that it was only 11 minutes long, but I thought that he made a good contribution for somebody who was clearly inspired by the subject of the debate.

I was a bit disappointed with John Mason who, in his clear desire to move to a demoted position on the Finance and Constitution Committee, has, I feel, betrayed his former committee colleagues.

Andy Wightman spoke with great passion and knowledge. He also offered practical solutions in what I thought was an excellent contribution.

I thought that the minister engaged well with the discussion. It is clear that she is a great fan of all things data—I will leave it to you how you take that comment, minister. She mentioned the Scotland Office and other organisations, but it is our responsibility as MSPs to be able to hold the Government to account—that is why there is so much concern over pre-release.

Jackie Baillie mentioned the Fraser of Allander institute. In relation to today's debate, it said in its blog:

“this is an important event and covers a crucial aspect of the economic landscape in Scotland.”

I certainly agree. The importance of the debate has been highlighted by the fact that, since it started, the Government front bench has been beefed up by an additional minister and the Cabinet Secretary for Finance, Economy and Fair Work—albeit that he arrived slightly late.

Graham Simpson touched on a quote from Ed Humpherson, the director general of the UK Statistics Authority. He observed that statistics are a “public asset”. The public and civic society have as much of a right to see and comment on the fruits of the public sector's work as a Government minister. That gets to the heart of the issue and why the committee has taken it forward, and I hope that the Government will support what the committee is proposing.

The Deputy Presiding Officer: I gently remind the member not to use the term “you”. I will never weary of saying that. [*Interruption.*] Yes, you did. I watch out for it—I am on red alert.

I call Kate Forbes to close the debate for the Government.

16:44

Kate Forbes: I happen to agree with the many members who have regretted our use of time to discuss the issue of PRA, not just because more pressing issues face our economy but because I

think that the Economy, Energy and Fair Work Committee has a crucial role to play in holding the Government to account. A number of members of that committee regularly push the Government to do more on the economy, and it would be good to see the committee's time being devoted to improving the economy. I do not see how debating PRA—

Dean Lockhart: The committee's data inquiry followed a six-month inquiry into the Scottish economy that found that the SNP had failed to meet all seven of its own economic targets. This work is an important part of that analysis. The Fraser of Allander institute's blog describes this debate as “an important event”. Does the minister not recognise the valuable contribution from stakeholders, such as the Fraser of Allander institute, that recognise the importance of this issue?

Kate Forbes: This debate will not improve GDP—the very stat that we happen to be discussing—one iota.

The second reason why I regret the debate is that Derek Mackay offered a compromise option, which evidently has been rejected. I say to those who are asking the Government to shift and asking for small changes to be made that those changes were offered and a compromise approach was provided but that was rejected.

Members have made much of the example of the Office for National Statistics. The committee's position seems to be heavily influenced by evidence heard during its inquiry that the ONS and the Bank of England have ended PRA to their statistics. Of course, that ignores the fact that PRA is still granted to statistics produced by other UK Government departments. Since the ONS ended PRA to its stats on 1 July 2017, only the Bank of England has followed suit. I repeat that Whitehall departments still operate with 24 hours' PRA as set out in the Pre-release Access to Official Statistics Order 2008. That instrument has not been changed either.

Andy Wightman: I am interested in two things. First, the minister compares the Scottish Government to Whitehall departments. Is it her sincere view that the Government is equivalent to Whitehall departments? Secondly, she talked a lot about the independence of the chief statistician. The cabinet secretary is sitting next to her. His letter of May 2019 to the committee says:

“PRA is a matter for the Chief Statistician and the independence of his role is crucial ... I inform the responsible statisticians”

—this is his proposal that the minister has just mentioned—

“that I, and all other Ministers, will require PRA of only one working day”.

How does that hold with respecting the independence of the role of the chief statistician?

Kate Forbes: I do not understand the committee's position. Committee members are asking us to do something while saying that we cannot because we have talked about the independence of the chief statistician.

On the second matter, of course I would not liken the Scottish Government to Whitehall departments. However, I take issue with the argument that we are the only ones that allow PRA—that is clearly not the case, given what I have said about other Whitehall departments. There is a big distinction between arm's-length statistical agencies such as the ONS and statisticians working in Government. The evidence of policy and practice that has been presented to the committee is based on the views of individuals working outwith Government.

Pre-release access is a long-standing practice in Scotland and only a small part of maintaining trust in our official statistics, which, incidentally, is something for which we have a strong reputation. The arrangements for PRA to economic statistics in Scotland have been in place for many years, including under Labour, and it was common practice even before the Pre-release Access to Official Statistics (Scotland) Order 2008 was introduced.

We have engaged very positively with the committee's economic data inquiry and have accepted the majority of its recommendations, but we feel strongly about this matter. There is simply a difference of opinion. The fact that each Administration of the United Kingdom drafted its own order shows the division of opinion on the practice of PRA.

We have always been led by the judgment of professional statisticians. The committee's proposal disregards the fact that the Scottish Government has a managed and well-functioning process for PRA.

The Pre-release Access to Official Statistics (Scotland) Order 2008—I highlight that it passed through this Parliament with no division—means that the rules that everyone follows in the week before publication are very clear and, critically, that the process is managed by the professional statisticians.

We strongly support the existing PRA framework, which strengthens and empowers statisticians to act in a professional manner. There has been no material change that would warrant a change in practice.

This debate has come about because the committee has refused to acknowledge and honour the statistical arrangements that the

Government adheres to whereby ministers accept the professional advice about statistical matters of Scotland's chief statistician. The proposal for a bill disregards the established practice that successfully operates in Scotland.

Presiding Officer, I cannot remember how much time I have left, but I want to draw to a close with some positive words from the Government on this debate.

Gordon Lindhurst: Will the minister take an intervention?

The Deputy Presiding Officer: There is time to take an intervention, minister.

Gordon Lindhurst: The point is surely that the statistician operates within the legislative framework that is provided for him, as the statistician will acknowledge. What is at issue here is whether the current legislative framework should continue.

Kate Forbes: And that is the difference of opinion that I just identified.

Official statistics are crucial and their importance is maintained by statisticians' work to realise the value that is inherent in the vast amount of data that the Government holds and makes publicly available. Data is a public asset, and the public have access to data. We want to make data publicly available in an ethical and transparent way.

I have enjoyed the exchange of views in today's debate and look forward to hearing the closing speech.

The Deputy Presiding Officer: I call Willie Coffey to close for the committee. You have until 5 o'clock, Mr Coffey, so you might need to speak a little slowly.

16:50

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Thank you, Presiding Officer.

I thank the clerks and SPICe for their kind assistance in providing useful and important background on the topic. As a new member of the committee, I was not part of the build-up to this exciting debate. However, I have had a look at the issues that have arisen since the committee published its report, "How To Make Data Count: Improving The Quality And Coverage Of Our Economic Statistics", in February 2018.

There are differences of opinion, as we heard today, which makes this debate a wee bit unusual. Committee bill proposals usually emerge from a united front. As I understand it, there have been only seven committee bills to date, and they dealt with regulatory matters or established

commissioner posts. The proposal that we consider is quite different.

I commend members on both sides of the debate for their thoughtful and, at times, robust contributions. At the heart of the debate is whether the Government should continue to be afforded pre-release access to certain statistical information.

The committee's view and proposals—agreed to by majority—are set out in its report of 6 June. The committee proposes that pre-release access to statistics be removed entirely for Scottish GDP and retail sales figures, with a subsequent review of the impact of the change, and that PRA be reduced from five days to one day for statistics for which a five-day PRA arrangement is currently in place.

The justification for the proposed approach is that all statistics are public assets—as many members said during today's debate—which should be equally available to all people, rather than available to some and not others, which potentially gives first-mover advantage to the people who get them early and, ultimately, risks generating public scepticism about the credibility of the statistics.

The counterarguments are that PRA is a long-established practice, which is determined and controlled independently by the chief statistician; that PRA is an essential part of the support that is afforded to ministers, whatever Government is in power, to enable them to offer informed comment on statistics that are released; and that PRA is enjoyed by and will continue to be available to the Scotland Office and UK Whitehall departments.

The role of the chief statistician in helping to resolve the issue could be crucial. As I understand it, the 2008 order specifies the rules and principles that relate to the granting of PRA, including who gets access and when. It is the responsibility of the independent chief statistician to apply those rules and principles appropriately; he decides who gets advance sight of statistics.

The chief statistician gave his view at a meeting of the committee in November 2017. He said that

"There are much more important issues",—[*Official Report, Economy, Jobs and Fair Work Committee*, 14 November 2017; c 33.]

and he gave examples, which included data handling, security and establishing a culture of independence for his function. However, the issues remain, and evidence of concerns was given in today's debate.

I will give a flavour of one or two of the important contributions that members have made. Our convener, Gordon Lindhurst, opened the debate with a fairly comprehensive summary of how we

got to where we are. He regretted that it is a repeat debate, in a sense, but said that it is still important to engage. He said that statistical integrity is crucial and outlined the pros and cons in the debate and, as many members did, the options that the committee has presented.

Like other members, he described Scotland as an "anomaly". He said that compromise perhaps arrived a little late and argued that there is an external view that PRA should go, that many bodies support an end to it and that abolition costs nothing—I think that that was one of his final remarks. He described himself as an optimist and said that he knows what he wants, using a quotation in that regard.

The Government minister, Kate Forbes, opened with important comments about more pressing economic matters that the committee and other members of Parliament should perhaps face. She said that the cabinet secretary has offered a compromise solution. She made it clear in her opening remarks and in summing up that PRA is the norm and is retained by other UK departments. She pointed out that the critical independence of the chief statistician would end as a result of the committee's proposal, and that view was shared by some members but not all. She said that there is no higher right of access for ministers and that ministers are expected to respond to the publication of statistics immediately. She said that Parliament needs to focus its energies on more pressing economic matters.

My colleague Dean Lockhart started off by telling us about FOI issues and the culture of secrecy that he feels is prevalent in some Government circles. He argued that PRA is contrary to the principle of equal access for all and said that statistics are a public asset—that is the nature of some of the statistics and the way it should be.

Andy Wightman made a passionate case for ending PRA. He regrets the need to have the debate, which started in 2008, when issues about pre-release and equality of access were raised. He said that successive Administrations passed the buck and that the issue is about what the law should say and whether the chief statistician is effectively independent of Government.

My colleague Gordon MacDonald gave a powerful defence of PRA. He is not convinced that the bill is necessary. He referred to the committee's proposals and said that the Bank of England, which was mentioned several times, still has PRA, which is renewed every year. He told us that the Cabinet Office has rejected ending PRA and he argued that PRA is important for good Government, that none of the 30 UK departments supports ending it and that there has been no legislation on the issue since 2008.

We can see the ebb and flow of the debate. Jackie Baillie, speaking with her usual passion, said that the most recent committee bill was in 2003, some 16 years ago, and that the committees' ability to introduce bills gives the Parliament more teeth.

Dick Lyle said that he almost immediately regretted joining the committee, as this has been his first opportunity to speak in the chamber as one of its members. He, too, spoke about the importance of PRA and of allowing Government ministers to do what he considers to be their job in representing their portfolios.

I am running out of time, so I will finish by thanking members and apologising to those whose comments I could not speak about. I thank members for highlighting the issue and for their tenacity in pursuing it since the report was issued.

Statistics offering economic data matter to us a great deal—we can tell that from today's debate. It is clear that all members are keen that such statistics are handled sensitively, fairly and properly and in a manner that allows the Government to do its job, but does not disadvantage others who are entitled to question the Government and hold it to account.

From what I heard from the Government, it would be content to operate with a maximum of 24 hours' pre-release access being applied to all statistics, which does not seem too far from the position that the committee set out in June.

There are some people who say that this type of debate is pointless, that the notion of replacing a clash of ideas and visions with a form of policy calculus was always dubious and that anyone still hankering for it should admit that their number is up. A statistician, or even a politician, can have his head in an oven and his feet in ice so that he can say that, on average, he feels fine.

I hope that I have given a fair summary of the committee's views on the matter and of the important contributions made by its members. I sincerely hope that we can find a solution that will deliver a balanced approach to what is an important issue for the whole Parliament.

Decision Time

17:00

The Presiding Officer (Ken Macintosh): There is one question to be put as a result of today's business. The question is, that motion S5M-18727, in the name of Gordon Lindhurst, on a bill proposal on pre-release access to statistics, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 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)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 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)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 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)
 Wightman, Andy (Lothian) (Green)

Abstentions

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (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)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine)
 (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Motion agreed to,

That the Parliament agrees under Rule 9.15 to the proposal for a Committee Bill contained in the 7th report (2019) of the Economy, Energy and Fair Work Committee, Pre-release Access - Committee Bill proposal report (SP Paper 553).

Meeting closed at 17:02.

The Presiding Officer: The result of the division is: For 58, Against 0, Abstentions 48.

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