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AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Thursday 10 June 2021

Session 6



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Scottish Parliament

Thursday 10 June 2021

[The Presiding Officer opened the meeting at 12:00]

First Minister's Question Time

The Presiding Officer (Alison Johnstone):

Good afternoon. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask that members take care to observe those measures, including when entering and exiting the chamber. Please use the aisles and walkways to access your seat and when moving around the chamber.

Examination Grades

1. Douglas Ross (Highlands and Islands)

(Con): I am sure that I speak on behalf of the whole Parliament in wishing Steve Clarke and his entire squad all the very best for the Euros. It has been a long 23-year wait for the men's international team to qualify for a major finals and I know that, in their first match against the Czech Republic on Monday, against the auld enemy on Friday and in their final group stage match against Croatia on 22 June, they will have the support, hopes and backing of the entire country.

Does the First Minister stand by the statement that she made in the chamber when she said that grades will not be based on

"algorithms, statistical models or historical performance of schools"?—[*Official Report*, 3 June 2021; c 3.]

The First Minister (Nicola Sturgeon): I do, but before I come on to more detail on that, I also take the opportunity today to wish Steve Clarke and all of the Scotland men's football team all the best as they prepare to embark on the European championship campaign. On Monday afternoon, 23 long years of frustration, pain and standing on the sidelines will come to an end. The team has done us proud already but—to echo Douglas Ross and, I am sure, everybody across the chamber—we will all be absolutely behind them as they kick the first ball and all the way through the tournament. We all hope that that will be for a considerable way into the tournament or—who knows?—perhaps the whole way. We wish Steve and all of the team good luck.

I stand by the statement that I made absolutely. This year's national qualifications awards will be based on teacher judgment, and that teacher judgment will be evidenced by the attainment of pupils, not by past results or algorithms. No learner's grades will be marked down or up because of their school's past performance. If any

learner has demonstrated that, for example, they deserve an A grade, an A grade is what they will receive.

There are quality assurance processes in place. We may come on to discuss them in more detail, but neither the Scottish Qualifications Authority nor Education Scotland is involved in those processes. Once provisional grades have been submitted to the SQA, they will not be changed because of any school's past performance.

Douglas Ross: The First Minister says that she stands by her statement, but the evidence paints a very different picture. Let us go through some of that evidence. An Education Scotland report that was published last week says that three in four councils in Scotland are analysing results using historical attainment data. Some councils have published their own reports, and this is what they say. Inverclyde Council is holding "data analysis meetings" before submitting grades; the City of Edinburgh Council is making "adjustments" based on previous attainment data; and East Renfrewshire Council has a checklist to ensure that teachers compare this year's grades to the past three years' grades.

All that is in direct contradiction to the promise that the First Minister gave in the chamber last week and reiterated just a few moments ago. Once again, young people will lose out based solely on where they go to school. This is the same shambles as last year. It is just more sleekit because, instead of the SQA marking pupils down at the end of the process, the system will force teachers and schools to do it first. How on earth can young people have confidence in the system when the First Minister's words do not match reality?

The First Minister: What Douglas Ross is trying to suggest happens is simply not the case, so let me take the chamber and those watching at home through the process.

I have already set out that awards this year are based on teacher judgment. Teachers arrive at their judgments by looking at attainment—the work that pupils have done. There are no past results or algorithms that dictate what an individual learner's grades will be.

On the quality assurance that is in place—I think that everybody would expect some such process to be in place—the only way in which a school's past performance is looked at is to identify, within its own local authority area, whether it has provisional grades overall that appear to be significantly out of step with past performance. However—this is the important part—if that happens, provisional grades are then checked again not by the SQA or Education Scotland but by the relevant teachers. The key part is this: if the

teacher's judgment is that they stand by the result that they gave, that result stands and is not changed.

It is simply a checking procedure and it ends in the same place: the teacher's judgment, based on the attainment of the pupil, determines the grade. Provisional grades are then submitted to the SQA, which is not involved in the process before that. When that happens, they will not be changed because of a school's past performance. That is a world away from the situation last year, when algorithms and the past performance of schools automatically changed the performance and grade of some pupils. That is not happening.

This is a system that is based on teacher judgment, evidenced by the work that pupils have done throughout the year.

Douglas Ross: The First Minister chose to ignore all the points that I read out from Inverclyde Council, the City of Edinburgh Council and East Renfrewshire Council. The harsh reality of this system is that, if someone is lucky enough to attend a consistently high-achieving school, their grades will probably not be reviewed, but if they attend their local school, where people work hard but not everyone gets five As—the kind of school that the First Minister and I went to—their grades are more likely to be lower.

Last night, I met members of the Scottish Youth Parliament, who spoke about how unfair the system is. They feel that their voices have been ignored and that pupils with exceptional circumstances are being overlooked. This year, of all years, we should be going out of our way to recognise exceptional circumstances and listen to young people's concerns. I asked them what they would say if they were able to put points to the First Minister. Cameron, Liam and Sophie all said that young people should be able to appeal their grade without the risk of it being downgraded. The appeals process is supposed to ensure that people get the grades that they deserve but, instead, this year's system is asking them to roll the dice with their future. Will the First Minister do something about that now, by allowing an appeals process that does not risk downgrades and ensuring that we make the system fair?

The First Minister: I will come on to the appeals process in a second. Douglas Ross used the word "sleekit" earlier and, if I may say so, there was a bit of that in how he posed his question. He took young people's perfectly legitimate comments about the appeals part of the system and almost suggested that they were backing up what he said about the earlier part of the system in his first question. Before I come on to appeals, let me conclude the explanation about the first part of the system, which is the main part of the system,

because we want to get it right the first time for young people, so that they do not have to appeal.

Douglas Ross said that I ignored the points that he made. I did not ignore the points that he made; I simply refused to go along with his misrepresentation of what that means in practice. If a school's results are reviewed because they appear, at face value, to be out of step with previous years, that is not the operation of an algorithm automatically downgrading pupils, as would have happened last year. Such a situation simply triggers a checking by teachers, and if the teachers' judgment is that the original grades stand, that is the final decision. It is simply a quality assurance process at that stage, before results go to the SQA.

Fundamentally, it is the teacher judgment that stands. At that point, the SQA is not involved, and when the SQA does become involved, no algorithm or past performance influences a young person's grade. It is very important that that is set out clearly, because this matters to young people across the country.

I understand and I absolutely recognise that there are different views on the appeals process. Where there is consensus, it is on the point that it is right to offer universally available appeals, which are free of charge this year. However, there are two issues that have divided opinion, and I understand that. Great care has been taken with them.

One issue is the no-detriment system versus the symmetrical system, which Douglas Ross was asking about. On balance, in common with other parts of the UK and in line with past experience, it has been decided to adopt the symmetrical process. That is fair, because it is based only on the attainment of young people.

The second issue is of course whether there should be a ground of appeal based on exceptional circumstances. The system tries to build that into an earlier stage, so that a young person who suffers a bereavement, for example, does not have to rely on appeal but has extended time to submit the evidence for their original grading. We have taken great care around all this and we will continue to do so. Douglas Ross should by all means raise all these issues—it is important that they are scrutinised—but he should not try to confuse the different issues to make a point that does not stand in reality.

Douglas Ross: I am glad that I have permission from the First Minister to raise issues such as education in Scotland and the effect that it is having on young people right now and in the weeks and months ahead. Despite what she tried to suggest in her answer, I will not stop listening to and engaging with the young people of this

country and giving them a voice in this Parliament, because they seem to be ignored consistently by the First Minister and her Government.

The only thing that young people, parents and teachers watching today will have heard is that they are wrong and the Government is right. However, why should they trust the First Minister on this? We just have to look at what happened. Pupils were told that there would be no exams this year, but everyone knows that they have sat exams in all but name. Parents were promised that no historical data would be used, but we know that that is exactly what is happening. Teachers were told that grades would be based on their judgment alone, but there is an algorithm lurking in the background.

Young people feel cheated by another deeply unfair system that judges them on where they are from and not on how they did. The life chances of tens of thousands of young people are at stake. The 2021 exam crisis has already started, but the Government acts as if nothing is wrong. Just what will it take for the First Minister to step in and act before the Government lets down Scotland's young people all over again?

The First Minister: Douglas Ross does not need anybody's permission—and certainly not mine—to raise issues in the chamber. However, it is a responsibility of leadership to engage in issues responsibly, particularly when we are talking about the life chances of young people, and not to misrepresent or try to confuse issues in order to back up political points that, frankly, do not stack up in reality.

Whether they agree or disagree with the judgments and decisions that the Government is making, I do not think that people who are listening will have heard me say that everybody else is wrong and the Government is right. They will have heard me try to set out, calmly and rationally, the position as it is in order to take on some of the misrepresentation that we have heard from Douglas Ross, as well as readily concede that some of these issues divide opinion, and that we have had to make judgments based on what we think is right overall. In fact, many of the judgments that we are making are the same judgments, albeit in different education systems, that different Governments of different parties in other parts of the UK are arriving at as well.

These are not straightforward issues, but they are hugely important. This is not a case of me stepping in to do something. The Cabinet Secretary for Education and Skills and I engage on these issues each and every single day, listening to teachers, parents and—above all else—young people in arriving at the best overall judgments that we can. We do that responsibly on the basis of the situation as it is, and not on the

basis of the misrepresented situation that Douglas Ross has put forward. We will continue to do that in the interests of young people all over Scotland.

National Qualifications 2021

2. Anas Sarwar (Glasgow) (Lab): I join others in wishing the Scotland men's team all the very best for the European championships. This is their opportunity to catch up with the great leadership that has been shown by the women's team in recent years. I wish good luck to Steve Clarke and to captain Andy Robertson. I also thank them, because they will—I hope—give us a summer of hope, optimism and cheer after what has been a really difficult year for us all.

The Government can try and deny it, but we are in the midst of a second exams crisis. This week, in an unprecedented letter, many children's organisations, the Scottish Youth Parliament, parents' groups and leading academics begged the First Minister to listen and to ensure that exceptional personal circumstances can be used to appeal grades.

One example that demonstrates why this is so important is the case of Ellie, who is a sixth year pupil in Glasgow. She lost her mother in March of this year. Despite being promised by this Government that there would be no exams, she found herself needing to sit several assessments—exams in all but name. There was no evidence available of her prior performance due to lockdown. Her lost education time has been exacerbated by grief.

Does the First Minister believe that such circumstances would impact on Ellie's performance in assessment?

The First Minister: Yes, I do. It is not a question of whether the system recognises that, but of how the system is recognising it.

I absolutely concede that there are differences of opinion on this, but let us be clear about it. Obviously, I do not know all the circumstances of Ellie's position, but instead of somebody in such a position having to go through the process of submitting all their evidence by 25 June, which is the deadline, getting a grade and then—if it is not the grade that they think they deserve—having to appeal it, the system has built-in contingency arrangements that mean that they can have access to an extended deadline in September. That takes account of such circumstances by giving young people a longer time period to get that evidence together and to have their grade determined.

It is not a question of whether those kinds of circumstances should be taken into account—it is simply about the method that the system is using. There are differences of opinion, and we continue

to listen. However, it would not be accurate for anyone to say that circumstances such as Ellie's are being ignored in the system that we have.

Anas Sarwar: I will come to why September is a problem in itself in a moment.

The problem that we have is that the process that the First Minister has outlined is simply not good enough. The cast-iron guarantee that the Cabinet Secretary for Education and Skills gave this week means nothing without changes to the actual system, because Ellie is just one example.

Let me give another example, which highlights the problem with September. A mother has been in touch about the year that her son has had. Due to terminal illness in his family, he was required to shield and not return to school in person. He was told that that would have no detrimental effect on his education. He had performed well earlier in the year, before he had to shield. Three weeks ago, his school informed him that his grade in one subject would be submitted as a class average of 68 per cent, despite his grades earlier in the year having been far higher. The only option that he has in the system that the First Minister has outlined is to present more evidence in September. If he waits until then, he risks losing his conditional apprenticeship place.

Does the First Minister believe that that family has been treated fairly? Does she accept that, by forcing them to wait until September, she has created a failed system that risks that young person losing his future?

The First Minister: These are important issues, and we have to consider all the particular cases to make sure that the system can respond overall. On the point about September, there is a recognised need for the pupils who take advantage of the contingency arrangement to engage with universities, colleges or employers about any knock-on effects. If Anas Sarwar wants to send the particulars of a case, I can make sure that that is happening. It should be happening, and we have to ensure that it happens so that there is no disadvantage at that end.

I come back to the most fundamental point. I apologise that I did not catch the name of the young man who Anas Sarwar talked about, but in his case, if the fundamental issue is that, because of the understandable circumstances, the evidence of attainment could not be provided within the given timescale—and this gets to the heart of the matter—an appeal is not going to rectify that, because appeals can look only at the attainment evidence that is provided. That is why extending the timescale for the accumulation and submission of evidence is seen to be a fairer way of doing this.

Because of the lack of exams, the situation that the pandemic has created is far from ideal, but, in an imperfect situation, we are genuinely finding the best overall way. There will always be individual circumstances that we need to look at and make sure that we are taking proper account of. I give an assurance today that we will make sure that that happens. We are seeking to address this issue in as fair a way as possible. I think we have just highlighted why relying on appeals for exceptional circumstances is not always the best way to do that. The way that we are choosing to do that, although it is absolutely not perfect, is in many ways preferable.

Anas Sarwar: The issue is that this is not just about an individual case. We all accept that the situation is imperfect, but an imperfect situation means that some will lose their life chances. This is a key point in young people's lives, where attainment and what they do with their future life will be impacted. I gave one example for reference, but there are lots of examples of why the September system simply does not work.

Parliament voted to incorporate the United Nations Convention on the Rights of the Child into law. If that is to mean something, we must listen to what young people are telling us right now. Earlier this week, the Children and Young People's Commissioner Scotland said that he is concerned that the exams process does not uphold young people's rights. Cameron Garrett, the only young person in the group that developed this year's process, says that young people have been ignored.

The current Scottish Qualifications Authority crisis has all the hallmarks of last year's crisis: the use of historical data in moderation; a non-functioning appeals process; and the Government refusing to listen and engage.

Young people across Scotland have had the hardest year of their lives. The Government has had a year to develop a system that works, but there are now just days left to improve the flawed process. Will the First Minister finally listen to Scotland's young people and introduce a no-detriment appeals policy, making personal circumstances part of the appeals criteria, or will young people be forced to take to the streets again this year to make her change her mind?

The First Minister: We will continue to listen. We have paid very close attention to all those points of detail and come to judgments that are difficult but which we think are right overall.

Anas Sarwar makes some really important points, but describing an appeals system that has not even started yet as "non-functioning" does not help with the delivery of the system or with proper discussion of these issues.

I recognise that some people will have issues with the September extension, but that is not the same as saying that making exceptional circumstances grounds for appeal is the way to fix that, for the reasons I have already set out.

Last week, I quoted Jim Thewliss of School Leaders Scotland, who made the point that the system, while not perfect, is the best one in the circumstances. He also makes the point that few people have come up with alternatives to what is in place. We will continue to look at all of this.

Hard lessons were learned last year, but I would caution against what we heard from Douglas Ross and what Anas Sarwar said at the end of his question: there is no algorithm that is determining young people's results, and I do not think that it is fair to young people to create the impression that there is. The system is based on teacher judgment, which is correct. The appeals system is open to all, free of charge. We have taken a very difficult decision about having a no-detriment or symmetrical system. As I understand it, the Labour Welsh Government has done the same in a different education system. In saying that, I am not making a party-political point, recognising that these are not political decisions. We are trying to do the best we can in coming to these judgments, and we are often coming—from different political persuasions—to the same judgments.

We will continue to listen and we will continue to look at all the detail. We will strive to make sure that every young person gets the service from the education and exam system that they deserve, so that they can make the most of their life opportunities, notwithstanding the difficulties of the pandemic.

Teachers and Classroom Assistants (Contracts)

3. Willie Rennie (North East Fife) (LD): To ask the First Minister, in light of the growth in short-term teaching contracts, how many of the 3,500 teaching and classroom assistant posts that the Scottish Government has committed to creating will be given permanent contracts. (S6F-00095)

The First Minister (Nicola Sturgeon): That question follows on from all our discussions so far today.

Our education system relies at all times on the hard work and dedication of teachers. That is particularly true right now, and we all recognise the effort they have put in and their resilience in supporting young people during the pandemic.

The reality right now is that we need all possible teaching resources that are at our disposal to support education recovery. I therefore expect—I will say in a moment why I am couching my answer in these terms—permanent employment

opportunities to be the priority. We are working closely with the Convention of Scottish Local Authorities on employment of teachers for the coming academic years, and local authorities are currently undertaking assessment of their staff requirements to support education recovery.

I have couching my answer in those terms because the reality is that recruitment and deployment of teachers and support staff in local authority schools are matters for councils, because they are the employers of those staff. However, I expect the number of permanent posts and jobs to be absolutely maximised within the discretion that local authorities have to meet their needs.

Willie Rennie: I am afraid that that is just not good enough. The First Minister takes all the credit for recruiting 3,500 extra teachers but is nowhere to be seen when their terms and conditions turn out to be shoddy.

In an open letter that was written this week, 2,000 temporary teachers say that they are having to take extra jobs just to put food on the table. One in 10 teachers is now on a short-term contract, bobbing from one precarious job to the next for years on end. That is no way to treat those who are responsible for educating the next generation. We all know that if the money is temporary, the teachers will be temporary. If the Scottish Government makes the money permanent, the teachers will be permanent.

Will the First Minister fix that and treat those teachers with respect and decency, for a change?

The First Minister: The Scottish Government will make the funding for our commitment available, but Willie Rennie cannot gloss over the point that I made. He should be honest about his position. If he wants the Scottish Government to take away from local authorities the responsibility for employment and the terms and conditions of teachers, he should say so—although that would run counter to everything that he has said until now about opposing what he calls the Scottish Government's centralisation and its taking powers away from local authorities. That is the reality.

Willie Rennie should also listen to what I am clearly saying. Through our budgets, we will make funding available for the commitment that we have made on teachers. Given the need for teachers in support of economic recovery, I expect that we will see permanent posts and jobs. However, if I was to stand here now and mandate that, Willie Rennie would accuse me—perhaps not today, but at another stage, because to do so today would not suit the question that he has asked—of taking powers away from local authorities and centralising things here in the Scottish Government.

Body-worn Cameras (Funding)

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister whether the Scottish Government will support and fund the roll-out of body-worn cameras for police officers and ambulance crews. (S6F-00073)

The First Minister (Nicola Sturgeon): We support the efforts of Police Scotland and the Scottish Ambulance Service to protect the safety and welfare of front-line responders and of the general public.

The issue of body-worn cameras for police officers is a policy and operational decision for the chief constable, acting under the oversight of the Scottish Police Authority. However, as part of our budget allocation for policing this year, we have provided one-off funding of £500,000 to support their use by armed officers.

We engage regularly with the Scottish Ambulance Service. If the matter is something that the Ambulance Service wishes to pursue in the future, we will fully engage with it on that.

Kenneth Gibson: Last year, there were 6,942 assaults on police officers and staff and 250 assaults on ambulance crews in Scotland. Senior police officers whom I have spoken to believe that body-worn cameras are a vital tool in increasing officers' safety by deterring attacks, securing convictions against those who carry out assaults and boosting public confidence in engaging with officers. NHS England announced last week that it will roll out body cameras for ambulance crews in order to deter and to protect.

If the current public consultation backs extension of the roll-out of body cameras, will the Scottish Government commit to ensuring that Scottish police officers and ambulance crews are given the protection that they need and deserve?

The First Minister: I will not pre-empt those decisions, but I will say that we will engage in order to support police officers. Should the cameras be required by the Ambulance Service, we will support that, too. I said in my initial answer that the funding that we have already made available to the police includes a commitment to that.

It is unacceptable that police officers and ambulance staff are attacked and abused while going about their duties. Anything that we can do to improve their safety and to protect them and the general public is important. We will continue to engage with the police and with the Ambulance Service on those issues.

Estimated Examination Grades (Validation)

5. Sharon Dowey (South Scotland) (Con): To ask the First Minister what the Scottish

Government's response is to reports that, to meet the Scottish Qualifications Authority quality assurance processes, local authorities are validating teachers' estimated grades using a school's prior attainment data. (S6F-00078)

The First Minister (Nicola Sturgeon): I welcome Sharon Dowey to the chamber.

As I did in my response to earlier questions, I assure young people that the grades that will be given to them by their teachers will not be marked down or up because of their school's past performance. I am being absolutely clear about that. If a learner has demonstrated that they deserve a certain grade, that is the grade that they will receive.

Teachers and lecturers will let young people know their provisional results by 25 June. As I said, a quality assurance process is under way. I have explained how that will work. It is important to emphasise again that the Scottish Qualifications Authority and Education Scotland are not involved at that stage. Once provisional grades—which will be based on teachers' judgements and not on algorithms—have been submitted to the SQA, they will not be changed because of the past performance of the school.

Sharon Dowey: It is not only pupils who face an uncertain year: teachers do, too. For new teachers who are just finishing their probationary year, new jobs are being advertised only now, with interviews being in the next few weeks. Not only does that create uncertainty for teachers, it causes problems for headteachers who are trying to fill posts and it leads to disruption to classes. Rural schools such as the Barony campus in Cumnock face even greater challenges because of their location.

Will the First Minister commit to a review of the teacher recruitment process, consider the possibility of increasing the powers that are available to local authorities to attract new teaching talent, and confirm that the funding that was promised for additional teachers has been allocated to councils? I have been told that it has not been allocated. Councils do not need the Scottish Government to look after recruitment; they need confirmed funding so that they can recruit for permanent positions.

The First Minister: I will happily take away and consider the specific point about reviewing recruitment processes.

The funding will be available to councils. Obviously, we have given the commitment for the entire session of Parliament. We have also made a commitment for the first 100 days, and we will be in discussion with councils about funding for that.

It is important that councils have clarity in order that they can recruit. I repeat the point that I made

in response to Willie Rennie's question: we are in a situation right now in which teachers are required, so there should be employment opportunities for them. I expect the posts to be permanent in the main, but the councils are the employers and they need to be able to assess needs in their areas and take decisions based on that.

Sharon Dowe asked for further consideration of certain matters. I will certainly ensure that that is done, and I will revert to her as soon as possible.

Trans and LGBT+ Healthcare

6. Gillian Mackay (Central Scotland) (Green): To ask the First Minister what the Scottish Government is doing to improve trans and lesbian, gay, bisexual, trans and queer plus healthcare. (S6F-00084)

The First Minister (Nicola Sturgeon): We are committed to advancing equality for lesbian, gay, bisexual, transgender and intersex people. Everyone should be able to access the healthcare that they need when they need it as part of that overall commitment to equality.

As part of the remobilisation of the national health service, we are considering the impact of the pandemic on sexual health services and how we can improve those services further. That includes widening access to pre-exposure prophylaxis, for example. We are also working with NHS Scotland to improve gender identity services, including reducing waiting times. I think that everybody recognises that the waiting times are far too long, and that that causes additional trauma and anxiety.

We will shortly write to the national gender identity clinical network for Scotland to ask it to review and update the gender reassignment protocol.

Gillian Mackay: I take the opportunity to wish everyone a happy pride. However, we should always remember that pride started as a protest.

In recent weeks, we have witnessed attacks on organisations such as Stonewall, with some particularly wild and untrue allegations. That shows just how far we have to go to make Scotland a truly equal society. Such attacks cause great emotional pain and they have to stop. Trans people are our friends, colleagues and family, and they deserve to be able to express their identity in peace.

Will the First Minister stand with me to support trans people? Does she agree that the current situation that many trans people face in trying to access gender identity services is unacceptable? That includes typical waiting times of years for a first appointment. Will the First Minister give a

clear commitment that the Scottish Government will take the steps that are needed, including through providing funding and redesigning those services, to make a person-centred and multidisciplinary approach for trans people in Scotland?

The First Minister: In general terms, I agree with all of that. I absolutely stand full square behind trans people and against the discrimination, stigma and prejudice that they face in the on-going battle for equality, to which they have as much entitlement as anyone else in our society.

There are many things that we have to do, not the least of which is to reduce waiting times for gender identity services. I have already commented on that.

All of us also have to recognise that progress in our society is, unfortunately, rarely all one way. We always have to protect and continue to win and re-win the progress that we have made.

I, too, wish people a happy pride month. That started as a process, and Stonewall was, of course, right at the heart of it. To this day, it has done very good work for people who rely on its services and support.

We do not have to look too far to see that there are many forces that want to take us backwards, whether on LGBTI issues, sexism, misogyny or racism. All of us have a duty to stand up for equality, however difficult that may be on occasion, to ensure that our progress as a country continues to be in the forward direction and that Scotland is a place where everybody feels valued, respected and able to be who they are. That is the country that I want not just to lead, but live in as a citizen. We all have work to do to ensure that that is the reality and not just rhetoric.

Dental Appointments (Children and Young People)

7. Sarah Boyack (Lothian) (Lab): To ask the First Minister what action the Scottish Government is taking to address the reported backlog of national health service dental appointments for children and young people. (S6F-00091)

The First Minister (Nicola Sturgeon): Obviously, we have a commitment for patients, including children and young people, to receive NHS dental care and treatment as quickly as possible. We are supporting a range of measures to remobilise the NHS overall, which of course includes dental services. As part of that process, I can confirm today a funding package of up to £5 million for improved ventilation in dental premises. We will also continue to fund free personal protective equipment for the dental sector, and increase that supply by up to 50 per cent from

July. We will also re-introduce the child smile programme.

There is a significant challenge across the whole NHS to tackle backlogs and get the service back to normal. That is the case in dental services as well, and we will continue to take the necessary steps to support that work.

Sarah Boyack: I wrote to the Scottish Government last week about how it analyses waiting times for dentistry, and the answer was that it does not. Dentists have warned of years and years of delays. Given that dental care is a vital part of health and wellbeing for children, how is that situation acceptable? Longer and longer waits for NHS treatment for children and adults mean that many people choose to go private. Is that not just privatisation by stealth?

The First Minister: No. However, it is important and right that we be vigilant around that point. It is the NHS that provides the services that people need, whether for healthcare generally or for dental services in particular. I have not personally seen the letter to which Sarah Boyack refers, but I am happy to have a look at it and its response. I know that the Cabinet Secretary for Health and Social Care met with the British Dental Association—this week, I think—to discuss those very issues, so there is a real recognition of the importance to support recovery as quickly as possible, in dental services as in the NHS.

To give some context, prior to Covid, NHS dental services provided more than four million courses of treatment every year. A record number of people are registered with an NHS dentist—more than 95 per cent of the population. There are, however, pressures there—some are Covid related and some undoubtedly pre-date Covid. Through funding and efforts to protect from the impacts of Covid and, where necessary, through a redesign of services, the Government will support the profession to ensure that people get the care and treatment that they need, and that they get it on the national health service.

The Presiding Officer: We move on to supplementary questions.

National Carers Week

Jenni Minto (Argyll and Bute) (SNP): To ask the First Minister to join me in this, national carers week, in recognising the immense contribution that carers make to the health and wellbeing of our loved ones across the country, and to give an update on the commitment of the Scottish National Party Government to establishing a national care service.

The First Minister (Nicola Sturgeon): I thank Jenny Minto for that important question during national carers week. I want to highlight and thank

unpaid carers for the incredible contribution that they make. We introduced the carer's allowance supplement to support carers who are in receipt of carer's allowance. I recognise that it does not apply to every unpaid carer, but the carer's allowance supplement has helped more than 100,000 carers since 2018.

The pandemic has added to the pressure on carers, which is why we provided an extra payment last year and we, of course, plan to do the same this year. Establishing a national care service to ensure that the social care system consistently delivers high-quality support for carers and those who need care is vital with regard to the update in the first 100 days of this Administration. We will start the consultation on the necessary legislation and establish a social covenant steering group that will include those with lived experience of care services and unpaid carers, to ensure that the new service is designed around their needs.

Domestic Cruise Ships

Graham Simpson (Central Scotland) (Con): Can the First Minister explain why domestic cruise ships can drop off and pick up passengers from Scotland in England, but not Scotland, and why this ban on domestic tourism is in place at a time when thousands of football fans will—quite rightly—be allowed to gather in Glasgow?

The First Minister (Nicola Sturgeon): I want to reiterate what I said the other day, because I understand that, as we come out of restrictions and hope to start to get back to normal bit by bit, people will look at different circumstances and events, and ask why something is allowed here and not there. Sometimes, we get those things wrong, which is why we review matters on an on-going basis. However, every event or category of event has to be assessed based on its own characteristics, and we try to do that as best we can.

The Scottish Government position on cruises has been well known and communicated to the industry. This week, at the request of the industry, we reiterated the position, which did not change in any way this week. Domestic cruises will restart when the country as a whole is in protection level 1. The reason why we do not allow cruises right now comes down to their particular characteristics. They represent a long-duration, close-proximity form of leisure, which our advice says has a particularly high risk of transmission. When that is combined with the fact that cruises go to, and passengers can disembark at, multiple locations, the risk of spreading the virus to different parts of the country is increased.

It is difficult for the cruise industry. It is an important part of our economy and we want to support getting it back to normal as much as

possible. However, I am explaining why the advice is that it is still prudent to have the restrictions in place right now, while in other circumstances and for other events, with the right mitigations, a different conclusion might be reached.

I recognise that it is difficult for people, but we continue to try to take decisions based on the best advice and by applying the best possible judgment overall.

Long Covid Clinics

Jackie Baillie (Dumbarton) (Lab): In July, October and December 2020, I asked the Cabinet Secretary for Health and Sport about long Covid clinics. At the time, I was told that guidelines would be published at the end of that year, and that specialist clinics would be set up. Six months on, I am not aware of any specialist clinics here, although there are 60 in England, and further 20 are planned.

Long Covid has affected some 87,000 people in Scotland. They are desperate, and those with the means to do so are turning to the private sector, which just exacerbates inequality. How much longer will those people, many of whom are in pain, have to wait for specialist long Covid clinics?

The First Minister (Nicola Sturgeon): People who are suffering symptoms that might be associated with what is known as long Covid should access their general practitioner services and be referred on as appropriate.

The issue of specialist clinics is important. I have discussed it in some depth with the national clinical director and the chief medical officer. I cannot comment on the exact nature of the clinics in England, but one of the issues around establishing specialist clinics at this stage is that there is still a lack of understanding about which specialisms are needed to respond to long Covid, because clinicians and experts do not yet fully understand all the symptoms and their cause. In Scotland, we are funding a number of research projects to develop that understanding, from which we will establish the longer-term provision. It is important that we do so as quickly as possible.

The clinical advisers and I discussed one of the constraints caused by the lack of understanding, which is that nobody can say for certain exactly what specialisms are needed in a specialist clinic, because we have to do the research and learn more about the condition before we can go to that stage. However, it is important work, which we are committed to doing properly.

Freedom to Crawl Campaign

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I know that the First Minister is aware of the Freedom To Crawl campaign,

which calls on the Mears Group and the United Kingdom Government to cease using a mother-and-baby unit in Glasgow that houses asylum-seeking mums and their children.

I back the campaign. The unit is cramped, with limited personal space and unsatisfactory communal facilities. Twenty families share just three washing machines, the unit has restrictive visiting hours and there are various other worrying concerns.

Does the First Minister welcome the fact that Scotland's Children and Young People's Commissioner is now investigating the impact on families who live in the unit? Does she agree that the current system of housing asylum-seeking families is deeply flawed? Does she agree that mothers and their babies should be supported in our community and housed in appropriate, self-contained accommodation?

The First Minister (Nicola Sturgeon): I agree very much with the context of the question. It is not for me to comment on what the commissioner might do, but I support any efforts to improve the situation of, and the conditions for, children of asylum seekers.

The Freedom To Crawl campaign was raised with me in the chamber last week or the week before. I have since looked into the matter and, like every other member I am sure, I receive lots of letters from constituents asking me to support the campaign.

The concerns that are being raised are legitimate. I say again that all asylum seekers, particularly young children, must be provided with accommodation that properly meets their needs, ensures that they get support and can access the services that they need, and enables them to be a part of the community. The issues underlying the campaign need to be resolved quickly in the best interests of mothers and babies.

We have repeatedly called on the Home Office to deliver more humane and flexible asylum and immigration policies, and we make clear again that our strong preference is for asylum accommodation to be delivered by the public sector or the third sector.

General Practitioner Appointments

Tess White (North East Scotland) (Con): I have a constituent who has significant health issues and who has had real problems in getting to see a GP. It took two hypoglycaemic episodes, three e-consults and four telephone calls over one week before an appointment with the GP was obtained—and my constituent is somebody who knows how to use a computer.

When will patients who need to see a doctor but who do not have access to a computer so that they can complete an online e-consult form be seen in surgeries in person?

The First Minister (Nicola Sturgeon): Obviously, I do not know all the circumstances of the case, but it sounds as if it was not an acceptable experience for any patient. I will be happy to look at the details if they are provided.

It is important to say that GP practices have remained open during the pandemic, although they have had to change the way in which they cater for patients. They continue to provide clinical care, making more use of NHS near me and telephone consultations, but we are very clear that there must always be an option to have a face-to-face consultation if that is clinically necessary.

The chair of the British Medical Association's general practitioners committee has commented that face-to-face appointments are an essential part of what GPs do and that GPs are committed to ensuring availability of those appointments. Obviously, individual GP practices have to assess their own circumstances and risks, but it is absolutely essential that patients get access to face-to-face appointments when that is in their interests.

I repeat the offer to look in more detail at the specific case that has been raised, if the patient wishes her or his details to be passed to me.

**University of Dundee Oral Health Sciences
(Course Extension)**

Michael Marra (North East Scotland) (Lab): Students on the University of Dundee's oral health sciences degree course are facing a year's extension due to the restrictions of the pandemic. They have been informed that their student support will not be extended, despite an extension being given by the Government to students who are studying to be dentists alongside them. Does the First Minister agree that that must be fixed, in order to ensure that students who are now being forced to leave the course will be able to continue, and will she ask ministers to meet me to resolve the issue?

The First Minister (Nicola Sturgeon): I will do what I hope is more helpful, which is to try to resolve the issue without the requirement for a meeting. I am trying to bring to mind right now all the details of a previous issue involving dental students, for whom that problem was resolved. If there is a problem with other parts of that cohort, I will take that away today to see whether we can resolve it without the need for a meeting. If that is not possible, I will come back to Michael Marra with the reasons why.

12:47

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Health and Social Care

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon, colleagues. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask members to take care to observe those measure, including when entering and exiting the chamber. Please use only the aisles and walkways to access your seats and when moving around the chamber.

The first item of business is portfolio questions on health and social care. I ask any member who wishes to request a supplementary question to press their request-to-speak button or indicate in the chat function, by entering the letter R, during the relevant question.

I would also make the plea that is always made: to get in as many people as possible, it would be appreciated if the questions and answers could be short and succinct.

Question 1 has been withdrawn.

Child Mental Health Services

2. Meghan Gallacher (Central Scotland) (Con): To ask the Scottish Government what action it is taking to support and improve child mental health services. (S6O-00018)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): I welcome Ms Gallacher to the Parliament.

We are undertaking a number of measures to improve child mental health services and are determined to address the significant impact that the Covid-19 period has had on the mental wellbeing of children and young people.

In October 2020, we published the mental health transition and recovery plan in response to the mental health effects of the Covid-19 pandemic. The plan contains a number of actions targeted at supporting children and young people and is supported by the £120 million mental health recovery and renewal fund, which was announced in February this year. Specifically, the work includes actions to improve specialist child and adolescent mental health services, address waiting times and improve other mental health supports and services for children and young people.

We recognise that not all children and young people need specialist services such as CAMHS,

so we have provided £15 million additional funding to local authorities to deliver locally based mental health and wellbeing support for five to 24-year-olds in their communities.

We continue to invest in a range of other measures to support children and young people's mental wellbeing, including the provision of enhanced digital resources on mental health and wellbeing available via Young Scot's website, and expansion of the distress brief intervention programme to under-16s.

Meghan Gallacher: I have a question on a more specific point. When will the Scottish Government deliver its manifesto commitment to introduce a national transitions strategy to improve outcomes for children and young people experiencing mental ill health in their transition to adulthood?

Kevin Stewart: As Ms Gallacher and other members in the chamber know, I am very new to this post. At this moment in time, I am looking at all aspects of our mental health delivery, with a particular focus on young people. I have already spoken to health boards on the issue, including NHS Grampian and NHS Lothian, and I will continue to engage with boards, other partners and stakeholders to ensure that we get this right for children and young people in Scotland.

Carol Mochan (South Scotland) (Lab): The damning audit of CAMHS in 2018 called for an end to rejected referrals. Three years on, at least 20 per cent of referrals to CAMHS are consistently rejected. Why has the Government waited three years and failed to end this damaging practice? When will it reform the referral system, as campaigners have been asking it to do over the past three years?

Kevin Stewart: The Government accepted all the recommendations in the 2018 report of the audit of rejected referrals. We have worked to implement the recommendations by introducing a CAMHS service level specification, which sets out the levels of service that children and young people and their families can expect from CAMHS across Scotland.

We have agreed additional national health service board allocations of £29.2 million in 2021-22 in order to deliver improvements to CAMHS and to address waiting list backlogs. Obviously, Covid has had an impact on service delivery. Some boards have done better than others at continuing to see patients over the course of the pandemic period. I want to ensure that the best practice that is in place in many areas is exported to all boards in Scotland in order to ensure that we get this right for everyone in our country.

LifeSearch Report

3. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government what its response is to the LifeSearch health, wealth and happiness report for 2020-21. (S6O-00019)

The Deputy Presiding Officer (Annabelle Ewing): I call the cabinet secretary—no, I am sorry. I call the minister, Maree Todd. You got a promotion there, minister.

The Minister for Public Health, Women's Health and Sport (Maree Todd): Yes, a wee promotion—thank you, Presiding Officer.

We welcome the health, wealth and happiness research for 2020-21. We have a range of research activity to understand the complex impact of the pandemic on society that aligns with its findings. For example, we know that the pandemic has had a negative impact on many people's mental health and wellbeing, and we are committed to providing clear, comprehensive and accessible support.

Our Clear Your Head website contains a variety of resources and tips to help people to take care of their mental health and wellbeing, including around the benefits of physical activity and healthy diet. For those who need more support, we expanded the NHS 24 mental health hub, so that it is now available 24 hours a day, seven days a week.

Michelle Thomson: As the minister knows, volunteer groups, charities and organisations such as Falkirk and District Association for Mental Health—FDAMH—provide vital independent support within our communities, and their work often complements and supports that of our national health service mental health services. The recent LifeSearch report shows that 44 per cent of all Scottish adults are less happy now than before the start of the pandemic, with Covid-related fears, including around financial health and further lockdowns, dominating the list of future worries.

I have a simple question: will the minister outline what support the Scottish Government will make available to organisations such as FDAMH to help them rise to the challenge of further supporting our communities while we face the uncertainties of transitioning back into as normal a life as possible?

Maree Todd: Over the past year, there has been a range of work to support community organisations with additional pressures as a result of Covid-19, including through the community and third sector recovery programme, and the communities recovery fund. In February, we announced an additional £120 million for a recovery and renewal fund to ensure delivery of the commitments set out in our mental health

transition and recovery plan. As part of that, we plan to invest in community support services with a focus on prevention and community wellbeing, and on promoting the capacity and role of third sector organisations to deliver that.

Long Covid

4. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the Scottish Government whether it will provide an update on its treatment plans for people with long Covid. (S6O-00020)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): It is crucial that our decisions are based on the latest available evidence and, of course, clinical guidance. Our approach is for people to have access to the support that they need for assessments, diagnosis, care and—importantly—rehabilitation in a setting that is as close to their home as possible.

National health service boards right across Scotland are co-ordinating and providing local pathways to ensure a multidisciplinary and person-centred approach in their local area. Additionally, we invested more than £460,000 in Chest, Heart and Stroke Scotland to enable it to deliver long Covid support services, which complement the support that is being provided by NHS Scotland.

Fulton MacGregor: I welcome that answer from the cabinet secretary and the work that has been done.

I have a constituent who is continuing to struggle with long Covid. He has raised with me the idea of a Scottish national register for long Covid patients. Is that something that the Government will consider? He has also several times raised the idea of Covid clinics, such as those that are in England. Is the Government still looking into those?

Humza Yousaf: Yes, I have been considering the issue of the register, and we have never ruled out the idea of Covid clinics. If Fulton MacGregor was listening and watching First Minister's questions, he would have heard the First Minister address that very point.

I can understand why members might ask for the establishment of long Covid clinics in Scotland. It is important that we understand as much about long Covid as possible before we do that. It is also clear that one size does not necessarily fit all, so just because an approach has been implemented in one part of the United Kingdom does not mean that we can transplant it to Scotland.

We have invested in a multi-agency, multidisciplinary approach that uses both primary and secondary care, and we are ensuring that the support—the rehabilitation and care—that an

individual needs is as close to their home setting as possible. I will continue conversations that we are holding across political parties and—importantly—with clinicians to see how we can tackle the condition, which we are obviously still learning more about.

Sandesh Gulhane (Glasgow) (Con): I heard the response to the question about long Covid at FMQs and the cabinet secretary's response now. I have to say that I am disappointed. General practitioners are under tremendous strain and pressure, and we simply cannot cope with long Covid in our 10-minute appointment slots. I have spoken in the press and in the chamber about its devastating effects on my patients. The research that the First Minister spoke of will take two to three years to come back, and that is too long for my patients. Will the cabinet secretary meet me to engage on giving new money for new long Covid clinics, using models that already exist and which we have adapted to suit all of Scotland, not just the central belt, in order to give those patients hope? I declare an interest in that I am a practising doctor.

Humza Yousaf: I am happy to meet Dr Gulhane, and I give a commitment to do so.

I take some exception to one or two of Dr Gulhane's characterisations. I do not accept that it is simply GPs who are picking up the burden, although they are undoubtedly carrying a portion of it. The point of our multidisciplinary support approach is that we provide holistic support, and that is provided by a range of national health service services, such as wider primary care teams, occupational therapists, physiotherapists, speech and language therapists, and others. We have published the implementation support note, which gives details of the pathway through primary care and into secondary care, too.

I have been looking at some of the detail around long Covid clinics in England, and of course I am happy to take that up with the member, but I notice that the evaluation that was published on 13 May by the peer support and advocacy group Long Covid Support found that, of respondents who had sought a referral to a long Covid clinic, less than 30 per cent were satisfied with the experience. Indeed, some of those who were waiting for a referral had been waiting for as long as 127 days. It is not the case that simply because something has been implemented in England means that we can transplant it to Scotland.

If Dr Gulhane has ideas—and given his question, he clearly does—about how we might be able to adapt some of the good practice in any part of the UK, I am more than willing to meet him to listen and engage in that respect.

Jackie Baillie (Dumbarton) (Lab): The cabinet secretary will know that I asked the First Minister about long Covid clinics earlier today. Her response was pretty identical to a response that I received eight months ago, and the cabinet secretary's response now does not reflect the experience of people on the ground. I entirely accept that we need holistic support but, at the moment, there is little to no support at all for constituents in my area. People are suffering from long Covid and they need help now, not at some point in the future. Can the cabinet secretary tell me what he can do to speed up the establishment of specialist clinics?

Humza Yousaf: I disagree with some of the characterisations in Ms Baillie's question. To suggest that those people do not have any support whatsoever does a disservice to the support that is being provided by GPs, other primary care givers and secondary care givers. It is not the case that individuals with long Covid—*[Interruption.]* If Ms Baillie would listen, as opposed to shouting to me from a sedentary position, I might be able to engage better on the issue. It is not the case that those patients are not getting any support whatsoever.

With regard to specialist clinics, I have just read some of the lived experience and feedback from people with long Covid in England, over 70 per cent of whom were not satisfied with the support that they had been receiving—or not receiving—from long Covid clinics in England and Wales.

I will, of course, engage with Ms Baillie; I have previously engaged with her on occasion, and I will continually do so throughout the period. However, although I am happy to have a conversation with her about what more support we can provide, I am afraid to say that it is not as simple as transplanting a model from England up here in Scotland. We need to take into account our country's unique geography as well as the unique healthcare set-up of our national health service in Scotland. Nevertheless, I am convinced that we can and should engage on this matter to see what more support we can provide for those suffering from long Covid.

Unpaid Carers (Support)

5. **Jenni Minto (Argyll and Bute) (SNP):** To ask the Scottish Government what action it is taking to support unpaid carers. (S6O-00021)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): First, I welcome Jenni Minto to the Parliament, and I should also apologise to Carol Mochan for not welcoming her earlier.

We fund co-ordination of carers week in Scotland to highlight carers' immense contribution

to our society and the extra pressures that many have faced during the pandemic. Moreover, during the pandemic, we have invested an additional £1.9 million in extra carer support via carer organisations.

We are committed to ensuring that carers' rights under the Carers (Scotland) Act 2016 deliver real change for carers, including through the extra £28.5 million for local carer support in this year's budget. We will also engage with carers as we deliver on our commitment to establish a national care service that provides better support for unpaid carers.

We have invested around £358 million in the carers allowance and carers allowance supplement in 2020-21, and more than £860,000 in the young carer grant between 21 October 2019 and 31 January 2021. Young carers can also benefit from the Young Scot young carers package, which provides non-cash benefits to those aged 11 to 18.

We will shortly introduce legislation to make a further coronavirus carers allowance supplement payment in December. The payment is in addition to the increased payment to carers who qualified for carers allowance on 13 April 2020, and it means that eligible carers north of the border will continue to receive more than those south of the border. Our discussion paper, which was published in March, sets out our draft aims for Scottish carers assistance, and we are developing options to ensure that our replacement for the carers allowance delivers for unpaid carers in Scotland.

There is a lot going on, Presiding Officer.

The Deputy Presiding Officer (Annabelle Ewing): Thank you, minister. Perhaps in your next answer you can summarise some of the activity that is taking place.

Jenni Minto: I thank the minister for his very detailed answer.

In Argyll and Bute, third sector organisations such as the Dochas Fund provide fantastic support to unpaid carers. Although such organisations were delighted with the 2016 act, the investment in them does not cover their costs. Can the minister—I was about to promote him by calling him “cabinet secretary”, like you did with Maree Todd earlier, Presiding Officer—outline the support that is available for organisations that support unpaid carers? Will the Scottish Government consider those organisations' views during the consultation process for the national care service?

Kevin Stewart: I absolutely agree with Ms Minto that local carers support organisations such as the Dochas carers centre do a fantastic job for

carers, and they have responded amazingly to very difficult circumstances during the pandemic. Such services are commissioned by local authorities and integration authorities to provide advice and support to carers under the 2016 act, and the additional £28.5 million for local carers support in this year's budget brings the total uplift from the 2016 act and the local government settlement since the legislation took effect in 2018 to £68 million per year. We also fund the national carer organisations to help carers centres share approaches and learn from each other.

In designing the national care service, we will work with carers, the people who need support and the organisations that commission and provide care to ensure that the new service delivers the improvements that we want in people's lives.

Paul O’Kane (West Scotland) (Lab): I draw members' attention to my entry in the register of member's interests, as a former employee of Enable Scotland.

Throughout lockdown, unpaid carers have been struggling because of the lack of respite as a result of other support being withdrawn. Indeed, Enable Scotland has heard from carers who managed to get respite only by being hospitalised themselves. Quite frankly, that is shocking. Beyond the warm words about respite during carers week, can the minister advise what else is being done to provide additional respite hours for carers? Does he agree that we need a new comprehensive support strategy as outlined in Scottish Labour's carers manifesto, including a right to respite?

Kevin Stewart: In areas in Covid protection levels 0 to 3, day centres and residential respite services can operate in line with the relevant guidance. I know that that is not happening as quickly in some areas as it is in others. In the past week, I have written to local authorities and health and social care partnerships to try to get things moving. I assure Mr O’Kane that I will continue to do my level best to ensure that there is day respite for carers.

We are also working with carers organisations and others on our forthcoming £1.4 million holiday voucher scheme, which will benefit carers, people with disabilities and families on low incomes. I am more than happy to discuss the issue further with Mr O’Kane because, like him and many other members, I know that we need to get back to some normality and allow folk to get the breaks that many so desperately need.

The Deputy Presiding Officer: Question 6 was not lodged.

Question 7 is from Christine Grahame. *[Interruption.]* Ms Grahame, could you try another

console? The clerks are suggesting that you could try the console at the seat across the aisle from where you are sitting.

Covid-19 (Vaccination and Appointments System)

7. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Oh—it has started working. My apologies, Presiding Officer, and thank you for your patience.

To ask the Scottish Government whether it will review the efficacy of both the national health service Covid-19 vaccination helpline and the missed appointments system. (S6O-00023)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Yes, we will do that. I take the opportunity to thank everyone involved in the vaccination programme, including those who are at the end of the telephone helpline. The helpline averages 17,000 calls a day and does an excellent job. We will keep the helpline, and the missed appointments system, under review.

Christine Grahame: The next group to be vaccinated is the cohort of 18 to 29-year-olds. I understand that they must be aged 18 by or on 17 May. How will those who attain the age of 18 after that date be contacted for vaccination, especially as many of them will be returning to college and university?

Humza Yousaf: That is an important question. Those 18 to 29-year-olds who are eligible to register on the online portal have until tomorrow to do so and I urge as many of them as possible to do that. That will allow them to receive appointment details by text or by email. A number of those appointments have already been sent out.

People in that cohort will get a letter if they do not register on the portal. Nobody in the cohort will be missed out. Anyone who wants to change the health board area from which they will get an appointment can do so by calling the helpline.

Minimum Unit Pricing

8. Jackson Carlaw (Eastwood) (Con): To ask the Scottish Government what its response is to the research led by Newcastle University and published in *The Lancet* into outcomes arising from minimum unit pricing. (S6O-00024)

The Minister for Public Health, Women's Health and Sport (Maree Todd): I welcome the findings of the research led by Newcastle University, which conclude that minimum unit pricing is an effective policy option to reduce off-trade purchases of alcohol. That is consistent with the findings of the comprehensive evaluation that is being led by Public Health Scotland.

We have always believed that the policy would reduce alcohol sales, and we have early encouraging signs that that is now feeding through to reduced harms. Alcohol-specific deaths for 2019 were 10 per cent less than in the previous year—a notable reduction that has happened on only a handful of occasions since 1979.

I understand that the member has been keen to see positive results from the introduction of minimum unit pricing and I trust that he welcomes the study's findings.

Jackson Carlaw: I can confirm to the minister that they are welcome. Obviously, they vindicate the decision of those of us who supported the policy from its inception. However, there is one caveat in the research that is a cause for concern, which has been reported in *The Scotsman* and elsewhere. The exception to the reduction of sales is that those in high-purchasing, low-income homes do not seem to have changed their habits. Professor Eileen Kaner from Newcastle University, who is one of the study's authors and is also a director of applied research collaboration, said:

"it is a concern ... that ... households did not adjust their buying habits, and spending simply increased as a result of the MUP policy."

It was always a concern that low-income households would simply increase their spend on alcohol from fixed incomes at the expense of other things and that there would be considerable consequential long-term harms. What is the Scottish Government's response to that? Can anything more be done? Does the Government intend to review the level of minimum unit pricing in the near future?

Maree Todd: Minimum unit pricing targets those who drink most and it impacts all income groups. Those who drink most will spend most on alcohol. The study shows that minimum unit pricing was well targeted at those who purchased most alcohol.

It is absolutely correct to say that low-income households that purchased high amounts of alcohol did not seem to reduce the amount of alcohol that they purchased and their expenditure on alcohol increased. However, it was not the same for the next lowest income group. Low-income households that purchased only small amounts of alcohol did not increase their expenditure when minimum unit pricing was introduced.

There will be a thorough evaluation of minimum unit pricing as we look to make a decision. As members know, there is a sunset clause in the legislation. We will continue with the legislation only if the Parliament votes for it. I confirm that we will be looking at the level of pricing for each unit between now and when that vote occurs.

Justice System

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform.

14:28

The Cabinet Secretary for Justice (Keith Brown): I am grateful for the opportunity to consider some of the most important challenges that our justice system faces. I want to use the time to build on my recent productive discussions with other parties' justice spokespeople on how we can deliver on the Government's ambition to achieve a faster, fairer and more effective justice system for the people of Scotland.

The Covid pandemic and essential public health measures have posed severe challenges to the operation of our justice system. That has been the case for jurisdictions internationally. We are under no illusions about the major impact of the pandemic, and I am sure that members across the chamber will be keen to highlight that existing pressures were building across the justice system pre-Covid. It is therefore appropriate to reflect on the actions that have been taken and on the progress that has been made across the sector during the period.

The Scottish Government responded swiftly to the immediate challenges of Covid-19, and the Parliament passed two emergency coronavirus acts—the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No 2) Act 2020—which continue to provide vital powers and measures to help protect the public, maintain essential public services and support the economy during the current outbreak of the coronavirus.

Remote jury centres are an example of such measures, and I was fortunate enough to visit a centre yesterday. The use of cinema complexes as a base for jury centres has enabled the jury trials that deal with the most serious cases to continue after they first restarted in July last year.

The Scottish Courts and Tribunal Service's quarterly statistical bulletin, which was published last week, shows that, despite the challenges at the High Court in recent months, evidence-led trials have been running at an even higher level than was the case pre-Covid, which is a huge achievement.

The resumption of court business was possible only because of the collaborative efforts of our justice partners, third sector organisations and the judiciary and defence community to innovate and embrace new ideas. In the chamber today, we should praise all those who were involved in

ensuring the continuation of justice during this most challenging period.

As is the position in England and Wales, the justice system in Scotland faces challenges and significant backlogs of cases that existing capacity or resources cannot address. We have therefore committed an additional £50 million in this year's budget to further support recovery across the justice system. That includes a capacity increase in both the High Court and the sheriff court.

In our civil justice system, in which backlogs remain, great progress has been made to manage recovery through the use of virtual proceedings, the electronic transfer of documents and innovative digital solutions. Although restrictions greatly hampered their delivery of face-to-face services, our community justice delivery partners have continued to support a wide range of community justice services throughout the pandemic, with a focus on prioritising vulnerable people and those who present an imminent and serious risk of harm.

One of our key priorities throughout the pandemic was to ensure that victims continued to be supported, to feel reassured and to have confidence in the justice system. We were particularly aware of the risks for women and children who were experiencing gender-based violence, so we provided an additional £5.75 million to front-line services so that they could respond to an increase in demand from victims of abuse. We also increased Victim Support Scotland's victims fund to help meet the immediate financial needs of the most vulnerable victims during the pandemic.

Our prisons are a unique setting, and additional measures have been required to keep those who live and work in prison safe. We took important action to ensure that those in prison could maintain family contact through virtual visits and the use of mobile phones or in-cell phones across the estate. To the credit of prison and national health service staff, the virus has been well controlled in our prisons, although of course we must remain vigilant.

A challenge remains in relation to remand cases—the people who are in prison but who have yet to have their trial or who are awaiting their sentence. The number of people on remand has gone up during the pandemic at a time when overall prisoner numbers have reduced. Although decisions on bail and remand are a matter for the independent judiciary, the Scottish Government has taken steps to ensure that community-based alternatives to remand are available. At the end of last year, the Scottish Government introduced regulations to allow the electronic monitoring of people on bail. A number of justice partners have been working to prepare for that change and,

subject to all partners completing that work successfully, the process can be fully commenced after the summer.

Jamie Greene (West Scotland) (Con): Could the proposed new coronavirus legislation that the Government wants to introduce, and the powers that would then exist, lead to people on remand staying on remand for up to a year?

Keith Brown: To be honest, I am not sure about the connection that the member makes between the powers in the coronavirus legislation and the extension of remand, but I am happy to look at the matter further. The changes that happened during the pandemic led to an increased number of prisoners on remand—that is self-evident from the backlog in the courts. Through some of the measures that have been introduced, the new powers and the coronavirus restrictions have helped to reduce that backlog. If I am missing Jamie Greene's point makes, I am happy to come back to it.

As we emerge from the crisis, maintaining a legal aid sector will be crucial to recovery. We hugely appreciate and value the legal profession and the role that it has played during the pandemic. That is why we committed to bringing forward a package of measures, worth up to £20 million, to help support the legal aid sector, as well as delivering the first stage of a 10 per cent increase in fees in March.

Pauline McNeill (Glasgow) (Lab): We have discussed the issue before, but when we carried out the reform that extended sheriff court sentencing powers to five years, it was always intended that, in complex cases, people would get legal aid for counsel. Does the cabinet secretary think that it is time to look at that issue? It seems to be virtually impossible to get such legal aid now.

Keith Brown: We have discussed the issue previously, and Pauline McNeill will know that officials were on that call. Although I am happy to come back to her with a fuller response in due course, I will lay out some of the measures that we have taken in response to the immediate pressures of the pandemic, which may give her some comfort.

We have established a resilience fund worth up to £9 million, and have recently provided another £1 million to support legal traineeships. I acknowledge the concerns that some in the legal profession have raised with regard to the resilience fund. We remain absolutely committed to engaging with the profession and are exploring, as a matter of urgency, options for the effective distribution of unallocated funds. Part of the issue was about having the facts and the data to support a more rapid disbursement of those funds, and we are trying to work through that with partners.

We are clear that our ambition to recover the operation of the justice system also presents an opportunity to reinvigorate system-level improvements and take forward our manifesto commitments to deliver a faster, fairer and more effective justice system for Scotland.

Our manifesto commitments aim to ensure that victims' rights are at the heart of Scotland's criminal justice system; to secure provision of support for children and young people; and to develop restorative justice services, key to which will be the appointment of a victims commissioner to provide an independent voice for victims. The investment of £250,000 over three years to fund a trauma specialist at NHS Education for Scotland will help to drive forward development of a trauma-informed and trauma-responsive workforce in justice services.

We will also introduce changes to ensure lifelong anonymity for complainers in sexual crimes, thereby further increasing the confidence of victims to report crimes of such a serious nature. We will engage with key stakeholders, including victims organisations, to give serious consideration to the full set of recommendations from Lady Dorrian's review to deliver a justice system in which survivors of sexual crimes can have confidence. It is worth pointing out that many of those provisions and recommendations interlock with one another, so it is best if they are considered at the same time.

We have an unashamedly bold aspiration to create our own bairn's hoose in Scotland. We believe that every child victim or witness has the right to consistent and holistic support that enables them to tell their stories, access specialist services and recover from their experiences.

We have committed to consult on the removal of the not proven verdict. It is plain to me that there are differing views among the parties in the chamber, and it is right that we have a proper consultation and discussion. In common with my previous comments, the not proven verdict and what we eventually do with it will be dependent on, and have implications for, other parts of the justice system. For that reason, consideration of the matter is best taken forward in the same way. We recognise that a strong case has been made for the abolition of the verdict, but there are complex issues. Although many in the chamber today support the move, it is right that we consider those issues carefully.

Throughout the next period of renewal for our justice system, we will continue to commit to engage with the legal profession and victim support organisations on the reform of the legal aid system. That will be taken forward by my colleague, the Minister for Community Safety, who will be taking a similarly collaborative approach to

expanding the availability of mediation and arbitration and to the regulation of legal services.

At the direction of the outgoing Lord Advocate, the Crown Office has significantly reformed the arrangements for the investigation of deaths, and it has applied significant additional resources to that work. Those reforms have resulted in reductions in the duration of death investigations, and it is expected that they will continue to do so. In my view, their full benefit needs to be allowed to work its way through the system. The current Lord Advocate has welcomed engagement with justice spokespeople on the issue, and I look forward to future engagement with his successor. I am sure that whoever is appointed will engage with members across the chamber.

Ensuring that people and communities across Scotland are safe and resilient is vital and will play a key role in supporting our recovery and renewal from the pandemic. Throughout the pandemic, we have continued to invest money recovered from convicted individuals to support people, families and communities.

Liam Kerr (North East Scotland) (Con): Will the cabinet secretary be addressing policing at any point? I ask because there was a good question at First Minister's question time today about body-worn cameras. I did not hear a clear answer then, so will he confirm that funding will be provided for the roll-out of body-worn cameras?

Keith Brown: I heard and understood the First Minister's response earlier. We are willing to investigate the matter. I am sure that Liam Kerr is aware that there are a number of issues around body-worn cameras. The police are aware of those issues and we need to look at them. There will be body-worn cameras for the armed Police Scotland officers who are attending the 26th UN climate change conference of the parties—COP26—and we are looking at a further roll-out in due course.

Throughout the period of renewal that I have talked about for our justice system, we will continue to engage with partners. As I have said, the Crown Office has, at the direction of the outgoing Lord Advocate, significantly reformed arrangements for the investigation of deaths, to which it has applied significant additional resources from the Scottish Government.

We will ensure that people and communities across Scotland are safe. As we do that, we will continue to invest the money that is recovered from individuals. Phase 5 of the cashback for communities programme, which will run until 2023, is providing £19 million to support diversionary activity and life-changing interventions to those who are most at risk of being involved in antisocial

behaviour, offending and entering the justice system.

The final two areas that I will highlight are community justice and prisons. It is helpful to consider the context that is set out in the 2019 report "Hard Edges Scotland", which showed that people in the criminal justice system commonly experience severe and multiple disadvantage, including homelessness, substance misuse, offending, mental ill health and domestic violence or abuse.

The latest statistics on prisons show that individuals from the 10 per cent most deprived areas are overrepresented among prison arrivals by a factor of 3. That has been a consistent picture across the past decade. In addition, the proportion of individuals arriving in prison who report having no fixed abode has increased across a decade of austerity from 4.4 per cent to 7.5 per cent.

Those are societal issues that need to be addressed beyond the justice system. By helping individuals earlier, we can avoid damaging impacts being visited on future generations. Our aim is that prisons should be reserved for individuals who pose a serious risk of harm, and that periods of imprisonment—in particular, periods of remand and short custodial sentences—should be imposed only when there are no alternatives.

For those who end up in custody, our commitment is to continue to invest in the modernisation of the prison estate, to ensure that it is fit for purpose. That includes completing the construction of the new, transformative female estate and progressing with replacements for HMP Barlinnie and HMP Inverness. It is worth noting that the annual average cost per prisoner place for 2019-20 was more than £38,000.

Short custodial sentences do little to reduce the likelihood of reoffending, which is why in 2019 we extended the presumption against short sentences to sentences of 12 months or less. Such sentences disrupt families and communities, they impact on life chances and they adversely affect employment opportunities and stable housing—the very things that support diversion from offending, as evidence shows.

The Government's sustained and long-term programmes to promote community safety, crime prevention and the rehabilitation of individuals have meant less crime and fewer victims than a decade ago, and it is worth pointing out that the police service, which Liam Kerr mentioned, has done a fantastic job in helping to reduce crime over the past 15 years.

In developing a new national community justice strategy and in exploring legislative options to divert people from prison, we aim to make our

society safer for everyone—reducing reoffending, reducing recorded crime and, ultimately, reducing the number of victims.

As an example of the preventative and cross-cutting work that will be undertaken over the session, the Minister for Community Safety will take a thematic, clear and strategic approach to the interaction of women with the justice system.

Thankfully, we have one of the most diverse Parliaments ever elected. I am very proud that my party has more female than male MSPs. We also have a more generally diverse and potentially more progressive Parliament than before. There is a real opportunity to harness that diversity in working collectively across portfolios and, I hope, across parties to address systemic issues and bring forward progressive policies that will help to steer us through the recovery and meet the challenges of the future.

I move,

That the Parliament commends the commitment, dedication and innovation of justice partners, staff and key stakeholders in ensuring that the justice system can recover, renew and transform as Scotland emerges from the COVID-19 pandemic, while looking towards reform that delivers a faster, fairer and more effective system; acknowledges key challenges and the ongoing need for measures to both continue to protect public health and to support the recovery of the justice system as it emerges from this most challenging period; recognises the investment of additional resources in helping to address the impact and encourages continued collaboration to ensure that the interests of victims and those who rely on the justice system remain at the heart of necessary reforms; recognises the inventive solutions that have been adopted, including the use of cinemas as remote jury centres, moving civil business online and enabling prisoners to maintain family contact through virtual visits, but, as in other jurisdictions worldwide, recognises the impact of the pandemic on the delivery of justice in Scotland on victims, witnesses and those accused of criminal offences, including those on remand, indicating the need for a clear focus on addressing the backlogs in court business and ensuring cases are progressed within a reasonable time period, all in order to deliver a modern justice system fit for future challenges.

14:44

Jamie Greene (West Scotland) (Con): I am very pleased to open for the Scottish Conservatives in my first justice debate. I took on the education brief just a month before the pandemic hit, and we saw 15 months of unprecedented upheaval in the system. I now take on the justice portfolio 15 months into the same pandemic which, equally, has shifted the floor from beneath the feet of our justice system.

I pay tribute to my predecessor, Liam Kerr, and I wish the new cabinet secretary well—the justice portfolio truly is a tough gig. Those in the chamber who I have worked with in the past will know that, where there is common ground, I will seek to find

it, and where there is not, I will debate respectfully and make my case. However, after reading today's motion and amendments, I am confident that there will be common ground to find on many issues, although perhaps not all.

I do not expect agreement at decision time today, but I want to kick off the debate constructively. I accept that the events of the past year have created unexpected conundrums for us all. We are not alone in seeing the emergence of criminal court backlogs, but Covid only exacerbated an existing problem in Scotland. Nearly 50 per cent of the current trial backlog existed pre-pandemic. We are not alone in having a correlation between the emergency laws that we passed and additional workload for our front-line police, nor are we alone in being forced to innovate to find new ways of allowing justice to proceed. While we were tucked up in our houses, our front-line police, ambulance, fire and prison staff continued their work, nose to nose with danger. We all owe them a huge debt of gratitude.

It is interesting that no one has sought to remove any words from the Government motion for debate, but plenty would be added if amendments are agreed to. Let me make two observations on that. First, the motion focuses narrowly on the effects of the pandemic, with no acceptance of some of the pre-existing problems that we faced. Secondly, it refers to plans to reform Scottish justice and a promise to make it fit for purpose in a modern world, but it does not explain how.

The Scottish Conservatives have proudly stood on a platform for clear reform of the justice system that resets the balance of focus on victims and their views and rights, and we make no apology for that. The Government motion states that the interests of victims should remain at the heart of necessary reforms. I agree with that, but those cannot just be words; we must follow through on that commitment.

Our amendment is a starting point. We will introduce a victims bill, which will contain specific actions that the Government could take right now to shift the balance. The first of the two has been discussed in this place already: Michelle's law and Suzanne's law. It is important that we refresh our memories on those. Michelle Stewart was murdered by John Wilson, who had been approved for a temporary release and allowed back into the community after serving just nine years in prison. Michelle's family was informed of his release by letter and had no say whatsoever in the matter. Her sister talked at the time about

“the prospect of seeing my sister's killer on the street, on the bus or in the shops”

and said:

“It is unbelievably painful.”

They asked us why that was allowed to happen, but we did not have an answer for them then and I do not think that we have an answer for them today. Michelle’s law will put that injustice right.

Suzanne Pilley was killed by her partner in 2010 and he refused to say where her body lies. Margaret Fleming, Lynda Spence, Arlene Fraser—the list goes on and on. Suzanne’s law would ensure that those who refuse to reveal the location of the bodies of their victims will not be eligible for parole until they do so. Sadly, it is too often the case that the legislative reform that is needed is named after individual victims—women who have often suffered at the hands of evil.

That point was validly raised by Labour’s amendment, which seeks to find a solution to the trauma of how we process domestic abuse and sexual violence cases in our courts. However, I cannot support Labour’s amendment, because we should do that issue justice by holding a proper debate into the findings of Lady Dorrian’s recommendations, of which there are many. I would like to know the implications of those recommendations and we should do that as a Parliament positively and constructively.

These are all very sombre issues to grapple with, but it would send an immediate and powerful nod to victims in Scotland that we as a Parliament are on their side if we make speedy progress on them.

Keith Brown: I am more than willing to engage in that discussion. The member will have heard what I said about a victims commissioner and additional trauma support for victims. Would he acknowledge that the changes that we have very recently made, which came into effect on 21 March, in relation to cases involving what he has termed Michelle’s law and Suzanne’s law, take that substantially further down the road? If the member introduces a bill, will he take into account those changes, which I would think are welcome to the Conservatives?

Jamie Greene: They are welcome changes, but they do not go far enough or fast enough. We go back to November 2019 when justice secretary at the time, Humza Yousaf, stated that the Government would make speedy progress on the issue. The families of those victims—and there are many victims—are sitting there watching the Parliament drag its feet on these issues. That is why we will introduce that bill in the first 100 days of the Parliament, and rightly so.

We also call for proper budgetary support for victims and for support services for victims. It is important to recognise that the third sector plays a crucial role in supporting victims and being the first port of call for them. Equally, the third sector can

play a vital role in the preventative agenda, and that issue merits sensible discussion across the chamber. The Green Party amendment alludes to that issue, and I do not disagree.

Four out of 10 prisoners in Scotland report having taken drugs in prison—not before or outside prison but in it—and nearly half of prisoners were under the influence of drugs at the time of their arrest. Scotland has the worst drug problem in Europe. Those two statistics do not exist in isolation. Sadly, it is often prison staff who bear the brunt of the situation.

Our amendment also calls for the doubling of sentences for crimes against emergency services workers, which is a call that has largely fallen on deaf ears in recent years. Our view on the issue is clear: it is only right that those who go out of their way to harm our front-line personnel are punished accordingly. Why? It is because, last year, there were on average 20 attacks a day on Scottish police officers and staff. According to the Scottish Police Federation, 50 per cent of our police officers are facing burnout. To anyone in the chamber who has any doubt about the gravity of the issue, the Scottish police memorial, which sits in the grounds of the Scottish Police College, should serve as a stark and visible reminder of the sacrifice that police officers have made. *[Interruption.]* I am sorry, but I will not give way, as I have a lot to cover.

I want to reaffirm our position on the presumption against short sentences. I listened carefully to what the cabinet secretary said on that. I presume that the rationale behind the presumption is that the Government wants more offenders to receive alternatives to prison. That is fine, but what has happened to those alternatives? We know that the slate was wiped clean on 300,000 hours of community service sentences. Alternatives to prison must be meaningful, and they must command the confidence of the public, who have the right to understand that justice has truly been served.

The final call in our amendment is on the anomaly of Scotland’s not proven verdict, which has been alluded to. I admit that there are mixed views on the issue in the chamber and in the legal profession, but that cannot and should not be a barrier to ending what has long been a curious and often misunderstood and controversial verdict in Scots law.

It is abundantly clear that there are structural issues that must be dealt with in Scotland. How can our legal institutional frameworks be improved to truly better serve victims and their families? *[Interruption.]* I am sorry, but I am in my closing minute. That point is raised by the Liberal Democrats in relation to fatal accident inquiries. The Liberal Democrats make a valid point and we

on the Conservative benches will support it at decision time.

That ties in with the call for much-needed reform of the role of the Lord Advocate. The First Minister has acknowledged and conceded the need for reform, following the saga of the Alex Salmond trial and the shambolic and wrongful prosecution of two men in relation to the sale of Rangers Football Club, which cost taxpayers £20 million, and rising. That points towards embedded flaws that remain unaddressed but which must be addressed if we are to stand a chance of achieving full public confidence.

None of the above is exhaustive. There is a crisis of recruitment and retention in our legal aid sector. For example, one defence lawyer has said:

“we are staring into an abyss ... Trouble for the sector now is trouble for the entire legal system in the future.”

He is right. The whole system is creaking at the seams.

The topic of judicial reform should not be controversial. If Parliament collectively agrees to reset the balance of our justice system back towards the interests of victims, we must and should find common ground to do so. Equally, where clear blue water exists between the parties' approaches, we on the Conservative benches are proud to be the voice of those in society whose rights have often been lost in the debate. If the Government is serious about a shift towards standing up for victims, it must show that through action. If the victims law does not materialise in Government time, we will put it on the radar in our time, and others will put barriers in its way at their peril. We owe that to victims. It is time to act.

I move amendment S6M-00294.1, to insert at end:

“; calls for victims to be put at the heart of Scotland's justice system through the introduction of a Victims Law that will deliver restorative justice and implement measures to protect the rights of victims, including the introduction of Suzanne's Law and Michelle's Law; further calls for victims services to be properly funded; calls for sentences to be doubled for attacks on Scotland's emergency workers; further calls for an end to the presumption against short prison sentences and the introduction of whole life sentences for the worst offenders, and calls for the not proven verdict in Scots Law to be abolished.”

14:54

Pauline McNeill (Glasgow) (Lab): I thank the Cabinet Secretary for Justice and Veterans, and the Minister for Community Safety, Ash Denham, for meeting me yesterday. I hope that we can continue to work in that fashion. As is Jamie Greene for the Conservatives, I am delighted to lead for Scottish Labour on the justice brief in the new session. I am also delighted to be joined by Katy Clark, who will bring her knowledge and

passion to the brief, and I look forward to hearing her first speech later today.

As I was saying to the cabinet secretary only last week, it has been a long while since I have had any involvement in justice issues. I served as convener of the Justice Committee what seems like a century ago and presided over the internationally renowned fingerprint evidence inquiry. I have a lot of catching up to do, so please bear that in mind.

I want to take an approach similar to that which Jamie Greene outlined, and that is to find common ground with the Scottish Government and the other parties to work to make a difference to the everyday experiences of victims in our system, to apply human rights and fairness in sentencing and in our prisons, and to recognise the work of Police Scotland but to ensure accountability for the decisions that the police make—not just in the tragic case of Sheku Bayoh, who died in custody. We desperately need answers on that case but, in all cases, we need accountability.

I do not understand why the previous cabinet secretary did not stand up for police officers on the front line in relation to early vaccination. We know that 40 officers caught the virus after policing public disorder in Glasgow only a few weeks ago.

Scottish Labour recognises the importance of a progressive justice system, with alternatives to custody and investment in community service and other alternatives. There is an urgent need to tackle the backlog of cases that has left victims waiting longer for justice. We also need to ensure that our courts are not overusing remand sentencing. The practice is putting pressure on already overcrowded prisons and we need to remember that people on remand are not convicted prisoners. A recent report shows that almost half of young adult prisoners aged 16 to 20 are on remand and we need an answer as to why so many young offenders are in custody awaiting trial.

A central theme of my work in the role will be to tackle violence against women in our society and that is why I particularly welcome the contribution of Ash Denham, who will be doing very serious work on that. Like everywhere in the world, violence against women and girls is widespread in Scotland and at least one in five women in Scotland will experience domestic abuse in her lifetime. On average, four rapes are reported per day, but the crime is chronically underreported. We have said many times in the Parliament that those figures mask the true extent of sexual violence.

I am also pleased to work with Rhoda Grant, who has done work on violence against women and who will close the debate for Labour.

If members need to be convinced of the importance of that work—after the high-profile cases of Sarah Everard, Libby Squire, Bibaa Henry, Nicole Smallman, the elderly lady Esther Brown, who was raped and killed in her flat in Woodlands in Glasgow last Tuesday, and many other women—they should listen to the eight-part podcast by Sam Poling on BBC Scotland, “Who Killed Emma?” Emma Caldwell was murdered 16 years ago and her body was found in woods near Robertson in South Lanarkshire. The podcast includes the testimony of the women who knew Emma and were working in Glasgow’s red light area, as it was known at the time, and who say that they were regularly assaulted and raped by men, but that complaints were not taken seriously.

I believe that any attack on any woman is unacceptable and that every woman should be treated as a human being. No one has been brought to justice for Emma’s killing. The case was reopened in 2015 but has stalled, despite a key suspect being named in a report to the Crown Office in 2018. The biggest manhunt in the history of Strathclyde police continues to be unsolved and the killer of Emma Caldwell remains free. That leaves Emma’s family still without justice and the lives of other women still threatened. I wonder whether the cabinet secretary would make a commitment that he and the next Lord Advocate will treat that as a priority.

Keith Brown: I thank the member for her challenge, but I am sure that she knows that decisions on investigations are for the investigatory authorities. However, in her own words, she mentioned the level of resource and effort that the police have put into that case. I am sure that that will continue and I am happy to raise the case with the new Lord Advocate when that person is appointed.

Pauline McNeill: I appreciate that.

Talking about the prime suspect in the case, investigative journalist Sam Poling said that

“All the evidence I’ve seen suggests this man is incredibly sexually violent towards women and has serious questions to answer about the murder of Emma Caldwell.”

Sarah Everard’s death also painted a clear picture of flaws in our society and the handling of gender-based violence. Authorities advised women to stay home to protect themselves and not walk alone at night, which sparked outrage. Such recommendations put the onus on women to stop gender-based violence; that often happens. In this Parliament, we must be clear that we will stand up for women and demand safer streets.

Forecast data on scheduled trials in Scottish courts suggests that the number of criminal cases that were registered but still awaiting a trial date at the end of April 2021 was nearly 50,000, which is

more than double the number of cases in April 2020. The Scottish Courts and Tribunal Service has predicted that the backlog will not be cleared until 2025. I am aware that, yesterday, the Cabinet Secretary for Justice was not able to put a date on when the backlog would be cleared. I hope that we can have a detailed discussion on that.

Keith Brown: That is what the courts service and the figures say that the date will be. Yesterday, I made the point that it should be down to us all to see whether we can truncate that period and clear the backlog more quickly by taking some of the measures that I mentioned. That is the scale of the challenge that is faced by not only Scotland, but other jurisdictions; if we work together to reduce it, we will all benefit.

Pauline McNeill: I acknowledge that point—let us see what progress we can make.

Like Jamie Greene, I want to make a point about the scarcity of legal aid, which has driven many good lawyers from their profession. It impacts not only the accused, but the whole system. It is not just about good housekeeping; we need to ensure that we have good justice. Justice denied is denied not only to the accused, but to victims. I am therefore pleased that the cabinet secretary mentioned that point specifically.

On wider reform, it is time to separate out the roles of the Lord Advocate and the Solicitor General to protect the integrity of the Crown Office and Procurator Fiscal Service.

In Labour’s amendment, we highlight recommendations of the review group that is chaired by the Lord Justice Clerk, Lady Dorrian. I make it clear to members on the Conservative benches that we acknowledge but do not accept all the recommendations that were made by the group—we simply want to highlight them.

Lady Dorrian has recommended that a new specialist court be created to deal with sexual offences. We must remember that some men are victims of violence and sexual crimes. Although far fewer men than women are raped or sexually assaulted, the effects are just as devastating. Lady Dorrian said that the review

“was prompted in particular by the growth in volume and complexity of sexual offending cases.”

It is clear that we need anonymity for complainers in sexual offence cases. Many people think that that is already the case, but it is not.

We will support the Scottish Liberal Democrat amendment. There is a lot in the Conservative amendment that we support, such as the idea of a more victim-centred system. However, we believe that short-term sentences and alternatives to custody are central to our justice system. We think that the current legislative framework should make

the necessary provision for sheriffs to give heavy sentences to those who attack emergency workers.

In relation to the Green amendment, I would be grateful if Maggie Chapman would—

The Deputy Presiding Officer: Would you bring your remarks to a close, please?

Pauline McNeill: Sorry, Presiding Officer. I was told that I had nine minutes to speak.

The Deputy Presiding Officer: You are down for eight.

Pauline McNeill: I will finish on this point.

When it comes to decision time, it would be helpful for us to know what the Green amendment means by “institutional violence”, as there is a lot in the amendment that we support.

I move amendment S6M-00294.3 to insert at end:

“; recognises the role that Police Scotland has taken on during the pandemic and agrees there is a need to promote the strong connections between the force and local communities; further recognises that overcrowding in prisons and high levels of remand were chronic challenges prior to COVID-19, the causes of which have been exacerbated by the pandemic; considers that the continued prevalence of violence against women in Scotland to be abhorrent and believes it must be taken seriously by the justice system; acknowledges that the COVID-19 restrictions have increased the risk for victims of domestic violence and hindered their ability to access justice, and calls on the Scottish Government to roll out domestic abuse courts across the country and establish a specialist sexual offences court.”

15:03

Maggie Chapman (North East Scotland) (Green): I express my heartfelt thanks to all those who have been involved in supporting survivors and victims of all forms of violence throughout the pandemic.

As recorded in my entry in the register of members’ interests, I have spent my most recent pre-election life working for a rape crisis centre. I have seen the consequences of lockdown and social isolation on people trapped in violent, abusive and unhealthy environments.

We still live in a deeply patriarchal society in which the abuse of power causes life-changing—sometimes life-ending—physical and mental harm. We should not accept that as inevitable.

I have also seen the mind-blowing resilience of many survivors and the mutual support that they can give one another when adequate resources allow for safe and confidential sharing of stories in spaces where they are believed and not judged. I pay tribute to the work of all those who provide safe spaces and support survivors of gender-

based violence, often putting their own wellbeing at risk. Vicarious trauma is real. Workers who support survivors of gender-based and, I dare say, other forms of violence are subjected to the risk of vicarious trauma every day. Those workers do phenomenally important work and are incredibly resilient. However, we should not have to rely on the resilience of individuals. Gender-based violence—indeed, most violence—is not inevitable. It is a product of oppression. It is a consequence of often intersecting inequalities. It is a direct result of imbalances of power.

That brings me to what I believe our justice system should fundamentally be about. Our justice system should exist to correct imbalances of power. Equality in front of the law is fundamental to any democratic society. Our justice system should focus on doing what it can to correct the power inequalities that exist in our society as a result of gender, race, employment status, wealth and other issues that so often cause division. A justice system that seeks to redress abuses of power is vital to a fair, equal, safe, secure and well society.

However, the system that we have inherited is one that acts in the interests of the powerful in too many instances. The unjust use of power leads to people being killed in the workplace, as happened in the Stockline disaster in 2004, when nine people died and 33 were injured because a corporation did not take health and safety law seriously enough. Its penalty was a £400,000 fine—just less than £45,000 per person, or per life.

There is a woefully low rate of prosecution of men who rape and sexually assault women, and there is a lack of trauma-informed support for traumatised survivors. Abuses of power mean that black, Asian and minority ethnic people are shamefully overrepresented in prisons and are often disproportionately the victims of hate crime. Abuses of power result in prisons being used overwhelmingly to incarcerate the poor while failing to reduce offending.

Communities, such as those living in the shadow of Mossmorran, have to live with the negative consequences of environmental injustices. People in that community have had their lives ruined by continuous flaring that is visible from the other side of the Forth, by sirens and by dangerous hydrocarbon pollution. Although the Health and Safety Executive has finally submitted a prosecution to the procurator fiscal, do we really think that, had an individual caused that level of social damage, they would have been left unprosecuted for all these years?

We have shamefully high levels of suicide and self-harm in our prisons. I know that I am not the only one to have been affected by the death, just over three years ago, of Katie Allan, who was a

victim of bullying. Since Katie died, there have been more than 20 suicides in our prisons. We urgently need to transform the culture of our prisons so that they can focus on reducing offending. We have to right those wrongs.

We must take a preventative approach. Prevention produces better outcomes for individuals, families and communities. Education, youth work and social work can play key roles in crime prevention. They also help to create social capital and social solidarity and to build community, but they need to be adequately resourced. Communities should also be involved in the planning and delivery of those services.

Spending resources on early intervention and education is vital and is a crucial part of any justice and crime prevention programme. We know that early intervention can identify risk factors and explore ways in which people can develop to their fullest potential.

Supporting interventions at the points at which people come into contact with the criminal justice system is important. For instance, women in prisons are vulnerable. Many are there because of a history of abuse and substance dependency. They often need support and treatment, not incarceration.

I will send Pauline McNeill the information on institutional violence. There is a lot of such violence, particularly in women's prisons, which we need to address. The Netherlands has done interesting work in that area. It has reduced crime by taking a radical stance against prisons. In fact, it has closed more than half of its prisons. That has freed up resources that can be used to prevent crime rather than to simply deal with its effects.

I have already spoken in the chamber about care and how the care ethic should form the foundation of our economy. I have also spoken about holistic approaches that take account of underlying causes of inequalities. Both are vital to our justice system. I look forward to working with others across the chamber to deliver the transformation that our justice system needs and our country deserves.

I move amendment S6M-00294.4, to insert at end:

“; considers that the transformation of the justice system must take a human rights and equalities approach to address the disproportionate impact of punitive procedures on BAME communities and other marginalised people and the retraumatising of victims and survivors; acknowledges the urgent need to identify and increase enforcement action against corporate and environmental crime; recognises that an holistic approach to crime reduction and restorative justice that addresses the underlying causes of crime and focuses on rehabilitation, rather than punishment, reduces reoffending and delivers better outcomes for individuals

and communities and tackles unacceptable levels of institutional violence, self-harm and suicide, and calls on the Scottish Government to explore opportunities to implement such approaches, including directing more resources towards prevention and reforming policing and prisons.”

15:09

Liam McArthur (Orkney Islands) (LD): I welcome the cabinet secretary, Jamie Greene and Maggie Chapman to their new roles and Pauline McNeill back to her old stomping ground. She will find that many of the issues have not moved on a great deal since she was last on the justice brief. It feels strange to be the lone survivor on the brief from the previous session, but I look forward to working collaboratively across the Parliament on the pressing issues that affect our justice system, some of which have been identified in the speeches so far.

We are at a critical juncture. Everywhere we look, the pandemic has exposed and exacerbated existing weaknesses. In justice, the weak seams were already close to giving way: victims often said that their experience of court was worse than the experience of crime, and the court case backlog was a source of real concern more than 12 months ago. Pre-Covid, Scottish Liberal Democrat research found that more than 50,000 cases had breached the 26-week target from caution or charge to verdict—that is about one in three cases.

Against that backdrop, it is no great surprise that 2025 is perhaps the earliest we can expect the current backlog to be dealt with. New thinking and new ways of doing things are needed, including in the Crown Office. The system is not working for anyone—it is not working for victims, for witnesses, for those who offend or for the people who work in it, despite their best efforts.

We need to be honest about the problems that we face, and my amendment speaks to just one area that is crying out for reform. As we have heard this afternoon, members recognise that the current system of fatal accident inquiries is not working. In 2019, Scottish Liberal Democrats revealed the extent of the FAI backlog. We found an outstanding inquiry into two deaths that had been waiting for eight years and another, which was completed in 2014-15, that was carried out 10 years after the death. I said at the time that for anyone to have to wait a decade to learn the circumstances of a loved one's death was scandalous.

Since then, reports of decade-long delays have kept on coming. The inquiry into the deaths of four in the Super Puma helicopter crash off the coast of Sumburgh in Shetland in 2013 was completed just last year. The inquiry into the death of Stanislaw

Bania in 2010 concluded in August 2020. The inquiry into the death of Boguslaw Kopec, who died in March 2011, concluded in March 2021. Meanwhile, the inquiry into the deaths of John Yuill and Lamara Bell in 2015 in that tragic crash on the M9 is yet to begin.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am not defending extraordinary delays, but does the member accept that there sometimes has to be a health and safety inquiry or an aerospace inquiry that will prevent an FAI from proceeding? Does he accept that, if there are criminal proceedings, the FAI will be stopped in its tracks?

Liam McArthur: I certainly accept that there are mitigating circumstances in some instances, but that emphasises the importance of keeping the families of victims informed throughout the process. I do not think that even that has necessarily happened.

That speaks to a system that is broken. It is difficult to imagine the pain and frustration that loved ones must feel when such tragedy is followed by such a long silence. Scottish Liberal Democrats want a full independent review to consider whether the FAI system should be removed as a Crown Office responsibility. Assurances from the Scottish Government and Lord Advocate and promises of extra funding to fix the problems have simply failed to deliver the change that is required.

In England, Wales and Northern Ireland, a distinct service handles such inquiries; it performs an independent challenge function that keeps things moving. My amendment calls for a review to consider that and other options for kick-starting reform of the checks and balances in our justice system.

A review would also open up an opportunity to reflect on whether the Lord Advocate's role as both a prosecutor and the Government's main legal adviser is appropriate. That is not a new question, but the apparent conflict of interests between those duties came into sharper focus—and came in for sharper criticism—in the later months of the previous session of Parliament. Separate positions, with an independent director of prosecutions to run the COPFS, could bring focus to the task of recovery in justice and, with that, a healthier separation of powers. Even the impression of a conflict of interests risks undermining the integrity of such an important role. I raised that with the First Minister last month, and I would welcome more detail from the cabinet secretary on the Government's plans for a review.

I am painfully aware of the many other issues that I have not been able to touch on, not least offender management and prisons. I may turn to

them in my closing remarks. Our prisons are full to overflowing and Scotland's rate of incarceration is shameful—it is higher than those of almost every other country in Europe. No less shameful are the conditions in which many of those prisoners are being held. Cells built by the Victorians for one are being used to house two, and experts question whether that is compliant with human rights law. Moreover, a quarter of the people who are being held have not even been convicted of a crime. The remand population is completely out of control.

I am glad that the Government's motion speaks of transformation, and I welcome the amendments in the names of Pauline McNeill and Maggie Chapman. I hope that there will be a genuine willingness to take the steps that are necessary to deliver the transformation that we need to see in our justice system.

I move amendment S6M-00294.2, to insert at end:

“; considers that the system of fatal accident inquiries (FAIs) continues to fail families and prevents lessons that could save lives being learned; and believes that reform is necessary, and calls for this to be informed by an independent expert review with a remit to include considering the options for removing FAIs from the Crown Office and Procurator Fiscal Service's responsibilities altogether.”

The Presiding Officer (Alison Johnstone): We move to the open debate. Members who wish to participate might want to ensure that they have pressed their request-to-speak buttons.

15:15

Michelle Thomson (Falkirk East) (SNP): I plan to address two areas in this short speech.

First, I commend the Scottish Government's commitment to creating a register of interests for members of the judiciary, and I congratulate the legal journalist Peter Cherbi for his long-standing commitment to that principle, which stems from his petition of 2012. In preparing for the debate, I read with interest the arguments for and against the proposal, particularly those of the Rt Hon Lord Carloway. He draws heavily on the refreshed statement of judicial ethics in arguing that there is no need for change.

I take a consequentialist or end-result approach to the ethics of the matter, rather than a rule-based or deontological approach. In other words, we as public servants in this place fully accept the need for a register of our pecuniary interests not only because of the risk of our interests affecting our law making, but because of the perception that they may influence it. The end, in this case, does indeed justify the means.

We fully accept that we have a duty and an obligation to have such a register in bearing the

privilege of acting and being paid as servants of the public, so what makes judges different? Surely, as Professor Alan Paterson of the University of Strathclyde notes, transparency is part and parcel of accountability.

Lord Carloway states:

“I remain of the view that ... any monitoring of judicial conduct, including judges’ interests relative to the performance of their duties, should remain a matter for the Judiciary and not for Government or Parliament.”

Really? That can only be described as the judiciary marking their own homework.

That leads me on to the second key section of my speech, which is on the issue of the Law Society of Scotland marking its own homework, in the form of lawyers regulating lawyers. I must declare an interest in this area, as I am one of the few complainants who have successfully navigated the vagaries of the Law Society processes. Despite—I hope—not being without intellectual means, as a consumer, I found the process complex, opaque and time consuming. It is my belief that the overarching legislation that governs the process is neither fit for purpose nor of its time. Other disciplines, such as the medical and charity sectors, have long since moved away from marking their own homework and the application of “beyond all reasonable doubt” as the test. There are clearly critical issues with the processes adopted that are contrary to the principles of better regulation and, in particular, the need to be consistent, accountable and transparent.

I support the calls for reform from the Esther Roberton review. Ms Roberton said:

“I concluded that those who use legal services, and those that deliver these services, will be best served in the future by independent regulation that meets internationally recognised regulation principles”.

She was not alone. More recently, the Competition and Markets Authority noted:

“Separating regulation from representation will increase trust in this sector and result in better regulation”.

The cabinet secretary has accountability for a huge portfolio, and I respect the fact that the challenges to recover, renew and transform justice are significant. At some point—not today—I hope to ask him about the status of the public consultation that sought to seek consensus on the way forward on the future of the legal services regulatory framework for Scotland. However, I note that such consensus—or compromise—may prove to be elusive, which appears to be the view of some in the Law Society.

Recently, in an article in *Legal Practice Management*, Neil Stevenson, the chief executive of the Scottish Legal Complaints Commission, asked:

“if a compromise is found, is that a compromise in the best interests of the profession and the public, or a compromise between organisations with understandable vested interests?”.

Stevenson quotes Stephen Mayson, who undertook a review of legal regulation in England and Wales. Mayson noted that

“the regulatory framework should better reflect the legitimate needs and expectations of the more than 90% of the population for whom it is not currently designed”—

that is, consumers.

15:20

Pam Gosal (West Scotland) (Con): I first wish good luck to everybody who is delivering their maiden speech today. I know how it feels; I was very proud to stand here last week and deliver mine.

I welcome the opportunity to speak in the debate. This is my first chamber speech on the subject, which is an issue that everybody can relate to in some way.

Think about this: do we really feel safe—in our homes, at work, for kids at school and when walking down our streets? Who is responsible for keeping us safe and who is supposed to protect us when we are most vulnerable? It does not give me great joy to ask people whether they feel safe in their homes, at work, or when walking down the streets.

Justice, victims, and catching criminals: those issues should be at the heart of governing in our country. But what do we see that those things really mean for the Scottish National Party? Before the pandemic, violent crime had risen for the previous five years, with non-sexual crimes of violence having risen by 50 per cent between 2014-15 and 2019-20. I ask the cabinet secretary this: is that acceptable?

The SNP spends double the amount on criminals that it spends on victims. In 2021-22, £43.1 million was spent on offenders’ services. For those who are victims at the hands of those criminals, there was a measly £18.2 million. I ask the cabinet secretary this: is that fair?

Most areas in Scotland have fewer front-line police officers on the beat since the SNP’s police merger. I ask the cabinet secretary this: is that the SNP taking crime seriously?

Keith Brown: Can I answer the question?

Pam Gosal: I will hold on because I am hoping that the cabinet secretary will respond to the questions when he is summing up. I will get on with some of the words I have here.

The SNP has broken its 2016 promise on the flagship victims surcharge fund; it did not provide

even one fifth of the money that it pledged. I ask the cabinet secretary this: is that supporting the most vulnerable people in society?

Only half of violent criminals are going to jail. I ask the cabinet secretary this: does that send out the message that the Government is fighting criminals?

The criminal court trial backlog has more than doubled in a year and will not be cleared for years. I ask the cabinet secretary this: does that show a Government that is taking its responsibilities seriously?

We are at breaking point due to poor management and ineffectiveness from the SNP in Scotland. That is not what the Scottish people deserve from the SNP Scottish Government. We need to do better. The SNP Government is playing with people's lives and livelihoods.

The Scottish Courts and Tribunal Service says that it will take four years for the courts' backlog to reach normality. That is not good enough. How many victims will have to wait for justice to be served? How many families will have to go through emotional torment while perpetrators and criminals are able to evade justice?

After 14 years of failures from this Government, which is letting down the people of Scotland, I am surprised that it is still pushing its dividing separatist agenda. Before it blames the United Kingdom Government, let me remind Parliament that justice is a devolved power, which means that the SNP Scottish Government is responsible for ensuring people's safety in their communities.

Our communities deserve to see their police force on the streets. When was the last time members saw some police on the beat? Today, they are nowhere to be seen. Why? It is because of the SNP's centralisation.

There was once a time when victims were at the heart of our justice system and criminals were treated like criminals. Today, criminals in Scotland are treated better than the victims. Why? It is because the SNP favours that.

Our emergency workers are true heroes and have shown incredible bravery during the coronavirus pandemic. It is disturbing to see that there have been 851 assaults on emergency workers in West Scotland during the pandemic, when those workers were keeping Scotland safe.

I move on to knife crime. Knife crime is a blight on our communities and has no place in a civilised society, but where I live in East Dunbartonshire, there has been a worrying spike in knife crime and violent crime. Just two weeks ago, a gang of youths wearing balaclavas jumped out of a car and stabbed a 17-year-old, before chasing him for nearly half a mile. In addition, last week a 24-year-

old man was rushed to hospital with serious injuries after being attacked by two men with knives. I want to stand here today and give confidence to our residents, but the reality is that those crimes could happen to any one of us.

It is just not good enough. The SNP needs to step up and take the fight to the criminals, or to step aside and let the Scottish Conservatives do the job that it is failing to do. The Scottish Conservatives would keep dangerous offenders off the streets, restore local policing and champion victims' rights. That is the change that we would like to see from the Scottish Government in the next 100 days—in actions, not words.

If the SNP is serious about tackling crime, it will work together with the Scottish Conservatives to give victims the protection that they deserve with a victims law, and it will put criminals behind bars. There are no excuses.

15:26

Rona Mackay (Strathkelvin and Bearsden) (SNP): Before I start my speech, I say that Pam Gosal asked an awful lot of questions in her speech, but was not prepared to listen to answers—which seems to be very odd.

I am pleased speak in this important debate at such a challenging time for our justice system on many levels. To reiterate what is said in the Scottish Government motion, I commend the commitment and innovation that our justice partners and stakeholders have shown in keeping the wheels of justice turning during the pandemic by introducing the many innovative solutions that have been adopted to address the mounting case load and to clear the backlog.

As deputy convener of the Justice Committee in the previous session, I know how quickly and efficiently resources including remote jury centres in cinemas were set up to address the mounting case load and to tackle the backlog, while civil business was moved online. All that was helped by an additional £50 million in this year's Scottish Government budget to support recovery across the justice system. Setting up those centres enabled pre-pandemic capacity to be restored for solemn business, with hugely inventive and state-of-the-art solutions to the challenges around jury trials that were faced by jurisdictions around the world.

As we slowly emerge from the pandemic, the SNP Government will undertake a review of Scotland's prosecution system in order to deliver fairer, faster and more effective justice. The criminal justice system must now focus on three things: recovery, returning to its pre-pandemic capacity and addressing backlogs across the whole system. Good progress on that has been

made. Since the resumption of criminal trials in April, the number of those has already returned to 61 per cent of the pre-Covid average.

However, we must be realistic about the backlog and the effect that it has had on victims whose trials have been postponed, particularly victims of sexual crimes.

The Presiding Officer: Ms Mackay, if I may stop you momentarily, could you lift up your microphone? Thank you.

Rona Mackay: I am sorry, Presiding Officer.

The pain of victims of sexual crimes has increased immeasurably due to the unavoidable delays that have been caused by the pandemic. We must prioritise resolution of cases at the earliest opportunity and embed new ways of working. Crucially, the SNP's manifesto sets out a wide range of commitments that are aimed at ensuring that victims' rights are at the heart of Scotland's criminal justice system. I am pleased that we will continue to support victims groups and that we will appoint a victims commissioner to provide an independent voice for victims and witnesses. We need to transform outcomes for people who are affected by the criminal justice system.

That brings me nicely on to a subject that is very close to my heart. As convener of the cross-party group on women's justice, I know that there many issues that affect women and their families that we must address, as previous speakers have outlined. I am pleased that there is a new focus on that by the Government, and I thank the minister for meeting me earlier. There are still far too many women in prison, including women who have been the victims of much more serious offences than those of which they have been accused. Many are the victims of physical, emotional and sexual abuse, including coercive control and childhood trauma, which can be drivers for their offending.

If my colleagues remember anything from my plea to keep women out of prison, it should be this: it is estimated that eight out of 10 women who are in custody at any time will have suffered head injuries that were predominantly caused by domestic abuse. It does not take a genius to see that prison is not the place for them. It wrecks families and lives. Holistic mentoring can be the alternative to prosecution, so I am pleased that we have so many excellent agencies that are able to provide that.

Our cross-party group wrote to the previous Cabinet Secretary for Justice asking for diversion from prosecution, alternatives to remand and residential rehabilitation pathways for women. I know that those are being considered.

I am delighted that the review will consider reform of corroboration and the three-verdict system, including a consultation on removal of the not proven verdict in recognition of the strong case that can be made for its abolition, and I am delighted that Lady Dorian's review will be part of that. I welcome the discussion. Corroboration and the not proven verdict are the key reasons why there is such a low prosecution rate in sexual crimes, so that needs to be addressed urgently.

The Scottish Government will develop a new funding regime for victim support organisations, and it will introduce a justice-specific knowledge and skills framework for trauma-informed practice.

I am also overjoyed that we will reform how children and young people are treated by the justice system and that we will introduce the bairn's hoose. During the previous parliamentary session, the Justice Committee visited Norway to see the barnahus model, which most Scandinavian countries have introduced. It is safe to say that we were blown away by what we witnessed. At present, young people who are caught up in our justice system have to go to multiple different services and locations. In the bairn's hoose, all the care and support that a child and its family needs will be delivered under one roof in a welcoming and safe environment.

The Scottish Government is also investing significant levels of funding in front-line support services to ensure that the victims of gender-based violence can safely access the support that they need. I echo all the comments that we heard from Maggie Chapman and Pauline McNeill about that.

Of the recently reported rise in the number of convictions for 2019-20, more than half were accounted for by the new offences in Scotland's Domestic Abuse (Scotland) Act 2018. By strengthening our domestic abuse laws, such as by introducing domestic abuse protection orders, on which legislation was passed in the previous session, the Scottish Government has provided the police and prosecutors with greater powers to tackle that insidious crime.

I look forward to the Government's progressive and transformative review of justice to address issues in modern Scotland. We know that the legal system in Scotland has a proud and world-renowned heritage, but that should not mean that we keep it in aspic or that improvements can never be made. I believe that we have reached the point at which we should do so.

The Presiding Officer: I call Katy Clark. This is Ms Clark's first speech in the chamber.

15:32

Katy Clark (West Scotland) (Lab): It is a huge pleasure to make my first speech in Parliament, and I take the opportunity to thank everybody who supported me to get here as a Labour representative for West Scotland. I also thank all in the Parliament for their kindness during the first few weeks.

I welcome the debate about how we can return to pre-pandemic capacity in the justice system, how we can address the backlog in cases, what we can learn from our experiences during Covid and, most important, how we can transform a system that has, so often in the past, failed victims and sometimes the accused, often failing to prevent crime and provide rehabilitation.

As Pauline McNeill kindly said, I have experience of working as a solicitor in the Scottish courts, and I have been involved in campaigning on civil liberties and human rights issues for many years. I also worked as a lawyer for the trade union Unison, taking legal cases on behalf of workers, and with a team who dealt with thousands of criminal injury compensation cases on behalf of workers who were injured at work.

The criminal injuries compensation scheme was designed to give compensation to victims of crimes, but it has been eroded again and again over the decades by UK Conservative Governments, which is quite interesting given some of the comments that we have heard today. Although criminal injuries compensation is a devolved area, the Scottish Government continues to take part in the UK Government's scheme. I hope that, during my time in Parliament, I will be able to persuade the Scottish Government to introduce a scheme in Scotland that adequately compensates the victims of crime for their injuries.

The Labour amendment emphasises the continued prevalence of violence against women. Pauline McNeill, Maggie Chapman and Rona Mackay have spoken powerfully about the importance of women in the justice system. The amendment acknowledges that Covid-19 restrictions have increased the risks for women who are victims of violence and have hindered their access to justice.

The amendment calls for the creation of specialist domestic abuse and sexual offences courts, and I urge the Government to consider that urgently, because violence against women is endemic in society. Recent figures again showed the number of crimes that are linked to domestic violence and the low conviction rates for offences such as rape and attempted rape. Of the 2,344 reports of rape and attempted rape recorded in the most recent statistics, only 130 resulted in convictions. The criminal justice system is failing

women and it is Parliament's job to ensure that they get justice.

It is our duty to ensure that everyone's fundamental rights are protected, including the right to protest. When we debate issues of justice, we must remember that we do that against the backdrop of the emergency Covid legislation that has given the state unprecedented powers in all parts of the UK. We must defend our fundamental civil and human rights.

This is not the first time that I have spoken in a Parliament, but it is the first time that I am speaking in a debate because a leader of the Labour Party has appointed me as a front-bench spokesperson. I thank Anas Sarwar for offering me a role in the justice team. It is a particular delight to work with Pauline McNeill. I hope that she will not mind my saying that we have known each other since 1985 and I am aware of her campaigns on many issues. I first met her just after the miners' strike, and I strongly welcome the independent review into the convictions of miners during that strike, which was fought for by Neil Findlay, the National Union of Mineworkers and Thompsons solicitors. I strongly urge the Government to legislate in the first year of this parliamentary session for the pardon scheme that has been proposed.

The Covid pandemic has had a massive impact on the justice system, and the huge backlog of civil and criminal cases has denied justice to victims, survivors and the accused. The scientific advisory group for emergencies has recognised prisons as a high-risk environment for Covid and has recommended the universal vaccination of prison staff and prisoners. I ask the Government to consider what the Prison Officers Association has said about that and to prioritise vaccinations in prisons.

All my experience has shown me that the justice system is highly political. It is often suggested that justice is impartial and is applied without regard to wealth, power or status, but the system often deals with some of the poorest in society. Class is a major issue. We must look at who ends up behind bars and why. Most prisoners are male, and male violence is a major issue in offending. Most offenders come from deprived communities and most victims of crime also come from working-class communities.

I look forward to working constructively across the chamber to find solutions to the long-standing and difficult challenges of how we prevent crime, how we ensure that all in society have justice and how we deliver the kind of society that means we need not fear crime.

15:39

James Dornan (Glasgow Cathcart) (SNP): I am grateful for the opportunity to speak in this debate on the post-pandemic recovery, renewal and transformation of justice. I will add to my colleagues' impassioned words on justice a few observations of my own.

I acknowledge the Scottish police's work throughout the pandemic. All of us in the chamber have had the luxury of working from home. The Scottish police's courage and commitment to providing peace and security during this grim year, sometimes under the most extreme circumstances, have not gone unnoticed, and we will forever be indebted to them. However, the fact that it feels like the world has been put on hold does not mean that the pursuit of justice and an equal and fair society has been put on hold.

Institutional injustice still exists in Scottish society. It has continued to flaunt and flourish during the pandemic. We were all witnesses to the disgraceful scenes in Glasgow in the spring, when a small minority of Rangers fans took over George Square. That cost the city a significant amount of money, reputational damage and dignity. I will not delve into that too much, as I have already done so in the chamber. However, although those incidents would have been outwith the scope of my draft member's bill, it is clear that the background to those riots has kick-started another debate on strict liability. Maybe we are all used to the chaos and vitriol that can surround football and, as a result, we excuse that behaviour, believing that it is all just part of the game. However, football is played in every country and not every country has to deal with that. We Scots must be better—we are better—than that.

The Scottish Government is rightly committed to a multitude of radical steps that can transform our justice system after the pandemic, most notably through the consultation on the removal of the not proven verdict. Innovative steps such as the introduction of strict liability should be kept on the table, too.

I have a great deal of sympathy for the amendments that were lodged by Pauline McNeill and Maggie Chapman, and I support any protection for women and for black, Asian and minority ethnic communities.

I also recognise that the Scottish Government has a strong record on challenging racism and funding initiatives to combat it while working with third sector organisations that include our diverse minority communities in Scotland. I welcome the commitment in the SNP's manifesto to the creation of a new programme of anti-racism education in schools that is modelled on the successful time for inclusive education—TIE—campaign. We all know

that education is the key to stamping out hatred. I applaud the Scottish Government for investing over £15 million to support anti-sectarian education in our schools and workplaces.

From its absence from the Greens' amendment and anywhere else in this debate, it appears clear that there still exists what seems to be the last acceptable form of racism in Scotland. Catholics make up at least 16 per cent of our population, and just over 5 per cent of our non-British-born population have come from Ireland to live and work as Scots. They are a sizeable but, to many, still invisible minority that is also a victim of institutional prejudice in Scotland.

That is not just an issue for Glasgow, of course. To my knowledge, no one has questioned the decision by Lothian Buses to cancel the evening buses on 17 March. Edinburgh, our second-largest city and our capital, was still in level 3 lockdown on St Patrick's day, and Lothian Buses restricted travel to essential workers commuting on a Tuesday evening. It briefly mentioned a rise in antisocial behaviour as its reason, but that was the only day on which that action took place. I can only assume that Lothian Buses concluded one of two things: that I would be out celebrating my birthday or that Irish Catholics were to blame for the rise in antisocial behaviour. Why else would it cancel buses only for the night of a ubiquitous Irish Catholic holiday, when pubs were not open and a stay-at-home order was in place? Could members imagine that happening on 12 July or on a Muslim or Sikh festival? That was simply not acceptable.

Two months later, almost to the day, Rangers fans were given what appeared to many people to be a de facto licence to gather by the thousands in George Square. Even an off-duty police officer or two joined the revelry. Our largest city looked like a war zone. Police officers were attacked and anti-Irish racism and anti-Catholic bigotry were clearly heard being chanted and sung. There were even reports of Rangers Football Club staff and players singing such vile nonsense. When I saw that video, I contacted Police Scotland only to receive a vague and dismissive response initially. I am happy to report that, after I explained the importance of a fuller response, I am content that Police Scotland had a thorough investigation, including an electronic investigation, and that the video was—as I had always hoped—a fake. The people who post such things do not help in our fight for fairness and equality.

We have a chance to recover our dignity, renew our commitment to a multicultural Scotland and transform how justice handles bigotry and inequalities after the pandemic. I look forward to hearing more, in due course, about the efforts that the Scottish Government will make in this

parliamentary session to tackle anti-Catholic bigotry, anti-Irish racism and all other prejudices.

I wish the new cabinet secretary well in his role and have no doubt that he will build on the good work of his predecessor. Although people might not believe it after listening to some of the earlier speeches, there are now over 1,000 more police officers in Scotland than when we came to office, thanks to the SNP Government, and crime, including violent crime, has fallen over the past decade.

Reform of justice was a key commitment in our manifesto, and the SNP Government has a renewed and overwhelming mandate from the Scottish people to transform the justice system for the better and to keep our communities safer. We have already made Scotland a safer place, but we can, must and will do more.

15:46

Alexander Stewart (Mid Scotland and Fife)
(Con): I welcome the cabinet secretary to his new post and congratulate Katy Clark on her maiden speech.

I am delighted to be able to participate in this afternoon's debate on the recovery, renewal, and transformation of Scotland's justice system. As has been the case across society, the Covid-19 pandemic and the necessary restrictions that followed have prevented changes and there have been severe challenges across our justice system. It is incumbent on the Parliament to work to ensure that our streets are safe, that those who break the social contract are punished and that we protect the rights of the victims in a timely and efficient manner.

The most pressing concern that the criminal justice system faces in Scotland is the court backlog. Although I acknowledge that there has been innovation—the cabinet secretary touched on that point earlier when he mentioned the use of cinemas as remote jury centres—there is still a lot to do to get the backlog sorted.

The criminal court trial backlog has doubled in the past year, and the SCTS has told us that the number of trials will not get back to normal levels until March 2025. The justice of the peace courts resume their work only this week, and they have a lot to manage too, so the Scottish Government needs to make a more concerted effort to tackle that backlog.

As someone who served on the Tayside joint police board, I find that some of the developments in recent years since the SNP's merger of our local police forces have saddened me. My constituents have raised concerns about the loss of community policing in their area. The fact is that

there are fewer officers on the streets and they have to work over much larger geographical areas—that is what is happening in our society, and it is important that we restore more bobbies on the beat.

Keith Brown: Will the member acknowledge that there are on average a third more police officers, as a percentage of the population, in Scotland than there are in England and Wales; that they are paid at a higher rate; and that we have substantially invested in the police, unlike the Conservative Government in England?

Alexander Stewart: The cabinet secretary indicates that there is disproportionate investment in Scotland compared to England. I am sorry, but Scotland has had a loss of 739 police officers, which is not the case south of the border, where the Government is investing and ensuring that police numbers increase.

In the past, we have talked about ensuring that the police is properly resourced. The SNP has not fulfilled Police Scotland's request for nearly £86 million-worth of capital funding, but has given it only £50 million. We have seen shocking stories in recent years about the state of our local police stations, which is totally unacceptable. We must ensure that our officers and their support staff are working in good conditions in stations that are not falling apart and in which roofs are not caving in and water does not come down the walls.

We must also talk about the loss of more than 100 police stations across Scotland, which makes the majority of people feel that there is an increasing remoteness between the police and the public. It is clear that the Scottish Government will not review fundamentally the way in which Police Scotland operates. We saw that over the previous session, and I imagine that that will be the case over this session. However, there need to be opportunities for us to discuss matters and move them forward.

We in the Scottish Conservatives would like to see the reinstatement of local police scrutiny boards across Scotland, which would allow for greater input into policing decisions and how they affect the public. I would also like the cabinet secretary to consider carefully any other measures that might address such problems.

There are also worrying signs that the SNP is failing to tackle crime through the justice system. Due to the SNP's presumption against short-term prison sentences, just over half of violent criminals are going to prison. Meanwhile, we have seen violent crime increase from 8,008 cases in 2018-19 to 9,316 cases in 2019-20.

We have to ask whether the Government is really on the side of the victims. In that vein, I add my support to the comments that Jamie Greene

made in his opening speech about ensuring that we enhance the rights of victims. Too often in such debates in the chamber, victims' interests are treated as an afterthought. That is wrong, and we have to change that mindset.

We need to understand the effects of crime. That is why the SNP's decision to reduce the budget for victim and witness support by £500,000 is truly staggering. I encourage the new cabinet secretary to look again at the cut and its effect on victims. It is important that victims are considered, and it is vital that they are given the opportunity to provide victim statements during court proceedings and at parole hearings.

We in the Scottish Conservatives are committed to ensuring that Scotland's communities are safe. Before the pandemic, violent crime was already on the rise, there was a growing sense in Scotland that the criminal justice system did not protect victims, and policing felt even more distant and remote from communities. The pandemic has exacerbated the situation, and the issue needs to be managed.

I look forward to working with the Government where we can find common ground but also to holding it to account where its performance is below what Scots expect of their Government and their police force.

15:52

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Over the past few weeks, the chamber has facilitated a number of important recovery debates on issues that have included health, our economy, education, tackling poverty and Covid-19. This afternoon, we are debating justice—the golden thread that, in my mind, ties those and other issues together. It is the cog in the wheel of our wellbeing, livelihoods, economy and future prosperity.

The global pandemic impacted numerous functions in the justice system, but the sector could not simply transition to essential business only. Front-facing services had to continue, justice staff had to be protected and new potentially life-saving Covid legislation had to be used to protect our wider society. Police officers had to balance an education approach when engaging with the public with enforcing the law. Prison and healthcare staff had to manage Covid-19 and prevent its spread in the confinements of our prison estate. Court staff had the huge challenge of reconfiguring court processes to allow them to operate effectively and safely. Today, I pay tribute to everyone across all justice agencies and on the front line for their commitment to ensuring that justice processes adapted and responded to the constraints that Covid-19 placed on them.

In last week's health recovery debate, I made my first speech as a newly elected MSP. I spoke about the growing intersect between policing and public health. In support of today's wide-ranging motion, and based on my experience in policing, I will return to that theme, which I believe directly impacts on both our court system and our prison population.

The report "Justice Vision and Priorities delivery report—key achievements and impact of Covid 19", which was published back in March, provided an update on the progress that had been made in delivering on priorities that were set in 2017 for justice organisations and partners. The priorities included improving

"health and wellbeing in justice settings, focusing on mental health and substance use."

The report highlighted progress towards increasing the number of mental health workers across Scotland, including those in justice settings. I am pleased that that is under way and that health professionals are now working in some—albeit not all—police custody settings.

We know the devastating impact of Covid-19 on our mental health, regardless of our background or experiences. We know that people who are in contact with the criminal justice system have higher levels of mental ill health than the general population and that they generally live in communities that face social and economic disadvantage. We also know that the incidence of police interaction with people with poor mental health increased during the pandemic and that, inevitably, some of those people were taken into custody. That is at odds with a range of legislation, operating procedures and protocols on places of safety, not least the Mental Health (Care and Treatment) (Scotland) Act 2003, which specifically states that a police station should not be used as a place of safety unless no suitable alternative is available.

Entering custody, especially for the first time, can be traumatic, particularly in circumstances in which the pathway to it was not connected to offending but was the result of someone's circumstances and experience. In such situations, rather than making someone who is already at a low point even more vulnerable, entering police custody should offer an opportunity for health and other professionals to connect with such individuals, who often do not traditionally engage with health and other services.

I am aware of the work that is being developed by the Scottish Government, the police care network, the national health service, Police Scotland and others to take forward that important priority, and I am pleased that some aspects gained added traction during the pandemic. I very

much hope that the new Cabinet Secretary for Justice will support that transformational work and the innovative opportunities to improve and develop nurse-led models of care, custody exit processes and pathways to support. Perhaps just as important are pathways into care and support that circumvent police custody in the first place—but perhaps that debate is for another day.

Policing in Scotland has evolved in recent years. It prioritises keeping people safe, protecting victims' rights and dealing effectively with offenders while upholding the fundamental human rights of everyone who comes into contact with the service. However, the fact remains that there is a population of people who continue to enter custody having committed no crime or offence, frequently experiencing mental health issues and, in essence, being criminalised by a system that exists to protect them.

As the justice sector moves through the pandemic, there is no doubt that there will be challenges ahead, but there will also be transformative opportunities to place Scotland on a contemporary and innovative footing in respect of custody provision, through developing a truly person-led approach that has trauma-informed care, dignity and compassion at its heart.

The Presiding Officer: Thank you. I call Foysoyl Choudhury to make his first speech in the Parliament.

15:58

Foysoyl Choudhury (Lothian) (Lab): Thank you, Presiding Officer. I hope that you will be kind to me.

I stand in support of the Labour amendment in the name of Pauline McNeill.

I begin by expressing how humbled and honoured I am to be serving as a newly elected member of the Scottish Parliament. As is only right, I show my appreciation to the people of the Lothian region who have helped me to get here, and I promise to work hard on their behalf to repay that debt of gratitude.

My mother and I moved to the UK from Bangladesh in 1982, in order to join my dad and build a better life for our family. We settled initially in Manchester, before moving to Edinburgh—a city that I am proud to have called home for nearly 40 years; in which I have put down roots and am raising my family; and in which I am as proud to say that I am a member of the ethnic minority community as I am to say that I am Scottish and British.

Over the years, I have built on my father's legacy, working hard to establish a thriving and successful business and create opportunities for

employment in the city, and I will draw on my business background to help inform my work as an MSP.

My late father and my uncles took the opportunities that were available and became pillars of the community. As they were helped, they have helped others to gain a foothold by establishing and running an orphanage abroad and setting up charities at home. I was taught from an early age to help those who need a hand and to support and develop local communities. Those are the values that I gained from my parents and those are the values that I live by.

I have been involved with Edinburgh and Lothians Regional Equality Council for more than 20 years, chairing it for 11 years. I have advocated for equality and justice my entire adult life—not just for people from minority ethnic communities but for people who are economically disadvantaged. People from outside the area think of Edinburgh as a rich city in a rich country, but that belief hides the fact that some of our people are forced to live in inadequate housing and suffer from the injustice of poverty, and the quality of their lives is reduced as a result.

It is a shameful truth that often people in the most deprived areas of the city die years before others who live in more affluent areas. The Covid pandemic with which we are still struggling has highlighted poverty in our country, and the impact on some areas and communities has angered many. I have witnessed that hardship first hand when delivering food parcels to those who have been hit hard by this tragedy. It is not possible to exaggerate the seriousness of the situation that I have witnessed. I understand their suffering, having lost a close member of my family during the pandemic.

The debate is on the topic of justice. During Covid-19, as the chair of ELREC, I was aware of an increase in contacts from black and minority ethnic communities who had experienced being racially abused physically and verbally but who felt let down by the police and other agencies. In order to thrive, our local communities must feel safe and free from the fear of crime.

Many of us still have concerns following the centralisation of the police service with the creation of Police Scotland. Following Covid-19, we need to restore the connection between policing and local people, build trust and ensure that people in the community feel safe to come forward. We must also ensure that action is taken with other agencies, working together. Our communities need a police force that is from them and for them.

As a member of the BME community, I have experienced how cruel discrimination can be and

how it can lead to feelings of isolation. I will use my position to speak up for those who are not adequately represented. I recognise the privilege of being elected as the first Bangladeshi-born Muslim MSP, just as other “firsts” have done before me, as have those elected at the same time as me. I hope to make my own contribution and will work to improve civic and political engagement among all minority groups, because that will serve to enrich and strengthen the lives of our people.

The Parliament must truly be a Parliament for all the people of Scotland. I am of the view that education plays an essential role in rooting out discrimination and making for a fairer and more just society. For example, the school curriculum should recognise historical injustice and it should be taught truthfully. As legislators, we have a special opportunity to ensure that our young people understand the truth of our country’s history, including that a significant part of its wealth was built on the exploitation of people of colour across the globe.

Last week, I was pleased to learn that the Welsh Parliament has passed legislation to integrate BME history into the curriculum. Why cannot we deliver the same in Scotland? I am delighted to have been appointed by Anas Sarwar as shadow minister for culture, Europe and international development. I look forward to working with Sarah Boyack, as a long-standing friend and comrade.

Finally, I pay tribute to my predecessor, Neil Findlay, whose vigorous campaigning saw enlivened debates in the chamber. He worked with many community organisations on issues such as the vaginal mesh scandal. He did pioneering work with trade unions on issues such as the treatment of striking miners. We will not forget his intervention relating to the terrible and sad consequences of discharging Covid-positive people into care homes. I wish Neil well for the future and I promise that I will continue his work of helping people who suffer injustice.

My promise to Lothian people is that I will contribute to Scottish Labour’s effort to restore public trust and confidence in our political institutions so that, together, we can foster a more diverse, inclusive and tolerant society. Every day, I will give a voice to those who feel that they are not heard in this place.

16:06

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): That was a good speech from Mr Choudhury, although I would not have used the word “enlivened” about Neil Findlay, but there we go.

I want to focus on civil business. Most of the debate has rightly been about the criminal process

and courts but, for most members of the public, the interaction that they have with the court process will be in the civil courts, whether that is to contribute in contractual disputes, delictual actions or matrimonial disputes, or to cases involving divorce, contact, residency, confirmation of an executry, interdicts and so on. Of course, there are also cases in our commercial courts.

Much in the process has already been simplified, which I welcome. I welcome the fact that we are moving to more online work, which will reduce costs, as will the electronic transfer of documents. However, delays matter as much to the individuals involved in civil court business, whether they are the pursuer or the defender, as to those involved in criminal proceedings. Of course, in the sheriff court, criminal proceedings rightly take precedence, because they involve issues of custody, loss of liberty and criminal records. However, to the pursuer or defender in a civil case, it is urgent.

Even when viewed impartially, some cases would seem urgent to anyone. For example, interim interdicts against a bad neighbour or when something else is going on are needed pretty quickly. Interim orders in relation to children, and young children in particular, are another example. If a parent or carer does not get to see a child for a while, the whole relationship can disappear into the mists. We have talked about domestic abuse in the criminal setting but, in the civil setting, exclusion orders to prevent an abusive partner from getting into the home are important.

In passing, I say to Pauline McNeill that I am sympathetic to domestic abuse courts and to specialist courts more widely, such as specialist sheriffs in family law and specialist sheriffs and judges in commercial actions. It is important that we take an interest in that.

It might seem to members that commercial cases in the Court of Session are not something that we should bother about, but we should bother about them. Such cases often require timeous action, too. A pursuer might have a choice of jurisdiction in which to bring a substantial court case. If they are to choose Scotland to bring a large commercial case that has legal ramifications and involves a large amount of money, they will want to know that the case will progress timeously. If the case does not progress timeously, they might take it to another jurisdiction. There are ramifications for our senior courts in progressing such cases timeously. That is important to progressing Scots law and maintaining its status.

There has been reference to mediation. I do not know where we are with that, but it seems like decades since, as convener of the Justice Committee, I went to Baltimore with a whole lot of

high-falutin' justice people to look at the way that mediation operates there.

Mediation was used there not just in family cases but in large commercial cases. The pursuer and the defender, who are the big guys in those cases, knew that, at the end of the day, there had to be a resolution and that it is better to get it done through mediation, without all the ramifications of huge expenses. As we know, when people go to court, they might get judicial expenses, but they will not get all their expenses.

I make a clear distinction between mediation and arbitration. Arbitration is when a decision is made by the arbiter, and mediation is when the parties who are engaged in a dispute come to a mutual agreement. I would like to see mediation pursued. A very robust mediation service would have ramifications, not just in matrimonial and family law cases, but in commercial cases, where disputes are brought in Scotland. I do not know where work on that has got to, but perhaps the cabinet secretary can tell me how it has developed over the years. I think that it is sometimes like pushing a great big rock up a hill and it rolling back, quite often to land on our toes.

I turn to civil legal aid. I appreciate that funding is not a bottomless pit and that the criminal legal aid system has to take priority. The funding must go there, because there is the possibility of criminal conviction and loss of liberty. However, if we use more efficacious ways of progressing civil court cases—such as working online, with electronic transfer of documents—which used to cost money in court process and documentation, is there a potential for savings, so that we could better fund the civil legal aid system? For example, we could raise the bar on the earnings and capital that people have. If they are very poor, they can use the civil legal aid system and, if they are very rich, they can afford to go to court, but a lot of people are jam-packed in the middle, so they have to make a decision about whether they go to court—because their contribution might be very high or they might even be excluded from legal aid. Justice should not depend on the depth of people's pockets.

I will be brief—well, not that brief, because I have spoken for five minutes. Although I understand that the majority of focus is on criminal matters, I think that it is important to shift the balance and remember that it is in the civil courts that most people out there meet justice.

I thank Mr Mountain; I know that he borrowed the pen gesture from me, but it is not necessary, because I conclude my speech. [*Laughter.*]

16:12

Edward Mountain (Highlands and Islands)

(Con): I congratulate members who are giving their maiden speeches this afternoon and for the insight that they have brought to the Parliament.

Justice is the cornerstone of all democracies, and Covid-19 has definitely challenged the timely delivery of justice. The criminal court backlog has more than doubled in size, leaving many without meaningful access to justice. Although I welcome the use of digital courts to reduce the backlog and for hearings, their use is predicated on having good broadband, which we cannot take for granted across Scotland and especially in the Highlands.

Reducing the backlog needs to be a top priority for the cabinet secretary, but he will also face a number of other pressures, which do not come purely as a result of the pandemic. It is clear that his predecessor left him with an overflowing in-tray of problems: fewer front-line police officers since 2013; record numbers of criminals flouting electronic tag sentences; and long delays to the delivery of new, modern prisons. It is a sorry state of affairs and it highlights how much a soft touch to justice has not been working for Scotland.

The cabinet secretary needs to try a new approach, by tackling problems head-on, and, in doing so, he must restore local policing, put victims first and ensure that our communities are kept safe. If he does that, I will happily support his ideas.

However, most of all, Scotland needs a justice secretary who delivers on the promises that his party makes. In the Highlands and Islands, we have waited more than a decade for the promised new prison to be built in Inverness. We have had 10 years of broken promises, which are costing taxpayers more and more money.

In 2011, as the cabinet secretary will know, the SNP Government promised to build a new prison that would cost £52 million, but it failed to deliver. In 2016, the SNP made another promise to build a new prison at a cost of £66 million, but the Government broke that promise, too. This year, it has made a promise to build the same prison, by 2024, at a cost of £110 million. Will it be third time lucky, or a hat trick of broken promises, cabinet secretary?

This Government cannot keep kicking the can down the road; it cannot make Highlanders wait for a modern prison, which is desperately needed. By doing so, it is letting down our dedicated prison staff at HMP Inverness, who are working in a Victorian-era prison. Such prisons are

“costly to run and no longer fit-for-purpose”.

That is the conclusion of Her Majesty's chief inspector of prisons, who has called on the Government to expedite their replacement.

There is every reason for a new prison in Inverness to be fast tracked. It is a shovel-ready project. The site has been purchased and planning permission has been confirmed. In addition, let us not underestimate the importance of the many jobs that the project will create.

Perhaps the cabinet secretary would like to intervene, as I have a question for him. Will he—can he—step up to the plate and deliver on the three promises that his predecessors have singularly failed to deliver? A simple answer of yes or no will do for me.

Keith Brown: I am pleased to answer the question, which I was not able to do in response to another Conservative member. Edward Mountain would know the answer to the question if he had read our manifesto, which I commend to him—it was the manifesto that won the election. Perhaps he would like to read it.

Edward Mountain: There we go. There is no yes or no answer and no guarantee of a prison. I would have loved to have heard it from his lips, but I have not.

It is time for the SNP Government to launch its long-overdue consultation on Scottish court fees for 2021 to 2024. When it is launched, I hope that the consultation will pave the way to making access to justice fairer and less expensive.

In particular, we need to look at the setting of annual fees for guardianships, which are essential to the lives of people who are vulnerable or disabled. Currently, the fees are set by the value of someone's estate, meaning that those who have an estate that is valued between £50,000 and £250,000 are forced to pay £600 a year to have their accounts assessed. People with estates that are valued higher than that must pay more than £1,000 a year, which can add up to thousands of pounds over the course of a guardianship. It is questionable how justifiable that is, considering that the guardian may be the life partner of the person who has to pay the fee.

The fees are excessive. As a constituent put it to me, why should his wife pay a fee for somebody to check the work that he does on her behalf? It is no more than a tax on the disabled and vulnerable. Surely, Scotland can do better than that. Perhaps it is time to consider whether we should follow the system that is used in England and Wales, which has a much flatter fee structure. I call on the cabinet secretary to include that as part of the consultation, which he will no doubt now undertake.

An effective justice system requires fair and timely access for all. The Government must prioritise reducing the court backlog, fast track the building of modern prisons, including our long-promised Highland prison, and ensure that guardianship fees are far more reasonable and fairer. As the cabinet secretary settles in at his new desk, I urge him to add those issues to his to-do list and not to leave them in the cupboard for his successor to tackle.

16:18

Emma Harper (South Scotland) (SNP): I congratulate the cabinet secretary on his new role and the new members who have given their first speeches today.

I welcome the debate and the Scottish Government's vision for a safe, just and resilient Scotland. The Government's ambition will ensure that our justice services have the resources that are required to meet the challenges that the Covid-19 pandemic presents and to bring about lasting change and positive transformation as we move forward. I echo James Dornan's thanks to all our police officers who have worked tirelessly on the front line throughout the pandemic.

My speech will focus on three key areas: the lessons that our justice system can learn from the pandemic; access to medications in custody settings; and the arrangements surrounding youth remand and detention.

First, I welcome the Government's commitment in this year's budget to an additional £50 million to support recovery across the justice system. That includes funding for the court recovery programme, which will increase capacity in the High Court and in sheriff courts across Scotland. I welcome the recommendation from the Lord Justice Clerk's restarting solemn trials working group that remote jury centres should continue, as that will be the most effective solution to increase trial capacity and reduce delays for cases going to trial. That important change could bring about a lasting impact through people not having to travel to attend jury service, which would also reduce emissions. As we heard from yesterday's debate, tackling the climate emergency applies to all portfolios.

Similarly, it is welcome that people in Police Scotland custody suites have the option to attend court via videolink. The evidence shows that that has reduced the stress and cost of people in custody being transferred to a court and then detained until the court can hear their case. Such innovations are extremely positive, and I hope that they will remain in place as the Government carries out its review of the prosecution system. I have no doubt that the changes will help us

towards our aim of delivering fairer, faster and more effective justice.

However, during the pandemic, jury trials at Dumfries and Stranraer sheriff courts have been moved to Ayr. Although the majority of jurors and accused have been able to appear virtually, I ask for an assurance from the cabinet secretary that the arrangement will be considered in the Government's review and that those who are involved with the justice sector in Dumfries and Galloway will be able to feed in to it.

As our justice system moves forwards, there is room to explore better health arrangements for access to medication—and, indeed, to medical technologies—in custody and detention centres. I recently contacted Police Scotland and the Scottish Prison Service to seek further information on the current policies relating to medication. I was told that the management of medication for a person in custody is the responsibility of a healthcare professional and that they assess a person's needs and vulnerabilities on their arrival at a police station. However, there is no set time by which a person in police custody or a prison setting must be seen by a healthcare professional.

If, for example, a person who is arrested is wearing medical technology, such as a continuous glucose monitor or an insulin pump for diabetes management, those devices have to be removed when they enter a cell. As someone with type 1 diabetes, I know that even one hour without my insulin pump can cause serious hyperglycemia, which is a health emergency.

Police Scotland and the Scottish Prison Service have medication that is classed as either urgent or non-urgent. Examples of non-urgent medication include anti-anxiety medicine. I had a constituency case in which a young person was not able to access his anti-anxiety meds in custody, which caused much stress and frustration and, of course, increased anxiety. Given that, and the opportunity that we have to transform our policies, is the cabinet secretary open to exploring such issues further so that we can look at how we can improve the experiences and wellbeing of those in custody?

The last issue that I want to raise relates to youth remand. I had a case in which a young man was held on remand—that can be for anything up to 140 days—at Her Majesty's Young Offenders Institution Polmont, meaning that he was unable to access any of the organised events and activities there. He was kept in a separate wing, he was isolated for 21 hours each day and he had only three family visits each week. Given the Government's commitment to implementing the barnahus—or bairn's hoose—model, which is a multidisciplinary or interagency approach for dealing with young people who are going through

the justice system, I ask the cabinet secretary to prioritise youth remand in implementing the barnahus model, as he mentioned earlier. My constituents and I would be happy to feed into that process.

The Scottish Government's firm focus on community safety, crime prevention and the rehabilitation of offenders has meant that there is less crime and fewer victims than there was a decade ago. That might help to answer one of Pam Gosal's questions. I say to Alexander Stewart that he cannae just cite one year of figures—that is not a trend.

The Scottish crime and justice survey for 2019 to 2020, which captures incidents that were not reported to the police as well as those that were, shows that crime has fallen by 46 per cent since 2008 to 2009, with violent crime down by almost two fifths. *[Interruption.]* I am in my last 10 seconds. I used to live in Los Angeles, which is somewhere that people might be worried about their safety. The survey shows that there has been a reduction in violent crime and that the SNP's approach to justice is working. Again, I welcome this debate and the steps that are being taken to improve our justice system for all.

The Deputy Presiding Officer (Annabelle Ewing): We move on to the closing speeches. We are tight for time, so I ask members to stick to their limits. I point out that we are missing one member who spoke in the debate. It is a courtesy for members who have spoken to be in the chamber for the closing speeches.

16:25

Liam McArthur: I congratulate Foyso Choudhury on his first speech. I think that the Parliament will benefit from his insights and experience and that his constituents will benefit from the passion with which he represents them. With my Deputy Presiding Officer hat on, though, I discourage him from taking on the mantle of his predecessor when it comes to points of order. *[Laughter.]*

I also congratulate Katy Clark on her first speech. I think that she and Pauline McNeill are going to be a formidable double act on the justice brief, which was grotesquely gender imbalanced during the previous session of Parliament. I welcome them both to their posts.

As others have done, I thank the cabinet secretary for his early engagement with me and the other justice spokespeople—to be fair, I note that that continues a trend that his predecessor was very committed to.

The motion that we have been considering is about the recovery, renewal and transformation of

our justice system, and I do not think that anyone would disagree on the appropriateness of that. Covid has had a massive impact, albeit that many of the issues pre-date the pandemic, as I said in my opening speech. I acknowledge the important point that Christine Grahame made about the impact that Covid has had on the civil justice system as well as the criminal justice system.

That said, we have seen innovation over the past 15 months, which is much to be welcomed. Our courts have been able to transform and operate remotely and we have had the roll-out of electronic monitoring of those on bail. In addition, phones have been provided for prisoners in order for them to maintain contact with family members, which has to be a step in the right direction. Maintaining that contact allows rehabilitation and reintegration into the community to take place more successfully.

Maggie Chapman talked about the power imbalance in our justice system, and the questions that we have heard about the legal aid system go to the heart of that. I recognise that there have been moves in the right direction in recent months, but much more is needed. There are real risks of legal aid deserts in certain parts of the country, not least in those that I represent. Jamie Greene was right to speak of a system that is “creaking at the seams”.

Much of Jamie Greene’s speech, like his amendment, focused on victims. Although I am not in a position to support his amendment, I commend the characteristically constructive way in which he put his argument across.

In relation to victims, Pauline McNeill, Katy Clark, Rona Mackay and others focused on the impact of crime on women. Nobody who has listened to Miss M, Speak Out Survivors or others who have been campaigning on the subject could fail to be impressed and indeed persuaded by the argument that we need to seriously address change in the area, not just in relation to the not proven verdict, but in relation to corroboration. I think that there is now a commitment across the Parliament to do just that.

I welcome the moves on providing anonymity for victims of sexual offences, which is in place south of the border but is a lacuna in the Scottish system. There also need to be more safeguards for the way in which victims of sexual offences are interrogated in court. I welcome and commend Dame Helena Kennedy’s work to look at a stand-alone misogyny offence, but I think that that will be limited in what it can do. I commend to the cabinet secretary, as I did to his predecessor, my colleague Caron Lindsay’s idea of a commission to look at the wider issues of violence against women, because the subject is far broader than just the stand-alone misogyny offence.

We have heard much about the impact on the police. Like others, I pay tribute to the role that they have played over the past 15 months in particular. Liam Kerr made an intervention, which followed on from First Minister’s questions earlier today, about the use of body-worn cameras. A rights-based approach needs to be taken to that, but all the evidence suggests that there are benefits to be gained in terms of early pleas, resolution of cases and easing some of the burden on our court services.

We ask our police to do difficult and often dangerous jobs on our behalf, and it is only right that we provide them with the resources—such as the buildings in which they are based and the equipment that they have—to do those jobs. There are particular concerns around the lack of support in relation to their information technology capital budget. IT is absolutely essential to the police, and it must match the IT used in the crimes that they are being asked to deal with. The SPA and Police Scotland have made that point.

I will conclude on prison reform. I said in my opening speech that we have a “shameful” level of incarceration in this country—far higher than anywhere else in the UK or anywhere else in Europe, save for Russia and Turkey. The remand population is particularly alarming in that context. There are specific concerns about the way that the justice system engages with women, many of whom are themselves the victims of crime—I applaud, again, Audrey Nicoll for reminding us of the linkage between the criminal justice system and health, particularly mental health.

We need to properly fund robust community policing methods that are far more effective in dealing with many of these issues. We need to provide throughcare and to support people back into the community in a way that helps individuals and helps to make our communities safer.

Michelle Thomson made points about Peter Cherbi’s petition and the Esther Robertson review, both of which were unfinished business for the Justice Committee in the previous session. Likewise, Rona Mackay referred to the work on barnahus that is getting under way. I look forward to supporting those efforts, as I support many other points that were made in the debate.

16:31

Maggie Chapman: I would like to thank the cabinet secretary—I should have done this in my opening speech—for his contribution and the constructive discussions that we have already had about how we progress priorities in this important area over the parliamentary session. I share his vision of a faster, fairer and more effective justice system, and although I am sure that there will be

much that we disagree on—particularly, perhaps, in relation to the focus of and approach to how we deliver that—I am pleased to hear his commitment to restorative justice, mediation and arbitration, and to genuinely trauma-informed services. Never again should a survivor of rape be told by a police officer that

“the sex might have got rough, it doesn’t mean you had to enjoy it”.

I welcome, too, the constructive approach taken by Jamie Greene—almost uniquely, perhaps, from his side of the chamber. For there to be any agreement between Greens and Conservatives on justice issues is quite something. Surely this will be the parliamentary session in which we abolish the not proven verdict.

I look forward to future conversations over the session with Pauline McNeill, Katy Clark, Liam McArthur and others in the chamber on tackling gender-based violence, investment in communities, the overuse of remand, timely resolution of fatal accident inquiries, improvements to legal aid—and so much more.

I am one of the new kids on the justice block, and sometimes fresh eyes on seemingly entrenched issues can help shift things in different directions. I am keen that we use the opportunities provided by the context of this debate at this time—recovery, renewal and transformation—to consider what a justice system based on human rights and equalities really should look like.

I alluded to this in my opening remarks, but I think that it bears a bit more focus. What the Netherlands has achieved in reforming its prison system is remarkable. It has closed more than half its prisons, and yet it still cannot fill the prisons that it has—its crime levels are such that it now imports prisoners from other countries. It has achieved that by taking a mental health approach to justice. Rather than focusing on punishment, the first response is care: identifying what mental health interventions are needed by people who are accused of breaking the law, and treating that first. We know that prisons, as they are currently set up here, increase reoffending, and they are also where many offenders start a lifetime of dependency on drugs. We must change that.

There is a lot more that I want to say about reforming our police system and its accountability, its use of force and surveillance, how it engages with communities and how it understands power inequalities and diversity. Those big issues will have to wait for another time, but there is work to do to ensure that our police are genuinely part of and reflect the communities that they seek to protect, and that they understand the issues that are faced by different survivors and victims.

If we do that work, make the transformations that we need to see and shift resources into prevention work, education, social care, early intervention and so on, we will—at last—bring the recommendations of the Christie commission into the justice system in a genuine way. That will allow us to tackle some of the often overlooked crimes that damage our communities, such as corporate and environmental crime.

Justice at all levels can be achieved only by a collaborative and inclusive approach, in partnership and solidarity with civil society and local voices. I look forward to working with colleagues in the chamber, and with those in third sector and other organisations across Scotland, to deliver a justice system that is genuinely based on human rights and equalities.

16:35

Rhoda Grant (Highlands and Islands) (Lab): I pay tribute to my colleagues Katy Clark and Foysoil Choudhury, who made their first speeches in Parliament today. They were excellent and moving speeches. That reminds us all that, although colleagues whom we miss very much stepped down or retired at the end of the previous session, we see new people coming forward and feeding in fresh ideas and new perspectives, which renews the chamber and is good for us all. I am really pleased that those colleagues are here, and it was delightful to listen to their contributions to the debate.

I pay tribute to our police officers and, indeed, to all emergency workers and all those who have been on the front line during the Covid pandemic. The police, emergency workers and prison officers have had to face the dangers of the pandemic and have not been able to keep themselves safe. They have done that on our behalf, and we should all be grateful to them.

Our amendment focuses very much on violence against women, and I will start with that subject. We all know that inequality leads to violence against women, and we need society to deal with that inequality. Despite justice interventions, violence against women continues to grow. Our whole justice system is geared towards keeping citizens safe, yet women are expected to protect themselves from predatory males. If they fail to do that, our justice system apportions blame to them instead of holding the attacker totally responsible.

Pauline McNeill made that point when she talked about the tragic case of Sarah Everard. One of the things that was pointed out to us all when Sarah Everard went missing was that she was walking home late at night—as if she should not have been out late at night. Pauline made the point that women should not be forced to stay at

home at night just because men are unable to behave themselves properly and leave women alone. The public outcry around that case was rightly loud. Even in the situation of a pandemic, women gathered to take back the streets. Although I would never encourage anyone to take risks during a pandemic, I absolutely understood what they were trying to do. We need to join forces—not just the women in the chamber, but the men as well—to make sure that those voices are heard and that we change our society's whole outlook on violence against women.

Domestic abuse also continued to increase during the pandemic—it was 5.7 per cent higher last year than in 2015-16. That emphasised how distance from and access to services were initially huge problems for domestic abuse services, which required to keep their own staff safe as they tried to support those who needed their support. The Robert Gordon University looked at the north-east and Orkney, and it pointed out that telephone services were really helpful in that respect because they could have someone available at the end of a phone at any point. We need to look at the lessons that were learned and carry them forward.

Katy Clark talked about the need for domestic abuse courts, which I have pushed for for a long time. They work well where they are, but we need them all over Scotland. Just because someone lives in a rural area, they should not—

Jamie Greene: Will the member give way?

Rhoda Grant: Yes, I will take the intervention.

Jamie Greene: Ms Grant raises some grave and valid points that I totally agree with. I seek clarity on Labour's position on the establishment of the new courts further to Lady Dorrian's recommendations. Is Labour's position that, whatever happens in those courts, we will still protect the sanctity of trial by jury and there will be no watering down of the justice system as the accused go through it? If so, we would be minded to support the Labour amendment.

Rhoda Grant: Those courts need to be robust and must understand the nature of domestic abuse and violence against women. We want those who lead the defence and the prosecution of those cases to have that understanding. Far too often, a woman is blamed in court for the abuse that she has suffered. Of course, we need juries, but we need them to be made to understand the nature of domestic abuse. In my dealings with constituents, I have encountered teachers and social workers who do not understand the nature of domestic abuse, and people who are picked off the street, as jurors are, have the same issues. They need to be led and guided by the professionals in the courts to ensure that they do

the job properly and offer that protection. The very low conviction rates for domestic and sexual abuse come from our courts, and we need to do something about it. We cannot continue the way we are. We need those specialist courts.

We also need to tackle commercial sexual exploitation, which underlies inequality. The perception that men can access women and that women are available for sale in our country is simply wrong. We need to change the position of women in our society and make them truly equal in order to tackle violence against women. We also need to hold the men accountable, because it is not a woman's problem—it is a man's problem, and we need to make sure that they are held to account. Maggie Chapman made that point in her opening speech, but she carried it further by saying how difficult a problem abuse of power can be in our society and that we need to deal with it.

Presiding Officer, I wanted to touch on an awful lot of other aspects in this very important debate, but I am already running out of time. I will take a moment to highlight a local issue that Edward Mountain talked about: HMP Inverness. In Inverness, we have an ancient prison that has been subject to Covid outbreaks because people cannot social distance. We cannot treat prisoners properly, and we desperately need to do that now. We also need a prison facility that is fit for women, as women have to go to HMP Grampian and HMP Cornton Vale, which can be many miles away from their families. That is simply not right.

We need a justice system that is there to protect, to prevent and to rehabilitate. It must change, and we need to provide that protection in an ever-changing world. We must provide the same protection to all, regardless of their gender or their ethnicity. We must all be equal before the law; therefore, we must all be equally protected by the law.

The Deputy Presiding Officer: I call Russell Findlay to wind up for the Conservatives, for up to eight minutes. This is Mr Findlay's first speech in Parliament.

16:43

Russell Findlay (West Scotland) (Con): George Beattie is innocent. In 1973, the year in which I was born, George Beattie was convicted of murdering Margaret McLaughlin in Carlisle. The BBC's "Rough Justice" programme later exposed serious concerns about his conviction. Last year, a new book identified a more likely suspect. That prompted Bob Alexander, Margaret's former fiancé, to break his 47-year silence and state that George Beattie is innocent. He thought that this miscarriage of justice would finally be put right. Nothing happened.

We do not have time to rehearse all the evidence here today, but I say with confidence that George Beattie is innocent. I am not the first politician to stand in a Parliament and say so. The late Labour MP Jimmy Hood did just that in the House of Commons 28 years ago.

Despite all that, George Beattie told me that he expects to go to his grave as a wrongly convicted murderer. That case shames Scotland. Yet, after I have spent decades working as a journalist trying to shine a light on injustice, it does not surprise me.

Willie Beck devoted his life to fighting to overturn his 1981 conviction for armed robbery. Credible and independent people are certain of his innocence. Willie died suddenly last year, but his family vows to keep up the fight.

Some might say that that is history and that society has changed. I would say, "Open your eyes." Injustice is rife in modern Scotland, and it has a corrosive impact. Its effects are profound, often consuming lives or cutting them short.

Injustice does not just mean wrongful convictions. Let us take the family of Kevin Mcleod, who was found dead in Wick harbour in 1997. For two decades the authorities dismissed that young man's death as not suspicious, then admitted that it should have been treated as murder.

Let us take Emma Caldwell, who was murdered in 2005, as we have already heard so powerfully from Pauline McNeill. Detectives blindly pursued the wrong suspects when a much more likely perpetrator was right in front of them.

Let us take Sheku Bayoh, who died in police custody on a Fife street six years ago but whose loved ones still do not know what happened. Let us take the countless families who have suffered medical negligence that has sometimes resulted in the loss of a loved one. While stricken with grief, they have had to contend with a confusing and intimidating legal process.

Then there are the former Rangers administrators—innocent men who were maliciously prosecuted by the Crown Office. That left taxpayers with a bill for unknown millions, but the former Lord Advocate, who was responsible, today sits on the High Court bench, dispensing justice.

I have been inspired by the resilience, determination and dignity of many ordinary people who were plunged into the abyss of injustice. Among those were the so-called four bampots of Milton, in Glasgow. Those four brave local fathers objected when Labour politicians and the police handed control of their community centre to a drugs gang. They defiantly embraced the term

"bampots", which the council had used to smear them. Labour defended the indefensible for years, and the gang was evicted only when people started getting shot dead on Glasgow's streets. No one in authority was ever held to account for that perversion or for many other scandals, and that is a common theme. Although injustices will always occur, they are compounded when there is no redress and no accountability.

Too often, public bodies use unlimited funds to crush legitimate complaints, wage war on whistleblowers and use non-disclosure agreements to hide the ugly truth from the paying public. Bad faith, back covering and secrecy contaminate too many of our institutions. In Scotland, legal regulation is not fit for purpose. Our police complaints system betrays the public and the honest officer; our prosecution service is capable of malice and routinely betrays victims; and our courts are secretive, self-serving and chronically inefficient. Our parole system treats victims as a nuisance, and our judicial complaints system is a toothless charade.

In Scotland, sudden deaths are not automatically subject to public scrutiny, which often leaves grieving families with no answers. That was powerfully described by Liam McArthur. When rigged systems close the door on victims and close ranks to protect wrongdoers, what hope is there for ordinary people?

Elsewhere in the UK, many of those serious problems have been identified and the system has been reformed to the benefit of the public. One of the most nauseating aspects of nationalism is the myth of self-righteous superiority and exceptionalism. The injustices that I am talking about arose entirely in Scotland and this Parliament has the power to fix them, but the SNP prefers to dupe our citizens with a relentless diet of manufactured grievance, dishonestly blaming all our ills on Westminster. *[Interruption.]* I have a note here that says that that point would trigger Mr Dornan. Thank you.

Scotland deserves so much better. Rampant injustice and the dangers of Scottish nationalism are two of the reasons why I decided to seek election. *[Interruption.]* I believe that it is the convention not to take interventions during a maiden speech.

The Deputy Presiding Officer: You can if you want to. There is no rule against it.

Russell Findlay: I will crack on. I am fairly certain that there will be another opportunity.

The catalyst for my standing here today came on the morning of 23 December 2015. I answered my front door to a man who was dressed as a postman. He was, in fact, a hitman. He threw sulphuric acid in my face and tried to stab me. My

young daughter witnessed that horror—she could have witnessed my murder. My subsequent personal experience of the criminal justice system confirmed everything that I had seen as a journalist. It made me angry and made me realise that nothing will change unless people stand up to be counted.

Being thrust into the public eye has been daunting. I spent almost 30 years hidden from view because of the real threat from organised crime. Those gangs have become obscenely wealthy and immensely powerful, and their drugs kill record numbers of our people. There is much more to say about that, and I will be saying it. It surprises me that not one word has been said about organised crime in this justice debate.

I am grateful to all those who have supported me and to the voters of West Scotland who put me here. I pledge to work hard for my constituents.

I will conclude by returning to the matter in hand. We have heard important contributions from members of all parties—not least from Katy Clark and Foysol Choudhury, who have made their first speeches, too. It is heartening to hear so much consensus among the parties. The Scottish Conservative amendment offers significant practical measures to begin the process of creating a fairer Scotland.

16:52

Keith Brown: I thank all members for their contributions to the debate, my first as Cabinet Secretary for Justice and Veterans. It has been informative and wide-ranging and has demonstrated our collective ambition to achieve a more effective justice system for the people of Scotland. There will be different views about how that endeavour might be achieved, but I welcome the honesty and commitment that most members have shown and that will help to inform that journey.

I opened our discussion with a commitment to try to build consensus. We can see how difficult that will be, but I will try to do that where possible and I have tried to do so in the conversations that I have already had with opposition spokespeople.

I repeat the genuine aspiration for the Parliament to make collective progress. Today's exchanges have in no way diminished my appetite for collaboration in the context of the Government's extensive and ambitious programme of commitments and as we seek to ensure that our justice system is exemplary in its handling of victims, witnesses and the accused. I look forward to hearing genuine ideas and suggestions as to how that might best be achieved and I know that that will lead to future productive debate.

It is also important that we discuss in more detail the range of levers currently available to justice partners as we emerge into the recovery phase of the pandemic and consider what further action may be possible. I said how impressed I was by the remote jury centre initiative, which I observed yesterday. I recognise the concerns that were rightly raised by representative bodies at the start of the pandemic and the need for appropriate, on-going assessment and analysis. That innovation has raised questions and delivered opportunities that were not previously considered to be appropriate. The use of remote juries is now a feature of our justice system and is one that is being looked at by justice systems worldwide as they respond to the Covid environment. When compared with other jurisdictions, Scotland has led the charge on this initiative. We must think further about how those centres will feature in the medium and long term; that thinking should take place openly and publicly.

I will try to pick up some of the key points that have been made. There have been many such points, so please forgive me if I miss out any—it is not intentional. Many of them have common themes.

I congratulate the other justice spokespeople—the newer ones and those who are more established in the role—on their positions.

I will come back to Pam Gosal's speech towards the end of my remarks.

I thank Rona Mackay for her remarks, especially in relation to a different, human rights-centred approach to justice.

I congratulate Katy Clark on her first speech in the chamber. I, too, was a Unison branch officer and shop steward. I never reached the exalted rank of a solicitor, but that was a great time to be in Unison. I listened to her comments and found that there are a lot of areas in which we can agree.

I think that James Dornan alone raised the very important issue of sectarianism and anti-Catholicism, which we must have regard to.

Michelle Thomson mentioned the register of interests, which we will take forward. I am sure that many of her other comments will be picked up by the Minister for Community Safety, who will have responsibility in the areas that she talked about.

I was keen to listen constructively to Alexander Stewart, but that can be done only on the basis that there are facts. People can have their own views, but they cannot really have their own facts. It is a simple fact that there has been a reduction of 17,000 police officers in England. In Scotland, there are more than 1,000 more police officers

than there were when we came to office. Crime has gone down substantially more in Scotland than it has elsewhere, and police officers in Scotland are paid more than they are paid elsewhere. We cannot invent others or change those facts. If Alexander Stewart wants to discuss that—I would be happy to be involved in such a discussion—he should at least have regard to the facts.

Audrey Nicoll made a fantastic speech. In particular, she mentioned wellbeing as a feature of our justice system and policing. Policing involves much more than law enforcement; it is about the wellbeing of society.

Like other members, I thought that Foysol Choudhury's speech was excellent. Education is not my responsibility, but the point that he made about using education to teach history that we might not otherwise want to face, about how wealth was accumulated in this country and the UK is a very good one. I made that point myself in a debate before the election, and I am confident that the education ministers will take that forward.

Christine Grahame rightly highlighted the civil side. That is a huge part of the system, and it probably impacts more people than the criminal side. I will make a genuine offer: I am happy to mediate between Christine Grahame and Edward Mountain as to whose pen that is. I warn Christine Grahame that possession is nine tenths of the law.

Christine Grahame: Keith Brown's offer is rejected.

Keith Brown: We can but try.

Emma Harper made a number of very good points, some of which the minister will be responsible for. I am happy to respond in writing to some of the other issues that I am responsible for; it would take too long to do that just now. She made a number of good points, not least on the location of jury centres.

Pam Gosal's speech was very much like Alexander Stewart's. It may be that simply giving a litany of anti-SNP diatribes is thought to be the way to go, but I think that, if members want to have a genuinely constructive debate, that is not the way to go. A dialogue is better than a monologue, and accepting what would have been, I hope, a constructive intervention would have been more helpful to genuine debate. I hope that, in time, Pam Gosal will be able to take genuine interventions and will try to have a dialogue rather than deliver a monologue. We will not get anywhere if people simply try to trash the entire justice and policing system in this country, as happened before the election. Let us start from the fact that, if there are things that are wrong, I will accept that, and I am willing to take on those challenges. Let us not try to trash the entire

system and say that it is the worst in the world, or whatever else.

Russell Findlay was right about serious organised crime. That was not mentioned, and it is extremely important. I genuinely offer him the offer that the chief constable and others made to me to talk about some of the serious and very good work that is going on. We cannot do all of that in the public domain. I realise that he will have reservations about how effective that is, but I think that that would help to inform some of his views about what the police are doing. To be honest, the attacks on the SNP were just pointless. The contribution could have been much more productive. If a genuine dialogue is wanted, I am happy to be involved in that.

I accept that Russell Findlay knows more than I do about some of the historical cases that he mentioned. The Criminal Cases Review Commission will look at those cases. I am sure that he will have tried that before. It is not for me to reopen former cases. I am not saying that some of the points that he has raised—especially the one about Mr Mcleod, which I am aware of—are not serious cases, but such injustices are looked at in a particular way. I am, again, perfectly happy to have a genuine discussion with him about the matter.

I turn to the amendments, and there is much in them that I am happy to agree with. I wish to highlight a few areas in specific amendments. Labour's amendment supports our overall ambition for the justice sector. However, it is worth noting that decisions around domestic abuse courts, and all specialist courts, are currently a constitutional matter for the Lord President of the Court of Session and the senior judiciary. In my view, we should consider the issues of jury sizes and some aspects of the changes that Lady Dorrian proposed—I think that Jamie Greene made that point as well. I cannot accept the amendment now, but I am willing to come back to that point. [*Interruption.*]

I really do not have much time to take an intervention—I am sorry. I am trying to wind up. I have had less time than Opposition speeches so far.

In relation to the Liberal Democrats' amendment on fatal accident inquiries, the Parliament agreed substantial reforms for the inquiries into fatal accidents and sudden deaths in 2016, which were passed with unanimous support. Additional resources have been applied, and that is having an effect. I do not deny that some high-profile cases give cause for concern, but currently less than 2 per cent of fatal accidents or sudden deaths resulted in FAIs that have lasted more than two years. We will continue to work on the matter, but I cannot accept that amendment.

There is much that we can agree on in the Conservatives' amendment. I agree with the need to continue to place victims and their rights at the heart of the justice system, which is an issue that I tried to cover in my opening remarks and which I know that both the Government and the Conservative Party will come back to.

We can also agree on restorative justice and secure funding, but there is so much else to consider—not least, the not proven verdict. If we were to go with the Conservatives' proposal, we really would have to consider the other aspects to the not proven verdict, with regard to jury size and many other aspects in the justice system. It is important that we take that work forward, which the consultation will allow us to do, so I am not shutting the door on that point by any means, but I cannot accept it and other points in the Conservative amendment today. In addition, summary courts can already use their maximum sentencing powers in dealing with attacks on emergency workers—I think that only the Conservatives refused to support the legislation on emergency workers in 2006.

We are happy to support the Greens' amendment today, including the commitment to human rights, which Maggie Chapman articulated very well, and the need to ensure holistic approaches to address “underlying causes of crime”. However, it is worth noting that the issues of enforcement against corporate and environmental crime that the amendment mentions are operational matters for the appropriate regulatory authorities. In relation to the point about institutional violence, which Pauline McNeill raised, I have spoken with the prison service and we have seen reports from Her Majesty's Inspectorate of Prisons for Scotland that say that a good relationship exists between prison staff and prisoners. We are happy to support the general thrust of the Greens' amendment, especially in relation to a human rights approach and other innovations. I am happy to conclude for the Government with those positions on the amendments.

The Presiding Officer: That concludes the debate on justice.

Business Motion

17:02

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-00347, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out revisions to next week's business. Any member who wishes to speak against the motion should press their request to speak button now.

Motion moved,

That the Parliament agrees the following revision to the programme of business on:

(a) Tuesday 15 June 2021—

after

followed by First Minister's Statement: COVID-19 Update

insert

followed by Ministerial Statement: Greenhouse Gas Emissions Statistics (2019)

delete

5.00 pm Decision Time

insert

5.30 pm Decision time

(b) Wednesday 16 June 2021—

after

2.00 pm Portfolio Questions:
Social Justice, Housing and Local Government;
Constitution, External Affairs and Culture

insert

followed by Ministerial Statement: Redress for Survivors (Historical Child Abuse in Care) Scotland Act 2021 Update

delete

5.00 pm Decision Time

insert

5.30 pm Decision time

(c) Thursday 17 June 2021—

delete

2:30 pm Parliamentary Bureau Motions

2:30 pm Portfolio Questions:
Justice

insert

2.00 pm Parliamentary Bureau Motions

2:00 pm Portfolio Questions:
Justice

after

2.00 pm Portfolio Questions:
Justice

insert

followed by Ministerial Statement: Provisional
Outturn 2020-21—[George Adam]

Motion agreed to.

Parliamentary Bureau Motion

17:03

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-00350, on a variation of standing orders.

Motion moved,

That the Parliament agrees that, for the purpose of the establishment of committees following the general election, in Rule 6.1.6(a) of Standing Orders the number “21” be suspended and replaced with “30”.—[George Adam]

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

Decision Time

17:03

The Presiding Officer (Alison Johnstone):

There are six questions to be put as a result of today's business. The first question is, that amendment S6M-00294.1, in the name of Jamie Greene, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: The Parliament is not agreed. We will move to a vote, so there will be a short suspension to allow members to access the digital voting system.

17:04

Meeting suspended.

17:09

On resuming—

The Presiding Officer: The question is, that amendment S6M-00294.1, in the name of Jamie Greene, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, be agreed to. Members should cast their votes now.

The vote is closed.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)

O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-00294.1, in the name of Jamie Greene, on justice: recover, renew, transform, is: For 28, Against 93, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-00294.3, in the name of Pauline McNeill, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division on amendment S6M-00294.3, in the name of Pauline McNeill, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, is: For 53, Against 60, Abstentions 7.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-00294.4, in the name of Maggie Chapman, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)

Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

The Presiding Officer: The result of the division on amendment S6M-00294.4, in the name of Maggie Chapman, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, is: For 93, Against 2, Abstentions 26.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S6M-00294.2, in the name of Liam McArthur, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Mercedes Villalba (North East Scotland) (Lab): On a point of order, Presiding Officer. I did not vote but would have voted yes.

The Presiding Officer: Thank you, Ms Villalba. We will ensure that your vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division on amendment S6M-00294.2, in the name of Liam McArthur, which seeks to amend motion S6M-00294, in the name of Keith Brown, on justice: recover, renew, transform, is: For 57, Against 58, Abstentions 6.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-00294, in the name of Keith Brown, as amended, on justice: recover, renew, transform, be agreed to. Are we agreed?

Motion, as amended, agreed to,

Accordingly, the Parliament resolved—That the Parliament commends the commitment, dedication and innovation of justice partners, staff and key stakeholders in ensuring that the justice system can recover, renew and transform as Scotland emerges from the COVID-19 pandemic, while looking towards reform that delivers a faster, fairer and more effective system; acknowledges key challenges and the ongoing need for measures to both continue to protect public health and to support the recovery of the justice system as it emerges from this most challenging period; recognises the investment of additional resources in helping to address the impact and encourages continued collaboration to ensure that the interests of victims and those who rely on the justice system remain at the heart of necessary reforms; recognises the inventive solutions that have been adopted, including the use of cinemas as remote jury centres, moving civil business online and enabling prisoners to maintain family contact through virtual visits; but, as in other jurisdictions worldwide, recognises the impact of the pandemic on the delivery of justice in Scotland on victims, witnesses and those accused of criminal offences, including those on remand, indicating the need for a clear focus on addressing the backlogs in court business and ensuring cases are progressed within a reasonable time period, all in order to deliver a modern justice system fit for future challenges; considers that the transformation of the justice system must take a human rights and equalities approach to address the disproportionate impact of punitive procedures on BAME communities and other marginalised people and the retraumatising of victims and survivors; acknowledges the urgent need to identify and increase enforcement action against corporate and environmental crime; recognises that an holistic approach to crime reduction and restorative justice that addresses the underlying causes of crime and focuses on rehabilitation, rather than punishment, reduces reoffending and delivers better outcomes for individuals and communities and tackles unacceptable levels of institutional violence, self-harm and suicide, and calls on the Scottish Government to explore opportunities to implement such approaches, including directing more resources towards prevention and reforming policing and prisons.

The Presiding Officer: The final question is, that motion S6M-00350, in the name of George Adam, on a variation of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, for the purpose of the establishment of committees following the general election, in Rule 6.1.6(a) of Standing Orders the number "21" be suspended and replaced with "30".

The Presiding Officer: That concludes decision time.

Meeting closed at 17:19.

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