

Conveners Group
Meeting with the First Minister
Wednesday 24 May 2023

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CONVENERS GROUP

CONVENER

*Liam McArthur (The Deputy Presiding Officer)

COMMITTEE MEMBERS

*Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee)

*Claire Baker (Convener, Economy and Fair Work Committee)

*Ariane Burgess (Convener, Local Government, Housing and Planning Committee)

Jackson Carlaw (Convener, Citizen Participation and Public Petitions Committee)

*Finlay Carson (Convener, Rural Affairs and Islands Committee)

*Jim Fairlie (Convener, COVID-19 Recovery Committee)

*Clare Haughey (Convener, Health, Social Care and Sport Committee)

*Richard Leonard (Convener, Public Audit Committee)

*John Mason (Convener, Finance and Public Administration Committee)

*Stuart McMillan (Convener, Delegated Powers and Law Reform Committee)

*Edward Mountain (Convener, Net Zero, Energy and Transport Committee)

*Audrey Nicoll (Convener, Criminal Justice Committee)

*Collette Stevenson (Convener, Social Justice and Social Security Committee)

*Kaukab Stewart (Convener, Equalities, Human Rights and Civil Justice Committee)

Sue Webber (Convener, Education, Children and Young People Committee)

*Martin Whitfield (Convener, Standards, Procedures and Public Appointments Committee)

*attended

THE FOLLOWING ALSO ATTENDED:

The First Minister (Humza Yousaf)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Conveners Group

Wednesday 24 May 2023

[The Deputy Presiding Officer opened the meeting at 12:02]

Government Transparency

The Deputy Presiding Officer (Liam McArthur): Good afternoon, and welcome to this meeting of the Conveners Group. I welcome Collette Stevenson, convener of the Social Justice and Social Security Committee, and John Mason, convener of the Finance and Public Administration Committee, to their first meeting of the group.

We have received apologies from Jackson Carlaw, convener of the Citizen Participation and Public Petitions Committee, and Sue Webber, convener of the Education, Children and Young People Committee.

The meeting will be held in public, and members' microphones will be operated automatically.

[Interruption.] Kaukab Stewart was a new member at the previous meeting, was she not?

Kaukab Stewart (Convener, Equalities, Human Rights and Civil Justice Committee): This is my first meeting with the First Minister.

The Deputy Presiding Officer: Excellent. Well, welcome again.

Agenda item 1 is the meeting with the First Minister. You are very welcome, First Minister.

The First Minister (Humza Yousaf): Good afternoon.

The Deputy Presiding Officer: It is your first meeting in front of the Conveners Group, too.

The First Minister: I can testify to that, yes.

The Deputy Presiding Officer: We have a number of firsts.

We are aiming for the meeting to take about an hour and a half. I hope that we will be able to get through all the questions in that time. We have agreed that the focus of today's meeting will be on the priorities that the First Minister set out in his statement on the priorities for Scotland. However, as always, conveners might wish to raise more general issues, and a bit of leeway will be applied in that regard. Some conveners have indicated that they wish to raise more than one issue; where that is the case, I have noted that in the order of priority. I will do my best, as ever, to get in all the

questions, but that will require brevity, as far as possible, in questions and responses.

Before we focus on the Government's priorities, given that this is the first time that the First Minister has met the Conveners Group, it would be helpful if we could start with some general issues of interest to all the committees. We will therefore start with questions about Government transparency and post-European Union issues.

Ferries

Richard Leonard (Convener, Public Audit Committee): First Minister, in your foreword to "Equality, opportunity, community: New leadership—A fresh start", you state:

"I pledge to earn and re-earn the respect and trust of the people of Scotland".

At the end of the document, you say:

"It is imperative that transparency underpins our approach to delivery. My government will ensure the people of Scotland have the information they need to hold us to account."

In conducting our committee inquiry into the ferries—vessels 801 and 802—over the past year, the Public Audit Committee has been met with ministerial non-co-operation, senior civil servants evading scrutiny and Government bodies omitting evidence or being unable to find evidence that later turned up. The public need to be assured that that will not happen again. Will you and the permanent secretary now mount a review of Government accountability and transparency to Parliament?

The First Minister: I thank Richard Leonard for the question. Before I answer it, I thank the Conveners Group for the invitation to appear. I look forward to what I am sure will be a wide-ranging discussion.

I absolutely commit to reviewing and examining what more the Government can do to be as transparent as possible. There is a range of areas that we can explore and examine. For example, I have already spoken to the Minister for Parliamentary Business, and to ministers and cabinet secretaries right across the board, about our response time to freedom of information requests.

I am not trying to leverage some sort of excuse here, but the added complexity in relation to Ferguson's shipyard is that there are genuine issues around commercial sensitivity and not putting the yard at a competitive disadvantage. We want the yard to continue to not only bid for but, we hope, win contracts in the future. In some cases, the firm advice was that, if we released those reports, we would put the yard at a competitive disadvantage.

However, I take the point that Richard Leonard makes. I am more than happy to see what more can be done not only around Ferguson's but generally so that we can be as transparent as possible. I think that we have a good record in that regard, but I would like to see what more we could do.

Richard Leonard: Let me not dwell on commercial matters, then. Only today, the committee published your Government's response to our ferries report. The committee still has to consider it, but it was almost a week late. I do not know whether you have seen the response that we got from your Minister for Transport, but it rather cherry picks and notes our recommendations and conclusions using—I have to say—very few words. Frankly, it says very little.

Is that the kind of fresh start to transparency that we would expect? In addition, will you publish the findings of Barry Smith KC's investigation into whether the procurement process was rigged, as was alleged in the BBC "Disclosure" programme?

The First Minister: On the second question, we take the issues that were raised by the BBC very seriously indeed. That is why an investigation is under way. Again, I am more than happy to look at what can be published.

I am absolutely committed not only to being transparent but to making sure that Parliament is updated as soon as is possible on any issues, let alone the ones that we are discussing with regard to Ferguson's shipyard. For example, when we received the request for written authority from the accountable officer, we made sure that Parliament was updated via ministerial statement at the first available opportunity.

We will stand up and take scrutiny on those matters. However, I go back to the point that some areas and issues are commercially sensitive, particularly in relation to Ferguson's. If we were to release some reports in a completely unredacted form, it would put Ferguson's at a competitive disadvantage.

I am happy to look at the request that Richard Leonard has made and take advice on it. I am absolutely committed not only to being up front and transparent but to making sure that we notify Parliament of really important developments in relation to Ferguson's as soon as we can.

Financial Memorandums

John Mason (Convener, Finance and Public Administration Committee): First Minister, we have had two recent bills, the National Care Service (Scotland) Bill and the Children (Care and Justice) (Scotland) Bill, for which the financial memorandums have not contained the best

estimates of all the costs related to the bill, and the Government has committed to providing updated financial memorandums. We accept that there is often much uncertainty about the future costs of legislation, but can we have some assurance from the Government that future financial memorandums will at least contain estimates of all the relevant costs?

The First Minister: That is a really fair point. I want to see what more we can do to provide committees with as much information as possible about the finances of important bills, a couple of which you mentioned.

However, I hope that there is an understanding that financial estimates might develop. For example, in the case of the national care service, we are undertaking intensive engagement with stakeholders and will, I hope, come to a compromise on some of the issues that local government and trade unions in particular have raised, which will therefore have an impact on the financial memorandum.

I appreciate that that can place the legislative timetable in difficulty and that your committee and others represented around this table will find their processes and evidence-taking timelines affected. I give an absolute assurance that we are reviewing what more we can do to provide the best estimates possible and to ensure that committees are informed of any revisions to estimates as soon as possible.

John Mason: I am grateful for that response. I think that committees accept that best estimates are fine. The problem is that, in some cases, we have not had any estimates at all in some specific areas. For example, there has been a suggestion that trying to predict how many young people might end up in the court system is telling the courts what to do. Our feeling is that having even a rough estimate or a range of estimates—anything in that space—would be better than nothing.

The First Minister: That is fair.

Committee Scrutiny

Claire Baker (Convener, Economy and Fair Work Committee): My question is about committee scrutiny and the Government's seemingly increasing preference for regulation rather than primary legislation. The National Care Service (Scotland) Bill has already been mentioned. One issue with that is that it is a framework bill and difficult for committees to scrutinise. There is also a proposal for juryless trials, but there are no details of the pilot in the legislation for members to consider. A bill that has come to my committee, the Bankruptcy and Diligence (Scotland) Bill, proposes a moratorium

on the grounds of mental health, but that will, once again, be left to regulation—the bill does not specify what that moratorium would look like.

There is growing concern that committees are unable to properly scrutinise legislation or to properly consider the substance of proposals. I am interested in hearing the First Minister's response to that and the Government's approach to the balance between regulation and primary legislation.

The First Minister: The word “balance” is so important. I think that everyone around this table will recognise that, in some instances, the use of regulation will be absolutely necessary. Equally, the Government should be open to challenges from committees when they say that some things should not be in secondary legislation.

Let us take the examples that Claire Baker rightly referred to. The time-limited pilot of juryless trials, which is part of the Victims, Witnesses, and Justice Reform (Scotland) Bill, was recommended by Lady Dorrian, and we are keen to progress that. It is so important that we have the ability to work with survivors groups, the legal profession and others to work through really challenging issues that require us to hear each side, because each side makes valid arguments about the pros and cons of single-judge trials. Once we get to an agreement with the legal profession and those who represent rape survivors, as well as with the others who are important in this process, we do not want to go through the primary legislative process all over again. Claire Baker rightly used the word “balance”; we must try to strike a balance.

12:15

The Government and I—certainly in relation to the bills that I have taken forward in my previous roles—are always open to how we enhance the Parliament's scrutiny of really important issues. Again, I will take single-judge trials as an example. If a committee were to recommend it, should we bring forward a super-affirmative order to give additional and enhanced scrutiny powers to the Parliament? The Government should be as open to that as we can be, particularly in areas where we are trying to get the balance right between not having to go through primary legislation every time and not using secondary legislation for really important matters.

I hope that we can work our way through the various issues that Claire Baker raised. From the Government's perspective and from my perspective as First Minister, we should be very open to any committee suggestion of additional and enhanced scrutiny.

Claire Baker: Although juryless trials is a key issue, we are looking at the Bankruptcy and Diligence (Scotland) Bill with regard to the moratorium on the grounds of mental health. I am interested in whether the Government believes that, when it has to introduce necessary legislation, more time should be given to allow MSPs to know what we are planning to pass legislation on, because it is harder to build consensus if people do not know what they are voting for. There seems to be a greater trend in things being left to regulations or in the detail not being in bills as they go through Parliament. To gain greater support in Parliament, the Government should commit to making the regulations available before stage 3, because that can often help. The Government should recognise that, although MSPs might broadly support a piece of legislation, it is sometimes difficult to vote for it if we do not know the detail.

The First Minister: I think that that situation is very common indeed. On the particular issue relating to the Bankruptcy and Diligence (Scotland) Bill, which Claire Baker mentioned, let me take that away and see whether we can provide something in advance of further stages of parliamentary scrutiny. Over the years, as a minister and cabinet secretary, I have been involved in many bills, and there have been occasions when we have provided draft regulations in advance. I am more than happy to do so on this occasion if that can be done.

A balance always needs to be struck when it comes to secondary legislation. On some issues, there is no contention between a committee and the Government, with everybody accepting that they should be dealt with by secondary legislation. There are, of course, other areas in which we should be willing to work with committees to find the best resolution that we can find. The comments that Claire Baker makes are fair.

Post-European Union and Inter-Governmental Relations

12:17

Intergovernmental Relations

Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee): In this parliamentary session, a key consideration of our committee has been the effectiveness of intergovernmental relations, especially in the new constitutional reality of being outside of the EU. I would like your initial thoughts, as First Minister, on how well the intergovernmental relations agreement is working. Given that IGR operates primarily within a private and confidential space, how do we, as conveners and committees of this Parliament, engage in that process?

The First Minister: On the latter point around how the Parliament engages, again, I would be up for a conversation about what we can share. Obviously, there has to be a safe space for those intergovernmental discussions to happen with some degree of confidence and confidentiality, in order to have that free and frank exchange of views, but it is very fair that our respective Parliaments are able to question and scrutinise where necessary. Again, I am taking a note to look at what more we might be able to do in order to ensure that, going back to Richard Leonard's point, there is as much transparency around those matters as possible.

As a structure, the IGR works on paper, but it is more about the culture than the structure. I have had a couple of conversations with the Prime Minister, other UK Government ministers and their Welsh counterparts and I will continue to have those conversations. In the conversations that I have had with the Prime Minister, he has been willing to listen to the arguments that we put forward, but what frustrates me is that it seems that there is a continual undermining of our devolution. That is a great worry to me. You can have in place all the processes and structures that the IGR gives you and have all the warm words and cordial meetings in the world but, in my view, we are being, and the Parliament is absolutely being, undermined whether through the UK Government not granting an exemption to the United Kingdom Internal Market Act 2020—well, through that act as a whole, I have to say—through the way in which the Sewel convention has been used, with several breaches since 2016, through the use of a section 35 order under the Scotland Act 1998 or through the Retained EU Law (Revocation Reform) Bill. I could give many examples but the situation is of serious concern.

I have to say—I am not breaking any confidences because the individual has said this publicly—those views are shared by the Welsh First Minister and the Welsh Government. We are at one on the undermining of devolution. In fact, it was at the top of the agenda when the Welsh First Minister Mark Drakeford and I first met.

International Engagement

Clare Adamson: All those issues have been of concern to the Constitution, Europe, External Affairs and Culture Committee and we have published a number of reports on REUL and other areas. One of the reports that we did was on the excellent positive work of our international offices and missions. Since then, the Foreign Secretary has written to embassies to limit the Scottish Government's overseas engagements and, given the great work that they do, possibly damage trade and investment. Do you have any reflections on that?

The First Minister: People know my reflections. It was an incredibly clumsy intervention by the Foreign Secretary and I said as much to the Prime Minister when we last met. It works against the team Scotland approach.

I fully respect that there is a difference of opinion and that there is a wide range of views on Scotland's constitutional future but we do not purport to speak on behalf of anybody but the Scottish Government and Scotland's constitutional future is not often a topic of conversation when we have meetings about trade and investment with foreign partners. Those partners are interested in how we can increase trade and investment and in what more we can do on educational and cultural exchange or on international development on which, despite having a relatively small pot of money, we can make huge, transformational change. If we are asked our opinion on the constitution, we will always be clear that we are expressing the views of the Scottish Government and, of course, the UK Government will have a difference of opinion on that constitutional matter and other matters, such as Brexit.

If my early engagement with ambassadors and others is anything to go by, there is a great degree of warmth towards the idea of Scotland continuing that international engagement.

Legislation

12:23

Section 104 Orders

Stuart McMillan (Convener, Delegated Powers and Law Reform Committee): First Minister, you will be aware that the Delegated Powers and Law Reform Committee considers certain bills based on reports by the Scottish Law Commission. The Parliament recently passed the Moveable Transactions (Scotland) Bill and the committee is currently considering the Trusts and Succession (Scotland) Bill. Both those bills will need an order made under section 104 of the Scotland Act 1998 to be agreed between the Scottish and UK Governments to bring their proposals fully into force by making consequential changes to reserved law. Would a formal protocol between both Governments be of assistance to ensuring that SLC bills are fully implemented?

The First Minister: I am certainly open to considering whether a formal protocol could help matters. There is already a process in place. It can often differ on a case-by-case basis. The subject matter, its complexity, the complexity of the drafting and securing UK parliamentary time are all material considerations that we have to take into account. Because of that, both Governments tend to work on the basis that a section 104 order would require roughly 12 to 18 months from inception to being made.

We always identify the need for such orders as early as we possibly can in the bill process but it will often have to be done on a case-by-case basis. I understand the legitimate concerns that you raise and we will do everything that we can to ensure that the section 104 orders that are deemed necessary are identified and progressed as early as possible. You have asked me to consider a formal protocol and I will take that away and look at whether that would help with movement on section 104 orders.

Stuart McMillan: I want to follow up Clare Adamson's questions on intergovernmental relations. It is clear that the Scottish and UK Governments have been working well together on section 104 orders. However, as you indicated, the length of time that they can take appears to be a problem or a challenge. The feeling of the committee is that if it could be sped up, to say the least, it would aid those who are going to be practitioners under the legislation by allowing them to use it quicker for better outcomes for the population.

The First Minister: We always have to be mindful of the pressures on committee timetables.

I know that they can often be tight so we do our best to work well with the clerks in that respect. If there is anything else that can be done to speed up that process, particularly in relation to section 104 orders, I am more than happy to take a look at it, whether it be a formal protocol or something else. It is well worth us considering it. I will take that one away with me.

Retained EU Law (Revocation and Reform) Bill

Finlay Carson (Convener, Rural Affairs and Islands Committee): Good afternoon, First Minister.

My first question is about the Retained EU Law (Revocation and Reform) Bill, the Scottish Government's approach to retaining EU law and devolved competence. The Rural Affairs and Islands Committee and the Net Zero, Energy and Transport Committee are likely to have to deal with the bulk of the legislation and it is our role to hold the Scottish Government to account. I understand that the Scottish Government will have to take an intergovernmental approach to this work with the UK Government, but as a convener of a Scottish Government committee, I am concerned that we have had no indication of the work that the Scottish Government has undertaken up to this point, nor any indication of the Scottish Government's approach in relation to the Scottish Parliament and the role of parliamentary committees in that process.

The First Minister: You will note that there has been some change to the UK Government's timetable for the Retained EU Law (Revocation and Reform) Bill. I am more than happy to examine in detail, or perhaps understand in more granular detail from Finlay Carson, where he feels that there are gaps in the information that has been provided. If he feels that, overall, the information that is coming from the Government is not of an appropriate quality, standard or sufficiency, I am more than happy to see what we can do to rectify that.

Mr Carson well knows our position on the Retained EU Law (Revocation and Reform) Bill and that we think that it overreaches significantly. Frankly, it could end up having a detrimental impact on standards, particularly in agriculture, and that is a key concern for us. I am happy to look at the specifics if Finlay Carson can provide them just now, or I will ask my office to reach out to the clerks so that we can better understand where the information provided is insufficient.

Finlay Carson: It is not just that it is insufficient: it is just not there. We have no indication of how the Scottish Government would like to see the committees approach the work that is almost

certain to come in the future. It is not about the quality of the information or how it is coming to us. It is about the fact that we do not have any information at all.

Community

12:29

Broadband (Rural Communities)

Finlay Carson: This morning, my committee took evidence on the islands plan. One really important topic within that subject is depopulation and its contributing factors, including lack of housing, the ferries, the impact of highly protected marine areas, and the digital infrastructure, especially given the significant impact that broadband, or the lack of broadband, has on the sustainability of rural communities.

We know that communication regulations are reserved but the physical deployment of infrastructure is devolved to each of the nations. On that basis, can you tell us why the reaching 100 per cent—R100—programme, which is a flagship project that was supposed to be completed by the end of 2021, has gone so badly wrong? We are now looking at the end of 2028 in some instances. As First Minister, what can you do to accelerate the programme and give rural communities assurances that the commitments that were given by the Scottish Government will be delivered, and will you commit to a review of R100 to identify why it has gone so wrong?

12:30

The First Minister: It will not be a surprise to Finlay Carson that I disagree with his characterisation of R100, and I will come to that shortly. I know from various ministerial portfolios that I have had, particularly as Minister for Transport and the Islands, just how concerning an issue depopulation of our remote, rural and island communities is.

Finlay Carson is right to articulate the range of factors that cause depopulation. The Scottish Government is committed to taking a cross-governmental approach. We know how important housing and affordable housing is, which is why one of the first announcements that I made was around additional funding for the purchase of empty properties to put back into the social rented sector. We think that that can help the situation, particularly in rural communities, in addition to giving local authorities more power in relation to council tax on second homes.

We are keen to work on a range of those issues, and we are taking a cross-governmental approach. When I travel to our remote, rural and island communities, a number of issues come up. Where we can work with the UK Government on those issues, we would be keen to do so. Unfortunately, we will not be able to convince the

UK Government of the folly of Brexit, but there is no doubt that it has had an impact.

We are desperate to see whether we can get the UK Government to see sense on migration policy, for example, on an extension to the rural visa pilot, and to see what more can be done on migration to help the population. A range of issues are in our gift, which the Government accepts, but we would be keen to collaborate and work with closely with the UK Government on some of those issues.

That is a fair question to ask on R100, because connectivity is important not just for individuals but for businesses in remote, rural and island communities. I am absolutely committed to making sure that the progress that we have made on R100, which is exceptional in terms of the investment that we have made and the coverage that we have, is continued. There are a number of reasons why R100 did not meet an initial target, including, undoubtedly, the impact of Covid. We know that that has had an impact on a range of projects.

Finlay Carson asked for a review on getting the project back on track, and I make an absolute commitment to do everything that we can within our gift and our power to make sure that digital connectivity is countrywide, including in our remote, rural and island communities. If it was not for the Scottish Government's significant investment, many parts of the country would be in a complete digital black spot. I am keen to see what more we can do to make sure that that programme delivers for remote, rural and island communities across the country.

New Deal for Local Government

Ariane Burgess (Convener, Local Government, Housing and Planning Committee): Good afternoon. As part of our work on the local governance review and the new deal for local government, my committee recently held a constructive event with Scotland's Futures Forum. We looked at the relationships between local government and central Government, and from that, the committee believes that the agreement of a new deal between local government and central Government is essential.

As you probably know, that view has also been expressed by the Accounts Commission. Although we appreciate that it is appropriate for time to be taken to get the new deal right, we are concerned that there needs to be a renewed level of urgency to the agreement.

I am keen to hear what you are doing to give momentum to the new deal. From our conversations at the event, some clear principles came to light. We heard that local government is

looking for clear and enforceable demarcations of roles, more freedom to operate flexibly in ways that respond to the specific needs of their localities, recognising that Scotland is one of the most centralised countries in Europe, and more certainty of funding. I am interested to hear what you are doing to ensure that those principles shape the new deal.

A local democracy bill is listed for this parliamentary session, and I am interested to hear whether you can commit to that, because it would be an important vehicle that could give effect to the deal and further empower communities.

The First Minister: Thank you—I am just taking a note of all three parts of the question. First and foremost, I give an absolute commitment around the urgency and the pace that is required from Government for the new deal. In fact, the very first meeting that I had as First Minister with an external stakeholder was with the Convention of Scottish Local Authorities and its president. That was not by coincidence but very much by design, in order for us to reiterate and communicate to our partners in local government the urgency that is required to get a new deal over the line.

I also had another meeting with COSLA just a couple of weeks ago, alongside the Deputy First Minister, and along with the COSLA presidential team, and I have to say that it was one of the most positive meetings with COSLA that I have had in my time in Government. There was a shared desire to endeavour to get moving on the new deal as quickly as possible, so I have a fair degree of confidence that we will get a new deal in place.

As with any deal or negotiation, however, the final couple of hurdles are sometimes the most difficult to overcome. That is where we have to concentrate our effort, and there has to be compromise on all sides in that regard. We are in that final straight—it will, I think, be the most challenging, but I am very confident that we will get to a new deal, and hopefully soon.

With regard to the principles, they have been brought to the table by local government and I absolutely want to see them embedded as part of the new deal. The number 1 issue that our local government partners bring to the table—again, I do not think that I am giving away any secrets at all here—is that they want flexibility. They want an agreement with Government, where we have shared outcomes in relation to, for example, the reduction of poverty and reducing the educational attainment gap, to enable them to do that in a way that gives them the maximum amount of flexibility. That comes down to the issue of trust between national and local Government, and I absolutely trust our local government partners to deliver on those outcomes. For me, those principles are important.

We remain committed to working with COSLA, and we want to conclude the local governance review with it, as we promised to do as a Parliament. The review is considering how power and resources could be shared between national and local Government, and that is linked to the new deal that I have already spoken about. Of course, if the findings of the review require legislative change, we will seek to introduce those changes in the current session of Parliament.

Ariane Burgess: Thank you for your response. Parity of esteem is really important, and we need to be looking at that, so that we move away from what I and the committee perceive to be a bit of a hierarchical way of thinking about national and local government. One thing that came out clearly at our event was the need to step away from the idea that local government is a delivery agent, when national and local government are partners in what we are trying to do for people in Scotland.

The First Minister: I agree with that, and we are trying to talk about spheres of government as opposed to tiers of government, which I know is really important for local government. I see us as partners, and, as I have said, we are making really good progress on the new deal. I hope that we can get a conclusion to that relatively soon, and I hope that it will reflect the principles that Ariane Burgess has so well articulated.

Pandemic Preparedness

Jim Fairlie (Convener, COVID-19 Recovery Committee): Good afternoon, First Minister. You will be aware that the national incident management team recently met to discuss the latest position on Covid-19 in Scotland, and it has agreed that it will no longer meet. That follows other recent developments, such as our Government no longer producing a separate threat level for Covid. In the light of those events, can you set out how Covid-19 and recovery fit into the new Government's priorities? Who will be leading on them?

The First Minister: Thank you—that is a good and important question. I was involved in this work in my previous role as Cabinet Secretary for Health and Social Care. We are now in a different phase of the pandemic, as I think that everybody recognises, but Covid has not gone away, and its impacts can still be felt. From information that I have had from my successor in the role of health secretary, I know that there are challenges whenever we have an outbreak or an uptick in cases. Such impacts are seen most acutely at our hospital sites, not only among patients who come because of the effects of Covid but among the staff there, who want to ensure that they are not spreading the virus in busy hospital wards.

Our Covid recovery work continues to be led by almost every minister and cabinet secretary in the Scottish Government. Of course, the Cabinet Secretary for NHS Recovery, Health and Social Care takes the lead on healthcare, but the Deputy First Minister still has an overview across the Government in relation to our recovery from Covid-19.

It should be said that almost all the empirical evidence and data tell us that we should expect there to continue to be pandemics in the future. We have established a standing committee on pandemic preparedness, which will continue to inform our response to and preparedness for any future pandemics that might arise.

Covid Recovery

Jim Fairlie: You have led me perfectly on to my second question. You will be aware that, at its meeting on 4 May, the Covid-19 Recovery Committee heard from Professor Morris and Professor Evans from the Scottish Government's standing committee on pandemic preparedness. Two things came out of that interesting session. The first was that both professors stated that we can no longer expect pandemics to happen only once in every 100 years, so we must think differently. Secondly, Professor Morris mentioned on three occasions the importance of the Parliament's Covid-19 Recovery Committee.

We have seen the standing committee's interim report, which was published in August 2022. The Scottish Government's response to its recommendations, which was delivered by the previous First Minister, was that it would work with that committee and partners across the public sector, in industry and in the research institutions to take them forward and ensure that Scotland was as well placed as it could be to meet the pandemic threats of the future.

Since then, there have been changes in ministerial portfolios, and Covid recovery does not appear in the remit of the Cabinet Secretary for NHS Recovery, Health and Social Care. Given all the lessons that we learned throughout the pandemic, and the importance of being prepared should another pandemic arise, is pandemic preparedness still a priority for the Scottish Government? Who in the Government is responsible for acting on the interim report's recommendations?

The First Minister: I will make a couple of points in response. Our national health service recovery plan, which is for our recovery from the Covid-19 pandemic, is a five-year plan. You will notice the change in the title of Michael Matheson's role, which is now Cabinet Secretary for NHS Recovery as well as for Health and Social

Care. He will therefore drive forward our NHS recovery work. However, it will be for the Parliament—and for the committee itself—to decide the scope of the Covid-19 Recovery Committee's work.

Even though we are no longer at the height of the pandemic, our recovery will still take years. I do not know of anyone who is suggesting that it will take weeks or months—it will take years not just for the NHS to recover but for our economy to recover from the impacts and so on. We must therefore take a broad overview in that respect.

As for future resilience, you will note that among the responsibilities of the various cabinet secretaries the Cabinet Secretary for Justice and Home Affairs continues to have responsibility for resilience matters, regardless of what they might be, which would include future pandemics. However, I have asked the Deputy First Minister to have an overview, across Government, to ensure that our Covid-19 recovery continues, taking over from the good work that her predecessor did in that regard.

Ferries

The Deputy Presiding Officer: We are now joined by Edward Mountain, convener of the Net Zero, Energy and Transport Committee, who is appearing remotely. Edward, over to you.

Edward Mountain (Convener, Net Zero, Energy and Transport Committee): Thank you very much, Deputy Presiding Officer, and good afternoon, First Minister.

As you will know, First Minister, the Net Zero, Energy and Transport Committee has nearly finished its inquiry on ferries. At the weekend, we heard that Turner & Townsend had been appointed, at a reputed cost of £4 million, to review the Clyde and Hebrides ferries contract, which is due to be tendered for in 2024, and specifically the role of CalMac Ferries in that. Will you clarify what Turner & Townsend's remit is, and when it will report? That would be helpful for the committee.

The First Minister: First, we are of course very committed to the successful development of the next generation of that contract. That lifeline, as it is often rightly described, is vital for our island communities.

I have to say that it is very routine practice for us to use specialist external advisers when it comes to complex and particularly high-value projects such as this one, to ensure that the contract meets our needs and delivers value for money. In addition to engaging with our various stakeholders, including the communities who are served by the contract, our external advisers will

help ensure that the development of the contract includes industry best practice in order to deliver a service that will meet our current and future requirements. We are very committed to that.

In relation to giving detail and what can be published, I am happy to take that ask away and see what we can possibly publish, given that this is a piece of live work that is already under way in relation to a future contract. I am more than happy to see what can be published and to be as open and transparent in that regard as possible.

Equality

12:45

The Deputy Presiding Officer: I am conscious that we are making good progress but we have quite a number of questions still to get through. I reiterate my plea for brevity in questions and responses as far as possible.

We move on to the theme of equality, but we stick in the virtual domain as we go to the second colleague who is joining us remotely—Clare Haughey, convener of the Health, Social Care and Sport Committee.

National Care Service (Scotland) Bill (Stage 1 Extension)

Clare Haughey (Convener, Health, Social Care and Sport Committee): Last month, the Scottish Government announced an extension to stage 1 of the National Care Service (Scotland) Bill. The Minister for Social Care, Mental Wellbeing and Sport recently attended the Health, Social Care and Sport Committee on the subject.

Will the First Minister outline the engagement that the Scottish Government has had, and will have, with trade unions and the Convention of Scottish Local Authorities during the stage 1 extension, how long he anticipates that the engagement at this stage will last before moving on to the next stage of the bill and when the financial memorandum of the bill will be updated?

The First Minister: The engagement has started, and there will be an intensive period of engagement over the course of the summer months.

Having worked closely on the bill with Kevin Stewart—who was previously the minister in charge and leading on it—I should say that there has always been really good engagement with local authorities and our trade union partners right from the inception stage. It has become very clear that they have particular issues. I think that it is safe for me to say that those issues tend to centre on the employment of local people. That is the area that we are focused on in relation to trying to find a compromise solution.

This is all about having a national framework for a national care service with national terms and conditions, consistency of standards, sectoral bargaining and so on and so forth but, at the same time, having staff who are locally employed. I do not think that it is beyond our collective wit to get to a compromise position on that. However—and segueing to the second part of Clare Haughey's question—I think that that will undoubtedly have a bearing on the financial memorandum. We will

come back with that revision once that engagement comes, I hope, to a successful conclusion.

Health Inequalities

Clare Haughey: At the end of last year, the Health, Social Care and Sport Committee published a report on tackling health inequalities in Scotland. We know that the pandemic has exacerbated health inequalities, and the on-going cost of living crisis is widening those inequalities even further. Will the First Minister advise what steps the Scottish Government is taking to target support at people whose social circumstances have a negative impact on their health?

The First Minister: The committee's excellent work on that over the years confirms what we know about poverty, unfortunately, being the common thread when it comes to health inequalities. The Government is taking a range of actions in that regard. I will not go through all of them, but you can see, for example, our work on alcohol and tackling problem drinking as well as our work on targeting smoking cessation and lung cancer, which particularly affects those in areas of higher deprivation. There is also all the work that we are doing to try to reduce poverty, and we are being very targeted in that. We have, for example, the likes of the Scottish child payment, the fuel insecurity fund and many more.

I suppose that the frustration is that, while we are doing all of that, we are still beholden to decisions that are made by the UK Government. If it chooses, for instance, to take away the uplift of £20 in universal credit, that will undoubtedly have an impact in relation to poverty, as will the bedroom tax and so on and so forth. There are many areas of UK Government policy—you do not need to take my word for it; many experts in the third sector will tell you—that have a real significant impact, but the Scottish Government will do whatever we can, within our gift, to try to reduce those health inequalities. There is still some significant work for us to do in that regard.

Asylum Seekers (Human Rights)

Kaukab Stewart: The Equalities, Human Rights and Civil Justice Committee is undertaking a short inquiry on the human rights of those seeking asylum in Scotland. Against the backdrop of the current conflict in Sudan, can the First Minister advise what Scottish Government preparations are under way to welcome asylum seekers from Sudan who might wish to make their home in Scotland?

The First Minister: I look forward to seeing the outcome of the inquiry that the committee has undertaken. It is an issue that is of interest to

many of us, and it has been a particular interest of mine for many years. I really do despair at the current discussions around migration from the UK Government and, indeed, from others. To be frank, I do not think that we look at the issue through the prism of compassion or even—if I was to be more hard nosed about it—consider what is in our economic interest in relation to migration.

I will give one example in relation to asylum seekers. Most of us as MSPs, and certainly our colleagues who are members of Parliament, will know of many constituency cases in which someone has been in the asylum process for years and not had the right to work. That approach is just mind boggling, not only for the individual who wants to work but for our economy with regard to additional tax receipts.

We are doing a number of things to prepare. We have the new Scots strategy, which will help to guide local authorities in relation to refugees and asylum seekers who come to the country. I have spoken to the Prime Minister about the situation in Sudan and, as part of that conversation, he updated me on the UK Government's plans with regard to refugees. I have, of course, made it clear that the number 1 thing that the UK Government could do is ensure that there are safe routes for migration. If we do not have safe, legal routes for migration, we end up with unsafe, illegal routes.

The Cabinet Secretary for the Constitution, External Affairs and Culture has written to the Foreign Secretary to put on the record our deep concern for people who are at risk in Sudan and to ask the UK Government to do more in relation to safe, legal routes. With regard to the humanitarian situation in Sudan, the Cabinet Secretary for Social Justice has also written to her counterpart, the Home Secretary, in relation to legal routes.

There are things that we can do, and we have had regular engagement with local authorities, in particular in areas where we would expect refugees to come initially. For example, there has been regular engagement with Glasgow and Edinburgh, in particular with some of the Sudanese diaspora communities there, many of whom are—quite understandably—exercised and want their families who are still in Sudan to join them in the UK.

Kaukab Stewart: Thank you for that very full answer. I was going to go on to ask about your communications with the UK Government, bearing in mind that immigration and issues concerning refugees and asylum seekers are reserved matters, but you have given a comprehensive answer. Is there anything else? Has any further communication taken place?

The First Minister: No.

Kaukab Stewart: No? I did not think so, but I thought that I would ask, just in case.

The Deputy Presiding Officer: That extensive answer means that I do not need to repeat my plea for brevity—thank you very much.

Poverty

Collette Stevenson (Convener, Social Justice and Social Security Committee): I am pleased to see that the first mission set out in the First Minister's vision for Scotland relates to tackling poverty and protecting people from harm. One of the key policies that the Scottish Government has introduced that is unique in the UK is the Scottish child payment. Earlier this month, during an evidence session on the cost of living crisis and its impact on lone parents, Cara Hilton of the Trussell Trust told the Social Justice and Social Security Committee:

"We know that the policy is starting to make a difference, because our annual parcel figures, which came out last week, show that there was a much lower percentage increase in the number of parcels for children from November 2022 to March 2023. That is encouraging news, but it is not an excuse for complacency".—[*Official Report, Social Justice and Social Security Committee*, 4 May 2023; c 20.]

I am interested in the First Minister's response to that. I would also appreciate it if he could provide an update on the anti-poverty summit that he convened earlier this month and whether he will continue to engage with cross-party leaders, experts and, most important, those with direct experience of poverty to find better solutions.

The First Minister: Two things stood out in that quote from Cara Hilton—I have worked with her in the past and I have a tremendous amount of respect for her. One was the point that there was a much lower percentage increase, but that means that we are still dealing with an increase and the effects of poverty, particularly through the cost of living crisis that has beset this country. I am afraid that it is still affecting the most vulnerable in ways that we all know about, because we engage with our constituents, and in ways that are, frankly, shameful in the 21st century. The second phrase in that quote that stood out was that there is no "excuse for complacency". I would double underline that, because it is absolutely right.

We have not seen the full set of figures since the latest rise in the Scottish child payment. When they come out, I would be surprised if they do not show a reduction in child poverty in particular. However, even if that is the case, nobody in the Government will be taking their foot off the gas when it comes to tackling poverty, particularly child poverty. The rates of child poverty are still far too high in our country. However, I pay tribute to my predecessor, who implemented the Scottish child

payment. It comes at a significant cost to our budget, but it is worth every single penny, given the impact that it is having on poverty, particularly child poverty.

We are taking a range of other measures above and beyond the Scottish child payment, but I will not go into detail about them. I have already mentioned some of them in response to an earlier question.

I was clear that I did not want the anti-poverty summit to be a talking shop where we would all gather and have nice cups of tea and discussions without any follow-up. None of us wanted that. In fact, that was the demand from the third sector and those with direct experience of poverty. We intend to follow the summit up, perhaps by setting up smaller groups to focus on particular avenues and tasks.

The Government will do everything to use to maximum effect whatever levers we have under the devolution settlement and the Scotland Act 2016. That includes taxation. It also includes targeting where we have to; it is sensible for us to examine and explore that. We will have to make some difficult decisions, because we have a finite budget and because of our constitutional set-up. Notwithstanding the fact that we have some levers, the majority of fiscal levers remain with the UK Government. We have, for the most part, a fixed budget with limited borrowing powers—we certainly do not have those for day-to-day spend. We must therefore really focus on the decisions that we have to make if we want to substantially shift the dial on reducing poverty.

The Deputy Presiding Officer: I gather that we have a little latitude to overrun, but not a lot. First Minister, I know that you want to give as expansive answers as you can, but we might need a bit more brevity if we are to get all the questions in.

13:00

Collette Stevenson: I thank the First Minister for that answer and for detailing some of the steps that the Scottish Government is taking to tackle poverty.

Throughout its inquiry into debt and low income, the Social Justice and Social Security Committee heard a lot of evidence about some of the detrimental aspects of the UK Government's welfare system, particularly the two-child limit, the benefit cap, the five-week wait for universal credit and the different rate paid to parents aged under 25. All that was highlighted in the committee's report, "Robbing Peter to pay Paul: Low income and the debt trap".

I am interested in the First Minister's response to that. Can you share any of the Scottish Government's analysis of how many people in Scotland might be lifted out of the poverty trap if key UK welfare reforms were reversed?

The First Minister: I will take the Deputy Presiding Officer's cue to be less loquacious, if I can. We have done analysis, and I am happy to expand on my answer by providing Collette Stevenson with the detail in writing.

The top line of our analysis of the various UK Government welfare reforms shows that, if the key reforms that have occurred since 2015 were reversed, an estimated 70,000 people would be brought out of poverty. Just reversing some of the key regressive welfare reforms that have occurred since 2015 would bring 70,000 people out of poverty. That figure includes 30,000 children.

We have some detailed analysis of what reversing various interventions could do. I have already mentioned reinstating the £20 uplift to universal credit, reversing the benefit freeze, removing the two-child limit and taking away the family element of that. Those interventions, in isolation, would bring about 10,000 children out of poverty.

Taking the Deputy Presiding Officer's cue, and in the interests of brevity, I am happy to provide a written note with the detail of that analysis.

Women in Poverty

Claire Baker: One way to get women out of poverty is to empower them. Ana Stewart's report was published in February. The then First Minister said that there would be a quick response to it. When will the Government respond to that report, and what progress has been made with the Women's Business Centre, to which money has been committed?

The First Minister: The response to that report should be imminent. Other members have raised this issue with me. Forgive me—I do not have any detail regarding the Women's Business Centre. I am happy to take that question away and to get back to Claire Baker with the detail.

We are committed to doing everything that we can to ensure that we have more women in work. Scotland has the most generous offer of free childcare in the UK, which is important, as is the work that we are doing to be a fair work nation by 2025. Work on reducing the gender pay gap is crucial to that.

I will endeavour to come back to Claire Baker in due course regarding the Women's Business Centre.

Tackling Violence Against Women and Girls (Access to Court Transcripts)

Audrey Nicoll (Convener, Criminal Justice Committee): I know that the First Minister will be aware of the important role of the Criminal Justice Committee in improving the victims' experiences of the criminal justice system.

The Criminal Justice Committee has recently been supporting the campaign by Ellie Wilson and others to allow survivors of rape and serious sexual offences to have free access to transcripts of their court cases. That is a very important issue because, at present, they may be charged thousands of pounds for those transcripts. The committee understands that the matter is largely one for the Scottish Courts and Tribunals Service, but will the First Minister give a commitment to consider a pilot for free access to transcripts, so that survivors of rape can use those transcripts either as part of their recovery or to support any future civil process?

The First Minister: I thank Audrey Nicoll for the important points that she raises. I start by paying tribute to Ellie Wilson and the many other survivors who have chosen to waive their anonymity or speak publicly about their case. Every one of us would completely understand if they just wanted to deal with the trauma of the dreadful sexual offence that has happened, but they also want to share their story in order to make things better for future survivors. That is to their credit and should be commended.

I met with Ellie Wilson. She was a part of a round-table discussion that I hosted with survivors when we introduced the Victims, Witnesses, and Justice Reform (Scotland) Bill. For anybody who follows Ellie on social media, some of the responses to her posts will remind you of how much work we still have to do in combating myths around the survivors of rape and sexual offences cases.

Ellie Wilson raised the issue of transcripts with me at that event. The Cabinet Secretary for Justice and Home Affairs planned to write to the committee this week expressing the Government's commitment to supporting a pilot to support access to transcripts, initially focused on complainers in sexual offences cases—forgive me if you have not received that letter yet.

I am well aware of the issue, given my previous role as Cabinet Secretary for Justice, and we absolutely commit to a pilot that initially focuses on complainers in sexual offences cases.

Police (Mental Health)

Audrey Nicoll: I am grateful for that very welcome update.

I turn to the issue of policing and mental health. The Scottish Government's fresh start document states that the Government will support Police Scotland to have the capacity to respond to changing demands. One of the huge demands that is placed on the police is the expectation that they will respond to incidents involving people in poor mental health. That places a huge and growing strain on police officers and staff when other services are perhaps better placed to respond. Officers can often wait many hours before being able to transfer the care of an individual to a more suitable service.

Will the First Minister commit to working with the committee and others, such as His Majesty's Inspectorate of Constabulary in Scotland and the Scottish Police Federation, to review the demands that are placed on the police in relation to the issue? Will he consider models such as the one in Humberside, where people who call the police can be transferred more quickly to another service, perhaps without police attendance in the first place?

The First Minister: We absolutely commit to working with the committee, and Audrey Nicoll should be in no doubt whatsoever that the Cabinet Secretary for Justice and Home Affairs and the Cabinet Secretary for NHS Recovery, Health and Social Care are working together on the matter, as you would expect them to.

This is certainly not a new issue; it has come up over the years. I do not need to tell Audrey Nicoll that, given her past experience. We have brought forward a number of interventions to try to deal with the issue. We have enhanced the mental health pathway, and we provided funding of more than £700,000 to Police Scotland to support the development of that pathway for people who come into contact with Police Scotland and are in distress or need mental health support.

That pathway enables emergency calls that are received by Police Scotland and are identified as being from people who need mental health support and advice to be directed to a mental health hub in NHS 24, which is a brilliant service, and I engaged with it as health secretary.

You will know about the distress brief intervention programme, which offers two weeks of personalised compassionate distress support when required. People who present to the police might not need urgent intervention, or might not require emergency clinical intervention, but some could do with that more personalised two weeks of support.

Given the Deputy Presiding Officer's request for brevity, I will write to Audrey Nicoll with the full detail of the range of other interventions that we have brought forward.

The Deputy Presiding Officer: My body language is clearly communicating what I am thinking very well.

Opportunity

13:10

Closing the Disability Employment Gap

Claire Baker: This is just a brief question. My committee has been looking at the disability employment gap. A report by the Fraser of Allander Institute said that the Government would need to make more progress—particularly for people who have learning disabilities—if the target is to be met. Could the First Minister give us an update on work that is being done on that? There was not really an emphasis on it in the 10-year economic strategy, so what progress has been made to meet the target to close the disability employment gap?

The First Minister: It still very much remains our ambition to ensure that we reduce the disability employment gap by at least half by 2038, in comparison to the 2016 baseline. The latest full-year data shows that the disability employment gap was 31.9 percentage points in 2022. That is the second lowest that it has been since our baseline year, 2016, so I believe that we are on track to meet the target to halve the disability employment gap.

I mentioned the work in relation to the fair work nation, and that work is crucial, because it is ensuring that we look at the intersectionality issues that exist. By that I mean that, for example, if there is a person of colour who has a disability, we can do everything that we want to do and that we should do in order to reduce and dismantle the barriers for somebody who has a disability to get into work, but if we do not also dismantle the racial barriers that exist, that person might progress only so far. The work that we are doing on fair work nation, on looking at intersectionality issues, is hugely important.

We have made progress. The employment rate of people with a disability has risen from 42.8 per cent to 50.7 per cent between 2016 and 2022; that is an increase of 7.9 per cent compared with an increase of 2.3 per cent for people who do not have a disability, so we are making progress. I am not complacent about it, but we are on track to meet the 2038 target.

Claire Baker: Although I do not in any way dispute the figures, the Fraser of Allander Institute has said that there needs to be more understanding of the progress and that a proper audit needs to be done because people—particularly those who have learning disabilities—are still being left outside of the labour market. The labour market is tight, so there are opportunities for more people to gain employment. The First

Minister talked about the fair work nation. Can the Government commit to analysing where progress is being made to ensure that there are equal opportunities for people and that people are able to access the workplace regardless of their disability?

The First Minister: Forgive me—I have not seen the Fraser of Allander report that Claire Baker referred to, so I will ensure that I look at it after this committee session.

Absolutely, we will commit to that for a number of reasons. The first reason is that, in a society that believes that there should be equality and equity of opportunity for all, dismantling those barriers is absolutely the right thing for us to do. The second reason is that it is in our economic interest to do so for all of the reasons that Claire Baker, rightly, outlined in relation to the very tight labour market that we are experiencing. It is important to get as many people into the labour market as we can, and to give them as much support as we can, so that not only do they end up in employment but they also retain that employment. That is hugely important.

I will look at the report that Claire Baker referenced. We are absolutely committed to doing more on the issue.

Sustainability

13:13

Fiscal Sustainability Report

John Mason: The Scottish Fiscal Commission recently came out with its fiscal sustainability report that looks well ahead to 2072-73 and talks about a significant annual budget gap by the time that we get there. Can the First Minister tell us anything about what the Scottish Government thinks about that and how it is projecting long term?

The First Minister: I am somewhat wary of stealing the Deputy First Minister's thunder, because tomorrow she will outline the medium-term financial strategy, and that will give an outlook. It is not quite as long as the one articulated by John Mason, but it will certainly give a medium-term outlook on finances.

Without going into the detail of the MTFs, we are looking at what we can do in relation to taxation. We will also look to see what we can do in relation to economic growth, and there are signs, including from data and independent analysis that we have now seen from the Scottish Fiscal Commission, that we have greater and better prospects in relation to economic growth in the coming period than we perhaps had in the preceding period.

13:15

We are absolutely focused on interventions that can have a high level of impact on economic growth, for a purpose—so that we can reinvest in our public services and help to reduce poverty—but, at the same time, we are focused on ensuring that we continue to have the most progressive taxation in the country. Again, that is not for its own sake but for the sake of being able to invest those funds into our public services and tackle poverty. I will probably not say more on that, other than to add that some of these issues will be dealt with in detail in an update to Parliament tomorrow by the Deputy First Minister.

Longer-term Financial Strategy

John Mason: I have a more general question. Clearly, politicians tend to focus on the short term and the next election. Do you think that it is possible to get Parliament and all the parties to look at the longer term—50 years ahead—and future generations? Sometimes, we have to make difficult short-term decisions for our children and grandchildren.

The First Minister: That is a very difficult conversation to have. For what it is worth, I think that we should do that—we absolutely should be in that space—but there is no doubt that that can always be more difficult, depending on where we are in the election cycle.

I have often seen international as well as domestic examples of the fact that, where there is that kind of broad consensus—although it might not be unanimity—on an issue that needs long-term effort and investment, that is where we see real radical change. I remember speaking as justice secretary to a Finnish politician. At one point, Finland had the highest prison population per head. Over a number of decades, it ended up with one of the lowest prison populations, if not the lowest, in Europe. That was because there was a concerted effort to achieve that.

I remember that politician telling me very clearly that all political parties signed up to the fact that they had to reduce their rates of incarceration, because they were far too high. Although there was many a political argy-bargy over a number of issues, there was collective agreement on the need to reduce the prison population. It is where we can get that collective agreement—we should strive for that and lead on that in relation to what we can do in Government—that we will see real transformative change.

Deposit Return Scheme

Edward Mountain: [*Inaudible.*—the deposit return scheme is obviously a key issue, and when the Net Zero, Energy and Transport Committee last looked at the scheme, we were told by the minister that we would get a copy of the gateway review, which was due at the end of March, as soon as it was available.

Fergus Ewing raised the issue in Parliament yesterday, and he was told that we would get it imminently. What does that mean? We were promised it in April. Can you give me some indication of what that means, please, First Minister?

The First Minister: Given that we are dealing with a scheme that involves industry partners, Circularity Scotland and a number of other stakeholders, we have to ensure that any review takes into account some of the commercial sensitivities that might exist. As Lorna Slater said in response to my good friend and colleague Fergus Ewing, we will look to see what we can publish and publish that imminently.

However, the point about the deposit return scheme is that we are getting on with the scheme in order to go live next spring, on 1 Mar 2024, but that it is important that we get a positive decision from the UK Government on the exemption from

the United Kingdom Internal Markets Act 2020—not a conditional exemption that demands that we remove glass from the scheme, for example, but an absolute exemption. That will allow us to give certainty to business and get on with a really important scheme. Of course, it is important because we want to see the elimination of that litter that pollutes our streets and beaches.

Edward Mountain: I am not sure that I got an answer there, but we have waited six weeks and I am sure that we will have to wait a wee bit longer.

Climate Change

Edward Mountain: I will now turn to climate change. What direction have you given to your new ministers on the climate change plan? The last First Minister wanted all policies to be reviewed. Is that your position?

Will you chair the cabinet sub-committee on the climate, and what will your priorities for that be?

The First Minister: Yes, I will chair the sub-committee, given the importance of the agenda not just for the Scottish Government but for all of us and the entire planet.

We have to respond to the Climate Change Committee's report and will do that before the end of the year. We have to be up front and honest about how challenging the next phase of our net zero journey will be. We have made good progress—we are more than 50 per cent of the way towards our net zero target—but we know that getting to the 2030 target will be extremely challenging and will require really difficult decisions to be made. By the way, it will also cost a lot of money. It does not matter which element of action needs to be taken, the interventions are costly but will undoubtedly be necessary.

We will absolutely respond to the report in due course. I am ambitious in relation to those targets to ensure that we propose a pathway towards achieving them. To be frank, they are statutory targets and we have to ensure that we meet them and have a credible pathway towards that.

Miscellaneous Questions

13:21

Scottish Law Commission Bills

The Deputy Presiding Officer: We now move into what should probably termed the miscellaneous category of questions.

Stuart McMillan: A number of SLC bills are already prepared and ready to be introduced to Parliament at some point. As you will be aware, First Minister, SLC bills are about trying to update legislation to keep pace with modern-day life and work. What assessment is made of the contribution that an SLC bill, or proposals that the Scottish Government is considering introducing in any of them, could make towards Scotland achieving its net zero targets? Are you able to update the Conveners Group on your thinking on future SLC bills?

The First Minister: In a previous role, I had much engagement with the Scottish Law Commission. The work that it does greatly adds value to the work that we do collectively in the Parliament and the work of Government.

Since 2015, we have introduced no fewer than six SLC bills, all of which have been implemented, with the exception of the recently passed Moveable Transactions (Scotland) Bill. We have also committed to considering a number of other SLC reports during this parliamentary session. We are a couple of years into the session and have already introduced two SLC bills, as Stuart McMillan knows well. We are also considering its report on judicial factors.

There is great value in SLC bills, particularly on the issues of the day that are at the forefront of our minds. Often, SLC bills are nuanced in relation to the issues on which they focus but extremely important to the people who are impacted. Therefore, I am keen to continue the good engagement with the SLC.

Ministerial Portfolios and Committee Remits

Martin Whitfield (Convener, Standards, Procedures and Public Appointments Committee): First Minister, I welcome to your post. I will roll my two questions into one because I am conscious of time.

Since you became First Minister, there has been a substantial change in the personnel of the Scottish Government and in ministerial responsibilities. I am sure that you will agree that it is the Parliament's responsibility to ensure that committee remits follow ministerial and cabinet

secretary portfolios. I invite you to confirm that the Scottish Government would support the Parliament in any changes that it felt necessary.

On that point, we have faced a challenge in the publication of the responsibilities of cabinet secretaries and ministers. Indeed, for a substantial period, there were two ministers who answered to no cabinet secretary.

In Scotland, the First Minister is the statutory minister who is responsible for all of those matters. Today, we have heard that the Deputy First Minister is the responsible cabinet secretary for Covid recovery but, again, that does not appear in the list of the cabinet secretary's responsibilities, either as a cross-Government responsibility or a budget responsibility, and nor does it appear as a responsibility for any of that cabinet secretary's supporting ministers. First Minister, do you agree that it is quite challenging for Parliament to leverage transparency and hold the Government to account if we are not sure where responsibilities lie within the Scottish Government?

The First Minister: That is a really fair point from Martin Whitfield. Although it has now been two months, in the initial period when a new First Minister comes in and a new Government is appointed, there is a change of responsibilities and, sometimes, there will be bullet points that we have to update in relation to remits, roles and responsibilities. I will certainly look at that and, if we can make it absolutely explicit, we should and will do so.

With regard to committees restructuring in order to reflect ministerial and cabinet secretary responsibilities, of course, that is a matter for the committees, and I support whatever the committees feel needs to be done in that regard and respect. However, I will take that away and have a look at the list of responsibilities. At the discretion of the First Minister, after a bit of embedding between the cabinet secretary and the junior minister, we can look to make changes, but we should be absolutely up front in that regard, if there are movements, for example, from the cabinet secretary's portfolio to the junior minister's portfolio and vice versa. That can happen once those positions become slightly more embedded. I will make sure that we are as transparent as possible and, certainly, up front in that regard.

The Deputy Presiding Officer: We are living up to my suggested heading of miscellany in this section. I invite John Mason to ask the next question.

Commissioners

John Mason: The question of commissioners or office-holders has come before the finance committee and, obviously, affects all committees,

because both the Government and other members are bringing forward proposals for other commissioners. Does the Government have a view as to what is the ideal number of commissioners? Is it one? Is it 10? Is it 100? Where are we going with that? It seems to be falling between the stools of Parliament and Government.

The First Minister: I will not pick a number out of thin air, but I share John Mason's concern that it can be viewed that a commissioner will be a panacea for a particular challenge or issue that is being faced. Commissioners can absolutely play an important role in holding Government to account and, often, challenging Parliament to go further, but we have to be careful that we do not end up cluttering a landscape that is already too cluttered. There can also be confusion about what a particular commissioner can and cannot do. We have to make sure that we are not raising an unfair expectation for the public.

I will not give a view on the right or wrong number, but I want, at least, to give an assurance to John Mason that we are alive to the issues that he raises and will try to take as considered a view on that as we possibly can.

Education

13:28

Data Gaps

The Deputy Presiding Officer: I am conscious that we are right up against the time, but I am also conscious that a couple of colleagues were unable to attend the meeting. Sue Webber, the convener of the Education, Children and Young People Committee, had a couple of questions. First Minister, if you can indulge me, I will go through at least one of them to try and elicit a response.

Sue says that her committee notes the First Minister's intention to

"increase the availability of internationally comparable data on Scotland's education performance"—[*Official Report*, 18 April 2023; c 18.]

but also notes that the committee's recent work on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill suggests that there are large data gaps closer to home, not least in relation to the number of co-ordinated support plans that are in place for children and young people. She wants to know how you intend to address that data gap.

The First Minister: Again, I am more than happy to look into the detail of that. In November of last year, the updated additional support for learning action plan showed good progress against a number of key actions, which included taking forward work from a review of the use of co-ordinated support plans, to ensure that they were used appropriately. The framework also recognises that some learners might need more targeted support, such as one-to-one support from a pupil support assistant. There is more work to do on that and I am very keen for us to take it forward. We have worked with partners on the CSP short-life working group to understand where the barriers are to the implementation of legislation in relation to CSPs and how those barriers can be addressed. We will continue to take forward the work from that report, which was published in 2021. There are recommendations for us to follow up on—some of them have progressed, but we know that we need to take some of them forward with greater urgency and pace.

The Deputy Presiding Officer: Thanks to the First Minister and colleagues, we have managed to get through all the questions. I also thank the First Minister for his commitment to come back with further detail on some of the questions that were posed.

Thank you all very much for your attendance. I hope that we will be able to repeat this exercise in around six months' time, and we will liaise with the

First Minister's office about a suitable date for that.
The next meeting of the Conveners Group will be
on Wednesday 31 May.

Meeting closed at 13:30.

