



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Tuesday 26 March 2024

Session 6



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Pàrlamaid na h-Alba

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# Scottish Parliament

Tuesday 26 March 2024

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

## Time for Reflection

**The Presiding Officer (Alison Johnstone):** Good afternoon. The first item of business is time for reflection, and our time for reflection leader today is the Rev Neil Glover, minister for Aberfeldy, Dull and Weem, Grandtully, Logierait and Strathtay.

**The Rev Neil Glover (Minister for Aberfeldy, Dull and Weem, Grandtully, Logierait and Strathtay):** Thank you, Presiding Officer. It is a privilege to speak to you in this holy week, leading up to Easter.

I want to begin by telling you a secret about the church. I would appreciate it if you kept this quiet. In the church, we follow Jesus Christ, who taught us how to love and asked us to go and do likewise, but sometimes, in private, we are not always very nice to one another. We sometimes say cruel words and plot cunning schemes, and the wounds of that behaviour leave some very deep scars.

I also want to reveal a secret about the Scottish Parliament—one that you occasionally keep very quiet. In the Scottish Parliament, you are sometimes very nice to one another. You are often tender and thoughtful, and you look out for one another. In private, you often say incredibly kind words to one another.

About a decade ago, I was at a conference that was attended by two MSPs, from very different political parties, who, in public, would have denounced each other in frightening terms. One of the MSPs suffered from a degenerative disease, and the other MSP looked after her colleague with the most remarkable care. Their conversation was marked by an intimacy that suggested deep friendship. The Scottish churches parliamentary liaison officer who was with me that day was not in the least bit surprised. Apparently, that is very common behaviour.

The people of this Parliament and the people of the church share something fundamental: we are human. When we are kind to one another, we grow, and when we hurt one another, we are diminished. We are all human. Whether in churches or in Parliaments, there is no escape from being human.

I recently spoke to another politician. He was in a bad way, and a lot of his despondency derived

from words that had been said by a colleague. He was really struggling. Perhaps, you might say, he needed a thicker skin, but I would rather that he did not. I much preferred him being human, because we are at our best when we are human.

In the church, we are at our best when we are earthed, grounded, vulnerable, kind and human. In politics, you are at your best when you are earthed, grounded, vulnerable, kind and human. Bless you in this holy week—another week in politics. Bless you in another week of the great adventure of being human.

## Business Motion

14:04

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-12668, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to the business programme.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for Tuesday 26 March 2024—

after

*followed by* Topical Questions (if selected)

insert

*followed by* Ministerial Statement: Working Towards a Tobacco-free Scotland by 2034 and Tackling Youth Vaping

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time—[George Adam]

*Motion agreed to.*

## Topical Question Time

14:04

**Women's State Pension Age (Poverty Rate)**

**1. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government, in light of the Parliamentary and Health Service Ombudsman's report on how women born in the 1950s were affected by increases to the state pension age, and given that women are more likely to live in poverty than men, what assessment it has made of the potential impact that changes to the state pension age have had on the poverty rate among women in Scotland. (S6T-01903)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government welcomes the findings of the report, which recognise the communication failures by the United Kingdom Government. The Scottish Government has always and will always support the WASPI women—women against state pension inequality—and this is a significant moment for all those who have been involved in that campaign.

We know that too many single female pensioners are living in relative poverty after housing costs—23 per cent compared to 16 per cent of single men in 2020 to 2023, for example. The UK Government must take responsibility for the harm that it has caused to the WASPI women through its maladministration.

**Audrey Nicoll:** Given the substantial impact that the issue has had on so many women, does the cabinet secretary agree with the Parliamentary and Health Service Ombudsman's recommendation that the UK Government, whether Conservative or Labour, should apologise for its failure of the WASPI women who have been affected by the increase in the state pension age and set up a compensation scheme? Does she agree that the Department for Work and Pensions should "do the right thing"?

**Shirley-Anne Somerville:** The ombudsman's report was clear that the DWP must do the right thing right away. That means that the UK Government must not only apologise for the harms caused by the maladministration; it must also act. It must set up a compensation scheme that provides full and genuine compensation for the women concerned.

It is deeply disappointing that, after years of promises made by Labour and Tory members, those parties are both now refusing to accept the report's recommendations to fully compensate the women who have been impacted. Alan Brown MP has cross-party support to compensate women

through a bill. Once again, it is clear that only with strong voices from the Scottish National Party at Westminster can Westminster Governments be held to account, regardless of whether they are Labour or Tory.

**Audrey Nicoll:** It is incredibly disappointing that, since the publication of the ombudsman's report last week, the Labour Party has repeatedly failed to give a guarantee that its party in power would honour Westminster's responsibility to provide justice and full compensation to the estimated 3.6 million WASPI women. Can the cabinet secretary provide assurances that the Scottish Government will urge the next UK Government to deliver justice?

**Shirley-Anne Somerville:** The Scottish Government, as I said in my original answer, has and always will support the WASPI women. We are exceptionally concerned about the impact that inaction will have on poverty levels in Scotland. That is why it is important that the Parliament continues to speak about the issue and, importantly, to press for action.

I note that Jackie Baillie was pictured campaigning with WASPI activists just a fortnight ago. Last year, in Paisley, Anas Sarwar walked behind a WASPI banner. The list of every newsletter and campaign leaflet—

**Stephen Kerr (Central Scotland) (Con):** This is a ministerial response.

**Shirley-Anne Somerville:** I am quite happy for Mr Kerr to press the button and ask a question but, in the meantime, I will continue to deal with Audrey Nicoll's question, because she is quite right to point to the betrayal of WASPI women. She is quite right to point to the fact that they deserve not just our respect but action. What is very clear is that, at this rate, there will be no change at Westminster, and that is exceptionally disappointing and a betrayal of every single WASPI woman—women whom we have spoken about in the chamber over many a year.

**Paul O'Kane (West Scotland) (Lab):** This is a very serious report, and I thank all the women who have contributed to it and campaigned over many years. Now that the report has been published, will the cabinet secretary take the opportunity to outline what steps she is taking to discuss its implications for WASPI women in Scotland with the relevant UK ministers? I am sure that she agrees that a swift response from this UK Government is extremely important in terms of the next steps, as is listening to the views of all those who are impacted.

Given that poverty and inequality statistics published last week—to which I think the cabinet secretary referred—show static and rising poverty rates among pensioners over the past decade,

what more will the Scottish Government do, within its powers, to support pensioners?

**Shirley-Anne Somerville:** I discussed the matter only yesterday, when I was at Westminster and met my colleague Stephen Flynn, who continues to press the UK Government and will press any successive UK Government on what it would do. Disappointingly, he has had no response.

Paul O'Kane should be assured that the Scottish Government and the SNP group at Westminster will continue to press for action. I have a great deal of respect for Mr O'Kane and there are many issues on which we share common cause, but this Parliament cannot just be about mitigating the worst excesses of Westminster, whether they be Labour or Tory excesses. This Parliament is for much more than that. I am deeply disappointed that a Labour representative comes to the chamber and asks what the Scottish Government will do to mitigate the policy of a prospective Labour Government.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I am sure that members across the chamber will agree that time matters in the situation. Given that it is almost 30 years since the original seeds of the scandal were sown and more than 10 years since its impact first came to light and that, as a result, many of the WASPI women have sadly now passed away waiting for justice, I hope that the ombudsman's decision will be seen as a staging post for the final justice that those women will receive. Does the cabinet secretary agree that we cannot wait or delay the implementation of the recommendations but should extend compensation to the women who are left, so that they can enjoy it in the time that remains for them?

**Shirley-Anne Somerville:** Alex Cole-Hamilton is right to point out that time is of the essence, and that is why I continue to call on the UK Government to take action. The issue is a long-discussed betrayal—I emphasise that it is a betrayal—of the WASPI women. The report laid bare the extent of that. To be frank, change should have happened already. The member and I agree on that but, if the report could become the stepping stone to genuine compensation being put in place, it will have done its job and much more. Disappointingly, however, it does not seem that that will happen.

**Maggie Chapman (North East Scotland) (Green):** I, too, put on record my thanks to all the WASPI women who have campaigned on the issue for so long. Not only should their call for proper compensation be answered—we know that some women have lost up to six years of their pension—but we need to continue to stand with them and join their calls for fair and fast compensation. Will the cabinet secretary outline

how else we can continue to support the WASPI women in their campaign for justice?

**Shirley-Anne Somerville:** The ability of the Parliament and the Government to take action on the issue is restricted by our legislative competence on reserved issues. However, the SNP will continue to use its voice in the Government to ensure that we speak up for WASPI women, and I am sure that Maggie Chapman and fellow colleagues in the Scottish Greens will do likewise. It is disappointing that we will not, I fear, be able to call with a united voice on the current UK Government to take the fair and fast action on the compensation that Maggie Chapman discussed.

### Cosmetic Treatments

**2. Roz McCall (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its response is to reports that Scotland has become the “worst country in Europe” for unqualified beauticians injecting customers with cosmetic treatments. (S6T-01893)

**The Minister for Public Health and Women’s Health (Jenni Minto):** The safety of non-surgical cosmetic procedures is a concern and we are actively considering how best to take forward any future legislation in that area. Public consultation has shown overwhelming support for tighter regulation, and we are working towards that with key stakeholders, including healthcare professionals, hair and beauty industry representatives and environmental health officers. My officials took part in a meeting just yesterday.

The sector is fast moving and any future legislation has to be robust and future proofed. Ultimately, we want to ensure that all non-surgical cosmetic procedures in Scotland are delivered from hygienic premises by appropriately trained practitioners who apply recognised standards and use regulated products.

**Roz McCall:** Tens of thousands of people across Scotland now get dermal filler treatment. As its popularity increases, so do complications such as infection, blocked arteries, blindness and even stroke. Its increased popularity has been mirrored by a surge in unlicensed, counterfeit and unsafe products being passed off as Botox treatment.

In 2021, it became illegal in England for a person under the age of 18 to have fillers or Botox. Stakeholders such as Ashton Collins from Save Face, the United Kingdom Government-approved register for aesthetic treatment, said that she had assumed that Scotland would follow. She said:

“We keep asking for an update and so far there is no agenda for them to do that.”

She went on to say that

“the lack of action in Scotland”

has resulted in young people from the north of England travelling to Scotland

“because they can get treatments under the age of 18 with no questions asked.”

My question to the minister is simple. Will the Scottish Government accept that its lack of action is putting children at risk?

**Jenni Minto:** I make it clear that my focus is on making Scotland as safe as it can be when it comes to dermal fillers. We need to get it right. As I said earlier, it is a fast-moving area, and I am pleased that I have the engagement of the expert group.

I would be happy for Roz McCall to provide any additional information or evidence that she is aware of around the processes that we are all invested in to make sure that we get this as right as possible. I am pleased that Roz McCall and I have this as a shared issue. If she can share any evidence of concerns with me, I can share them with my officials.

**Roz McCall:** I am happy to share everything that I have with the minister. However, given that the consultation was completed in 2022, I am not seeing enough urgency from the Scottish Government on the issue. Frances Turner Traill, a prescribing nurse and director of a registered clinic, is concerned that the lack of action from the Scottish Government will actually see patients die. She said:

“It’s been 10 years that myself and colleagues have sat round the table with the Scottish government and very little has been done and it’s inexcusable, because the public is now injecting the public without any redress.”

It is simply wrong that, as another healthcare professional stated,

“It is currently completely legal for a plumber or a hairdresser to inject a 16-year-old girl in the back of a van with no recourse”.

Can the minister confirm today any timescales for potential legislation, because the current situation is not acceptable?

**Jenni Minto:** I cannot provide a timeline at this time, but I am working incredibly hard with my officials to ensure that we get the issue into the parliamentary legislative process. It is an important area in which we need to find the right legislation at the right time, with the right procedures and regulations.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The minister is aware of my concerns about the issue. I pay tribute to Jill Best, who is a medical aesthetician in my constituency, for her leadership in campaigning on the matter.

I am aware of the strength of many of my constituents' concerns about the issue. Can the minister say any more about what consideration the Scottish Government has given to regulating such treatment, and will she agree to meet me to discuss the matter in more detail?

**Jenni Minto:** As I have just advised members, we are giving active consideration to further legislation in the area right now, and we meet the expert group regularly. Our consideration covers the appropriate level of training and qualifications that might be put in place. As I have said, it is critical to get the details right, and I am grateful to our stakeholder partners. Of course, I would be very happy to meet Stuart McMillan and Roz McCall at some point.

**Stephen Kerr (Central Scotland) (Con):** I do not doubt the minister's sincerity, and I also recognise that she is relatively new in post. I am sure that she is not comfortable giving the answer that she has given, because it would appear that nothing has happened for 10 years. Other parts of the United Kingdom moved ahead three years ago. It is important to understand why we are not making progress. Will the minister explain why it is taking so long? What is stopping us from making faster progress in this area?

**Jenni Minto:** As I have laid out in my previous answers, we have been working hard with experts in the field to ensure that we get the legislation correct. That is what I am focusing on: ensuring that we get the right legislation in place and that we support people who are wrongly getting injected with fillers that they should not be injected with.

Perhaps we all have a responsibility in this, so I suggest that Mr Kerr take time to spread the word that people should be really careful about where they go.

**Stephen Kerr:** When will the Government move forward with legislation?

**Jenni Minto:** I am suggesting that, as representatives of the people of Scotland, we have a responsibility in that, and I am suggesting that Mr Kerr put it out—

**Stephen Kerr:** You are the Government.

**Jenni Minto:** I am well aware that I am the Government.

**The Presiding Officer (Alison Johnstone):** Mr Kerr, I would be grateful if, when the minister is responding, you were to resist the temptation to contribute from your seat.

Thank you, minister. Are you content that your response has concluded?

**Jenni Minto:** I am content.

**The Presiding Officer:** Thank you. We move to the next question.

### Child Poverty

**3. Katy Clark (West Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on what action it is taking to tackle child poverty. (S6T-01899)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government continues to do all that it can within its powers to tackle child poverty. It will continue to invest around £3 billion in the next financial year as part of the Scottish Government's mission to tackle poverty and protect people from harm. In the 2024-25 budget, we committed £457 million for our Scottish child payment and more than £370 million to support concessionary bus travel for more than 2 million people, and we continue to invest around £1 billion per year in high-quality early learning and childcare.

We recognise that child poverty levels remain too high in Scotland. That is despite Scottish Government action making a difference, with our policies estimated to keep 100,000 children out of relative poverty in the coming year. Our efforts continue to be hampered by the United Kingdom Government's decade of austerity.

**Katy Clark:** Data from the Department for Work and Pensions family resources survey shows that, after housing costs, children are more likely to be in poverty than pensioners or working-age adults. What work is the Scottish Government doing to evaluate the effectiveness of the Scottish child payment?

**Shirley-Anne Somerville:** The Scottish Government takes very seriously our requirements not only to act but to research the evidence base behind what policies are doing across Scotland. That is why I can commend to Katy Clark a recent report by Professor Linda Bauld, which looked at our social security system and the impact that it is already having, despite its still being relatively new. I give that as one example of what we are doing to analyse the impact and effectiveness of policies, in addition to the actions that we will continue to take next year.

**Katy Clark:** Figures that were released by the Scottish Government show that child poverty levels have not reduced, despite the Scottish Government saying that that is a top priority. What other work is the Scottish Government doing to ensure that support is targeted at the poorest children?

**Shirley-Anne Somerville:** As I mentioned in my original answer, the Government is investing £3 billion in our work to tackle poverty and protect people from harm. Some of that is a universal

offering, which I think is an important concept and which I hope that members on the Labour benches will agree is an important aspect of our public services. There are also aspects that are targeted, such as the Scottish child payment. A combination of universal and targeted approaches is right.

Our work is made more difficult by the fact that the UK Government's welfare system pushes people into poverty and we have a system in which individuals who are on benefits cannot even begin to afford the essentials of life. That is why the Scottish Government has called on the current UK Government to implement an essentials guarantee, which, so far, it has refused to do. It is even more disappointing that UK Labour has also refused to take that action.

**Clare Haughey (Rutherglen) (SNP):** It was not so long ago that Scottish Labour was campaigning for an additional £5 payment for children, but, instead, this Scottish National Party Government introduced the game-changing Scottish child payment of £25 per week per eligible child. Will the cabinet secretary tell the Parliament how many children that has lifted out of poverty and confirm that, unlike the Labour Party, this Government will not renege on its policy of opposition to the two-child benefit cap?

**Shirley-Anne Somerville:** I notice that, while we are trying to have a serious discussion about child poverty, Mr O'Kane and Mr Kerr are sitting on either side, chuntering from a sedentary position. I am not going to be put off by their having a discussion—

**Stephen Kerr (Central Scotland) (Con):** On a point of order, Presiding Officer. The minister is making a really good point. One reason why we might be talking is that the questions that she is getting are about Labour or Conservative party policies, whereas the minister is here to explain and account for the policies of this SNP-Green Government. That is why there might be some chuntering. I raise that as a point of order because I am sure that the public, as well as you, Presiding Officer, might want to know why we are exercised.

**The Presiding Officer:** Regardless of members' views on contributions made by other members, they should always adhere to the requirement to treat one another with courtesy and respect. I ask members to continue today's business in that regard.

**Shirley-Anne Somerville:** Thank you, Presiding Officer. I will continue following your lead on the questions that you choose within Parliament and will answer those accordingly.

When we are having a discussion on child poverty, we should recognise the fact that it is estimated that the Scottish child payment will keep

around 60,000 children out of relative poverty next year. That is important forecasting work. We also know, as I said in my original answer—which, for Mr Kerr's benefit, was to a Labour member—that there is more to do.

As an example of how much more could be done, if the UK Government were to abolish the two-child limit, that could lift 10,000 children out of poverty overnight. It is deeply disappointing that neither of the main Westminster parties has agreed to do so. That pushes people into poverty at exactly the time when we are trying to raise them out of it.

**Kenneth Gibson (Cunningham North) (SNP):** Can the minister tell us what impact there would have been on child poverty in Scotland if the Scottish Government had cut taxes by £561 million, as was called for by Labour as part of the Scottish budget? Has there been any indication that a future UK Labour Government, if elected, would replicate the Scottish child payment of £26.70 per child per week from April?

**The Presiding Officer:** When responding, the cabinet secretary should focus on matters for which the Scottish Government has general responsibility.

**Shirley-Anne Somerville:** I will be delighted to do so, Presiding Officer, by talking about the progressive income tax decisions taken by this Government, which provide vital revenue to invest in public services.

It was deeply concerning that, as part of the Scottish Government's budget process, the Labour party chose—and it was a choice—to put forward a policy that would have taken £561 million out of those services. I can give Mr Gibson some examples of what the Government would not have been able to do. We would not have been able to invest £457 million in the Scottish child payment or more than £133 million to mitigate the worst excesses of the Westminster welfare regime. It is telling that, as we tackle child poverty in Scotland, there is a level of discomfort among both Labour and Conservative members. That discomfort is due to the inaction by both of their parties at Westminster.

**The Presiding Officer:** That concludes topical question time.

## Motion without Notice

14:28

**Stuart McMillan (Greenock and Inverclyde) (SNP):** On a point of order, Presiding Officer. Can you provide some assistance regarding the implementation of the urgent question process? Urgent questions must be submitted before 10 am. News regarding Ferguson Marine (Port Glasgow) Ltd broke at around 11 am today. Every member here recognises the importance and significance of the yard and the fact that there has been reporting about that yard for quite some time.

I applied for an urgent question, which was refused because I did so after 10 am. Presiding Officer, will you consider changing the deadline for urgent questions when those actually are urgent, as was the case today? Parliament's rules leave me with no option but to wait until tomorrow to ask a question on behalf of my constituents about vital business in my constituency.

**The Presiding Officer:** It is the case that standing orders require us to follow the timetable that currently exists. Such timetables are constantly open to review. There are processes within the Standards, Procedures and Public Appointments Committee whereby any member can put forward a proposal and the committee will discuss it. That is one way of making a change such as the one that the member wishes to see in this instance. Alternatively, the member could call for the particular standing order to be temporarily suspended.

**Stuart McMillan:** On a point of order, Presiding Officer. Could the temporary suspension of that standing order happen this afternoon, please?

**The Presiding Officer:** In that case, Mr McMillan, I would require to have a motion without notice that the standing order be temporarily suspended. Is that the motion that you wish to move?

**Stuart McMillan:** Yes, Presiding Officer.

**The Presiding Officer:** At this point, I will have to suspend business for five minutes, colleagues.

14:30

*Meeting suspended.*

14:41

*On resuming—*

**The Presiding Officer:** I call Stuart McMillan to move a motion without notice.

**Stuart McMillan:** I move,

That, under Rule 17.2.1(a), the Parliament agree to suspend part of Rule 13.8.1 to remove the words "by 10.00" for the purposes of the meeting.

**The Presiding Officer:** The question is, that the motion without notice be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a short suspension to allow members to access the digital voting system.

14:41

*Meeting suspended.*

14:46

*On resuming—*

**Martin Whitfield (South Scotland) (Lab):** On a point of order, Presiding Officer. I seek your clarification as to whether the vote that is about to take place is in relation to suspending standing orders to allow an urgent question to be put in after the time limit, or to suspend standing orders to accept the hearing of an urgent question and for it to be responded to at the next appropriate time.

**The Presiding Officer:** The vote before us is on whether to set aside rule 13.8 of standing orders—or rather, the particular requirement that any urgent question be lodged before 10 am. In other words, it will enable that timetable to be shifted. I hope that that is clear—it will enable setting aside of the requirement that an urgent question be lodged before 10 am.

The question is, that rule 13.8 of standing orders be varied to enable an urgent question to be lodged later than 10 am today. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Members should cast their votes now.

The vote is closed.

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** On a point of order, Presiding Officer. I was unable to log into the online voting system. I would have voted no.

**The Presiding Officer:** Thank you, Mr Robertson. We will ensure that that is recorded.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskill, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

**The Presiding Officer:** The result of the division on the motion to vary standing orders, in the name of Stuart McMillan, is: For 49, Against 55, Abstentions 0.

*Motion disagreed to.*

## Points of Order

14:50

**Maggie Chapman (North East Scotland) (Green):** On a point of order, Presiding Officer. I seek your guidance in relation to section 7.5 of the code of conduct, the requirement to treat each other “with courtesy and respect”, given the repeated heckling, mainly from men, mainly of women who are on their feet answering questions. I refer specifically to an incident at topical questions earlier this afternoon, with Stephen Kerr’s repeated interruptions of the minister Jenni Minto, which I can only imagine were designed to try and knock her off her feet, when, as a Parliament, we should be valuing and welcoming the contribution of women ministers. I would welcome your guidance on that.

**The Presiding Officer:** Thank you for your point of order, Ms Chapman. I believe that I dealt with the matter at the time. I am sure that it is no surprise to any member that I am very determined that we all treat one another with courtesy and respect at all times.

**The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan):** On a point of order, Presiding Officer. In respect of the previous vote, I put it on the record that the decision to terminate the contract of the former chief executive officer of Ferguson Marine, including the timing thereof, was entirely for the company’s board. As in respect of all matters concerning Ferguson Marine, I will be pleased to take questions from members at the appropriate time.

**The Presiding Officer:** I am sure that the cabinet secretary is aware that, while her comments are now on the record, that is not a point of order.

We will move on to the next item of business. I will allow a moment or two for members on the front benches to organise themselves.

**Stephen Kerr:** On a point of order, Presiding Officer. I am very sorry to have to do this but, in the exchanges across the gangway here before the cabinet secretaries left the row next to me, I perceived that I was threatened. The exact words used were that I was going to “fall from a very high place.” That that is what was said is attested to by my colleagues.

I ask you for guidance, please, as to whether it is at all appropriate for such threats to be made in the chamber by members of the Parliament.

**The Presiding Officer:** I suggest that members of the Parliament should not be involved in conversations across the aisles, particularly when

business has not been suspended. In particular, they should not be involved in any conversation in which they are discourteous or disrespectful to one another. I do not know how many more times I can ask colleagues to please bear that extremely important standing order in mind. We are elected representatives of the Scottish people, and it is extremely important that we conduct ourselves in a manner that reflects that.

## Smoking and Vaping

**The Presiding Officer (Alison Johnstone):** The next item of business is a statement by Jenni Minto on working towards a tobacco-free Scotland by 2034 and tackling youth vaping.

14:53

**The Minister for Public Health and Women's Health (Jenni Minto):** In Scotland, more than 8,000 lives a year are cut short by diseases that are caused by smoking. Large parts of the harm that is caused by cancers, cardiovascular disease and respiratory disease are caused by smoking—harm that is entirely preventable. I have personal experience of that harm with one of my grandparents, who was advised to stop smoking just before I was born. He was told that, if he did not stop, he would not live to see his grandchild. Thankfully, he did, and I have 16 years of precious memories.

We want to make it easier for people never to start smoking. Scotland has a range of world-leading tobacco control measures. In March 2006 this was the first Parliament in the United Kingdom to introduce a ban on smoking in indoor places and, 18 years later, smoking rates are at an all-time low and cigarette smoking among children and young people is at its lowest level in 32 years. But still, on average one person in Scotland dies every 63 minutes from a tobacco-related illness. We must continue to take action to ensure that people in Scotland live longer healthier lives.

I take this opportunity to extend my deepest sympathy to all those affected by the loss of a loved one, friend or colleague through smoking, who remind us how essential it is that we continue to take action to reduce the prevalence of smoking. Although there has been a reduction in tobacco use, there has been a notable increase in people, particularly young people, using vapes. The "Health Behaviour in School-aged Children" Scotland 2022 survey found that almost one in five young people reported having used a vape at least once in their lifetime. Though vape products are one of a range of tools that can be used to support smoking cessation, they should never be used by young people or adult non-smokers. The long-term harms of these products are unknown, and we must remain cautious even if recent evidence shows their effectiveness as a cessation tool.

Our tobacco and vaping framework was launched last November and sets out the road map to our 2034 target of a tobacco-free Scotland. A key strand of the framework is the work that has taken place across the four nations on creating a tobacco-free generation and tackling youth vaping.

I am pleased to be able to update members on that work today.

The four-nations consultation response was published on 29 January. There was a strong response from residents in Scotland, representing 11 per cent of the nearly 28,000 responses that were received. The majority of responses supported proposals to create a tobacco-free generation. Respondents were also mostly in favour of the proposed measures to tackle youth vaping, particularly by restricting point-of-sale displays and packaging, although, as expected, there was a mix of views on how best to do that.

I thank everyone who responded to the consultation, including those from public health, retail organisations and local authorities. A United Kingdom-wide bill has now been introduced in the UK Parliament, which will take UK-wide measures to change the age of sale for all tobacco products, cigarette papers and herbal smoking products, so that anyone born on or after 1 January 2009 will never legally be sold those products.

The bill will also amend existing legislation to make it an offence for anyone over 18 to purchase products on behalf of those born on or after 1 January 2009. We have also listened to the views of our stakeholders, and the bill will amend our current legislation to remove existing provisions that make it an offence for a person under 18 to purchase tobacco products. That will ensure that, in line with the rest of the UK, no one is criminalised for their addiction to nicotine. I stress, however, that it remains an offence to sell these products to persons below the age of sale, and retailers will still be required to operate an age verification policy.

The bill introduces powers for Scottish ministers to make provision about tobacco warning notices and to regulate retail displays of vapes and other nicotine products, and it extends existing provisions that are applicable to vapes to other nicotine products, such as nicotine pouches. The bill also introduces powers for the secretary of state to make UK-wide regulations—importantly, with consent from Scottish ministers—regarding the flavours, contents, retail packaging and other product requirements of vapes. As the bill makes provisions that would be within the competence of the Scottish Parliament, we will shortly bring forward a legislative consent memorandum for consideration by this Parliament.

The results of the UK-wide consultation also showed overwhelming support among individuals in Scotland for a ban on the sale and supply of disposable vapes. We are the first Government in the UK to commit to taking action on single-use vapes, as well as the first to publish draft regulations to ban their sale and supply. The Minister for Green Skills, Circular Economy and

Biodiversity published draft regulations on 23 January and consulted on those until 8 March 2024. The general public and businesses will be able to comment on the final version of the proposal and associated impact assessments during a further six-week consultation, which launches in April 2024. A ban is proposed to come into force on 1 April 2025. I am working closely with Ms Slater to ensure that any potential health impacts of a ban are carefully considered. Members have discussed that in the chamber previously, and I welcome those measures.

The UK Government has already set out its intention to consult further on the UK-wide powers to regulate flavours, contents, retail packaging and other product requirements of vapes. We will continue to work collaboratively with the UK Government, the Welsh Government and the Northern Ireland Executive as the consultation develops, to ensure, as far as possible, that measures are implemented in a consistent manner across the UK. The Scottish Government will also consult further on powers relating to retail displays of vapes.

Our world-leading measures to increase the age for the sale of tobacco are designed to protect future generations and to create a tobacco-free Scotland by 2034. We want to make it easier for people never to start smoking. It is much easier never to start smoking tobacco or vaping than it is to give them up.

Although this statement is an update following the introduction of UK-wide legislation, it forms part of a wider package of measures that are designed to ensure that we hit our 2034 target and reduce levels of vaping among young people and non-smokers. Under our tobacco and vaping framework, we are progressing actions on existing powers to introduce regulations under our Health (Tobacco, Nicotine etc and Care) (Scotland) Act 2016, and we are working to improve our existing tobacco and nicotine vapour product register.

Our "Take hold" marketing campaign aims to educate parents, carers and children about the dangers of vaping and to increase awareness of the harms of nicotine addiction. It has been a huge success, with 84 per cent of campaign recognisers taking action as a result of seeing the campaign. I was delighted to see the "Take hold" adverts used at Sunday's Scottish Women's Premier League cup final, which I had the pleasure of attending. The Rangers and Partick Thistle teams and their supporters created a great atmosphere. We have to remember how important those players are as role models.

I am grateful for the opportunity to provide an update on the bold action that is being taken in Scotland and in partnership with Governments across the four nations to protect public health.

Those measures are central to our framework, and they represent an opportunity to make a significant generational impact on the future health of Scotland. All the UK's living chief medical officers and deputy chief medical officers past and present strongly urge members of Parliament from all political parties to support those measures. In the words of Cancer Research UK's executive director of policy, Dr Ian Walker,

"This legislation is a critical step on the road to creating the first generation free of tobacco, the biggest cause of cancer."

I will finish with words from our Children's Parliament that illustrate its ambition to live in a healthier Scotland free from addiction. It said:

"If change happened, it would affect our life and make it better."

I hope that colleagues in the chamber will continue to be engaged in this important work, heed the words of our Children's Parliament and help us to achieve our ambition of a tobacco-free Scotland by 2034.

**The Presiding Officer:** The minister will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

**Sandesh Gulhane (Glasgow) (Con):** I declare an interest as a practising national health service general practitioner. I also declare that I have never smoked cigarettes or vaped.

It is important that the public are clear on where we stand in deliberating policy on addictive substances. The number of children who use vapes has tripled in the past three years, and the bulk of that increase has been driven by disposables. The evidence is clear that vapes should not be used by or targeted at children due to the risks and unknown harms involved.

We know that children as young as eight are addicted to nicotine in vapes. They crave for their next vape and are distracted. They cannot concentrate or do their school work until they satisfy their cravings. Children who need that extra hit, the higher strength, a particular flavour or a particular colour are going to get their hands on a vape, even if that means shoplifting.

It is now thought that vapes are not that harmless. A new University College London study has found that vaping causes changes to DNA in mouth cells in a way that is similar to how lung cancer appears.

We support smokers changing to vapes and a smoke-free generation. We need a modern, efficient and local NHS that prioritises prevention. Will the minister back our calls to bring vaping legislation in line with tobacco legislation and

make it illegal to vape indoors? What concrete action will the minister take to ensure that our children do not vape?

**Jenni Minto:** The Tobacco and Vapes Bill will provide the Government with new powers to introduce full restrictions to reduce the appeal and availability of all vapes and other nicotine products to children. That will include future limits on flavours, where and how vapes can be displayed in shops, and how vapes are packaged. We do not want to see any unintended consequences for adult smoking rates, so the scope of the restrictions needs to be carefully considered and we need to apply them proportionately. I agree that we do not want our young children to be vaping—we have been working closely with young children, and they give me that message too.

With regard to powers for regulation, ministers need the flexibility to enable them to monitor and adjust regulations following implementation, and it will be necessary to gain further evidence to ensure that we do that in the right way.

**Carol Mochan (South Scotland) (Lab):** I thank the minister for advance sight of her statement. Scottish Labour, as the party that led the way with the introduction of the smoking ban, will fully support legislation that we hope will lead to the creation of a tobacco-free generation and a tobacco-free Scotland. It is welcome that the Conservatives and the Scottish National Party have come to support Labour's long-standing position that banning single-use vapes is critical in tackling youth vaping, in the interests of both young people's health and the environment in which they exist.

Given that Cancer Research UK notes in its briefing ahead of today's statement that the aim to deliver a smoke-free Scotland by 2034 is well off track, what plans can the minister set out, over and above those that she outlined in her statement, for getting that back on track? Given that vaping legislation is not expected to be implemented for more than a year, can she set out what preparatory and preventative work with our young people will take place between now and then?

**Jenni Minto:** I remember clearly when the ban on smoking in enclosed places came into force. The strength of that legislation was that it was the result of cross-party agreement, and Stewart Maxwell of the SNP was also involved in the process. How we work together is also one of our strengths with regard to this bill. We have been working with the Administrations in London, Cardiff and Belfast, so I feel very positive about that. We have also had great support from our chief medical officers to ensure that we are doing the right thing.

More details will be provided in the LCM when it is laid before Parliament. A lot of the work that we have done in preparing for the bill has involved young people at different stages—for example, I referred to the Children's Parliament. We have to remember that the future of our children, and the need to ensure that they have the healthier lifestyle that they want, is at the heart of the legislation.

**Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of members' interests, in that I hold a bank-nurse contract with NHS Greater Glasgow and Clyde.

We know that smoking is the leading preventable cause of health inequalities, which have only grown starker in the midst of more than a decade of Tory-imposed austerity. Can the minister outline what work the Scottish Government is doing to support people to stop smoking, in particular in those areas where economic and health inequalities are most prevalent?

**Jenni Minto:** Claire Haughey is absolutely right. Despite the significant reduction since 2003, it is concerning the adults who live in the most deprived areas are still more likely to be current smokers. Smoking contributes significantly to Scotland's unfair and unjust health inequalities, as both a cause and an effect. Smoking cessation services are essential to ensuring that people have access to the right support at the right time to quit smoking or vaping, and we are committed to work with our NHS cessation co-ordinators and pharmacy colleagues across Scotland to refocus and remobilise cessation services to ensure that we reach those in our communities who are in most need of support to quit.

**Tess White (North East Scotland) (Con):** In 2022, around 12 per cent of women smoked during pregnancy. The minister mentioned that her own grandparent was advised to stop smoking. We know that smoking when pregnant can have serious health risks, but we also know how difficult it can be to stop. In England, midwives and NHS staff helped almost 15,000 mums-to-be to quit smoking over a three-year period. Will the minister ensure that midwives in Scotland have the resources to support pregnant women to kick the habit?

**Jenni Minto:** I agree with Tess White that it is important to get pregnant women to stop smoking. We are very clear in our best start guidelines and in other literature online about the importance of smoking cessation. Our midwives and nurse family partnerships also support women in that respect.

**Emma Harper (South Scotland) (SNP):** As co-convenor of the cross-party group on lung health, I recently heard from a mother about how her

school-aged daughter has experienced anxiety, agitation, aggression, depression and a shortage of breath since starting to vape. She has also missed school. What further steps can be taken to minimise the health impacts of youth vaping?

**Jenni Minto:** I am sorry to hear about the effects that vaping has had on that young person; I have heard of similar situations in my constituency. Children and young people may not fully understand the risks and implications of using vaping devices or be able to make informed decisions. Our “Take hold” campaign is terribly important in that regard, as it is directed at parents and carers, and it aims to provide advice and helps them to understand the risks relating to vaping addictions. I met some fathers who were discussing with me the conversations that they feel that they need to have with their children about vaping. That is one of the areas of work that we are doing that will help with that.

**Colin Smyth (South Scotland) (Lab):** I thank climate activist Laura Young and others, including the *Daily Record*, for their successful campaign to ban disposable vapes. However, as we know, refillable vapes will still be available. Earlier today, I met pupils from Peebles high school, and secondary 1 pupil Jess highlighted that disposable vapes are clearly marketed in her direction through packaging, flavours and shop displays.

Does the minister accept that, unless action is taken on the marketing of vapes, companies are likely to turn their attention to using the same marketing techniques for refillable vapes, which would undermine the effectiveness of any ban on disposable vapes?

**Jenni Minto:** I recognise the concerns that Colin Smyth has raised. The powers in the UK Tobacco and Vapes Bill will allow regulations to be introduced on the flavours and packaging of vapes, but I absolutely understand his point about vapes being colourful and the flavours child-friendly. We feel that the legislation really needs to address those points in order to reduce the impacts of vapes on young children.

I am happy to have a conversation with Colin Smyth to hear about the examples that he has raised.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Although vaping can be a useful tool for those who are looking to quit smoking, the number of young people who are starting to vape is of concern, as the minister said in her statement. Will the minister expand on the work that has been done to educate young people about the impact of vaping and the risks of smoking?

**Jenni Minto:** Our most recent behaviour in Scottish schools research, which was published

last November, identified that vaping is an increasing problem in our schools. We are concerned about the extent of vaping that is being reported and the impact that it is having on young people’s attendance in class.

We are working with partners and the Scottish advisory group on relationships and behaviour in schools to consider what further action is needed to support schools to address vaping as part of the development of the national action plan on relationships and behaviour and our tobacco and vaping framework.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I inform members that my two sons attend the Royal high school in my constituency.

We have a serious problem when it comes to youth vaping in Scotland. As we have heard, 22 per cent of under-18s used a vape last year. I am glad that the Scottish Government is pressing ahead with a ban on disposable vapes, which we know are deliberately targeted at young people. However, a ban will not come in until next April, and action is needed now.

The Royal high school has led the way in tackling this escalating problem by installing special smoke detectors in the toilets of its school at the start of this month, which are already working as a deterrent. I thank the parents association and senior management at the school in particular for leading the campaign and for garnering national interest. What plans are in place to support schools such as the Royal high school in tackling the issue as a matter of urgency, and why is there such a delay in the roll-out of the ban?

**Jenni Minto:** I reflect on the positivity that I felt when I saw this morning’s BBC Scotland news page, which highlighted the decisions that the Royal high school of Edinburgh has taken.

As I said, as part of the development of the national action plan on relationships, which will be published in the spring, we are working with partners in SAGRABIS to consider what further action is needed to support schools to address vaping. It is up to individual local authorities to work with schools to ensure that appropriate measures are put in place to deal with incidents of substance use, but we are taking forward substance use education work in our schools through the curriculum for excellence.

I would be interested to know whether other local authorities get in touch with the Royal high school of Edinburgh to see how it established the work that it has been doing.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** We know that disposable vapes pose environmental risks, both as an eyesore through

littering and as a harm through fires in waste facilities. How can local authorities be supported in managing the safe disposal of, and the waste management associated with, single-use vapes?

**Jenni Minto:** When I visited Sunnyside primary school in Alloa earlier this year, the children made the point that their spaces, including their play parks, are being overtaken by bins that are overflowing with disposable vapes.

I agree that the safe disposal of vapes is a matter for local authorities. As part of our proposals to ban single-use vapes, the Government will work closely with trading standards offices to ensure that local authorities have the capacity to enforce the measures.

**Gillian Mackay (Central Scotland) (Green):** I have been campaigning on this issue alongside parents, young people, clinicians, health charities and the *Daily Record*. They are all really pleased with the announcement on banning single-use vapes, and I thank them for their support.

Before the ban comes into place, we need to reduce the potential harm to young people's health, and I believe that some of that work can be done by retailers. Will the minister join me and campaigners in looking at how we can quickly get products behind cover by encouraging all retailers that consider themselves to be responsible retailers to put the products behind cover voluntarily?

**Jenni Minto:** I reflect on the market research that I read about secret shoppers of a young age going out to buy cigarettes. As they were so used to the products being behind grey blinds, they had to have it explained to them what cigarettes and cigarette packages looked like. I am very happy to support Ms Mackay's suggestion about retailers making that decision themselves.

**Alexander Stewart (Mid Scotland and Fife) (Con):** In her statement, the minister talked about a tobacco and vaping framework and about improving the existing register of tobacco and nicotine vapour product retailers. Nations such as the Netherlands take a more concise approach to the issue: all fruity flavours and aromas that might appeal to young people and those who are new to the habit are banned, and only tobacco flavours are allowed. Is the Scottish Government considering such measures under the tobacco and vaping framework?

**Jenni Minto:** I gently point out to Alexander Stewart that it is helpful and important to have the register of tobacco and nicotine vapour product retailers, because that allows us to pinpoint exactly which retailers sell vapes. Of the four nations of the UK, we are the only one that has such a register, and it is important that we invest in it to ensure that it covers the whole area.

In my statement, I touched on flavours. When I met members of the Children's Parliament, I heard about the conflict between what is healthy and what is not—for example, a watermelon-flavoured vape versus a watermelon. That highlights the importance of getting the legislation right. It is right to take a four-nations approach to the issue, because that will mean that there will be consistency and that there will be no issues as a result of the United Kingdom Internal Market Act 2020.

**David Torrance (Kirkcaldy) (SNP):** We know that, traditionally, it has proven difficult to engage with adolescents and young adults when it comes to health-related matters. We now have increased opportunities to reach that age group through various social media platforms. What social media engagement has taken place to increase awareness of the harms and risks of vaping addiction?

**Jenni Minto:** I have already talked about the "Take hold" marketing campaign, which was on various social media platforms, as well as—for us oldies—radio. The voice of young people is absolutely at the heart of the legislation and our tobacco and vaping framework. We ensure that, when we put out messages, we do so in collaboration with young people.

I will also mention that the Northern Ireland Government is considering our "Take hold" campaign and is looking to introduce it in Northern Ireland.

**Brian Whittle (South Scotland) (Con):** I welcome the recognition that vaping is a significant health issue in Scotland, the UK and further afield. I put it on record that, if I had my way, I would give access to vaping only through prescriptions. However, access to a healthier lifestyle is the other side of the equation. What is the Scottish Government doing to ensure that our children have access to a healthier lifestyle, and how will it encourage them to adopt such a lifestyle?

**Jenni Minto:** To reflect again on my visit to Sunnyside primary school in Alloa, the children told me that, when doing creative writing, if they write for a while and then go out for a bit and get a bit of exercise and fresh air, their brain cells are reinvigorated. It is important to ensure that, as well as banning vapes, we recognise the importance of sport.

As I highlighted in my statement, it is wonderful to be in collaboration with Scottish women's football. I mentioned that our advert was shown at a match on Sunday. Those footballers are fantastic role models for our children, which is absolutely key to ensuring that the message of healthy living and exercise is put out there. It was

great to see so many supporters of the Rangers and Partick Thistle teams cheering on the two teams.

**Stephen Kerr (Central Scotland) (Con):** The minister mentioned nicotine pouches in her statement. They are currently not regulated as tobacco products, because they do not contain tobacco, and they are being sold over the counter to children and young people under the age of 18. When the minister brings forward regulations under the powers that the Scottish ministers will have, will she please prioritise the regulation and licensing of the sale of nicotine pouches?

**Jenni Minto:** As I said, we have worked closely with the UK Government to ensure that the legislation is right and that it is future proofed. As I said, we will bring an LCM to the chamber, which will lay out more detail.

**The Presiding Officer:** That concludes the ministerial statement. There will be a brief pause before we move on to the next item of business.

## Gender Representation on Public Boards (Amendment) (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-12639, in the name of Shirley-Anne Somerville, on the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 1. I invite members who wish to speak in the debate to press their request-to-speak buttons, and I call Shirley-Anne Somerville to speak to and move the motion.

15:24

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Gender Representation on Public Boards (Amendment) (Scotland) Bill seeks to remove the section 2 definition of “woman” from the original Gender Representation on Public Boards (Scotland) Act 2018. That follows decisions of the inner house of the Court of Session, which were effective from 19 April 2022. The court decided that the section 2 definition was outwith the legislative competence of the Scottish Parliament and was not law and, accordingly, had no legal effect. At that time, our counsel told the court that we would remove the redundant definition from the 2018 act. If the bill is passed, it will provide clarity by removing the definition from the statute book to ensure that no one is misled.

I appreciate that it is unusual to introduce such a small bill. We looked at all other planned legislation but did not find a suitable vehicle to implement the change. Further, the necessary change could not be made through secondary legislation.

Given the importance of fulfilling our obligations to the court, the bill is intended to do that. The bill simply clears up the statute book to ensure that it is not misleading. Removing the definition from the statute book will eliminate the possibility of any confusion for readers of the 2018 act who are unaware of the court’s orders in 2022.

I was pleased to read the Equalities, Human Rights and Civil Justice Committee’s stage 1 report on the bill. The committee was satisfied that the bill provides a small technical fix to clear up the statute book. It was also content to recommend that the Parliament agrees the general principles of the bill. I thank the committee for its considerations.

The committee also noted that the majority of respondents to the call for views agreed with the general principles of the bill. The bill does not change the policy intention of the 2018 act. We

still need to ensure that the boards of Scotland's public bodies better reflect the population of our country.

I move,

That the Parliament agrees to the general principles of the Gender Representation on Public Boards (Amendment) (Scotland) Bill.

**The Deputy Presiding Officer:** I call Karen Adam to speak on behalf of the Equalities, Human Rights and Civil Justice Committee.

15:26

**Karen Adam (Banffshire and Buchan Coast) (SNP):** As noted at the end of our stage 1 report, the Equalities, Human Rights and Civil Justice Committee is satisfied that the Gender Representation on Public Boards (Amendment) (Scotland) Bill is a single-issue bill that provides a technical fix to tidy up the statute book following the rulings of the Court of Session on 18 February and 22 March 2022. As such, we are content to recommend that the Parliament agrees to the general principles of the bill.

Although the Scottish Government did not consult on the bill due to its single-issue nature, the committee agreed that it would be helpful to issue a short call for views to allow interested parties to share their views. The call for views ran from 8 to 29 January and received 56 responses, all of which were published. A breakdown of the responses is set out in paragraph 20 of our stage 1 report, and we are grateful to all those who have provided their views.

Twenty-five respondents supported and understood the bill, recognising that it is in line with the court ruling, but added extra commentary. For example, For Women Scotland questioned what discussion there could be on the minister's legal obligation to comply with the court order, while others, including Close the Gap and the Young Women's Movement, noted that the court ruling was based on legislative competence, rather than whether the definition was wrong. Others agreed with the bill but were disappointed with the court ruling.

It is worth noting that 21 of the responses misunderstood the purpose of the bill. It might be worth considering the level of messaging around what, on the face of it, is a fix to update the statute book, focusing on the fact that it is technical and on helping people to better understand its purpose.

In oral evidence, we explored with the cabinet secretary why it had taken the best part of two years from the court judgment to introduce the bill. She explained, in line with the policy memorandum, that that time had been taken to

explore whether there was another legislative vehicle through which to make the change. That included, for example, considering whether it could be incorporated in another bill, but that was not possible.

In a written submission, the Scottish Trans Alliance and the Equality Network queried whether an update to the statute book could have been made subordinate legislation, but that, too, was not viable, as the only regulation-making powers in the 2018 act are in sections 8 and 9, whereas the court ruling related to the definition of women as set out in section 2 of the act. The Scottish Parliament information centre advised us that it was not aware of a provision under any other act that would allow for the 2018 act to be amended.

There was general acknowledgement that the process for exploring options and then drafting and introducing a bill, plus subsequent scrutiny of a technical fix to update the statute book, can be time consuming. A couple of areas of learning for the Government and the Parliament are to consider the level of messaging to help people to understand the purpose of bills, particularly technical ones, and to explore whether there are, or could be, less time-consuming processes by which such technical fixes could be addressed.

**The Deputy Presiding Officer:** Thank you, Ms Adam. I now call on Meghan Gallacher to speak on behalf of the Scottish Conservatives. Ms Gallacher is joining us remotely.

15:30

**Meghan Gallacher (Central Scotland) (Con):** Today's stage 1 debate will be relatively brief. The cabinet secretary and the convener have said that the amendment is a technical one.

The one question that many women across Scotland will have is this: how did we end up here in the first place? The Gender Representation on Public Boards (Scotland) Act 2018 set out the objective for public boards to ensure that at least half of their non-executive members were women. That included the definition of the word "women" to include trans women. For Women Scotland brought a judicial review of the 2018 act, and, on 18 February 2022, the inner house of the Court of Session ruled that it was outwith the Scottish Parliament's legislative competence as it amended the definitions of the protected characteristics in the Equality Act 2010.

The Court of Session declared that incorporating some of those with the protected characteristics of gender reassignment, whether or not they hold a gender recognition certificate, into the definition of women unlawfully

"conflates and confuses two separate and distinct protected characteristics".

An exception in the Equality Act 2010 allowing provision for women excludes biological males. The SNP Government has therefore introduced the amendment bill to align with that ruling.

Women have fought for hundreds of years to achieve equality and to ensure that their rights are protected, but those rights have been eroded by a Government that is hell-bent on bringing in laws and legislation that put women's rights at risk. From attempting to bring in legislation that would allow 16-year-olds to change their gender without a medical diagnosis, to moving the goalposts on who can obtain a gender recognition certificate, which would have meant that, if the Gender Recognition Reform (Scotland) Bill had been enshrined into law, predatory men would have been allowed to take advantage of the system, to allowing a convicted rapist to be sent to a women's prison, it is clear that women's groups have had enough of laws that create a hierarchy of protected characteristics. It is divisive; it creates more division in our society.

Women's groups will continue to challenge the Government when it attempts to bring in legislation that will have a detrimental impact on women, their rights and safeguarding. The Scottish Conservatives will support the amendment bill today, but I ask that the Scottish Government begins to work with women's groups and not against them.

15:32

**Paul O'Kane (West Scotland) (Lab):** I am pleased to open on behalf of Scottish Labour in the debate. Scottish Labour supported the Gender Representation on Public Boards (Scotland) Act 2018 and we continue to support the principle of the act. It is an important step towards achieving gender parity and increasing the representation of women through a robust level to promote equality.

However, we fully acknowledge that the amendment is necessary and therefore welcome the stage 1 debate and process. We recognise what previous speakers have said about the technical nature of the bill and that it has been introduced to tidy up the statute book. Recognising that fact and considering all the judgments that were passed down is the reason why the Equalities, Human Rights and Civil Justice Committee, of which I am a member, produced what is perhaps one of the smallest reports that I have seen for stage 1 of a bill. It is an accurate reflection of the purpose of the bill.

I do not intend to try to rehearse the debates that we had during the passage of the bill, and I note that I was not a member of the Parliament at that time. Today is about acknowledging the judgments of the court and ensuring that we do

our job to tidy up the statute book to deflect the possibility of any potential future confusion.

It is important to reflect on the fact that the bill does not change what is currently operating on the ground, because the definition in the 2018 act has become defunct since Lady Dorrian's initial judgment, and the Scottish Government's revised guidance has been in effect since its introduction. We are not changing anything today; we are just tidying up the statute book.

In the spirit of constructive criticism for the Scottish Government and for Parliament as a whole, as the convener and others have said, there are opportunities for reflection on some of the issues that the process has raised. We need to reflect on whether the confusion that often arises in legal cases could be avoided in the first place. Nobody wants legislation to end up in the courts, particularly in areas in which it is deemed to be outwith the legislative competence of the Parliament. We need to reflect on that more broadly in respect of a number of pieces of legislation and think about how we deal with those issues, particularly in the drafting process.

Another issue—we have heard this already—is whether this change to the statute book could have been achieved sooner. I appreciate what the cabinet secretary has said today and in committee about waiting to see whether there were alternative vehicles through which the amendment could have been made, rather than through this stand-alone bill. Obviously, the Government has come to the conclusion that there was no opportunity to do that before starting this process, but I note that this is not the first time that we have had to wait quite a while to tidy up legislation or to react to the rulings of the court—we can think back to the process around the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. It is worth thinking about what we can do procedurally to speed up changes to ensure that issues do not sit unresolved for longer than needed.

Like the bill and its accompanying stage 1 report, I will be brief and leave my remarks there. I look forward to hearing the rest of the debate and hope that we can move forward at pace to update the legislation.

15:35

**Marie McNair (Clydebank and Milngavie) (SNP):** I speak in the debate as a new member of the Equalities, Human Rights and Civil Justice Committee. I thank the committee clerks for their assistance in the production of our stage 1 report. The committee received very helpful evidence from a range of expert witnesses and found it extremely helpful in reaching conclusions.

Balanced representation, particularly in positions of influence, is extremely important, and balanced gender representation on our boards ensures that we harness the experience, perspectives and talents that everyone has to offer. That helps to guarantee that any decisions that are made are representative and will benefit the wider group.

After stage 1 consideration, through the support of the Scottish Trans Alliance and the Equality Network, an amendment at stage 2 was lodged to amend the definition of women in the bill to include trans women. The amendment was welcomed by the Scottish Government and was agreed to unanimously by the committee. However, following the rulings of the Court of Session in 2022, it was determined that the definition, as added by the stage 2 amendment, was outwith the legislative competence of the Scottish Parliament and was not lawful. As such, the definition will be removed, and the bill provides a technical fix to tidy up the statute book following the rulings.

The Scottish Government believes that it is required to do that in the light of the court rulings, but the change does not impact how the 2018 act has worked since the rulings. The bill is a short single-issue bill, and its sole purpose is to amend the statute book in the light of the rulings.

The court rulings were a disappointment to the Scottish Trans Alliance, the Equality Network, me and, I am sure, many others. Although alternative approaches were considered, with some suggested by the Scottish Trans Alliance and the Equality Network, it was determined, unfortunately, that those would not be possible.

It is good that, in general, equality groups agree with the bill, but it is understandable that they are disappointed by the court rulings. Our stage 1 report sums it up by using a quote from the equality impact assessment:

"The trans community may perceive the Bill to have a negative impact on their community, as they could mistakenly view it as a step backwards from their work to achieve equality or a sign that the Scottish Government is changing its position on support for trans rights. However any substantive impact on the operation of the law is as a result of the Court's decisions, not this Bill which simply clears up confusing wording."

I am glad that officials are engaging with LGBTQI stakeholders to reassure them of the Scottish Government's on-going commitment to achieving greater equality.

Overall, the committee is satisfied that the bill provides a technical fix to tidy up the statute book, following the rulings of the Court of Session on 18 February 2022 and 22 March 2022. Accordingly, the committee is content to recommend that the Parliament agrees to the general principles of the bill.

It is vital that women's voices are heard, especially by public bodies that deliver services in our everyday lives. Fundamentally, the SNP Government is committed to ensuring greater gender equality and fairness for all, and it is vital for our future that all voices are heard and that everyone has a seat at the table.

15:39

**Carol Mochan (South Scotland) (Lab):** I begin by thanking the committee for its work and its report. As my colleague Paul O'Kane said, we accept the committee's recommendations in full and agree that the legislation is necessary to tidy up the statute book. As we have heard, this is a piece of technical legislation that brings the 2018 act in line with the Court of Session ruling and does so in a manner that ensures that definitions outlined in the Equality Act 2010 are protected.

I note from the committee's report that the cabinet secretary was pressed on why it took the Government as long as it did to bring forward legislation in the aftermath of the Court of Session ruling. I recognise that the cabinet secretary was keen to pursue other legislative routes to achieve the aims set out within the bill. Clearly, that was not possible and primary legislation has been required. I agree with the cabinet secretary that the bill achieves the requisite removal of any confusion that might be caused.

I am also glad that assurance has been provided stating that the bill has, in effect, a single purpose and that it does not impact the intentions of the act originally passed by the Scottish Parliament. Achieving fairer gender representation on public boards remains of the utmost importance and it is critical that we continue doing all that we can to ensure that women across Scotland are provided with opportunities to sit on the boards of public authorities and that the long-standing barriers to their doing so are removed. The legislation is important and it is right that the bill we are debating today should not detract from its good intentions.

The most recent progress report, which was published in August last year, confirmed that progress has been made, with gender balance being achieved in two thirds of the public authorities listed in the original legislation. However, that also confirms that a further third of public bodies still need to meet that key target. We must redouble our efforts to ensure that the next progress report shows even greater developments in the area.

Women's contribution to public life across Scotland ought to be recognised. Without doubt, the barriers to women holding the most senior positions and having a seat at the boardroom table

have been in place for far too long. We must be absolutely clear that nothing will stand in the way of Parliament breaking down those barriers. I am content that the bill will have no detrimental impact on that effort.

I again thank the committee for its report and support the remarks by my colleague Paul O’Kane.

15:42

**Evelyn Tweed (Stirling) (SNP):** As a very new member of the committee, I am pleased to speak in today’s debate. As the convener said, this is essentially a single-issue bill and an exercise in tidying up. It adjusts the statute book to reflect something that has been the case since 2022 and will provide clarity by removing a redundant definition.

The committee raised the wider point about whether there should be consideration of a way to address technical fixes without requiring primary legislation. The Government may want to reflect on that. I agree with the convener’s comments in that regard.

I take the opportunity to reiterate the importance of legislating for more diversity in leadership, because such diversity benefits everyone. We should continue reducing barriers to participation. Quotas can have a very powerful impact: statistics shared by UN Women show that women’s representation is 5 per cent higher in Parliaments and 7 per cent higher in local government bodies where there is a legislated candidate quota.

Having women represented in positions of power allows women’s needs to be reflected in decision making. In its report “Sex & Power in Scotland 2023”, Engender says:

“Women are not able to participate fully in public life or to exercise equal citizenship with men when they do not have the same access to opportunities and power.”

Research by Engender suggests that the justice sector is one of the least representative spheres of Scottish public life. Domestic abuse and sexual crimes are, unfortunately, all too common, yet those crimes have some of the lowest conviction rates. Having women from a wide range of backgrounds well represented in positions of power is an important step towards ensuring that those highly gendered issues are understood and tackled.

Women’s participation can help to advance gender equality. It also has an impact on the range of policy issues that are considered and, more important, the solutions that are proposed. However, that is not enough on its own. Leadership from everyone in positions of power is vital. We need to ensure that the barriers to

participation that women experience are tackled at every level. In my view, that is a positive step, and it is certainly in line with the SNP’s consistent commitment in government to ensuring that representation of women and girls is increased in both the wider public sector and politics. It is amazing that, since 2014, the Scottish Government has been one of only a few Governments in the world to have a gender-balanced Cabinet, and that the current SNP-led Cabinet is the first to be made up of a majority of women. We should all agree that that is a huge achievement.

It is important that messaging on the bill is strong so that people understand its purpose and its technical nature. It is also important that the Government reflects on how technical fixes to legislation can be achieved in a less time-consuming manner.

15:46

**Ash Regan (Edinburgh Eastern) (Alba):** The Cabinet Secretary for Social Justice has described the amendment bill as simply a small technical fix to the statute book, but I completely disagree with that analysis. The bill is the Scottish Government’s very public acceptance, however grudgingly given, that its policy that trans women are women has been thoroughly defeated in Scotland’s highest court. Through a late change in the wording of the law and without any equality impact assessment, the Gender Representation on Public Boards (Scotland) Act 2018 defined women entirely on the basis of self-identification. It was, we were assured, a one-time-only redefinition that would have no meaning outside the act.

However, as women’s rights campaigners predicted, that new definition was soon used as proof that self-ID was now the law in Scotland and could not be argued against. For Women Scotland, some of whom are with us in the public gallery today, brought a judicial review on that new definition of women, and the inner house of the Court of Session ruled on 18 February 2022 that it was unlawful. The short bill that we are discussing today removes that definition from the legislation. Whether the new definition will have to be changed again—in support of For Women Scotland’s belief, and mine, that, for the purposes of the Equality Act 2010, women should be defined entirely on the basis of biological sex—will now be decided at the Supreme Court.

What is already clear today is that the Scottish Government’s policy that all men who identify as women should be treated as women is, in fact, unlawful. In fact, self-ID has no legal standing. Trans women are not women under Scots law, so it is wholly wrong for any organisation or MSP to still rely on a definition that has now been ruled

unlawful and, as can be seen today, has been accepted as such by the Scottish Government. At the very least, the Scottish Government should make sure that it does not fund organisations that are advising it incorrectly and that all processes and policies are being updated to ensure that this does not happen again. I would welcome a statement from the Government on that, especially as the Government is saying that it will introduce a bill on conversion therapy this year.

I am also wondering, as others in the chamber might be, when the Scottish Government will advise its MSPs what the law is saying in this regard. This debacle, after all, was the start of a whole suite of legislation, together with the Hate Crime and Public Order (Scotland) Act 2021 and the Gender Recognition Reform (Scotland) Bill, that is based, as far as I can see, on the demands of lobby groups that the Government is funding. It is entirely symptomatic of the failings of a Government that is pursuing legislation costing hundreds of thousands of pounds of public money that does not reflect the view of the public. I am sure that that money would be much better spent elsewhere. All of that has undermined trust—fatally, I think—in the Scottish Government. Most disturbingly for me as an independence supporter, it has also undermined trust in the Scottish Parliament as an institution.

**The Deputy Presiding Officer:** We move to the closing speeches. I call Paul O’Kane to close on behalf of Scottish Labour.

15:50

**Paul O’Kane:** I do not intend to detain the chamber for too much longer in having to listen to me, given that I opened for the Labour Party at the beginning of the debate. I will simply reflect on some of the contributions that have been made and then offer again our view on the requirement that the bill be on the statute book and on the lessons to be learned.

I put on record my thanks to the legislation team who prepared the bill and briefed the committee, the legal officers from the Government who gave evidence to the committee, and those who responded to the call for views and gave their opinions on the bill—and, perhaps, on wider issues, which I am keen not to relitigate today, as I have said.

Carol Mochan spoke powerfully, as did Evelyn Tweed and others, about the 2018 act, which was debated in the previous parliamentary session, and the importance of pursuing that further equality in our public bodies in order to ensure that they are more representative of the country and that mechanisms are in place to support that.

I recognise the contributions that were made about what the act does and what it does not do when it comes to the statute book. I reiterate the fact that Labour previously supported and continues to support the fundamental principles of the act, but we are acutely aware of the need to respect the decision of the court and to ensure that the statute book reflects that decision, given that that is now the way in which the law has to be conducted in practice.

In opening, I asked the cabinet secretary for a number of points of clarification on the lessons that can be learned from this process. That is important for both the Government and the Parliament, not least when it comes to how we might avoid such situations but also in relation to how we might learn from the opportunities that we have to clarify and tidy up the statute book before we come to the process of passing a stand-alone bill. I hope that, in her summing up, the cabinet secretary will reflect on the questions that I have asked in good faith, and on the need to ensure that all our processes in this Parliament are well scrutinised and reflected on, so that we do not have to revisit legislation in this way.

I will leave my comments there, Deputy Presiding Officer. I am very grateful for your indulgence this afternoon.

**The Deputy Presiding Officer:** I call Annie Wells to close on behalf of the Scottish Conservatives.

15:52

**Annie Wells (Glasgow) (Con):** I, too, will keep my remarks short, because we have now heard from most of my fellow members of the Equalities, Human Rights and Civil Justice Committee and we are all just going to say the same thing about some of the stuff that we have listened to.

For clarity, the ruling was a result of the judicial review that was brought by For Women Scotland. In response, the Scottish Government has brought forward this amendment bill. We were a bit disappointed by the length of time that it took to introduce the bill, but we listened to the cabinet secretary’s comments in committee and we understand. As Paul O’Kane said, maybe we need to look at how legislation can change and move forward so that—as everyone has said—we do not have to introduce a stand-alone bill just to apply a small technical fix to existing legislation.

We have to look carefully at the Gender Representation on Public Boards (Scotland) Act 2018, which the bill will change, to make sure that, when we talk about gender, we are careful and we listen to judicial reviews—to what the courts say.

I am just looking at my notes to see whether I have anything to add that no one else has said.

There are impassioned views on gender across the political spectrum, and we must be sure to listen to all sides of the argument. On this occasion, I confirm that Scottish Conservatives will vote for the amendment bill.

**The Deputy Presiding Officer:** I call the Cabinet Secretary for Social Justice, Shirley-Anne Somerville, to close on behalf of the Scottish Government.

15:54

**Shirley-Anne Somerville:** Thank you very much, Presiding Officer. I thank all the members who have contributed to this afternoon's debate. As I said in my opening remarks, it is very unusual for the Parliament to debate such a small bill, but I am very grateful for the time to engage in the process and to share our views. I am also grateful to the committee for the process that it has undergone.

The committee's convener, Paul O'Kane, Annie Wells and others have mentioned the need for Government and Parliament to reflect on how we can better deal with small bills such as this one, which are technical fixes. That is not a matter only for Government, but for Parliament. As the institution is still relatively young, it is important that we all learn and understand what more we can do to make the process easier.

Paul O'Kane mentioned the challenge that we all have when we are discussing areas that are to do with legislative competence. That applies not only when a bill is introduced through what the Government does, but also when we debate and vote on amendments at stages 2 and 3. I suggest that we—not only the Government, but the Parliament—reflect on that.

I am conscious that we are making this technical fix because of a Labour amendment that was made at stage 2, which was strongly supported by the Scottish Government at the time. That is an important aspect that we need to reflect on as we go through the bill process, and I hope that the Parliament can come back to discussing that. I am particularly conscious of that given that the proposed human rights bill will go through Parliament in due course. I am sure that we will be pressed by many people—quite rightly—to go as far as possible on that and that we will start having debates about legislative competence on the issue. We all need to be aware of how we can best do that as we go through the process.

**Tess White (North East Scotland) (Con):** Will the cabinet secretary join me in recognising the work of For Women Scotland—some of whom are

in the gallery today—whose tenacity and fundraising removed from the act the trans-woman-inclusive definition of woman, which impinged on reserved matters and was unlawful?

**Shirley-Anne Somerville:** As I mentioned in my opening remarks, the Government recognises the court's decision. It is important that the Government listens to all groups—whether they are all-women groups or other groups—that have a variety of views on any subject.

Meghan Gallacher discussed women's groups in her opening remarks, and I suggest to her that we also do a disservice to women by suggesting that all groups that represent women share the same views. As a Government minister, I am very cognisant that there are a variety of views on a variety of subjects, and I give my commitment on behalf of the Government that we will consult with everyone, regardless of their views, on contentious issues.

Paul O'Kane was right to point to the fact that the bill is not changing anything but tidying it up. It is also important to recognise the points that Carol Mochan made about the purpose of the act. She spoke, quite rightly, about the barriers that still exist to women and the fact that the Parliament must collectively work together to continue to break down those barriers.

Despite the fact that this is a small bill that applies a technical fix to the statute book, it is important that we reflect on the need for the bill within the context of gender representation on public boards and recommit ourselves to those initial principles, as Carol Mochan suggested. On that note, I draw my remarks to a close.

**The Deputy Presiding Officer:** That concludes the debate on the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 1. There will be a short pause before we move on to the next item of business.

## Higher Education (Access)

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-12642, in the name of Graeme Dey, on widening access and equality of access to higher education. I invite members who wish to speak in the debate to press their request-to-speak button.

16:00

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** The debate provides us with an opportunity to reaffirm our collective commitment to widen access to university for people from our poorest communities, and so ensure that, no matter what their background might be, everyone in Scotland has the chance to reach their full potential. It is also an opportunity for us all to reflect on the considerable progress that has been made so far. Just as important is that we will, I hope, explore the work that we will have to undertake collectively—in the Government, universities and wider society—to complete that journey. Let me be clear from the outset that we intend to complete it.

Having met the previous interim target, we have now turned our attention to the next interim target for 2026 and the final target of having 20 per cent of entrants to higher education coming from our 20 per cent most deprived communities by 2030. We have done so in the knowledge that such opportunities are there. This year, places in the system that were available to domestic entrants went unfilled. Although we thank the sector for all its hard work so far, I ask it to reflect on whether there is anything more that it can do. If that requires action or assistance from the Government, we will gladly have that discussion. We recognise how challenging moving the situation on will be and that adjusted approaches will almost certainly be required.

I welcome Universities Scotland's 40 faces campaign, which will allow us to hear the views of students and graduates. In a similar vein, I look forward to hearing members' contributions to the debate, because, as always, I am happy to consider genuine and constructive solutions from anywhere.

I am pleased to commend to Parliament the commissioner for fair access's annual report for 2024. I place on record my gratitude to Professor John McKendrick. Last week, I met him to discuss his report's conclusions, and widening access more generally, including the progress that we have made so far and how we can make the further progress that is required. I broadly welcome the report's recommendations. My

officials will work with the commissioner and other interested parties to consider how we might progress them.

I will take a moment to reflect on the report's finding that increasing the share of students from the most deprived areas has not led to fewer students progressing to higher education from less deprived areas. That suggestion has been made previously, both inside the chamber and outside it. However, as the commissioner states,

"at present, increasing the share of students from the most deprived areas has not led to fewer students progressing to higher education from those from less deprived areas. The number of entrants has increased for all Scottish Index of Multiple Deprivation (SIMD) quintile cohorts since 2013-14."

I am glad to see that that myth has been conclusively put to bed.

**Martin Whitfield (South Scotland) (Lab):** The minister previously pointed out that there were some high-profile courses where there was a challenge. In particular, I am thinking of law courses at the University of Edinburgh, which is where the issue started 18 months ago.

**Graeme Dey:** Mr Whitfield is right to cite that situation. As he will be aware, though, that was an isolated example. I think that the University of Edinburgh has recognised the errors that were made there.

Students from our poorest communities are not taking up spaces that would otherwise be reserved for someone else; they are there on merit. The latest statistics show that, in 2021-22, we again had a record number of students from deprived areas, which represents an increase of 80, numerically, on the previous year. That is a huge 41 per cent increase since the commission on widening access's final report in March 2016. It is a considerable achievement. I express the Government's gratitude to everyone who has played a role in making it happen: our universities, colleges and schools and, most importantly, the young people themselves. With 16.5 per cent of full-time first-degree entrants coming from deprived areas, we have once again achieved the commission's interim target of 16 per cent by 2021.

In 2021-22, 19.1 per cent of all undergraduate higher education entrants at both universities and colleges were from the 20 per cent most deprived areas. That figure is even higher if we just consider entrants to full-time courses, more than a fifth of whom are from the most deprived areas. The gap between the 20 per cent most and least deprived areas in terms of positive initial destinations after leaving school is now at a record low. That is real progress—progress that I hope will be welcomed by colleagues on all sides of the chamber in their speeches today.

**Pam Duncan-Glancy (Glasgow) (Lab):** Will the minister take an intervention on that point?

**Graeme Dey:** I want to make some progress if I may.

It is worth reflecting on some of the recent changes that will continue to drive the agenda. Since 2020-21, all universities have measured the academic achievements of learners from our most disadvantaged communities against access thresholds, rather than standard entry requirements. That ensures that those who have the potential to succeed in higher education will have that potential recognised. People with care experience who want to go to university are no longer deterred by debt. They can now access a non-refundable bursary of £9,000 each year, increasing to £11,400 in 2024-25. When they apply for a place at university, if they meet the new thresholds, the institution will guarantee them the offer of a place. The Government is determined to keep the Promise, and we will do everything in our power to ensure that care-experienced people have the same opportunity as their peers.

**Brian Whittle (South Scotland) (Con):** I agree with the minister that it is extremely important that we give equal access across all SIMD areas, and the progress is welcome. Is he not concerned that the income coming into universities is increasingly coming from abroad now? I heard that more than 80 per cent of the income of the University of Glasgow now comes from students from abroad, specifically from China.

**Graeme Dey:** We are aware of the reliance on international students, but I gently say to Mr Whittle that one of the biggest threats to our university sector—not just in Scotland but across the United Kingdom—is the policies of the UK Government on migration. That is where the biggest worry currently lies.

**Stephen Kerr (Central Scotland) (Con):** Will the minister give way on that point?

**Graeme Dey:** I am not going to give way; I want to make some progress.

We are not going to rest on our laurels. The widening access agenda is too important for that. I reiterate: I accept that kicking on from here presents a challenge, but it is a challenge that we intend to meet. We will have to do more faster to drive progress, to identify students who need support so that they can access the education that they deserve, and to give them the help that they need.

We are clear about the value of SIMD as a measure of deprivation, and the impact of the national SIMD targets can be seen in the progress to date. For that reason, I agree with the commissioner when he says that it is necessary to

"Retain SIMD as the central metric to indicate national progress in achieving fair access."

However, our approach should not be to the exclusion of those who face similar barriers but who live in areas where their address is less likely to be classed as deprived. The access data short-life working group was established in 2023 to assess which other measures should be used. In its final report, the working group recommended that free school meals and the Scottish child payment should continue to be considered as possible individual-level widening access measures. Officials are considering how we can overcome data-sharing issues to introduce eligibility for free school meals as a measure of deprivation, and we are working with institutions in the north-east to pilot that. We will also continue to examine Scottish child payment data and school clothing grant data to see whether they identify students who may benefit from the widening access approach. I am happy to engage with anyone with additional ideas in that space.

I have to admit to being concerned by recent suggestions from elsewhere on the political landscape that, if implemented, would completely undermine the central tenet that access to higher education should be based on the ability to learn, not the ability to pay. As a Government and as a Parliament, the decision that we took to abolish tuition fees should be one of our proudest achievements. In recent weeks, senior front benchers from both Labour and the Conservatives have suggested the reintroduction of fees but, in my view, that is something to be firmly rejected. Whether those fees are up front, as they are in Conservative-run England and Labour-run Wales, or by the back door, as they were when Labour was in government in Scotland, this Government is clear that that would be completely unacceptable. Free tuition is vital to widening access and, under this Government, tuition fees will never be reintroduced in Scotland.

The Labour amendment, which I urge members to reject at decision time, calls for increased funding for the sector—as Labour members are perfectly entitled to do. Given that Labour has been against almost every revenue-raising measure that the Government has implemented, however, where would that money come from? There are two options. Either Labour would cut elsewhere in the budget, whether from the national health service, schools or social security—that would be a choice for Labour—or it would increase funding by bringing in some form of tuition fees, as its finance spokesperson suggested only a few weeks ago.

Since our policy was introduced, the number of first-time students in Scotland has increased by 31 per cent. The average level of student debt in

Scotland is three times lower than it is south of the border, and record numbers of students from our poorest communities are going to university. We on these benches believe that it is worth defending that we will never allow tuition fees to be imposed in Scotland.

As I have said, we need to go further in the widening access agenda. We have to unlock the potential of all our young people. Not only is that the right thing to do, it is vital if our economy and our public services are to have the skills that are needed.

I look forward to hearing colleagues' contribution on how we can continue to build on the progress that has been made.

I move,

That the Parliament notes the recent report by the Commissioner on Fair Access; welcomes the progress that has been made to widen access to university, with a 45% increase in students from the most deprived communities entering university since 2013-14; is grateful for the work of the higher education sector in achieving this success; agrees with the commissioner's finding that increasing the share of students from the most deprived areas has not led to fewer students progressing to higher education from less deprived areas; reaffirms its commitment to widening access and to meeting the 2026 interim target and the 2030 target, which it agrees will require concerted effort from government and institutions to meet this challenge; agrees that it is vital that higher education continues to be based on the ability to learn rather than the ability to pay, and further agrees that undergraduate students in Scotland should not be expected to pay any form of tuition fees, whether up front or in the form of charges during their course or after graduation, such as graduate endowments or graduate taxes.

16:10

**Liam Kerr (North East Scotland) (Con):** I cannot imagine that anyone in the chamber would disagree that people who want to go to university as part of their life plan should be able to do so, regardless of means or circumstances. Aside from personal benefits, the consequences are social, economic and fair.

I welcome the tone of the minister's contribution, particularly on working together, because it inexorably follows that we must constantly ask whether we are achieving that end and whether we can improve.

However, I have to say that, in the motion and in the remarks that we have just heard, the Government is in danger of revealing itself to be selective, dogmatic and dangerously siloed in its thinking. For example, it sets an arbitrary target that students from the 20 per cent most deprived communities will make up 20 per cent of entrants to higher education by 2030, but, as it does so often, it reveals that it has little idea of how to achieve that. The Government does not undertake

meaningful reflection on what is working, what is not and, ultimately, what can be improved.

**Graeme Dey:** Will the member give way?

**Liam Kerr:** In two seconds, minister.

Let us not forget that the fair access report says that progress has stalled and that the Scottish Government is not on track to meet its widening access targets. The minister is to be commended on his remarks that, as commentators including Professor Lindsay Paterson and Commissioner McKendrick have made clear, SIMD is something of a blunt instrument on which to rely.

**Graeme Dey:** I hope that, in not only the content but the tone of what I said, I recognised a number of the points that the member makes. I very much welcome contributions from across the chamber and further dialogue about what measures to look at, because, as I said in my opening speech, we are absolutely committed to exploring what else can be done.

**Liam Kerr:** I recognise that, and I very much welcome the approach to the portfolio that the minister is taking. For far too long, there has been a very restrictive approach and an absence of whole-systems thinking. That is demonstrated by what is being done to the college sector. Professor McKendrick, the commissioner for fair access, highlighted just yesterday how important colleges are to the fair access agenda, describing them as offering people a gateway to university. He went on to describe the impact of what Neil Cowie of North East Scotland College told Parliament only a few weeks ago was a £32.7 million reduction in revenue funding as cuts being made to the number of places that will be available in the next academic year and courses being withdrawn. That is on top of the more than 120,000 places that have been lost since the Scottish National Party came to power.

When the principal of Dumfries and Galloway College describes the upcoming cuts as "devastating" to students from deprived areas and says that

"For those students who wish to progress on to ... higher education ... we cannot provide the same volume of opportunities",

we should be very concerned indeed.

A similar lack of foresight is manifest in the decision to axe the flexible workforce development fund and failure to agree a budget that would allow for new funded modern apprenticeship places from 1 April 2024. I hope that the minister will pick up on that point in his closing remarks and tell us when that will be agreed.

That leads me to the fundamental issue. We do not widen access by blundering on with a cut of at

least 1,200 places at universities. We do not widen access by having what amounts to an arbitrary cap on Scottish students. We do not widen access by failing to talk about part-time students, and the commissioner's proposal to keep a primary focus on full-time undergraduates is set in a context in which 30 per cent of all Scotland-domiciled taught university enrolments in 2021 were part time.

**Graeme Dey:** We really need to nail the myth about the 1,200 places. It has been explored multiple times in the Parliament, and it is still peddled by some. The 1,200 places that have been referred to were additional places that were introduced in 2021 to take account of the pandemic and the Scottish Qualifications Authority assessment process. The Government committed to funding those places for the duration of the students' studies. That cohort will largely exit the system at the conclusion of this academic year, so the funding for those extra places—I stress "extra places"—will no longer be required.

**Liam Kerr:** The Cabinet Secretary for Finance stood in the chamber and conceded that there were 1,200-plus fewer places available to students going forward. We can look at the official record on widening access. Shona Robison stood there and conceded the point.

On the widening access agenda, Universities Scotland has pointed out that the cost of living crisis has the biggest impact on those who were already most disadvantaged and that that is particularly acute for mature students with caring responsibilities, estranged students and students with care experience. The minister cannot come to the chamber and talk about widening access without mentioning the cuts of over £23 million to student support and tuition fee payments or the cut of almost £24 million to lifelong learning funding. I can understand why the minister would want to bury that news.

The real issue is the Government's response to the picture. We all recognise that something is not working quite as it should be, and we all recognise that funding is tight, but we differ on the reasons that underlie that. However, it is a deeply irresponsible Government that, for ideological reasons, closes its mind to even discussing what we might do to address that. When we acknowledge that the average funding per Scottish student is over £2,000 lower than that for students in universities in England, the right response is surely to collaborate and discuss how we can work to improve that rather than get into such situations as when Professor Sir Peter Mathieson got absolutely pilloried when he gently suggested that, in the current system, talented students leave Scotland and alternative methods might be worthy of calm consideration.

All of us who bother to interrogate the data and the metrics underlying the outcomes can see that something is not working as well as it should be, whether that is widening access to the desired levels, properly funding the universities or ensuring that young people can take the direction that best suits them and fits their ambitions. What those from disadvantaged backgrounds, our universities and Scotland's economy, outcomes and future need is for the Parliament to put the politics aside, find a way to end the underfunding of Scotland's universities, and ensure that a world-leading university education can be offered to everyone who wants it, regardless of means and background. That is why I will move my amendment.

I move amendment S6M-12642.1, to leave out from “, and further” to end and insert:

“; acknowledges that a cap on university places for Scottish domiciled students exists due to the Scottish Government's underfunding of Scotland's institutions; condemns the decision to cut at least a further 1,200 university places for Scottish domiciled students next year, and calls on the Scottish Government to recognise that the current funding model is unsustainable, and that it needs to build a consensus around an optimum model that commands broad public support to end the underfunding of Scotland's universities and ensures that world-leading university education can be offered to all who want it, regardless of means and background.”

16:18

**Pam Duncan-Glancy (Glasgow) (Lab):** It is a privilege to open this debate for Scottish Labour. I thank the minister for bringing it to the chamber, because widening access to education is close to my heart, and I believe that it is a priority that we all share.

It is therefore right that we take the opportunity to celebrate the progress that our institutions have made. They met the interim targets for entrants from students from disadvantaged backgrounds; there has been a rise in the number of young people entering university from care-experienced backgrounds; more disabled people are going to university; and more young people are progressing from further education into higher education.

However, we must also accept the reality. I know from conversations that I have had with institutions, students and staff how committed they all are to the cause of widening access, but, like me and my Labour colleagues, they are becoming increasingly concerned that progress is stalling and that the challenges that they face and that lie ahead will make regaining momentum ever more difficult.

The Scottish National Party Government has sought to use this discussion to pat itself on the back, but this is not a time for complacency. It

talks about widening access and supporting higher education institutions, while signing off on a budget that cut £100 million from the sector and at least 1,200 places. The Government's own analysis has warned that those cuts could have a direct impact on widening access. There are cuts to funding and cuts to places; there is an overreliance on cross-subsidy from international students; and institutions are facing impossible choices. That is this Government's record. The president of NUS Scotland called it right when she said that, if education is this Government's priority, it has

"a funny way of showing it."

The Government's actions are risking progress. We know—and students, staff, colleges and universities know—that the issue is not just about places and admissions; we need to support students on their entire education journey. There has long been a retention gap between the most affluent and least affluent students, but, worryingly, retention rates are beginning to fall again, in particular for those with widening access markers. Prospective students who are currently considering university need to know that they will get the support that they need so that they can emerge at the other end of their studies ready to contribute to society and move on to successful careers.

However, the impact of the past few years, with the pandemic and the cost of living crisis, has meant that, now more than ever, students require increased levels of support. The pressures of academic life, financial worries and isolation are taking a heavy toll on their wellbeing. NUS Scotland talks about those pressures in its "Broke Students, Broken System" report on the five pillars of education, and it is right—it is not just what happens in the classroom that matters, and we cannot forget that.

Against that backdrop, Scotland's universities have been grappling with successive years of real-terms cuts from this Government, at a time when outside pressures necessitate more support for their students. The result is that vital support services are overstretched and underresourced. The number of students who request mental health support at university increased threefold between 2010 and 2021. While universities are doing their best to meet that challenge, they are being asked to do more with less, and that is having an impact on retention rates.

What we have is a sector that is held back by this Government, and a funding crisis that is not just isolated in universities, but which extends to colleges, too. It is a crisis that students and staff at colleges have been telling this Government about for years, but it has refused to listen.

I say to the Government today: listen to staff and students at universities and colleges, who are desperate for their sector to be saved.

**Graeme Dey:** Will the member take an intervention?

**Pam Duncan-Glancy:** I will take two seconds to finish this bit.

Surely even this Government, if it will not listen to staff and students, as I do on picket lines across Scotland, cannot ignore Audit Scotland's concern that balancing high-quality learning with the expected volume of delivery, all the while contributing to other Government priorities, is a monumental challenge.

I will take the minister's intervention.

**Graeme Dey:** I could point to the increase in student support and so on, but let us cut to the chase. We are now almost four minutes into Labour's opening speech, and we have had a long list of demands, but we are still waiting to hear how Labour would fund them—through the reintroduction of tuition fees, perhaps?

**Pam Duncan-Glancy:** I thank the minister for his intervention. On his point about the increase in student support, the Institute for Fiscal Studies has said that there has been a 16 per cent reduction in student support over the past 10 years. On what Labour would do, I will come to that next in my speech.

My party and I are unwavering in our commitment to shattering the class, glass and stepped ceiling. We are dedicated to ensuring that our education and skills systems work in tandem and collaborate seamlessly to create opportunities for all, equipping our young people, regardless of their background, with the necessary tools to access the well-paid secure jobs of the future so that no one is held back by where they come from. We know that, in order to meet the ambition, we are in dire need of a sustainable tertiary education system.

Labour offers an approach to further and higher education that is different from what the current Government offers. We understand the value of the tertiary sector, and we refuse to stand idly by as our once world-leading education system faces managed decline. We need a Government that is focused on sustainable economic growth and ambition, not stagnation and settling. That is why, across the UK, Labour has laid out plans to bolster universities and has committed to investing 3 per cent of gross domestic product in research and development and establishing 10-year research deals to facilitate long-term planning.

We are building robust support frameworks to encourage successful spin-outs. Here in Scotland, we are determined to elevate standards in our

schools and boost the number of students who progress to positive education, employment and training. We know how pivotal education that is based on the ability to learn, not the ability to pay, is to ambition. Scottish Labour introduced free tuition, and it remains one of our proudest achievements from our time in government. We have reaffirmed that commitment time and again, and that position has not changed. We support the delivery of free tuition for Scottish students who attend Scottish universities.

In contrast, the current implementation by the Scottish Government is not working. An underfunded system lets down students, staff and institutions.

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Will the member give way?

**Pam Duncan-Glancy:** I am afraid that I do not have time.

The only thing that prevents that from being the case is the tenacity of universities, not this Government. Universities are working day and night to do all that they can to fill funding gaps that this Government has created.

Scottish Labour stands united in our resolve to provide every student in Scotland with an equal chance of success. We will not rest until the doors of opportunity are wide open and the path to higher education is clear and unobstructed for all, regardless of background. The future of Scotland depends on the empowerment of young people through education, and we are committed to making that future bright, equitable and prosperous for all.

I move amendment S6M-12642.2, to insert at end:

“; notes the Scottish Government’s own Equality and Fairer Scotland Budget Statement accompanying the 2024-25 budget, which warns of ‘a significant risk that the reduction in the HE resource budget will increase competition for remaining university places, which could disadvantage learners from socio-economically disadvantaged areas with lower prior attainment’; understands that this funding crisis extends to the whole tertiary education sector, with Audit Scotland noting that it will be ‘difficult for colleges to balance delivering high-quality learning at the volume expected while contributing to other Scottish Government priorities’; calls on the Scottish Government to set out its plans to meet its commitment in the 2023-24 Programme for Government to lead development of a new post-16 education funding model, and believes that a sustainably funded tertiary education sector is crucial to the future of Scotland.”

**The Deputy Presiding Officer (Liam McArthur):** I advise members that there is no time in hand and that you will need to stick to your speaking allocation. I call Willie Rennie, who has up to four minutes.

16:25

**Willie Rennie (North East Fife) (LD):** This is a rather sensitive subject for Liberal Democrats, but—just to be clear—I point out that we voted for the abolition of tuition fees in this Parliament, and we remain opposed to tuition fees.

The widening access debate goes much broader than the subject of tuition fees, and I thank the commissioner for his considered report. Progress has been made over the past few years, but it has stalled in the most recent period, as the minister has recognised. That is a concern because, if this country is to reach its economic potential, it needs to tap into the talents of everyone; we cannot afford to ignore the latent potential in our midst.

Where someone is born and how they are brought up impacts on the job that they secure, which has an impact on their income. That in turn impacts on the house in which they live and on the life chances of their children, which impacts on the economy. The cycle goes on and on.

The widening access targets have clearly had an impact in focusing the minds of everyone in the higher education sector on developing mechanisms that work to widen access without dropping the highly cherished standards that are the hallmark of Scottish higher education. That is the real test.

I have seen that in action at the University of the West of Scotland, which, as Paisley College of Technology—or Paisley tech, as it was known at the time—was my former institution. I was pleased to see that the UWS foundation academy is doing really interesting work in reaching out to schools in order to prepare students who are on the cusp as regards being able to get into higher education. The programme gives them the skills that they need to make a successful application so that they can enter those institutions. In 2022, I was pleased to see that the academy reached 1,500 pupils across 25 schools in west and central Scotland. That good solid work tries to attract people from disadvantaged backgrounds.

If I switch areas to my constituency of North East Fife, the University of St Andrews has done really impressive work. I have witnessed the university get students from disadvantaged backgrounds into the institution and how it ensures that they graduate. The university does not want its drop-out rate to increase but wants to maintain a very high standard, so it gives students direct education and wellbeing support.

At both ends of the spectrum, students are receiving direct, practical and pragmatic support that gets more young people from disadvantaged backgrounds through higher education. That is much more valuable than some of the other work

that is under way or other debates that we have on the subject.

I can see that the sector is still learning which methods work best. That is why it is right for the commissioner to conduct a review to establish what works best. However, we also need to use better, more personalised information to target the right people.

**Graeme Dey:** There is an implied criticism of the sector in what Willie Rennie has said, although I do not think that he meant it. Circumstances have changed. We have had a cost of living crisis and a pandemic, which have made things tougher. I do not think that the issue is the measures or the universities' approach; I think that it is circumstance.

**Willie Rennie:** There was no implied criticism at all. We are all learning as we go along to understand exactly what works best. In Paisley and St Andrews, we have seen what can work at the two ends of the spectrum. However, we need to look at more sophisticated data—including, perhaps, data on free school meals—and we will require to have a data-sharing agreement to make sure that that works.

Although it is right that higher education institutions play an important role in widening access, we also need to look at what happens before young people get to university. Previous ministers have made great play of the Scottish route for getting into higher education, but we must fund colleges.

**The Deputy Presiding Officer:** You need to conclude.

**Willie Rennie:** We also need to close the poverty-related attainment gap, and two-year-olds' access to nursery education needs to improve quite dramatically.

16:29

**Bill Kidd (Glasgow Anniesland) (SNP):** I welcome today's debate, because the issue of widening access to higher education, especially providing equality and fair access, is hugely important to everybody in the chamber.

Much of the work and progress that we are discussing was born out of the 2016 report "A Blueprint for Fairness: the Final Report of the Commission on Widening Access". The report was a response to the 2014-15 programme for government, in which the Scottish Government set out its ambition that every child, irrespective of their socioeconomic background, should have an equal chance of accessing higher education. As a result, the commission on widening access was established to advise ministers on the necessary steps to achieve that aim.

Although clear progress has been made since then, I agree with a number of my colleagues that we need to keep working tirelessly to do even more. The Scottish Funding Council noted that, according to its latest national report on widening access, 5,595 learners from the 20 per cent most deprived areas of Scotland began a full-time first degree course in 2021-22.

**Liam Kerr:** Will the member take an intervention?

**Bill Kidd:** I have very little time, so I ask the member to hurry up, please.

**Liam Kerr:** I certainly will. How will a £107 million cut to the Scottish Funding Council's budget improve the situation?

**Bill Kidd:** The member should ask the Chancellor of the Exchequer down at Westminster.

The Scottish Funding Council noted that the figures confirmed that universities and colleges had once again met the commission on widening access's interim target of 16 per cent of all Scotland-domiciled full-time first degree entrants being from the 20 per cent most deprived areas. The report also highlighted where we can do more, and I welcome the Scottish Government's commitment to increase its efforts, in conjunction and partnership with higher education institutes, in working towards the next interim target of 18 per cent by 2026 and then achieving the target of 20 per cent by 2030.

In its briefing for today's debate, Universities Scotland notes the need to take a more holistic approach. It suggests that the Parliament's Education, Children and Young People Committee is ideally suited to take on that work, and I tend to agree.

The targets are achievable, but we will need to be innovative in our approach and provide further support to organisations whose contributions perhaps get overlooked but which are essential in providing the necessary support and the environment that our young people need, if they are to succeed. There are many such organisations, and I am sure that members will know of some great third sector groups or, indeed, individuals who are making a real difference in their local areas.

I apologise for focusing on only one such organisation for the moment. Only the other week, at one of the regular stalls in the Scottish Parliament, I had the pleasure of speaking to IntoUniversity. It aims to boost the educational chances of young people from the age of seven by providing centres that offer a welcoming home where they can realise their ambitions, achieve their academic potential, develop vital skills and

gain experience of the world of work. It was a pleasure to meet people from that organisation, speak to some of the young people who had gained so much through their experience and learn about the organisation's expansion plans and its existing centres, such as the one in Maryhill in Glasgow.

IntoUniversity has supported more than 50,000 students. Sixty-one per cent of its 2023 school leavers progressed to higher education, compared to only 28 per cent of students from similar backgrounds across the UK. As that organisation and others across Scotland grow, their success will grow, too, and they will make a huge contribution towards meeting our future aims. However, to achieve those, we need to bring those organisations' contributions into the mix, analyse them—alongside other metrics—and consider how we can best recognise, support and enhance them. I would be happy for the committee to look at that and to hear the minister's view on it in his summing-up speech.

16:34

**Liz Smith (Mid Scotland and Fife) (Con):** The main strategic challenge that the higher education sector faces is trying to balance the increasing economic and social demands from the Government with the academic excellence to which we are so accustomed. The pressures on universities are intense because of the financial constraints that they are under, and the percentage share of private sector funding that supports our universities is increasing while state funding is decreasing. As a result, the accountability lines are changing.

In Scotland, some years ago, we saw attempts by ministers to provide much more direction to our universities in promoting economic and industrial strategy. There was an attempt to merge the Scottish Funding Council, Scottish Enterprise, Highlands and Islands Enterprise and Skills Development Scotland, but that was defeated in the Scottish Parliament because it was seen to undermine the sector's autonomy.

Understandably and rightly, social policy in the area has all been about widening access. No one can argue against the principle of widening access, since it enhances social mobility, promotes better job prospects, is inclusive of more vulnerable groups and can help to reduce poverty. It is essential that we look beyond just exam grades. Widening access should not, however, just be about specific rigid targets.

An example of that is the Government's insistence that each of our 19 higher education institutions must take 20 per cent of their 2030 intake from the lowest quintile of the SIMD. For a

start, the SIMD is by no means perfect, and such an arbitrary target can create a negative externality. To evidence that, in a report on fair access some years ago, Professor Peter Scott flagged up the central problem about widening access in the current model of funding when he said:

“the fixed cap inevitably raises concerns that the drive to recruit SIMD20 students may reduce opportunities for other students.”

That point was agreed by Audit Scotland.

**Graeme Dey** rose—

**Liz Smith:** I will not give way just now, if the minister does not mind.

In other words, unless university places increase, there will, by definition, be displacement of other students from more traditional university backgrounds. We know that that is happening.

I come on to the issue of what needs to happen. First, there has to be a radical improvement in school education. If there was not such a wide attainment gap between pupils from rich and poorer areas, the Scottish Government would not need to demand such rigid widening access targets. The reason why the Scottish Government will struggle to meet the artificial 2030 target is that, even with minimum entry requirements, there is no guarantee whatsoever of a broad enough pool of students with sufficiently strong attainment to merit a university place. That point comes from Universities Scotland, not from me.

The second thing that needs to happen—I would like to see this done on a wide cross-party basis—is a change in the current funding system, which is simply not sustainable financially. I believe that there is growing evidence of agreement across the political parties in the chamber that that is the case. It is very nice to say that we would like to offer entirely free education—I absolutely understand that. However, if we are going to do that, we have to change the current structure.

That takes us back to the key question about what a modern university is for. The debate is not just about how our universities maintain the traditional role of being custodians of academic knowledge and their research; it is about the extent to which they should be the agents of Government economic and social policy. The debate about funding and the structure is far too important to get it wrong. We have to agree on a cross-party basis.

16:38

**Michelle Thomson (Falkirk East) (SNP):** As a relatively new member of the Education, Children and Young People Committee and, what is more,

as a parliamentarian with a deep concern about the future, it is a great pleasure to participate in the debate and to welcome the report that the Scottish Government published yesterday. As we know, today's motion focuses on widening access to higher education and, of course, references the recent report from the commissioner for fair access.

Taken together, those two reports clearly identify the progress that has been made in the development of lifelong learning in general and widening access in particular. However, we face significant challenges in the modern world, and high-quality education for all is central to our success.

Twenty-three years ago, the then Enterprise and Lifelong Learning Committee, under the convenership of Alex Neil, launched a major and what proved to be hugely influential inquiry into lifelong learning, echoes of which are reflected in yesterday's report. The challenges that we face today—not least the impact of a global pandemic, Brexit and artificial intelligence, for example—could not be foreseen then but are key issues, and students are at the centre of them.

Last month, the National Union of Students Scotland published a report that detailed concerns that students face today. They include accessing affordable student accommodation and the cost of living, notwithstanding free tuition and grants. Such are the stresses that there are concerns about how the wider economic environment compromises the education experience and can lead to mental health challenges. We have to take those concerns seriously as well.

Last year, Sir Anton Muscatelli described in an essay the costs that Adam Smith faced when he was a student in the early 18th century:

"When Smith was a student himself he probably lived in University accommodation which cost around £1 per year, he would have subsisted on around £5 per year and paid course fees of £3, 10s. All in amounting to £10 per annum—around £3,000 in today's money."

Real-terms inflation has been huge since then, not least in accommodation costs, and students face a significant economic burden. Despite those economic challenges, we need to find ways of investing more in our higher education system, not only to keep on widening access but because, as Sir Anton further argues,

"We need a productive and efficient workforce to drive GDP, but in doing so we mustn't leave behind those marginalised groups in our society. In economics, there is evidence that labour productivity, and thus overall output, could be improved by increasing worker wellbeing. Much of this relates to the need for a workforce that is informed and equipped with all the necessary skills, as well as the opportunity to build on these skills and learn throughout their working life."

Society benefits from a highly educated population. The well educated are more likely to participate in the democratic life of our nation and to be more resistant to conspiracy theories and some of the madness that, all too often, seems to afflict our modern society. In that respect, we must strive to ensure continued breadth of access for all. I support the Government's endeavours in that regard.

16:42

**Martin Whittfield (South Scotland) (Lab):** It is, as always, a pleasure to follow Michelle Thomson, who articulates well the environment that our higher education finds itself in and, in particular, the challenges of accommodation, mental health and financial support.

Higher education is a broad range of vocational and academic qualifications ranging from higher national certificates and higher national diplomas to foundation courses and undergraduate, graduate and postgraduate qualifications. It is an enormous environment. It is welcome to have a debate—for which the Scottish Government well prepared the intervention on Pam Duncan-Glancy—that is also a good opportunity to discuss the needs that exist.

I found Bill Kidd's speech interesting. When we get into figures, it is fascinating to see that progress towards the next target from the commission for widening access has, in effect, stalled, as the percentage of entrants from deprived backgrounds fell from 16.7 to 16.5 per cent this year. It is important to note that, when we bandy figures about—Pam Duncan-Glancy called it the Scottish Government patting itself on the back—we do a disservice not only to our students who are currently in higher education but to all those who aspire to higher education, irrespective of where they come from.

It is worth the Scottish Government noting its statement in the "Scottish Budget 2024 to 2025: equality and fairer Scotland statement":

"There is a significant risk that the reduction in the HE resource budget will increase competition for remaining university places, which could disadvantage learners from socio-economically disadvantaged areas with lower prior attainment."

That is important because, as a number of members have said, in many ways, we all want the same thing; the question is how we journey towards that.

I welcome the debate, because it allows me an opportunity to mention, as Willie Rennie did, the University of the West of Scotland's good outreach work and Heriot-Watt University. It also allows me to talk about the East Lothian Educational Trust, which provides grants and lump-sum payments by

way of a scholarship to students who are unable to afford some of the day-to-day requirements of being a student.

I also want to talk about the Lothians equal access programme for schools—LEAPS, as it is known—which goes back to 1996, when it identified the challenge of young people going through education in certain high schools being at a massive disadvantage in not having any of the strategies that they needed to get themselves to university. The LEAPS widening participation programme encourages and advises students from those underrepresented classes, and it works with people across south-east Scotland to support their aspirations, starting that work in late primary school and continuing it through high school so that they can achieve them. That is important, because young people will achieve success only if they see success and identify with it. It is a powerful programme, and I recommend it to the minister simply as something that takes the arguments from what we might redact them to in the chamber out into other areas.

My final point follows on from Brian Whittle's intervention on the minister. I might not expect a response, but we need to take cognisance of the comments of Mr Stewart McDonald, the SNP MP, on the risks of China to our economic models. He said that universities,

"particularly in Scotland, are massively overdependent on money that comes from the Chinese state."

We should heed that warning. We should not scream and shout about it—we should consider it properly—but we should engage, as I know the minister will in his convening capacity, to sort that out.

16:46

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** We are all aware of the difference that fair access to higher education can make to our personal lives and stories. Although I did not benefit from free tuition, because I did my undergraduate degree in England and did not receive funding for my postgraduate qualification, my parents would not have been able to use social mobility to give decades to the NHS and small business if it had not been for fair access to education and higher education.

As an MSP, I think of all the times in the past eight years when constituents have sat in front of me and expressed how important free and fair access to higher education has been to their lives. It is a public good—the ability to learn, not the ability to pay—and it has made us a more confident nation in our 25th year of devolution.

I therefore welcome the statistics from the Commissioner for Fair Access that show an

increase in the number of deprived students who are entering universities and how that has not come at the expense of students from more affluent areas. The balance is being achieved and the social contract is being upheld. That is good progress.

How do we build on that? In the time remaining to me, I will talk about three areas that I am sure the Government is considering, and I will be interested to hear the minister's thoughts on them. First, tuition fees are not the only consideration when it comes to the affordability of university. The housing crisis in Edinburgh is real and my constituents are facing it. I am interested to know how the minister is collaborating with housing ministers to make a difference for students who are struggling to find fair and affordable accommodation.

I also highlight the fact that the Scottish Government's carer support payment, which has begun to replace carers assistance, will be available to carers who are in full-time higher education. That is distinct from the UK benefit, and I was proud to play a part in that happening. For a small number of people, that will make a meaningful difference. Good work is being done, but there is more to do when it comes to the wider questions of affordability.

The second area that I want to raise is the future of the workforce. The current system is good, but it is not perfect. This morning, the Scottish Government commendably announced a record number of junior doctors taking up posts, but the British Medical Association highlighted that, unfortunately, many professionals in medicine and in other areas leave Scotland. It seems to me unfair that the Scottish state is increasingly paying for the workforces of other countries. I wonder whether we need to look at a mechanism whereby, if an individual is away for more than five years, they should pay back half of their fees. We need to consider that growing issue as a challenge. It is important not just for education but for the workforce more generally.

On international issues, questions about the sustainability of higher education have rightly been raised by members across the chamber. The University of Edinburgh is approximately 70 per cent reliant on foreign fees, and much of that money comes from China. China is a great place—I taught conversational English there for three months—but we do not know what the geopolitical situation ahead might be. Such vulnerability, not just in relation to higher education but, more widely, in relation to our economy and its engagement with China, concerns me.

We have made good progress, but let us stay focused on the challenges ahead, be collaborative and be calm, as others have rightly emphasised.

16:50

**Ross Greer (West Scotland) (Green):** Like my colleagues, I thank the commissioner for his work on the report.

I will start by celebrating the progress that has been made. There are more students than ever from disadvantaged backgrounds at our universities, both as an absolute number and as a share of the overall student population. That is a remarkable achievement. The interim targets that have been set have been met up until now, and they have often been met early, with the 16 per cent target achieved two years early. I will come on to the challenges in a moment, but we should take some time to be proud of that. That is certainly not the case in every comparable nation.

A lack of access to higher education hurts everybody. Think of the countless world-class surgeons, engineers and lawyers who have been lost to society. The contribution that they could have made has been lost because a whole class of people faces so many additional barriers to accessing higher education. So many people have never had their potential realised. Education, including higher education, benefits the individual and our society as a whole. That is a key principle behind the policy of free tuition that the Scottish Green Party, like other parties, supports.

I want to give particular credit to the college and university sectors for the significant improvements that they have made in the matriculation process over recent years. Colleges exist not just as a stepping stone to universities but are transformational places in their own right, although they are a key route to university for those who wish to access it.

I am frustrated by the disruption that is being faced in colleges because of what is now the annual tradition of nationwide industrial action in the sector. The cycle must be broken for the sake of all students. It is a huge challenge for the minister, because there is a need for reform based on the lessons learned report. However, I appreciate the challenge for the Government in not being the employer in the situation. That said, colleges are public bodies that are, ultimately, directed by the Government.

I urge my friends on the union side of the negotiations to reconsider their proposals for an independent chair. Following recent redundancy processes at City of Glasgow College, the unions have articulated to me the benefits that they found when they engaged with the Glasgow Colleges' Regional Board, which, in essence, is a third party in the dispute but was able to help to resolve the dispute.

However, much bigger changes are required from college management. Many of the problems

at College Employers Scotland can be traced back to a few individual colleges—in some cases, just one college—so there is a need for significant governance reforms, which I believe will have a knock-on effect on widening access, given the role that colleges play.

There are huge industrial relations challenges in the university sector, too, but I will try to stick to those that relate to widening access. I congratulate the University and College Union branch at the University of Aberdeen for saving the 26 lecturing posts in its languages department. Languages is one of the many areas in which there is a huge disparity in access.

I will return to colleges in the limited time that I have left. There is a key widening access point to address through the financial challenges that colleges face. There is no value in just making statements about the need to fund them more without explaining where the money should come from. We must look seriously at increased private sector funding for our colleges, although I am not talking about private sector control. It is really important that colleges are public bodies; indeed, they welcome the additional direction that they have received from the Government in recent months.

Nevertheless, it is fair that companies that will profit as a result of having a workforce with the right skills should contribute towards their workers gaining those skills. In the absence of a coherent, devolved set of powers over business taxation, that would be an effective way to ensure that the private sector pays its fair share. Many businesses are willing to do so. They are keen to pay for their workers to receive the skills development that they need. I would welcome the minister commenting on that when summing up and on how we can strike a balance in having private sector contributions without colleges simply being seen as a way to produce efficient units of labour. That is key to the widening access debate for universities.

The number of lives transformed by access to university where that simply would not have been the case before we embarked on this process is unquantifiable, as is the contribution made to society as a whole. We can all be proud of the journey that we have made so far, and, if we are a bit braver, of what we can still achieve in the years to come.

16:55

**Stephen Kerr (Central Scotland) (Con):** I am pleased to follow Ross Greer and begin on a note of consensus with him. I absolutely believe that education and training transform the lives of everyone who embraces them and I hope that that

fundamental value is shared by everyone in this chamber. I also remind him that businesses contribute to the cost of their apprentices and of others who receive training, however that training is delivered.

Ben Macpherson struck the right note, as he often does—I say that as a compliment to him—when he called on us all to collaborate. I very much hope that we can have an ideology-free zone when we talk about education in this Parliament and that we will not allow either/or scenarios to paint us into different corners. Instead, I hope that we will work together, in the spirit of collaboration that Ben Macpherson recommends and that I support.

I hate to do this, because it singles out a colleague when, in the famous words of Bruce Forsyth, all my colleagues are my favourites—

**Jenny Gilruth:** Bruce Forsyth?

**Stephen Kerr:** I am surprised to see the cabinet secretary quibbling with a mention of Bruce Forsyth in the chamber.

Liz Smith gave a masterly speech.

**Craig Hoy (South Scotland) (Con):** Didn't she do well?

**Stephen Kerr:** She did do well, because she spelled out with great eloquence the argument from this side of the chamber about the need for us to embrace pragmatism and to take the collaborative approach that is vital for the future of our country and its people.

I restate that we must get educational investment right and we must give every young person in Scotland the opportunity that is equal to their ambition, talent and work ethic. There should be no descriptor that sees one avenue, approach or post-school route as a high road and another as a low road. There is a danger that this very debate might produce that impression. I see the minister nodding and I think that he agrees with the idea that we should have a disparity-free set of choices for our young people. That is not currently happening, as I think that we all know.

Although I completely endorse and embrace the whole concept of the Scottish credit and qualifications framework, it is vitally important that every young person gets an equal level of support along that pathway, which is currently not happening.

**Graeme Dey:** I assure Stephen Kerr that that approach of parity of esteem will underpin the work that we are doing to reform the careers service, so that the message to young people is that there is no lesser path.

**Stephen Kerr:** I take that assurance on the basis that it is given by this particular minister, who

I know is sincere and passionate about his portfolio. However, I say gently to him that young people are not getting an equal opportunity under this SNP Government and I think that he knows that.

There have been references to college funding during the debate. The maintenance backlog alone accounts for more than £300 million-worth of work. What does that say to our young people who aspire to go to college? There are also striking parallels between colleges and the apprenticeship sector. I can see that I am running out of time and want to respect the four-minute limit. There are many things I want to say—I probably should not have laboured the idea of Bruce Forsyth.

I have one suggestion for the minister. Can we change the name of the graduate apprenticeship and call it a “degree apprenticeship”, which far better describes the opportunity for our young people. They do not have to be graduates to be on the apprenticeship scheme, but they will get a degree. That is a significant descriptor. With the time that I have, I have one ask of Graeme Dey, which is that he should give that suggestion serious consideration because of the importance of creating the equality of opportunity that we all want for Scotland's young people.

16:59

**Katy Clark (West Scotland) (Lab):** I welcome this debate. It is clear that a huge amount of work is being carried out in some higher education institutions, such as the University of the West of Scotland, to widen access to students from non-traditional backgrounds. There is no doubt that there has been a significant widening of access to higher education over recent decades across the UK, with large increases in the number of people who are able to attend university. However, there is also a significant class divide in education, with large numbers of working-class young people attending further education institutions. Of course, we hope that many of them will progress into higher education, so some of the points that have been made in relation to further education are very relevant to this debate.

We have to be honest about the position that we are in. The higher education sector in Scotland is facing significant challenges, with higher education providers receiving 23 per cent less funding per student than institutions in England, and higher education funding having fallen by 19 per cent in real terms per student over the past decade. It is set to be cut again in the coming year.

As I said, although this debate is about higher education, the funding of the further education sector, which has historically been underfunded and has not had parity of esteem or indeed

funding, is also a significant issue. Audit Scotland says that funding for colleges fell by 8.5 per cent in real terms between 2021-22 and 2023-24. We repeatedly hear that the further education sector in Scotland is in crisis, that industrial relations are very poor and, as other members have said, that there is a maintenance backlog of £321 million. Those cuts to both further and higher education have taken place while the attainment gaps between primary school pupils from the most and least deprived areas of Scotland have remained stubbornly high, with gaps of 20.5 per cent in literacy and 17 per cent in numeracy. We have to consider all of that when we look at the issues of widening access.

The commission on widening access reported in 2016 on steps to achieve equality in access to university for those from Scotland's most and least deprived backgrounds. The most recent target, which was 16 per cent, was achieved. However, there is concern that progress towards the next target, which is 18 per cent by 2026, has stalled. I understand that, last year, the share of entrants from the most deprived quintile fell from 16.7 per cent to 16.5 per cent. That was a small difference, but in the wrong direction.

As the minister said, however, the current commissioner for fair access has said that there is no evidence that the fair access agenda has prevented young people from affluent areas from going to university, suggesting that access has been a problem only in relation to certain courses. That is an important point and one that needs to be made in the chamber, given the attacks on that policy.

The Cabinet Secretary for Finance confirmed recently that at least 1,200 funded university places are to be cut. In this debate, it is appropriate that we think about how all those wider issues are going to impact on the number of young people from non-traditional backgrounds who go into our education system. I am pleased that there is a cross-party consensus that fair access is something that we wish to deliver.

17:04

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am delighted that the recent report by the commissioner for fair access highlights a 45 per cent increase in students from the most deprived communities entering university since 2013-14. That is so welcome, and it highlights the fact that the SNP and the Greens are the only parties that can be trusted not to put a price on education. Access to university should always be based on the ability to learn and not the ability to pay.

In the newly published paper in our "Building a New Scotland" series, we include a proposal to

enshrine the Government's policy on free tuition in the permanent constitution of an independent Scotland. The paper also sets out how new powers could be used to

"make the conditions and foundations for learning even stronger, so that every young person has the best chance possible of succeeding at school and in post-school education."

We should all have the opportunity to continue learning throughout our lives.

Poverty contributes to a lack of attainment. In an independent Scotland, with full powers over employment and social security, we could tackle child poverty and other inequalities. When I sat on the children's panel in the east end of Glasgow, 15 years ago, a social worker told me that their measure of attainment was to get a child from a severely deprived area to go to school every day. Poverty is cruel, divisive and disempowering. With independence and the full incorporation into Scots law of the United Nations Convention on the Rights of the Child, we could ensure that children's rights were upheld, protected and respected.

The facts speak for themselves. Labour, the Conservatives and the Liberal Democrats have repeatedly broken their promises on tuition fees. Those fees are spiralling. They were tripled to £9,000 a year by the Lib Dem-Conservative coalition and in 2016 were raised again to £9,250 per year. I am lucky in that my children and nieces and nephews have all had the chance to go to university. The eye-watering sum that my family would have had to pay had we not lived in Scotland under an SNP Government honestly does not bear thinking about.

In Scotland, we have world-renowned universities, excellent colleges and—despite what some would have us believe—outstanding schools and teachers up and down the country. Over the past few days, I have visited two of those schools—Lenzie academy and St Ninian's high school in Kirkintilloch—to present them with awards. As ever, I was amazed at the ethos and achievement of our teachers and pupils. The pupils come from every background, and each of them is equally deserving of going on to higher education.

Scottish Labour's hypocrisy on supporting students is pretty staggering. It claims to remain committed to supporting free tuition but, yet again, refuses to hold Keir Starmer to account for his flip-flopping on the matter. I hope that Pam Duncan-Glancy will stay true to the commitment that she made in her contribution. It is getting harder to distinguish between Scottish Labour and the Scottish Conservatives when it comes to education policy, be that on graduate endowment fees or new formulas.

Interestingly, the sixth annual report of the commissioner for fair access shows that the increase in the number of deprived students entering universities has not come at the expense of students from more affluent areas. The SNP is committed to ensuring that a wide range of support opportunities is available for students from all backgrounds as they pursue their educational careers in Scotland.

I am very proud that unaccompanied children who are asylum seekers, as well as the children of asylum seekers, are entitled to free tuition in Scotland. All of Scotland's young people should have the same opportunities to progress in life. High-quality learning and teaching are crucial to disrupting the impact of poverty in our education system. All of us will agree on that, but only the SNP can commit clearly to the ability to learn, not the ability to pay.

17:08

**Jackie Dunbar (Aberdeen Donside) (SNP):** Long before Aberdeen established itself as an energy capital, it was known as a seat of learning. The city that I represent is home to one of Scotland's four ancient universities—the University of Aberdeen—and has been home to a university for more than 500 years. For most of that time, it has been home to two universities. Today, we have the University of Aberdeen and the Robert Gordon University; for about a quarter of a millennium, we had King's College and Marischal College, until those merged in 1860. In fact, for a time, Aberdeen had as many universities as the whole of England had; academia has always been important to the city that I represent.

In my constituency of Aberdeen Donside lie some of the most deprived communities in Scotland. Access to university can make a world of difference to the young folk who grow up there. The community that I live in is one of those less well-off places. Often, the bairns were asked what they wanted to do after school. I have heard the question being worded differently in better-off areas and in private schools—there, it is, “What are you going to study at university?” or suchlike, all of which carries the expectation that the young person will go to university. However, for those in the poorer areas, there needed to be encouragement and support, because far too many thought that university was not for them.

I remember when up-front tuition fees were introduced in Scotland and were later replaced with back-door tuition fees. They put up a barrier to education that left many from less affluent backgrounds questioning whether a university education was worth the cost. It meant that young folk were making decisions about going to

university based on their ability to pay rather than their ability to learn.

I am proud that the SNP Government abolished back-door tuition fees and that it has committed to keeping universities free. At the time, the commitment was attacked as a handout to well-off households. However, with a 45 per cent increase in 10 years in the number of students from the most deprived communities entering university, it has been an investment in building a more equal, fairer Scotland.

As I mentioned, academia helped Aberdeen to establish itself on the world stage. Let me focus on how UK Government policies are starting to cut those universities off from the world and how that hinders their ability to close the attainment gap. The number of students from across the EU coming to Aberdeen has fallen dramatically since Brexit. That was offset somewhat for a time by students coming from the rest of the world. However, immigration policy has changed again to stop folk bringing their dependants. Many students are choosing not to study here, rather than being separated from their support networks or from their children. The overall message is horrible—that the UK, including Scotland and Scotland's universities, is closed to the world.

The resulting fall in student numbers means that courses are ceasing to be viable, and we are starting to see some—such as modern languages at the University of Aberdeen—no longer being offered as stand-alone degrees. That means less choice and fewer chances for young folk in some of our most deprived communities, including those that I represent. It is not stopping the boats; it is stopping young folk succeeding in life. Let us commit to keeping Scotland tuition fee free. Let us reopen our universities to the world again, and let us ensure that those universities are a gateway to the world for the young folk who are growing up in some of Scotland's poorest communities.

**The Deputy Presiding Officer:** We move to wind-up speeches.

17:12

**Pam Duncan-Glancy:** I am glad that we have had the time this afternoon to reflect on the success of the sector, to thank the commissioner for his work—as my colleague Willie Rennie and others did—and to look at the challenges that lie ahead.

I went to university in 2000, because I had a council that had a budget to support me to get there; I had a Government that was bringing in the education part of the Disability Discrimination Act 1998, which looked to widen opportunities for higher education; and I had institutions that were fully supported to make that happen. I will never

forget the opportunity that education and widening access brought me and my family. I was the first person in my family to go into higher education, and I will never forget that. That is why it saddens me so much to hear the serious concerns that are being raised across the chamber about what is happening in further and higher education today, and the Government is not really taking cognisance of them.

The gains that we have made—many of which I talked about in my earlier speech—are a testament to our institutions, which have embraced their duty to open up education and tear down barriers that historically allowed background, not ambition, to determine them. As Ross Greer noted, and as I highlighted earlier, that increased articulation from college to university. I am pleased that the minister commented positively on parity of esteem in that regard. My colleague Bill Kidd noted a great local example of widening access: the IntoUniversity programme in Govan and Maryhill in my region, Glasgow, which is a project that he cares passionately about.

It was also good to hear that the breadth of the debate today included schools, because they are crucial, as Liz Smith, Rona Mackay, Katy Clark and others mentioned, and I agree, which is why Glasgow City Council's proposed cuts to education—it proposes to cut 450 teachers and the MCR Pathways mentoring scheme—are of huge concern to me. They have come as a bitter blow to pupils, staff and volunteers, and I have been inundated with complaints from parents, pupils, teachers and mentors alike.

**John Mason (Glasgow Shettleston) (SNP):** Does Ms Duncan-Glancy accept that there have not yet been cuts to the MCR Pathways mentoring scheme and that a review is going on?

**Pam Duncan-Glancy:** That is not how the situation is being characterised by the volunteers, who know that they are unlikely to be supported. I am also quite concerned that John Mason previously made reference to teachers in Glasgow being a “luxury”. I completely disassociate myself from that statement, and I urge the member to reconsider it.

I know that the cabinet secretary cares about the issue. Parents and carers say that the constant passing of the buck does not give them comfort while their children suffer. They want ministers to continue do their job. If such decisions are not for ministers, they ask that they are part of the solution. I hope that the cabinet secretary will respond by taking action to step in and save such services, because we need to have exactly that form of support in schools if we are to be able to widen access.

Although schools, universities, staff and students have worked tirelessly on their commitment to widening access, the Government has become complacent, disregarded warnings and now put progress in jeopardy. I am afraid that during the debate I have not heard much to allay those fears.

Data from the Universities and Colleges Admissions Service has shown that fewer people from disadvantaged backgrounds had applications accepted in 2023 than in 2022. Ten years of successive real-terms cuts have taken a toll on the sector. Student support is more important than ever, but universities and colleges are scrambling to provide that, because they do not have the resources to meet the demand. The risk has been further exacerbated by cuts to cost-of-living support for the poorest students. I can remember a time when this Government said that it would dump student debt; instead, student debt has doubled. As I said earlier, support has declined by 16 per cent over the past decade.

**Graeme Dey:** As happened in Ms Duncan-Glancy's opening remarks, we have heard a long list of demands from Scottish Labour members but no indication of how they would meet the costs associated with those demands.

**Pam Duncan-Glancy:** I set out our plans in my earlier contribution. I suggest, too, that Scottish Labour would grow the economy in a way that the Government has failed to do over the 17 years that it has been in power.

I remind the SNP that, without change to its approach, there is a risk that the hard work that is put into expanding opportunities through widening access will be undermined. As members including Katy Clark, Stephen Kerr, Michelle Thomson and others have noted, that must include colleges. We need a new approach that enables the entire sector not just to survive but to thrive and expand. Members across the chamber—including, as always, Ben Macpherson—have made interesting suggestions on that.

Let me say again that Scottish Labour introduced free tuition. We are proud of that, but it saddens me to watch that principle of education, which is based on ability to learn and not ability to pay, being eroded. The SNP Government's underfunding has meant fewer places for students, threats to the quality of education for those who do get places, and a system that is struggling to offer the support and resources that our young people need to thrive on their academic journeys. We cannot accept that.

I will close by saying that the Government must now set out its plan to meet the commitment, made in its 2023 programme for government, to lead the development of a post-16 education

funding model. The education sector and the Scottish public deserve a world-class tertiary education system, and they need their Government to step up to the challenge and set out its plans to do that. If it accepts that challenge, Scottish Labour will support it on the way.

17:19

**Roz McCall (Mid Scotland and Fife) (Con):** I am pleased to close the debate on behalf of the Scottish Conservatives. I appreciate the consensual tone of the debate, which the minister said he hoped for. For the most part, that is what we have had.

I highlight an important point that my colleague Liz Smith made in her characteristically thorough speech. All members across the chamber are, rightly, committed to the principle of widening access to higher education. It enhances social mobility, promotes better job prospects and is a crucial factor in reducing poverty in our most vulnerable communities. However, the Scottish Government's insistence on meeting arbitrary targets, such as the SIMD measurement, which I will come to later and which was commented on earlier, is simply failing our young people.

The uncomfortable fact for the cabinet secretary and the minister is that, even according to the Government's own targets, they are failing. Professor McKendrick, who is the man tasked with championing achieving an increase in university students from Scotland's most deprived areas, says that things really have to change.

Progress towards widening access is stalled, as is progress towards interim targets—that comes from the report that we are debating this afternoon. That is evidence that, despite some progress, the Scottish Government is not doing enough to widen access to university at all levels, including among the most deprived students. I agree with my colleague Liz Smith that raising attainment across secondary education will be instrumental in getting things back on track.

The report highlights a lack of support for our further education sector, which is the springboard for some students to go on to attend a higher education institution. Continued cuts by the SNP Government to college places and to funding over the past 17 years are having an impact on the sector's ability to enable students to reach university. It is no surprise that four of Scotland's colleges are facing significant cash-flow issues.

Appearing before the Scottish Parliament's Public Audit Committee, Scottish Funding Council chief executive Karen Watt spoke of the deteriorating financial situation that colleges are faced with, as well as describing a perfect storm of inconsistent funding and rising costs. The sad fact

is that the SNP's funding model has starved universities and colleges of resources, forcing them to rely far too heavily on international students. It is imperative that we recognise that the cap on Scottish students means that many intelligent, hard-working, diligent young people will be denied access to higher education.

I will make a couple of comments on some of the contributions made in the debate. A lot of them were excellent, but I have time for only a couple.

I welcome the minister's contribution, especially his warm words on further education and higher education for care-experienced young people. Unfortunately, the number of young people attending is reducing—I will highlight that later. I was pleased to hear from the minister and from Willie Rennie about using measures other than SIMD in ensuring access to further education. Ben Macpherson, Brian Whittle and Martin Whitfield all mentioned the reliance on China, which I think should be understood and recognised. Willie Rennie and Katy Clark made contributions on nursery places for two-year-olds and primary places.

**Ross Greer:** Does the member agree that the issues regarding China and Scottish universities are not just financial? They are also about freedom of academic expression, and concerns have been raised by Scotland's Hong Konger community in particular, who feel that students who have come to Scotland have been observed and surveilled by the Chinese state, even while they are in cities such as Edinburgh.

**Roz McCall:** I thank Ross Greer very much for the intervention; I cannot disagree with that.

Going back to nursery places and primary school education, it is important that there is a foundation in early years, as we reap that reward in further education. I again highlight the need for joined-up thinking on early-years childcare. We could use private nurseries to provide on-site childcare on campus, which would help to widen access, especially for parents.

I agree whole-heartedly with my colleague Liam Kerr. He was right to raise the issue of the SNP's cap on students places, which is having the effect of restricting access to Scottish universities for some of our brightest students. I am sure that I am not the only MSP who has had emails from frustrated school leavers at different pinch points throughout the scholastic year, highlighting the inequality of the process.

If we are serious about widening access to higher education for all our students, it cannot be right that we arbitrarily limit the ability of our brightest and best to attend university here at home, in Scotland. We should be keeping home-grown talent and allowing learners to progress

through our brilliant colleges and universities as they move on to finding fulfilling and prosperous careers in a growing Scottish economy—they should certainly not be hindered when they are right out of the school gate.

That brings me on to the Scottish Government's insistence on SIMD. I note that the minister said that the Government is considering different measures. It is important to realise that SIMD is already controversial when it comes to the higher education sector, with the argument being made that area measures are too detached from individual circumstances and that, in particular, SIMD is not good at picking up deprivation in rural areas. I have a lot of sympathy with that point, and I have raised it with the minister in the past. It cannot be right that students with equivalent grades and comparable extracurricular activities who attend the same school and cope with the same disadvantages find themselves facing such polarising outcomes—one being accepted and the other rejected—when they live only a few streets apart.

Surely a more person-centred measure for widening access, such as eligibility for free school meals, which has already been highlighted, would be appropriate. That is what Universities Scotland suggests, and I think that it would be a better approach.

My final point before I conclude is that the report highlights that

"The relative share of care-experienced entrants from SIMD20 areas fell between 2020-21 and 2021-22 (from 32% to 26.5%)",

which is a fall from a third to a quarter. More must be done, as stalling and falling rates are simply not acceptable.

In conclusion, although I accept that steps have been taken, and that should be recognised, it is foolhardy to ignore warning signs. If we do not have a grown-up cross-party debate on the financial limitations that currently exist without petty politicking, it is not only our brilliant further and higher education institutions that will suffer—it is Scotland's children.

17:25

**Graeme Dey:** I thank colleagues from across the chamber for their contributions and for some of the points that they have raised. I will, for example, consider Stephen Kerr's suggestion on renaming the graduate apprenticeship in the spirit that it was offered, although I admit to being thrown by his very reasonable tone this afternoon. I reiterate that, if members have thoughts on this matter, I am happy to discuss positive and constructive suggestions, no matter where they come from.

As Universities Scotland called for in its debate briefing, a united and renewed energy from all parties in support of this goal would be helpful at this point in the journey. I think that we have, notwithstanding some of the differences that have been aired in the debate, met that ask and restated our collective commitment to the widening access agenda. The tone of the debate has been constructive.

A number of members raised issues during the afternoon that I am afraid time will not allow me to respond to. Liam Kerr asked when confirmation of the apprenticeship budget will come—imminently is the answer. However, I have to note an inaccuracy in his contribution, and he was not the only one to make it, so I want to pick up on it. Liam Kerr, for whom I have enormous respect, claimed that the number of Scottish students going to English providers is increasing. According to UCAS data—I know that he likes to interrogate data—the number of such individuals is at its lowest since 2006.

Another highly respected member, Liz Smith, made an excellent contribution. I disagree with what she said, but it was an excellent contribution. She asserted, and what she said was echoed by Roz McCall, that Scots are missing out on places at universities because of this agenda, but the commissioner was clear that that is not the case. Indeed, there were unfilled places this year.

**Liz Smith:** The minister's colleague Fergus Ewing made an important point in a contribution in a debate a couple of weeks ago about the possibility of a bond for medical graduates in order to try to retain them in Scotland. Has the minister considered that? That could be part of a funding structure that could be of considerable help in ensuring that we retain more of our graduates.

**Graeme Dey:** I appreciate Liz Smith's point, but I say gently to her that that responsibility sits with health colleagues, rather than in education. I am happy to take that way and discuss it with them.

On the issue of inaccurate assertions, Pam Duncan-Glancy committed Labour to maintaining free tuition in Scotland—that is Michael Marra tells. On a point of accuracy, I gently point out that, contrary to what she implied, when Labour was last in power, it had tuition fees—back-door tuition fees—and she cannot rewrite history.

As I have made clear throughout the debate, there is more to do. The hardest part of the journey is the one that is immediately in front of us. That places an expectation on institutions to continue to work with the Government, the Scottish Funding Council and others at pace to make further progress. I assure our institutions that they have a willing partner in that work in me. I am committed to working with them and the

commissioner—I had a useful meeting with him last week—to explore the recommendations that he has made. It is fair to say that the measures that we have deployed so far, although clearly successful, will require to be supplemented by additional steps to ensure that we complete our important task.

Things have undoubtedly changed since we set out on this journey—for example, as I said to Willie Rennie, we have had a global pandemic that has left a legacy of lost learning. We are in the midst of a cost of living crisis. We need to consider what else we might do in order to reach the targets that have been set. In addition, we need to recognise that many young people who do not live in an SIMD20 postcode area will also face barriers to accessing higher education, and it is important that we identify and support them. That is why we are already considering additional widening access measures to work alongside SIMD, including free school meals.

There are challenges around data sharing. For example, data on free school meals is collected and shared in a different way elsewhere in the UK, using a different legal framework. We need to look at ways in which we can deliver on that for Scotland while ensuring that we comply with UK data protection legislation. As I have said, my officials are working through those challenges with a can-do attitude, and they are looking to find a solution. I am very happy to keep any interested members updated on that work. There is an absolute requirement to explore what can be done in the immediate term, so we need to be open to considering any and all viable approaches that are suggested to us.

At a recent meeting on that topic that I attended, the idea of utilising school clothing grant data, for example, was advanced. How the grant is applied varies among local authorities, but that might be an approach that is worthy of exploring—while accepting, of course, that we still have the data-sharing hurdle to overcome. I have tasked officials with being open to any such suggestions and working on all of them at pace.

As I mentioned earlier, we are committed to making use of the unique regional data-sharing agreement that local authorities, colleges and universities in the north-east of Scotland have in place, which enables them to share data with the partners of that agreement. That will allow us to pilot the use of free school meals data in that region. We hope to use the learning from that pilot to inform our Scotland-wide approach.

I want to remind members of the progress that has been made and to credit the efforts of our universities and colleges in that. Action that has been taken by Scotland's universities in support of those with care experience has had a pronounced

impact. That is demonstrated by the number of entrants in that category rising from 485 in 2020-21 to 545 in 2021-22. Within the increase in students progressing from college through articulation over the same period, almost 24 per cent were from SIMD20 areas. Those are just two further examples of the progress that has been made, and they are indicative of so much positive work that is happening across the higher education sector.

Earlier, the Government was accused of patting itself on the back. Far from it. We have given credit where it belongs, to the colleges and universities.

I further acknowledge the role of colleges in delivering higher education. If we include Scottish colleges, 20.3 per cent of all full-time undergraduate entrants were from the 20 per cent most deprived areas in 2021-22. Again, that is testament to the work that is carried out by those institutions. Once again, I put on the record my thanks and the thanks of the Government for their efforts thus far.

However, there is more to do—and we are committed to doing it. That will require action from Government, institutions and others. Opposition members have referred to the number of university places in the system and to the temporary Covid places that are now leaving the system, as planned. I say gently that that highlights a fundamental misunderstanding of the situation and of the sector.

I am keen to work with universities to ensure that we are doing everything that we can to encourage young people—particularly those from a widening access background—to apply for the spare places in the system that I referred to earlier and, indeed, to ensure that, if they choose to apply, they are able to meet the requirements. That is one of the opportunities that we can explore in order to make further progress and complete our journey.

I go back to the issue that I raised in opening the debate, which I consider to be the central, fundamental policy in the widening access agenda: protecting the right to free tuition. Since the Government abolished Labour's back-door tuition fees, we have seen the number of Scottish entrants to universities increase by 31 per cent and record numbers of students from our poorest communities. The impact of the policy is indisputable; it is one of the Parliament's crowning achievements. It shows the benefits of making decisions in Scotland for Scotland. That is why it has been so concerning to hear front benchers from both Westminster parties suggesting going back to the dark days of fees—whether up front or by the back door. However, I acknowledge Pam Duncan-Glancy's clarification.

Let me be clear: under this Government, tuition fees will never be imposed on students in Scotland. Education will be based on the ability to learn and not the ability to pay. Indeed, just yesterday, my colleague the Cabinet Secretary for Education and Skills announced that we can go further and enshrine the right to free university education in the constitution of an independent Scotland. That is just one of the many opportunities of independence. It is no wonder that so many young people in Scotland support taking that step and making all the decisions in Scotland.

## Points of Order

17:35

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** On a point of order, Presiding Officer.

You will be aware that I wrote to you earlier about an exchange that I had with Stephen Kerr in the chamber earlier this afternoon. First, I want to say that the constant barracking of mainly female colleagues by Mr Kerr in the chamber is intolerable and people are, frankly, fed up with it. After another episode of barracking of another female colleague earlier, right after a point of order that Maggie Chapman had made about the same behaviour from Mr Kerr, I said to Mr Kerr that his behaviour and arrogance would lead to him having a very high fall at some point. Obviously, that was meant metaphorically and politically, not literally, but, for the avoidance of doubt, let me be very clear to Mr Kerr on that point.

The truth is that Mr Kerr is complaining about my comment and behaviour rather than reflecting on his own in an attempt to deflect from the numerous and growing complaints about his conduct in this place. We all have a duty to treat each other “with courtesy and respect” and to reflect on our own behaviour, and I will do that. However, I hope that Mr Kerr’s conduct will be tackled, as it cannot be allowed to continue as it is at present.

**The Presiding Officer (Alison Johnstone):** I thank Ms Robison for her point of order. There were several points of order made earlier today, which I addressed at the time.

It is absolutely imperative that each and every one of us in the chamber adheres to our duty under the code of conduct and that, at all times, we carry out our business “with courtesy and respect”. I am aware constantly of conversations that carry on across the aisles, even when business has not been suspended but is changing from item to item. Those are not opportunities for members to have a disagreeable conversation with a colleague. They are not an opportunity to debate a matter, particularly in a way that can be less than courteous and respectful.

I urge all members to reflect on their duty as elected representatives, with particular regard to the requirement to carry out our business in a way that we are wholly proud of.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** On a point of order, Presiding Officer. I seek your guidance.

One of my colleagues, Stephen Kerr, who has been mentioned already, was today threatened by

the Deputy First Minister, who said that he would “fall from a very high place”. That was captured on the audio and is on public record, and my colleague raised it at the time.

That comment is clearly unacceptable for any member to make to another member, especially when we are striving for respectful dialogue in the chamber. It is disturbing that it came from a senior member of the Government—the Deputy First Minister, no less—which makes it all the more alarming.

Rule 7.3.1 of standing orders states:

“Members shall at all times conduct themselves in a courteous and respectful manner”.

I, for one, am concerned that the Cabinet Secretary for Finance has used her position to make such statements to a member in the chamber.

I would be grateful if you could clarify two questions, Presiding Officer. First, what recourse does the member have to elicit an apology from the Deputy First Minister for that threatening conduct? Secondly, should we not hold ourselves to higher account than ordinary citizens? Is it not the case that, if a member of the public had said that to a member of the Parliament, it would be viewed as a security issue and investigated by Police Scotland?

**The Presiding Officer:** I think that it is probably fair to say that the rule relating to courtesy and respect is the one that I most frequently have to urge members to adhere to from this chair. At this point in the parliamentary session, that simply should not be the case.

We have had a discussion of an incident that took place earlier today. As I said, I addressed the matter at the time, reflecting on what I had heard and seen in the chamber. I am absolutely determined that we should have no future such instances and that, when members come in here, they are all able to focus fully on their duty as representatives of the people of Scotland.

## Decision Time

17:39

**The Presiding Officer (Alison Johnstone):**

There are four questions to be put as a result of today’s business. The first question is, that motion S6M-12639, in the name of Shirley-Anne Somerville, on the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 1, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Gender Representation on Public Boards (Amendment) (Scotland) Bill.

**The Presiding Officer:** The next question is, that amendment S6M-12642.1, in the name of Liam Kerr, which seeks to amend motion S6M-12642, in the name of Graeme Dey, on widening access and equality of access to higher education, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

There will be a short suspension to allow members to access the digital voting system. I ask those members who voted earlier today to refresh their screens, please.

17:41

*Meeting suspended.*

17:43

*On resuming—*

**The Presiding Officer:** We move to the division on amendment S6M-12642.1, in the name of Liam Kerr.

The vote is closed.

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** On a point of order, Presiding Officer. I could not vote, but I would have voted no.

**The Presiding Officer:** Thank you, Ms Todd. We will ensure that that is recorded.

**John Swinney (Perthshire North) (SNP):** On a point of order, Presiding Officer. I was unable to connect to the app, but I would have voted no.

**The Presiding Officer:** Thank you, Mr Swinney. We will ensure that that is recorded.

I call Tess White for a point of order.

**Tess White (North East Scotland) (Con):** Thank you, Presiding Officer. I have voted, and my vote has been recorded.

**The Presiding Officer:** I can confirm that your vote has been recorded.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (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)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (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, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (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)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (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)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (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)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Russel, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Abstentions**

Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

**The Presiding Officer:** The result of the division on amendment S6M-12642.1, in the name of Liam Kerr, is: For 31, Against 69, Abstentions 20.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-12642.2, in the name of Pam Duncan-Glancy, which seeks to amend

motion S6M-12642, in the name of Graeme Dey, on widening access and equality of access to higher education, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunningham North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskill, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 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)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)

#### Abstentions

Regan, Ash (Edinburgh Eastern) (Alba)

**The Presiding Officer:** The result of the division on amendment S6M-12642.2, in the name of Pam Duncan-Glancy, is: For 22, Against 97, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S6M-12642, in the name of Graeme Dey, on widening access and equality of access to higher education, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (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)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (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)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (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)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)

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)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Baillie, Jackie (Dumbarton) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (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)  
 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)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

**Abstentions**

Regan, Ash (Edinburgh Eastern) (Alba)

**The Presiding Officer:** The result of the division on motion S6M-12642, in the name of Graeme Dey, on widening access and equality of

access to higher education, is: For 69, Against 49, Abstentions 1.

*Motion agreed to,*

That the Parliament notes the recent report by the Commissioner on Fair Access; welcomes the progress that has been made to widen access to university, with a 45% increase in students from the most deprived communities entering university since 2013-14; is grateful for the work of the higher education sector in achieving this success; agrees with the commissioner's finding that increasing the share of students from the most deprived areas has not led to fewer students progressing to higher education from less deprived areas; reaffirms its commitment to widening access and to meeting the 2026 interim target and the 2030 target, which it agrees will require concerted effort from government and institutions to meet this challenge; agrees that it is vital that higher education continues to be based on the ability to learn rather than the ability to pay, and further agrees that undergraduate students in Scotland should not be expected to pay any form of tuition fees, whether up front or in the form of charges during their course or after graduation, such as graduate endowments or graduate taxes.

**The Presiding Officer:** That concludes decision time.

## Brain Tumour Awareness Month 2024

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-12066, in the name of Foysol Choudhury, on brain tumour awareness month. The debate will be concluded without any question being put.

I ask members who wish to speak in the debate to press their request-to-speak buttons.

*Motion debated,*

That the Parliament notes that March 2024 is Brain Tumour Awareness Month, a month dedicated to raising awareness of what it sees as the importance of brain tumour research and shining a light on the patient population across Scotland; understands that one in three people know someone affected by what it considers to be this devastating disease; further understands that, unlike in many other cancers, brain tumour survival statistics have changed little in over a generation, and notes the belief that brain tumours must be treated as a clinical and strategic priority by government, and that, as brain tumours are recognised as a "cancer of unmet need", money must be ring fenced to support the discovery science that, it understands, could transform patient outcomes in the field.

17:52

**Foysol Choudhury (Lothian) (Lab):** It is an honour to open my members' business debate. I thank all the members who signed the motion, and my colleagues who have chosen to speak in the debate on such an important issue. I thank Thomas from the charity Brain Tumour Research, who is attending the debate. In addition, I welcome Nadia, who has campaigned to raise awareness of brain tumours since her son Rayhan sadly passed away after being diagnosed with a brain tumour in 2017.

We should also note that today is purple day, during which members have been raising awareness of epilepsy. Two in three people who are diagnosed with a brain tumour will experience epilepsy or seizures, and the most common symptom of brain tumours in adults is epilepsy.

I was happy to see so many members partaking in "Wear a hat" day and attending the Brain Tumour Research reception that was sponsored by Beatrice Wishart. Charities such as Brain Tumour Research do amazing work—the charity is funding cutting-edge research through its centres of excellence and offering support to those who are living with brain tumours.

However, we must do more to support the work of such charities. Outcomes for those who are living with brain tumours remain far worse than outcomes for those with other cancers. According to Cancer Research UK, each year, more than 450 people in Scotland die from brain tumours,

which kill more men under 70 than prostate cancer does, and more women under 35 than breast cancer does. Brain Tumour Research found that the five-year survival rate for a person diagnosed with a brain tumour is just 12.9 per cent, in comparison with over 70 per cent for breast cancer.

Despite those alarming figures, however, brain tumours are not being treated as a priority. Just 1 per cent of United Kingdom spending on cancer research has been allocated to brain tumours since records began in 2002. Patients and their families are being let down by the lack of funding. More investment in research can lead to more clinical trials, new knowledge and improved options and outcomes for patients. We must take serious action so that clinical research and treatment of brain tumours is given the attention that it deserves.

Brain tumours act differently from other types of cancer and should be treated as such. Because of the differences in the way that they develop in comparison with other cancers, they are often missed by national health service cancer programmes or by general practitioners. That means that patients are often left in the dark, or find that they have a tumour when they are admitted to the accident and emergency department.

That was the case for Nadia. She took her son Rayhan to four different GPs, after he had been suffering with consistent symptoms. It took her taking him to A and E, where he had an MRI scan, for him finally to be diagnosed with a brain tumour.

A patron of Brain Tumour Research, Theo Burrell, was also misdiagnosed for six months; she suffered extreme migraines before a scan at A and E revealed that she had a tumour in her brain. Had the tumour not been found, she would have had only three months to live. That experience is far too common among those who are suffering with brain tumours. The Brain Tumour Charity found that 41 percent of people who were suffering from a brain tumour had to visit their GP three or more times before being diagnosed.

Getting diagnosed earlier can help with the uncertainty that many patients face, as it allows them to access emotional support and to better manage their symptoms. Quick diagnosis also gives patients the opportunity to take part in clinical trials, which, according to the Institute of Cancer Research, have the lowest recruitment levels of trials for any cancer.

The Scottish Government's "Cancer Strategy for Scotland 2023-2033", which was published last year, rightly focuses on cancers that have poorer survival rates, such as brain tumours. For that to be successful, however, funding must be ring-

fenced to allow for discovery research of innovative treatments. More needs to be done to develop specialist knowledge and clinical training among medical practitioners. A new diagnostic pathway should also be developed with clinical and laboratory leaders so that no one is left waiting for a diagnosis.

Brain tumours have been left ignored for too long. They should no longer be considered too difficult to plan for. It is time to act. A new strategy must be created that recognises the differences between brain tumours and other cancers, and which delivers for patients.

17:58

**Kenneth Gibson (Cunninghame North) (SNP):** I thank my colleague Foysol Choudhury for securing a debate on this crucial issue. Each year, approximately 1,000 people in Scotland are diagnosed with brain cancer or cancer of the central nervous system, and sadly—as Foysol Choudhury pointed out—less than 13 per cent survive beyond five years from their initial diagnosis.

Despite those sobering statistics, awareness of the disease remains astonishingly low. Evidence from Brain Tumour Research suggests that less than 10 per cent of people in the UK are aware that brain tumours claim more lives than any other form of cancer among children and adults under the age of 40. It is clear that the need to raise awareness about brain cancer has never been more urgent.

Brain tumours can manifest in a variety of symptoms, depending on their location and growth rate. Common indicators include persistent headaches, changes to reasoning and cognitive abilities, nausea, vomiting and seizures. Given that those vague symptoms are common among various diseases and illnesses, it is essential that people visit their GP promptly if they are concerned about their brain health. However, as we have heard, GPs also need better training in order to diagnose brain tumours, in particular at an early stage.

Dr Paul Brennan, who is honorary consultant neurosurgeon at the University of Edinburgh, has emphasised that early diagnosis is key to the effectiveness of brain cancer treatment and reducing the occurrence and impact of side effects.

Rapid cancer diagnostic services currently operate across five health board areas, including NHS Ayrshire and Arran, which serves my constituency. The services facilitate the prompt referral of patients who are exhibiting non-specific cancer symptoms, ensuring that they receive their results within 21 days. Previously, patients who

did not meet the Scottish referral guidelines for suspected cancer or those with non-specific suspicious symptoms had to undergo a battery of tests, overseen by primary care.

The “Final Report of the Evaluation of Rapid Cancer Diagnostic Services”, which was produced by the University of Strathclyde and the Centre for Sustainable Delivery, revealed that, over the two-year evaluation period, the services attended 2,489 patients, with more than 96 per cent rating the service positively. Nevertheless, despite significant advancement in earlier diagnosis, Foysol Choudhury’s message could not be clearer: brain cancer remains a “cancer of unmet need”. According to the brain cancer research group, that can be rectified only by filling gaps in our knowledge about how brain cancer works.

The publication of the Scottish Government’s cancer strategy, with its emphasis on research and innovation, has been warmly received by both the medical community and politicians. The strategy delineates plans for health professionals to dedicate research time, ensure sufficient laboratory support and foster collaboration across academia, industry and the third sector. In addition, there is a pledge to enhance “access to research and clinical trials for minority ethnic” groups

“and those that are currently underrepresented in ... trials.”

Research will be concentrated on cancer types with the highest burden and poorest outcomes, including less survivable cancers such as those affecting the liver, pancreas and brain.

Moreover, pioneering research is under way in our Scottish universities. The brain tumour centre of excellence, which is a collaborative effort between the University of Edinburgh and University College London, is dedicated to researching the biology of brain cancer to advance treatment strategies. Employing state-of-the-art data-driven innovation and advanced imaging techniques, researchers are delving into the intricacies of patient-derived glioma cells to uncover new avenues for drug discovery.

In addition, Professor Stephen Tait of the University of Glasgow is spearheading efforts to unravel the mechanisms underlying tumour formation. His research focuses on elucidating how cancer cells evade programmed cell death, and offers promising insights that could lead to the development of more effective therapeutic interventions.

Scotland has taken positive steps in addressing the challenges that are posed by brain cancer, with concerted efforts at various levels such as advancing research and improving diagnostic and treatment services. It is evident that the work of

Brain Tumour Research is invaluable: the life-saving research, on-going campaigning and innovative research projects are essential to improving patient wellbeing, increasing awareness of symptoms and improving our understanding of the disease. I am delighted that the charity’s demand for change petition has reached 81,000 signatures, and I hope that that will change attitudes towards the disease and highlight the importance of funding to support patients and increase research.

18:03

**Jackson Carlaw (Eastwood) (Con):** I congratulate Foysol Choudhury on lodging his motion and bringing the debate to the chamber. I have the great pleasure of serving with him on the Citizen Participation and Public Petitions Committee, and I know how committed he is to this issue. In his speech, he focused on individuals, and I will return to that aspect in my own remarks.

Every 33 minutes, an individual in the UK is informed that they are living with a brain tumour. Around 45 people are diagnosed every day, and 60 per cent of those who are diagnosed with a high-grade brain tumour will not survive the course of a year.

Earlier this year, along with Paul Sweeney, I hosted an event for less survivable cancers, at which the Minister for Public Health and Women’s Health was present. Brain tumours are one of those cancers, along with lung, liver, oesophageal, pancreatic and stomach cancer. This debate is a great opportunity to discuss the issues that arose from that event.

The key asks of the Less Survivable Cancers Taskforce, which includes the Brain Tumour Charity, are to collect and assess both clinical data and patient-reported outcome measurements; to establish more medical oncologist positions in the UK; to see a major increase in the number and frequency of tissue samples; to better understand the diagnostic pathway for brain tumours in adults; to promote and encourage greater joint working between clinicians and industry leaders; and for investigations to take place over lengthy time periods to collect information on the long-term and late effects of brain tumours.

I pay tribute to Beatrice Wishart, who has brought a tremendous amount of focus to the issue during the past month, and who I know intends to set up a cross-party group on brain tumours. If it would assist her, I would be happy to lend that group my support.

I will now focus, as Foysol Choudhury did, on individuals—in particular, a constituent of mine, Fraser McAllister. Fraser was only 16 at the time

of his diagnosis. It was a late diagnosis, which is the subject of an investigation. However, I will focus tonight on the courage that Fraser showed at the age of 16, and the strength and resilience with which he tackled his condition.

Just a week ago, my constituent Henry Wuga died, as we highlighted in the chamber. Henry used to say to everybody, whenever confronted with a problem, "Just get on with it." If anybody just got on with it, it was Fraser, who, at the age of 16, decided that he was not going to put his life on hold, and did everything that he could.

More important is that Fraser decided that he would document his brain tumour story, and his dignity, courage and bravery in the face of the adversity that he faced is truly inspiring. In his account, Fraser wrote:

"Just 4 days after admission, I had surgery to have a drain put into my head. 5 days after that I had an operation to remove the tumour. I was in theatre for nearly 11 hours because of complications. The following day I was back in theatre to have a tracheostomy fitted. I had a bad couple of weeks after the main operation, but I never gave up, even though I couldn't move my body."

I say to the minister that Fraser reached out to her parliamentary colleague Amy Callaghan, who had also suffered from a brain tumour. She responded to Fraser and gave him courage and advice that I think helped him at that time.

Just as we saw in the events over the weekend, those who are suffering can, in reaching out, have a profound impact on others who are suffering. I am sorry to say, however, that Fraser passed away in July 2022, at the age of 18. His courage came from his mother Caroline, who is in the public gallery tonight with her husband. She is just as courageous as Fraser was, and she has made sure that his memory and fight continues.

Fraser produced a poster, which I hope that, when I share it online tonight, other members might take the trouble to repost. It listed his symptoms as a young man facing the condition—what he felt. His symptoms were:

- “Dizziness (not constantly)
- Whilst bathing in hot water
- Looking vertically upwards to the sky
- Or unusual time (for you)
- Eye movement, double vision.
- Headache (not all the time)
- If they do not massively reduce or go away with a pain killer (if happens often)
- Nauseous or sickness
- Feeling sick or having stomach pain for any length of time.
- Being sick with Bile Only

- in the morning."

Those are the symptoms of a teenager, and Fraser wanted to ensure that others facing the same condition would have a chance of surviving by having the earliest possible diagnosis. That is the sort of example that can inspire us all.

18:08

**Jackie Baillie (Dumbarton) (Lab):** I begin by thanking three people: my colleague Foysol Choudhury, for securing this important debate to mark brain tumour awareness month; Beatrice Wishart, for her event last week, at which we all wore hats, and for setting up a cross-party group on brain tumours, which I have already agreed to be part of; and Jackson Carlaw, for his most excellent and considered speech.

I was not previously aware that brain tumours kill more children than leukaemia does. Foysol Choudhury rightly pointed out that they kill more women under 35 than breast cancer does, and more men under 70 than prostate cancer does, yet just 12.9 per cent of those who are diagnosed with a brain tumour survive beyond five years, in comparison with an average of 54 per cent across all other cancers. Life expectancy is reduced on average by 27 years—the highest reduction for any cancer.

Despite that, there has been little advance in treatment options for decades, although we have real strengths with Scotland's research and life sciences sector, so we can improve on that. We know that Scotland's NHS is in crisis, and that crisis extends to cancer services. The Public Health Scotland statistics on cancer waiting times that were published today do not make for happy reading: they reveal a failure to meet the 31-day and 62-day cancer targets, while waiting times are simply getting worse.

Nevertheless, there are steps that the Scottish Government can, and should, take to make the situation better. The Brain Tumour Charity and Brain Tumour Research have each outlined comprehensive steps that will go some way to addressing barriers to brain tumour treatment. By developing a national strategy, we can address those barriers across the whole brain tumour pathway, including diagnosis, care, treatment and research. Brain tumours should be treated as a clinical and strategic priority by the Scottish Government, with funding to support discovery science and improved access to tissue and imaging methods.

I warmly welcome the news that Brain Tumour Research is in the early stages of fundraising to open a Scottish brain tumour research centre of excellence; it is doing that in partnership with the Beatson Cancer Charity. We need to ensure,

however, that there is greater capacity, through investment in both people and infrastructure, if brain tumour research is to reach its full potential. It is not enough for us to come to the chamber and offer warm words of support—the Government must outline exactly how it will support the research community to improve patient outcomes in the long term.

Of course, research is only one piece of the puzzle, and more must be done to support patients when they have been diagnosed with a brain tumour. Among respondents to the Brain Tumour Charity's improving brain tumour care surveys, 85 per cent felt that they had unmet needs and 59 per cent felt that they needed more help with understanding their condition.

Access to a clinical nurse specialist is crucial for people with brain tumours, which the Scottish Government reflected in last year's "Cancer Action Plan for Scotland 2023-2026". That was most welcome, because it stated that everybody who is diagnosed with cancer should have

"access to a key support worker."

However, the target to achieve that, which was in the recent draft revised brain and central nervous system cancer quality performance indicator, has simply been removed—it has vanished. I say to the minister, therefore, that the indicator should be restored urgently. Evidence should be gathered on whether brain tumour patients are getting the access that they need, because that was what was promised in the cancer strategy. Once they are diagnosed, people should also have access to a holistic needs assessment and care plan, which, again, was outlined in the cancer strategy. The Government should provide an update on whether that is happening across the board.

The reality is that brain tumour survival rates remain far too low. We need more than warm words to deliver any real hope, and it is time for the Scottish Government to get round the table and deliver the funding that is needed to address both brain tumour research and treatment in Scotland, not just during the awareness month but all year round.

18:12

**Beatrice Wishart (Shetland Islands) (LD):** I, too, thank and congratulate Foysol Choudhury for bringing to the chamber this important debate on brain tumours. I also thank all colleagues who took part in the "Wear a hat" day and the photo call that I hosted with Brain Tumour Research earlier this month, and those who came along to the event afterwards. Raising awareness is so important. As Foysol Choudhury's motion highlights,

"one in three people know someone affected"

by a brain tumour, but diagnosis can be difficult.

Last year, Emma Harper brought to the chamber a similar debate. Her motion highlighted that brain tumour symptoms "mimic other equally serious conditions", which can delay diagnosis and treatment.

Many years ago, a friend of mine talked to me about headaches that she was experiencing. I have worn glasses all my life, so I have regular check-ups at the opticians, and I mentioned to her that she might want to get her eyes tested. She did so, which led to the discovery, via her optician, that she had a brain tumour. It was pure luck that that conversation happened and the diagnosis was made, and she is now well.

That highlights how important regular everyday health checks are. No one wants an unexpected surprise from a check-up, but it can save lives. We know that, every year in Scotland, around 1,000 people are diagnosed with brain tumours and, sadly, around 400 people die from them. That leads me to concerns about how much longer such a diagnosis might take today, as the NHS's recovery from Covid-19 continues, with pressure on primary care and a shortage of GPs.

Brain Tumour Research's manifesto, "It is time to do things differently...", calls for a declaration that brain tumours are "a clinical priority" and for an approach to improving options and outcomes for brain tumour patients with appropriate urgency. It calls for

"the annual research spend across adult and paediatric brain tumours"

to be doubled

"from the 20/21 total ... to £35 million per year by 2028",

and the development of

"a roadmap for full national deployment of the £40 million research funds made available in 2018".

It goes on to ask for the implementation of

"a monitoring system for this spend, with decision-making authority, to be overseen by a new Brain Tumour Research Institute—made up of clinicians, researchers and charities—specifically targeted with funding research that will drive both discovery and ... research, so we find cures"

and

"increased participation of adult and paediatric brain tumour patients in clinical trials".

The Brain Tumour Research centre of excellence at the University of Plymouth is making progress in diagnosing meningiomas through a non-invasive blood test. That would spare future patients from having to undergo invasive surgery, which is what happened to one of my daughters. Such research and clinical trials could be

undertaken in Scotland to improve early diagnosis and find treatments for patients.

I have spoken before about plans to have a cross-party group on brain tumours, and I am pleased to say that I have garnered support for that from across the chamber. Subject to the necessary formalities, I am hopeful that the group will be under way soon. I encourage colleagues to join us, and I thank Jackson Carlaw for his support. Jackie Baillie, Finlay Carson, Colin Smyth and others have agreed to join us. The group should raise awareness of the issues facing the brain tumour community in order to improve research, diagnosis, information, support, treatment and care outcomes.

Historically, there has been underfunding of research into brain tumours, with just 1 per cent of the national spend on cancer research having been allocated to them. Let us work together to support the work of charities and other organisations, such as Brain Tumour Research, and close the care gap. As the motion states, “unlike in many other cancers, brain tumour survival statistics have changed little in over a generation”.

We need to change that.

18:16

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am pleased to speak in the debate and congratulate my fellow member Foysol Choudhury on bringing it to the chamber.

At this early stage of my speech, I commend the excellent work of organisations such as the Brain Tumour Charity and Brain Tumour Research. In addition, I pay tribute to the phenomenal courage and resilience of patients and their families, who we regularly meet in the Parliament. It is good to have that exchange.

As the motion says, brain tumour awareness month is March, and it is dedicated to raising awareness of important brain tumour research and shining a light on patients across Scotland. That is not merely vitally important but essential, especially given, as we have heard today, the current situation with the diagnosis and treatment of brain tumours.

Early in the previous session of Parliament, I became aware of the tragic case of a constituent in Dunfermline, Mark Richardson. It was an awful situation. Back in 2017, when opening my members' business debate on brain tumour research, I spoke about Mark, who had been a popular manager with Diageo and had a stepson and two toddlers. Once again, diagnosis was the problem. Mark was having blackouts and eye problems, and none of it was being followed up. Tragically, Mark died in July 2016 at the age of 32.

He had experienced neck pain and an eye bleed. He had been to the optician, but nobody found that he had a cancerous brain tumour the size of a golf ball.

It is seven years since that debate. I said at the time:

“Brain tumours are a cancer of unmet need.”—[Official Report, 7 December 2017; c 28.]

Here we are, seven years later, saying exactly the same thing and calling on the Scottish Government and the NHS to focus on diagnosis and treatment. We need investment in research to improve diagnosis, find more effective and less harmful treatments and, ultimately, find a cure. In recent years, I have been whole-heartedly behind ensuring that we do that. Nearly a decade on, we are still struggling. Mark’s story made such an impact on me that I became much more involved in the Brain Tumour Charity. I have held round-table meetings, met consultants and had patients here in Parliament. MSPs have come to drop-in events. I was extremely humbled that, back in 2019, the Brain Tumour Charity nominated me as one of the influencers of the year.

I commend Beatrice Wishart and congratulate her on what she is trying to achieve, and I look forward to supporting her cross-party group. I urge the Scottish Government, brain tumour charities and health professionals to continue to work together to ensure that individuals are supported and protected throughout their journey. The Scottish Government must ensure that all brain tumour patients have access to a clinical nurse specialist or a key worker who carries out assessments of patients’ holistic requirements following their diagnosis. Signposts must be in place for the patient to access local support. Patients with brain tumours should have the option of discussing palliative care with consultants at the point of diagnosis.

I reiterate my pledge to do all that I can, in my position as a member of the Scottish Parliament, to fight individuals’ corner and maintain awareness. Maintaining awareness and ensuring that we keep brain tumours high profile will give many of those individuals hope for the future.

18:21

**Colin Smyth (South Scotland) (Lab):** I thank my colleague Foysol Choudhury for lodging the motion, which, as we have heard this evening, has given a voice in Parliament to so many people who are affected by brain tumours.

“We can get a man on the moon, but we can’t cure brain tumours; it’s so frustrating that funding is so thin on the ground.”

Those are the words of Theo Burrell, a patron of Brain Tumour Research. Some members will

know Theo as a presenter on the BBC's "Antiques Roadshow". Many will certainly know Theo's mother-in-law, my good friend Elaine Murray, the former member of the Scottish Parliament for Dumfries. Theo was diagnosed with a brain tumour nearly two years ago. She was just 35 at the time and mum to one-year-old Jonah. Two weeks ago, many of us were privileged to hear from Theo when she shared her story at the Brain Tumour Research reception in Parliament, which was hosted by Beatrice Wishart. Anyone who heard Beatrice and Theo share their stories of the impact on their families will have been touched. We heard Theo describe the shock to her and her husband Alex when she received her diagnosis, and her calm frankness when she said that she does not know whether she will be there when her wee boy Jonah goes to primary school, but that she did not expect to be there when he goes to secondary school.

Theo was honest, but, like many others, she was also determined to fight for change. Research investment is at the top of her list, because, as we have heard from a number of members, since records began in 2002, just 1 per cent of the national spend on cancer research has been allocated to brain tumours, despite the fact that, as Beatrice Wishart and Foysol Choudhury said, one in three of us will know someone who is diagnosed with a brain tumour.

At the parliamentary reception, Professor Steve Pollard from the University of Edinburgh and Dr Joanna Birch from the University of Glasgow talked about the groundbreaking research that is taking place in Scotland. However, the challenges of brain cancer mean that, in Professor Pollard's words,

"the fundamental science has not progressed to novel therapies".

Only by growing investment in that work will we get the innovation in clinical trials that will lead to the new knowledge, the new techniques, the new therapeutics and, ultimately, the improved outcomes for patients that we all desperately want.

The need for specialist clinical training is also essential. We can see the importance of that in Theo Burrell's experience. As Foysol Choudhury said, Theo saw multiple doctors about her symptoms, but none of them knew what was wrong. It was not until she went to A and E at Edinburgh royal infirmary and had a CT scan that her brain tumour was confirmed. The need for change that is championed by Theo and others is clear. Survival rates remain far too low and have changed little in more than a generation. Brain tumours, sadly, kill more children and adults under the age of 40 than any other cancer.

I am sure that the minister will mention the Scottish Government's 10-year cancer strategy. The strategy is a welcome step, particularly the greater emphasis on less survivable cancers, including brain tumours. However, publishing a strategy is one thing, but, as Jackie Baillie highlighted, delivering it is another. Alexander Stewart mentioned a similar debate that he held here just over six years ago. I remember speaking in that debate. The issues raised then, however, are very similar to the ones that I have heard raised this evening: stagnant survival rates, inadequate funding, and the need for clinical specialists and more training.

During that debate, practically every member shared heartbreakng stories of people who had suffered from brain tumours, and in summing up, the minister at the time said that what united all the stories was

"the need to do more and to redouble our efforts".—[*Official Report*, 7 December 2017; c 43.]

If we are being honest, since then, we have not seen the pace or scale of change required.

I am looking forward to working with Beatrice Wishart and others in establishing the new cross-party group on brain tumours to provide a regular forum for those issues. I hope that this time is different and that more will flow from this debate. We owe that to Theo and to the many others like her, as we have heard this evening, who have turned their experiences into a positive fight for change.

18:25

**Finlay Carson (Galloway and West Dumfries) (Con):** I, too, take the opportunity to thank Foysol Choudhury for bringing the debate to the chamber and I pay tribute and respect to all those who are battling brain tumours and to those who are supporting those patients.

I recently had the privilege of meeting and chatting with Theo Burrell, whom Colin Smyth talked about. She is a young mum who, sadly, has an incurable brain tumour. I met her at the cancer CPG, and a couple of weeks ago at the brain tumour event. Nothing could have prepared me for the talk that was given by Theo the first time that I listened to her, and it was equally impactful on the second occasion. Theo speaks with enormous courage and openness about her daily battles, not knowing what each day will bring and how many days she might have left. As a father of two young children, I honestly cannot begin to appreciate or understand what Theo and her family are going through, but to share her story in such candid fashion in order to raise awareness of brain tumours is truly remarkable.

Also listening to Theo at the event last week was one of my constituents, Jill Rennie, and her daughter. Jill's husband, David, sadly passed away at home in November. David was a remarkable fellow who, in my early days of diversifying from my farming business, provided my brother and me with a huge amount of support through his work with Groundbase Ltd in Galloway. Indeed, he helped many start-up businesses in Galloway. He was also an enthusiastic volunteer in his local community around Gatehouse of Fleet.

David had been retired for only a year and was fit and healthy. He was active, with real hands-on volunteering playing a big part in his life. In May 2022, he felt fatigued and complained of having a bit of a headache. When that persisted into the following day, he became confused. Jill, his wife, phoned 101, and she was advised to take him to A and E in Dumfries. After waiting for four hours, the on-call doctor decided that David had a virus, and he was sent home and advised to take fluids and paracetamol. Jill had hoped, given the unusual symptoms, that they would send him for a scan, but, being a Saturday, there was limited service.

The next day, he slept for most of the day, which was totally out of character. When David sat down to his evening meal, he had lost the power of his left hand. His wife called 999 and he was taken to Dumfries and Galloway royal infirmary, where he was admitted. On the Monday morning, he was taken for a scan that showed a mass on his brain—a suspected grade-4 cancer. Several days later, on 1 June, a day that Jill will never forget, the multidisciplinary team delivered its shocking and life-changing prognosis—three months left without surgery, and 12 to 18 months with surgery and radiotherapy.

Three weeks later, David was booked in for brain surgery in Edinburgh, and he began radiotherapy there six weeks later. Fortunately, they were able to stay with family, because there was no help towards the cost of accommodation or travel from Galloway. David had three-monthly scans and appointments with an oncology consultant in Edinburgh, along with weekly blood tests that were carried out by a practice nurse. He also had to have regular reviews regarding his medication, particularly his steroids, which had to be adjusted depending on his symptoms.

As the months drifted on, David continued to feel fatigued and was unable to return to his volunteering, although he did still engage with his friends and people in Gatehouse. Initially, the scans showed no regrowth, but the tumour showed up again in July 2023. Chemotherapy was the only option but, sadly, it was not successful. The Rennie family cared for him until the end.

They cared for him because there was little support available other than from the family.

David had palliative care from the district nurse, along with an amazing local GP and surgery staff but, worryingly, perhaps because of the rural location, there was minimal input from Macmillan Cancer Support and only two nights' respite care from Marie Curie, which is disappointing and led to complications.

David spent most of his time at home, where he received excellent person-centred care. However, Jill said that she witnessed and experienced a huge range in the standard of care from health professionals during David's illness. Like many of us here, she feels that unpaid family carers are totally undervalued, and we know that caring for loved ones can take a toll on carers themselves. It is simply not right that the quality of care that people receive varies so widely and that families are left with uncertainty. That is particularly difficult with brain tumours, when every day can bring different challenges.

We need to see change in the care of our brain tumour patients but, as we have heard, brain tumour survival statistics have changed little in more than a generation. That is why we need to take more action in the near future. The fact that just 1 per cent of the national spend on cancer research has been allocated to brain tumours since records began more than two decades ago is disturbing and regrettable.

It is little wonder that Brain Tumour Research is now calling for the Scottish Government to declare brain tumours a clinical priority. I know that everyone in the chamber fully supports that. Only by investing in more clinical trials will we stand a chance of learning more about this devastating disease and be able to come up with new techniques, new therapeutics, improved options and better outcomes for patients.

**The Deputy Presiding Officer:** Because of the number of members who still wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to extend the debate by up to 30 minutes. I invite Foysol Choudhury to move the motion.

*Motion moved,*

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

*Motion agreed to.*

18:31

**Carol Mochan (South Scotland) (Lab):** I thank my colleague Foysol Choudhury for bringing the motion to Parliament to raise awareness of brain tumour awareness month. After having met Theo and Thomas from Brain Tumour Research earlier

in the parliamentary session, I am pleased to see increased awareness of brain tumour across the Parliament in recent weeks, with questions in round-table meetings and the developing cross-party group. That is all welcome, but it must be done with purpose and it must move the dial forward on the results that we need. It is my understanding that the key to that is progress in the important area of research.

I thank members across the parties for delivering such emotive and powerful personal speeches during the debate. The number of members participating in the debate shows that the discussion is important, and we must work on a cross-party basis to ensure that there are improvements in the statistics that we have heard about tonight.

I welcome the fact that we have time in the chamber to discuss the impact of the disease and the importance of research into brain tumours in Scotland and across the United Kingdom. We know from the motion and from members' contributions that the condition has an impact right across Scotland. One in three people knows someone who is affected by the devastating condition. We know that survival rates remain low and that, devastatingly, unlike other cancers, those rates have not changed in more than a generation.

We also know that brain tumours remain the largest cancer killer of people under 40. That is why it is so important that we take time in the Scottish Parliament to discuss the issue. It is also why I support the calls for the Cabinet Secretary for Health and Social Care to commit to working with the devolved nations on developing a national brain tumour strategy that addresses the barriers across the whole brain tumour pathway, as we have heard. That includes diagnosis, care and treatment, as well as the important element of research.

I will focus my remarks on research. Other members have done a lot of the work before me, but it has recently come to the attention of many members that research in Scotland needs commitment from the Scottish Government. We have among the best researchers in the world and we have participated in some of the most amazing studies and discoveries from across the world. However, we are at a critical point—some have described it as a crisis point. We know that research into brain tumours is chronically underfunded and underresourced. Only 3.2 per cent of the overall £700 million investment in UK cancer research funding in 2019-20 was spent on brain tumours.

We know that funding is not the only barrier. We had a lot of researchers in the Parliament recently, and the brain tumour charities have told us that

current funding that the Government has allocated has not been adequate to spend on the high-quality research that we need. There are significant delays in translating laboratory research into clinical trials, and there are further delays between the clinical trials and medically regulated approval, which means that brain tumour patients are missing out on promising new treatments.

Research into brain tumours must be recognised as a clinical priority, alongside a strategic plan for adequately resourcing and funding it, so that we can make the discoveries that we need to make through that research. Access to new and better treatments will come only if we harness the Scottish research potential and work, as we do so well, with our neighbours across the UK.

If we want to see changes in the statistics that I mentioned at the beginning of my speech and that have been mentioned in other members' speeches, we must have commitment and strong leadership in this area from the Scottish Government. I would be grateful if, in her closing remarks, the minister would outline her plans for funding and maximising the great potential for research that we have in Scotland, so that we see the shift on the dial on brain tumour research.

18:36

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank Foysol Choudhury and Beatrice Wishart, and I am sorry that I was not able to make the event and wear a hat alongside everybody else. I fully support Beatrice Wishart's wish for a cross-party group.

We are all here because, as the statistics have demonstrated, we all know somebody who has had a brain tumour or who will ultimately end up being diagnosed with a brain tumour. It very much brings things into stark reality when that happens. I attended an event with a brain tumour charity on 7 March here in the Scottish Parliament, and I invited some constituents who, sadly, had lost their family member, Matilda Jaffray—Tilda, as she was fondly known. They have a connection with Selkirk Distillers Ltd, which decided to produce a gin called Tilda's Tipple. The distillery donates £5 from each bottle to the Brain Tumour Charity, which I think is highly commendable. The distillery has done a huge amount of fundraising on behalf of the charity.

I commend the Brain Tumour Charity for the briefing that it provided. It is clear that people who have had a brain tumour diagnosis seem to be treated differently from people with other cancers. A thing that stands out for me from talking to the charity is a new liquid biopsy that is being developed in Glasgow as a diagnosis tool. I will

not say the name of it however, because I cannot pronounce it; the first two letters are D and X. How will the minister and the Scottish Government help to improve the referral pathway for when that liquid biopsy becomes available to use for diagnosis?

18:38

**The Minister for Public Health and Women's Health (Jenni Minto):** I, too, thank Foysol Choudhury for lodging the motion.

I praise all MSPs who joined in the "Wear a hat" day events on 14 March to show their support for brain tumour awareness month. I thank especially Beatrice Wishart, who sponsored the reception and shared her family's experience. As Colin Smyth and Finlay Carson were, I was very moved by Theo Burrell's contribution. To say that you could have heard a pin drop is not to overstate the power of her story and contribution to the event.

I welcome to the public gallery Thomas Brayford and Nadia, as well as the parents of Fraser McAllister, and I thank them for joining us tonight. When I see Jackson Carlaw's post, I will repost it.

It is important that we all come together and share our stories. As Jackson Carlaw said, the power of reaching out helps us to make decisions and come together. As I said earlier, we have the privilege and responsibility of being able to do that in a number of walks of life. I look forward to hearing about the setting up of the proposed CPG on brain tumours and will be happy to come along when it has been established.

As I did last year, I will highlight a charity that is close to my heart. Calum's Cabin is based on the Isle of Bute in my constituency and is named after Calum Speirs, who passed away from an inoperable brain tumour 17 years ago. As Alexander Stewart said, people can show phenomenal courage and resilience, which is exactly what Calum's parents and twin sister did. They turned their heartbreak into something inspirational and the charity that they established now supports children who are undergoing cancer treatment and their families. Calum's Cabin provides holiday homes in three beautiful locations where families can spend quality time together and make lasting memories. It also has nine flats in Glasgow where families can stay while their child is receiving cancer treatment. On my home island of Islay, we have Julie and Maggie; this weekend I will attend a coffee morning that Maggie is holding to support people with brain tumours.

I am sure that all members are aware of the Scottish Government's ambitious ten-year cancer strategy for Scotland, and of the three-year action plan that was published in June last year. Our strategic aim over the next 10 years is to improve

cancer survival rates and to provide excellent equitably accessible care. The strategy and plan take a comprehensive approach to improving cancer care and survival, from prevention and diagnosis through to treatment and post-treatment care. We continue to focus on cancers with the poorest survival rates, including brain tumours.

As all today's speakers have said, diagnosing brain cancer can be challenging because symptoms are wide-ranging and often vague. It is important that speakers have reiterated the possible symptoms and that we recognise how important it is to raise awareness of them. Our [www.getcheckedearly.org](http://www.getcheckedearly.org) website has content on brain cancer that highlights those symptoms and advises people when to seek professional advice.

We ran our well-received public awareness campaign, "Be the early bird", in March and September last year, with the aims of reducing fear of cancer and empowering people with possible symptoms to act early. As Alexander Stewart said, maintaining awareness is shining a light. I am pleased to say that that is exactly what will happen when St Andrew's house is lit up in pink and yellow this Thursday to recognise "Wear a hat" day 2024.

As Foysol Choudhury said, we know that the earlier cancer is diagnosed, the easier it is to treat. That is why we continue to invest in our programme on detecting cancer earlier, which takes a whole-system approach to early detection and encompasses public awareness, screening, primary care, diagnostics and data. We also know that survival rates have improved at much slower rates for some cancers than they have for others. That is why the strategy includes a new vision on earlier and faster diagnosis that reflects Scotland's desire to diagnose cancer as early as possible, when the chances of survival, and even cure, are higher.

Although our vision focuses on reducing later-stage disease, it acknowledges that some cancers, such as brain tumours, cannot be conventionally staged. Additional measures will be considered to monitor progress and improvement in those areas, including diagnosis via emergency presentations. Kenneth Gibson correctly highlighted the recent successful development of our rapid cancer diagnostic service, which is a useful addition to diagnosis in Scotland and provides primary care with access to a new fast-track diagnostic pathway for patients with non-specific symptoms that might suggest cancer. As Mr Gibson said, five services have been set up: in NHS Ayrshire and Arran, NHS Dumfries and Galloway, NHS Fife, NHS Lanarkshire, and NHS Borders. The University of Strathclyde's evaluation report assessing the first two years of the services

was published last month and shows that they are achieving precisely what they set out to do.

Jackie Baillie, Carol Mochan and others all correctly noted that research is essential if we are to continue to develop new and effective approaches to diagnosis and treatment of brain tumours. The Scottish Government provides a range of funding to health boards to enable them to conduct high-quality clinical research, including cancer research. That funding includes support for the cancer research network, which operates across Scotland, to increase, support and sustain clinical trial activity in cancer care. We also provide fellowship funding. Through the career researcher fellowship scheme, several clinical oncologists are supported to conduct critical cancer research in the NHS.

**Jackie Baillie:** Will the minister take an intervention?

**Jenni Minto:** I am just winding up—sorry.

One such fellowship is centred on researching novel therapies for brain tumours. We have recently established a collaboration with the Tessa Jowell Brain Cancer Mission to fund neurology fellowships in Scotland. The aim is to train clinicians to appreciate the breadth of comprehensive brain tumour management and to equip them with research skills to lead the high-impact practice-changing clinical trials of the future.

I reiterate to members and to people who are watching the Scottish Government's continuing commitment to improving survival rates for children, young people and adults who are diagnosed with brain tumours. It is by working together and collaborating that we will achieve that. I thank all those who give their boundless energy to raising awareness and who do the work that we know must continue through research, earlier diagnosis and safe and timely treatment.

*Meeting closed at 18:46.*



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