



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 24 November 2016

Session 5



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Pàrlamaid na h-Alba

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PUBLIC PETITIONS COMMITTEE

7th Meeting 2016, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

Maurice Corry (West Scotland) (Con)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Professor Paul Braterman (Scottish Secular Society)

Spencer Fildes (Scottish Secular Society)

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Public Petitions Committee

Thursday 24 November 2016

[The Convener opened the meeting at 10:01]

Interests

The Convener (Johann Lamont): Welcome to the seventh meeting in session 5 of the Public Petitions Committee. I remind members and others in the room to switch phones and other devices to silent.

We have received apologies from Maurice Corry, and Edward Mountain is attending in Maurice's place as committee substitute. I welcome you to the meeting, Edward, and I ask you to declare any relevant interests.

Edward Mountain (Highlands and Islands) (Con): I have declared my interests fully in the register of members' interests. I am a farmer and I have an interest in a fishery on the River Spey—those are my only interests.

The Convener: Thank you very much.

New Petitions

Local Authority Education Committees (Church Appointees) (PE1623)

10:01

The Convener: Agenda item 1 is consideration of new petitions. PE1623, by Spencer Fildes on behalf of the Scottish Secular Society, is on unelected church appointees on local authority education committees. The petition calls for a change to current practice under section 124 of the Local Government (Scotland) Act 1973, which requires that local authority education committees must include members nominated by various churches. The petition has collected more than 700 signatures and has received 48 comments, mostly in support of its aims.

I welcome to the meeting Mr Fildes, who is accompanied by Professor Paul Braterman of the Scottish Secular Society. Thank you for attending today. You now have the opportunity to make a short opening statement, after which we will move to questions from the committee.

Spencer Fildes (Scottish Secular Society): Thank you for inviting us, convener. My thanks to the rest of the committee, too.

At present, every council education committee in Scotland is required by law to include three full voting members nominated by churches. Voters and their elected representatives have no choice in the matter. That legal requirement dates back to 1929—and, in its present form, to 1973—but it is so broadly worded that it could apply to any future education system.

We believe that the current system is out of place and does not reflect a constantly evolving, rapidly modernising Scottish democracy. We would not dream of allowing churches to impose their members on the Parliament's Education and Skills Committee, for instance, but that is exactly what we do with Scottish councils. The future of Scottish education is under active discussion, and we believe that this would be the perfect time to review the status quo.

One major consideration is the fact that parents who hold no belief now represent the majority among primary school parents. That has created a democratic deficit with regard to representation within local authorities. To address that changing demographic, we respectfully suggest that the simplest change would be to relax the requirement. We would like the law to allow—not compel—elected members to appoint up to three such representatives and to decide whether to give them voting powers, much as they do now for parent-teacher councils and representatives.

We gauged the views of all of Scotland's MSPs by writing directly to them, and we found considerable cross-party support in our responses. I will quote and comment on some of the responses that we received. We got comments such as:

"there may well be merit in looking afresh at this again";

"there should be a greater amount of autonomy in choosing the best people whether they be religious leaders or not";

"I am broadly supportive of the concept of members of Education Committees being elected";

and

"it is up to each local authority to decide who should be on the education committee."

The final comment was:

"the status quo is an anachronism".

Supporters of the petition include Professor Dame Anne Glover, who was a scientific adviser to the Scottish Government and the European Union; the clergy letter project, which is a global representative body comprising 15,000 ordained clergy; the secretary of Glasgow Unitarian Church; and the Glasgow Theosophical Society.

Our petition statement makes it clear that the present situation is undemocratic and unjust. It encroaches on human rights and is highly problematic in its enforcement. Moreover, it infringes local autonomy and is actually the opposite of participatory democracy. It is also unnecessary, given that denominational schools have their own separate mechanisms of governance. Churches are already involved to some extent in most Scottish schools, including non-denominational schools. Believers, like everyone else, can and should vote, take part in public debate and stand for office. That is not what we are challenging today. In this case, however, religion should be afforded no privilege against those who may hold no belief.

The requirement infringes local autonomy because laws handed down by central Government—in this case, by Westminster Governments in 1973 and 1994—are imposed on local councils irrespective of councils' wishes and needs. It is certainly not participatory democracy. The broader community is not involved, and the appointees are answerable only to their own churches.

Finally, many councils have difficulty filling the positions. In our view, there are some questionable appointments. If the system were meeting a legitimate need, that problem would surely never arise. In its own response to the petition, the Church of Scotland admits that an element of reform is required, and we believe that the simplest reform is the one that we have

suggested. Scotland's regions are highly diverse, and we believe that local councils are the best judges of local needs. They already have a local mandate from their voting system, and they should be free to use it.

In conclusion, we respectfully ask you to seek opinions from organisations that represent non-believing as well as believing bodies and from organisations and campaigns such as the time for inclusive education campaign and the Equality and Human Rights Commission that are concerned with schooling and human rights with a view to forwarding our petition to the Education and Skills Committee. Thank you.

The Convener: Thank you for your statement. I want to ask a couple of questions before I open it up to my colleagues.

First, you will be aware that in February 2014, in response to a previous petition on the issue, the Scottish Government indicated its support for

"the involvement of religious representatives in the decision-making process by councils in relation to education"

and it did not at that time

"have any plans to change the existing provisions".

As you have mentioned, the Scottish Government is currently undertaking a governance review of Scottish education. Do you see that as a means of making your views known and highlighting the whole question of education committees?

Secondly, did you seek the views of individual local authorities on what they thought of the mechanism that currently applies to them with regard to education?

Spencer Fildes: On your first question, we are participating in consultations; indeed, we have been invited along through the Equality Network and other bodies. We have made representations. As you know, such processes are on-going, but we have—for want of a better term—chucked our oar in.

We did not receive responses from any local education authorities because they believe that, as the matter relates to legislation, it should be referred back to the Government. As with most things that are politically or administratively sensitive, we did not really expect them to make a statement on the issue. That is where we are.

The Convener: If local authorities felt strongly about the impact of particular bits of legislation, they would make their views known and there would be evidence of it. Are you aware of individual local authorities that have said that they are not happy with this or which have raised concerns? You have mentioned the difficulty in filling places.

Spencer Fildes: After putting in a freedom of information request about how those places are filled, we found that, in nine cases, local authorities had struggled to fill the places and had had to use newspaper advertisements. Basically they were left with some churches as the only ones that would stand up and do the job, because they were the only ones around or the only ones that were actually willing to do it. For any large budget holder, policy maker or decision maker, that must be really frustrating.

In that sense, therefore, the only feedback that we got was about the recruitment process, not about how the authorities felt about the people who formed part of the committee. One of the key issues that raised its head was how problematic the system actually is, and how they find it difficult to get the right people to come in and participate.

The Convener: However, that does not suggest that there is any drive by religious people to get themselves on to education committees. It has been suggested that they have some disproportionate or inappropriate influence, but you are saying that there is difficulty in recruiting them to committees. That suggests that there is no drive by churches and religious people in that regard.

Spencer Fildes: And that is the basis of our argument. Surely if the need as a result of the current legislation is not being fulfilled or mandated, that suggests that the process is not working and is beginning to fall apart.

Perhaps this is also happening because of the changing landscape of religion in our country. A hundred years ago when 99.9 per cent of the population were members of some religion, it might have mattered whether there were religious representatives on education committees. However, we now find that more than half the population have no religion. Perhaps the fact that local authorities are finding it more difficult to meet the need for religions to be represented on education committees is a reflection of that changing dynamic.

The Convener: Angus MacDonald has the next question.

Professor Paul Braterman (Scottish Secular Society): Can I just add that there is very distinguished precedent for people prominent within the churches to—

The Convener: I am sorry, Professor Braterman, but we will take the next question and then I will bring you in.

Angus MacDonald (Falkirk East) (SNP): Good morning, gentlemen. In the background information to your petition, you referred to the recruitment process and said that

“in 17 out of 32 cases, there is reason for concern about the way in which the system is operating.”

Without referring to specific cases, can you expand on that statement?

Spencer Fildes: I am sorry, but could you speak up a bit more for Paul Braterman’s sake?

Angus MacDonald: I am sorry—I have a bit of a cold today.

I will repeat the question. In the background information to your petition, you refer to the recruitment process and say that

“in 17 out of 32 cases, there is reason for concern about the way in which the system is operating.”

Without going into detail or referring to specific cases, can you both expand on what your concerns are?

Professor Braterman: Certainly. In 15 out of the 32 local authorities, the position on the education committee was publicised by newspaper advertisement and, in eight of those cases, there was only one response. As for problematic appointments, there are to our knowledge at least six cases where one of the appointees, usually the third, is a committed creationist—a young earth creationist—and therefore committed to denying key elements of curriculum for excellence being taught in the schools that they are supposed to administer.

In one case—Falkirk, in fact—the third nominee is there because the church that was first requested to nominate never got around to responding, and the nominee is a member of a church affiliated to the Assemblies of God, which asked people to vote for Donald Trump. In another case, the third nominee, having lost his seat in an election, appointed himself on the strength of his involvement with the Boys Brigade, which I think illustrates the kind of problem that we have.

Angus MacDonald: Having served on Falkirk Council’s education committee, I have been following developments in it. Is it not the case, though, that in some local authorities—including, for some time now, Falkirk Council—church appointees do not have any voting rights on education committees? If that were the case in all local authorities, would that be acceptable to you?

Spencer Fildes: Our argument is not really about members of a church being on education committees, but about the mechanism by which they appear on the committees. That is what we are seeking to broaden. If someone from the Catholic Church or the Church of Scotland or a Unitarian is the best, most qualified person for the job and is on the committee by the will of the local authority, that will be the case and represents an open, democratic and participatory way of approaching the issue. However, the situation in

which a person can have the position because they are religious, which is the only qualification that exists in this case, is one that needs to be amended. As I have said, if it is the will of the local authority and the people in that locality, that reflects the will of that locality, but as it stands, there is a huge imbalance.

There is also a huge demographic imbalance, especially when you look at how different religions are spread around Scotland. In Glasgow, for example, there is a large concentration of people from the Muslim community, but they are not equally represented on the education boards. In the Highlands, the situation is very different. No one is addressing those issues, and we think that the best way of doing so is to make all committee members equal from the outset and appoint them purely on their qualifications.

10:15

Brian Whittle (South Scotland) (Con): The petition refers to the 2011 census, which indicates that 56 per cent of the population have a religious affiliation. Your petition says that the census figures

“show a steady decline in religious affiliation among Scots.”

Can you provide us with more information on that trend? Can you demonstrate that?

Spencer Fildes: Yes. We used your own evidence—in other words, the Scottish household survey and the Scottish social attitudes survey, which every year have consistently shown the proportion of people who claim to have no belief to be greater than 50 per cent. That is the trajectory. If we look at parents who are now sending their children to primary school, we see that the figure goes up to 64 per cent. That evidence comes from the 2014 Scottish social attitudes survey.

The census offers a great substrate, but it does not move with the times—and the times are moving very fast. Those who say that they have no religious affiliation are now the majority in Scotland.

Brian Whittle: The petition sets out your views on the current system. What work have you done to understand whether your views and concerns are shared by pupils, parents and others with an interest in the delivery of the education system?

Spencer Fildes: This petition is part of that. The Secular Society runs its own membership system and—like everyone these days—has a Facebook group, which is the quickest way of connecting with people. We constantly canvass the members on our Facebook group. We also have discussions every first Thursday at the Glasgow Theosophical Society to which we invite educationists as well as

people of different faiths and those of no faith, and we always ask them questions on those issues.

Although we do not have a precise methodical or scientific approach in that respect, we have a census of opinion that comes back anecdotally. The Secular Society has a complaints system for parents with regard to all sorts of issues with religion in schools, and the make-up of education committees comes up consistently.

To have any influence on what happens at ground level in schools, we need to go further up the tree. The local education authorities are part of that hierarchy and the influence that some religious representatives might have—especially in the local education authorities where they hold the balance of power—is very important. I find it difficult to believe that anyone who is religious or responsible to a church can decouple their religion in such conversations; it should drive part of what and who they are.

However, coming back to my original point, I think that many people out there who do not hold a belief feel that they are not being fairly represented. Even when we look at it on paper, I find it difficult to argue for every single one of the 29 local education authorities in question having a Catholic, a Protestant and A N Other, given that the largest majority, who do not have a belief system, have no such privilege. We would not do the same with literature or science—for example, we would not impose a scientist or a teacher on any other group—but we do it with religion, and we think that now is a good time to start examining that approach.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. The Church of Scotland's church and society council submission comments on the fact that parent, pupil and teacher representatives on education committees are also unelected. I appreciate that you might well have answered this point, but can you clarify your position on there being unelected representatives, other than church representatives, on education committees?

Spencer Fildes: I go back to my earlier point. If the local authority believes that such a requirement needs to be met, it would be a smarter move to cast a broader net and bring in someone with a more specialist professional interest.

For instance, my colleague Paul Braterman, who is a chemistry professor at the University of Glasgow and emeritus professor at the University of North Texas, has spent his entire life considering the needs of a child's education. As he pointed out earlier, someone could be qualified to sit on a committee because they had worked with the Boys Brigade. Alternatively, we could

have an individual such as Professor Braterman. If we are looking to interview two people on a competitive basis and consider who will have the biggest impact and add more value to the system, we really should consider those kinds of requirements. We would like a more relaxed approach to allow local education authorities to reach out to such people.

Rona Mackay: In his submission, Andrew Strachan makes the point that, if such appointments were removed, there might be an impact on schools that

“provide faith based education for local authorities.”

Our briefing note says that the current

“provision reflects the historical roots of school education as a religious concern.”

What consideration have you given to the impact of any change to the provisions on schools with a particular religious ethos?

Spencer Fildes: We are primarily talking about non-denominational schools; the faith schools argument is probably a different argument for a different day. However, it validates our point of view. If the rules were to be changed, if the legislation was relaxed and if the local authority did not have to make a change to meet needs, that would be fine.

Rona Mackay: It would have the option.

Spencer Fildes: Yes. That would give it the option. That currently does not happen; instead, we restrict and narrow the aperture. We just think that it should be widened.

The Convener: That is a slightly different point from the one that Professor Braterman made, which was about people whose views are such that they ought not to be on an education committee.

Spencer Fildes: I see and support Professor Braterman’s view in the sense that, even for those of a particular religious denomination who hold a belief in a world view, there are conflicting issues. That will be the same with any system. We will not get 100 per cent of everything running smoothly 100 per cent of the time. On the basis of our freedom of information request, we identified that young earth creationists sit on some of these committees. That is a worry, because they are very proactive in their beliefs.

The Convener: So, in essence, your view is that this should not really be a matter for local authorities. Although you have said that the concern just now is that this is not a matter for local authorities and that this is imposed on them, actually your view is that people with such views ought not to serve on education committees.

Spencer Fildes: No, not really. That is moving the argument slightly. Our argument is that, by default, those views should be taken into consideration before the individual is elected to the committee.

The Convener: So if the local authority were to accept somebody who had those views—

Spencer Fildes: Then that is what it accepts.

The Convener: And if that person thinks that Donald Trump should be president—

Spencer Fildes: Exactly. As we have seen, that happens.

The Convener: If only 20 per cent of the population have religious views and that figure goes down to 10 per cent, do we not have a responsibility to protect or respect their views?

Spencer Fildes: We do that in the public sphere, legislatively and in every other area, but our biggest responsibility is to uphold the principles of democracy. That has to be more critical than anything else. In any case, those people will naturally be protected as a group in that system of democracy. We have checks and balances in place and laws to ensure that we do not discriminate against such groups. However, the balance is weighted in favour of those who are religious against those who are not religious. We need to draw a middle line and get a win-win for everybody.

Secularism is a two-way street. Part of our ethos is freedom of religion and freedom from religion, and we want to ensure that those freedoms are always upheld for both parties. Unfortunately, we are talking about one area in which we think that the balance is skewed in favour of the other.

The Convener: So the issue is not really the balance of views in our society as a whole. I should say that I am really just testing the arguments here.

Spencer Fildes: Of course.

The Convener: The census figures for the number of people who have religious views are not the core issue. Why would they be the core issue if we agreed that we should protect people’s religious views?

Spencer Fildes: There should always be a platform for religious views, and society should always permit the manifestation and expression of a religious perspective. That is freedom of speech, and that is what we want. If a person believes in a religious perspective and projects that somewhere, such as on to the committees that we are talking about, it is up to the people on those committees to decide whether that view has any weight.

If someone who sits on an education committee is religious, that is part of who they are, and if they want to project that perspective on to what they are attempting to influence, change or help with, that is fine. That is normal discourse. However, that is not the argument. The argument is about how they get a seat on an education committee in the first place, not about the perception or treatment of religion in society.

If a person who is religious wants to put their name on the ballot box for anything, they can do that anywhere in our society, including in an election as member of a local education committee. If they say something that their committee colleagues think is a little bit off-the-wall or absurd, that is nothing to do with us; because they have been voted on to the committee, it is a matter between them and the committee. The process of getting them on to the committee is the issue, not what they say when they are there.

We have identified through freedom of information requests that, unfortunately, some of the beliefs that are held are contradictory to curriculum for excellence. That is a bit of an issue. Take biology, for example: a creationist who believes that the earth is 6,000 years old and not that we came down from the trees on to the savanna might run into issues. As I have said, though, that might apply to one or two people out of every 100.

The Convener: There is a question about the extent to which any education committee can determine the curriculum in schools, but that is another issue that we might want to explore.

Does anyone else have any other questions?

Brian Whittle: I have an issue with what Mr Fildes has just said about a person who happens to have a view that goes against curriculum for excellence. Surely, by your own definition, that should not preclude them from standing for office.

Spencer Fildes: It does not. It is the local education authority's decision whether that person's views are acceptable and whether they are qualified to sit on the committee. However, if their views contradict the implementation of curriculum for excellence, which has already been set out, the authority has to consider that matter, too.

This is simply about widening the opportunity for local education authorities to enhance the value and quality of what they offer, what they do and what they are. Right now, they are constrained purely because of what we see as a historical anomaly. I appreciate that you look for evidence, you look at the checks and balances and you examine the data and the methodology, but none of that takes place with regard to the question whether religious representatives are qualified to

be on education committees. They are mandated, but nobody measures or quantifies whether they are effective or have an impact. There is nothing qualitative about the nomination process; it just happens to be there. Because it is something that we have always done, the reaction seems to be that we will continue to do it. Indeed, I received the same reaction from many of your colleagues when I wrote to them on behalf of the Scottish Secular Society.

Professor Braterman: Elected councillors are responsible to the electorate, but the representatives of churches are beholden only to the church that nominated them. Two of the representatives will be from the Roman Catholic Church and the Church of Scotland; the third representative is very often just the only other church that showed up. It is a curious situation. There is a lack of accountability—it is power without responsibility.

The Convener: The logic of your position, however, is that you would not have lay members on education committees. The idea is that significant academic experience should be brought in instead, but there is a strong argument for bringing in groups that perhaps support young people with special needs, parents or whoever who have direct experience of the importance of education. Sometimes those people are on those committees but, as I have said, the logic of your position is that such lay members would not be.

Spencer Fildes: I disagree somewhat. That would be taking two steps forward, because we would be past the process with regard to those who are allowed to make these decisions. I understand what you are saying, but that is what would come next and therefore it is not much to do with us. What we are saying is that it does not matter what the education committee decides to do next; what matters is that it can look beyond religious representatives and get whoever they feel are fit or most qualified to sit on the committees. That is the basis of our argument.

The Convener: Thank you very much. We have had a reasonable consideration of the issues, and you have had the opportunity to flag up what, for you, are the key issues.

We need to consider what action we might now take. There are clearly questions to address. For a start, it would be useful to know whether the Scottish Government still takes the same view, and we might wish to contact it in that regard.

10:30

Brian Whittle: That should be the first port of call, because we need to see whether there has been a change in attitude or approach from the Government.

The Convener: It would also be worth while knowing whether local authorities find this a problem. There is a suggestion that local authorities might decide this for themselves, but are there other groups that we could ask for a view?

Brian Whittle: Would we write to every local authority for its opinion?

The Convener: I suppose that we could contact the Convention of Scottish Local Authorities. That would be easiest, because COSLA would know, through its education convener, whether there was a strength of feeling on the matter or differences in different areas. Perhaps we can test whether the issue goes beyond the particular interest of your organisation, Mr Fildes; indeed, we could write to a range of organisations to ask them for their views.

Rona Mackay: I think that we should do that. I am very supportive of the petition, and we should seek the widest range of views in order to take the matter forward.

The Convener: Paragraph 8 of our briefing paper suggests some organisations that we might wish to write to. Do people agree with the list? Do you want me to read them out?

Rona Mackay: I think that it would be fair to contact all of them.

The Convener: Okay. In view of the written submissions that we have received on this issue in the past, we might wish to contact the Scottish Government, COSLA, the Scottish Parent Teacher Council, the Association of Directors of Education in Scotland, the Church of Scotland education committee, the Scottish Catholic Education Service, the Educational Institute of Scotland, Interfaith Scotland, the Muslim Council of Scotland, the Equality and Human Rights Commission and the Humanist Society Scotland.

Rona Mackay: Just for clarification, are we going to ask the Scottish Government about its position? The specific issue is not really being covered in its review.

The Convener: There are two things that we might ask the Scottish Government. First, has it changed its position? Secondly, what is it doing to address the question through its governance review? It is one thing for people in the Scottish Secular Society to speak to the Equality Network, but whether they have been invited to give evidence or a view to the Scottish Government is quite a different matter.

Do members agree to take those actions?

Members *indicated agreement.*

The Convener: Thank you for your evidence this morning, Mr Fildes. I appreciate the time that

you have given. We will, of course, come back to you in due course with the progress that we have made with your petition.

I suspend the meeting briefly.

10:32

Meeting suspended.

10:34

On resuming—

Diabetes (Continuous Glucose Monitoring Sensors) (PE1619)

The Convener: Our second petition is PE1619 by Stuart Knox, which calls for continuous glucose monitoring sensors to be made available on the NHS to all patients with type 1 diabetes. Mr Knox was invited to provide oral evidence today but is unable to attend. Members should have a copy of the petition and a Scottish Parliament information centre briefing. Do members have any comments or suggestions?

Brian Whittle: I sit on the cross-party group on diabetes and the issue is discussed frequently. The specific issue is the worry about what happens when people—particularly young children—are asleep and there is a depletion of sugar levels to the point at which the person may lose their life. There is a lot of evidence around continued monitoring and there is a lot of innovation out there. However, availability of continuous glucose monitoring on the NHS seems to be piecemeal. There is a strong call for CGM by the cross-party group on diabetes. It is logical that if such innovation is available to some people—there is compelling evidence that it can save lives—it should be available across the NHS.

The Convener: Just for clarification, is CGM available to some people on the NHS, but not to all?

Brian Whittle: Yes.

The Convener: On what grounds would people be excluded?

Brian Whittle: The sensor that is mentioned in the petition, the FreeStyle Libre, is very new and has not yet made its way across all the NHS trusts. Evidence suggests that the treatment potentially saves lives and should be available to all.

The Convener: Are there any other views?

Rona Mackay: I am just looking at the answer to a written question from the Cabinet Secretary for Health and Sport. She said:

“Work is currently on-going to develop a national approach for the use of Continuous Glucose Monitoring (CGM) devices in Scotland, as we recognise the speed of development of this technology.”—[*Written Answers*, 8 November 2016; S5W-03762.]

It would be worth our while to write to her to ask how that work is proceeding and whether there is an approximate timescale for a decision.

The Convener: I suggest that we write to the Scottish Government and to diabetes organisations, specifically Diabetes UK. We can find out whether other diabetes organisations have a view.

We spoke before about how we can engage with petitions, particularly when we have not heard oral evidence. One suggestion was that we go out to speak to some of the organisations. Brian Whittle has an interest in the issue and is on the cross-party group, so he will know more about it than others, but it might be worth the committee's while to speak to groups about the issues and challenges and about how technology may offer some very positive hope for the future.

Brian Whittle: The cross-party group on diabetes is extremely well attended. If the committee is looking for people to speak to about the issue, they will all be in the room during a meeting of that group.

The Convener: Do we agree to contact the Scottish Government and diabetes organisations, and to do a wee bit of work around engaging with the issues that have been flagged up by the petition?

Members indicated agreement.

Sepsis Awareness, Diagnosis and Treatment (PE1621)

The Convener: PE1621 is a new petition by James Robertson, calling for awareness of the early signs of sepsis to be increased among Scottish health professionals and the public. The petition was not open for signatures. Mr Robertson was invited to provide oral evidence to the committee today, but is unable to attend. Members have a copy of the petition and the briefing note.

It is worth highlighting that the petition arises from the petitioner's personal experiences. In the petition, Mr Robertson explains that he is concerned that NHS Scotland is not doing as much to raise awareness of sepsis as is being done by the NHS in England. To address that, the petition suggests the following three steps: establishment of a working group to increase awareness of early identification among clinicians and the public, diagnosis and management of sepsis; work with relevant charities to develop and distribute guidance on sepsis in pre-hospital and hospital settings; and encouragement of the

Scottish intercollegiate guidelines network to review its guidance on sepsis, giving consideration to recent National Institute for Health and Care Excellence guidelines.

Do members have any comments or suggestions? The petition highlights an important issue.

Rona Mackay: I declare an interest in that Mr Robertson is a constituent of mine. He has asked me to pass on his apologies for not attending the meeting.

The Convener: That is perfectly understandable.

Are there any suggestions for what actions we might take on the petition?

Brian Whittle: We always seem to do it, but we should write to the Scottish Government to ask for its position on the petition. I am interested in what it thinks the differences are between the protocols south of the border and what is happening up here. It is suggested that the protocols south of the border are better than ours.

The Convener: We will write to the Scottish Government and perhaps the health boards to see whether there are differences in different parts of Scotland. It is also suggested that we contact Healthcare Improvement Scotland and the UK Sepsis Trust. I am not aware of other organisations in this area, but the UK Sepsis Trust might have an overview of the different bits of the United Kingdom and what is being done differently.

Rona Mackay: I agree with all of that. This is an incredibly important subject and we need to widen the net and get as many views and as much information as possible. It is crucial that awareness be expanded as widely as possible.

Edward Mountain: And as quickly as possible, because there are growing issues with sepsis, and we need to move forward rather than delay.

The Convener: Is that agreed?

Members indicated agreement.

Continued Petitions

10:41

Armed Forces (School Visits) (PE1603)

The Convener: Item 2 is consideration of continued petitions. The first is PE1603, which is on ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland. When we previously considered the petition, which is from Quakers in Scotland and ForcesWatch, we agreed to seek further information from a range of organisations, including the Scottish Government, local authorities, the Scottish Youth Parliament, the Children and Young People's Commissioner Scotland and the Ministry of Defence.

We have received a number of responses and have a further submission from the petitioners. The petitioners urge the committee to consider the issues that are raised from a child welfare and rights perspective, and they offer some suggestions for further action that the committee may wish to consider. I understand that ForcesWatch has compared the responses from local authorities about the armed forces visits that they receive with the FOI responses from the MOD for each local authority. It says that there are discrepancies between the two sets of information, which illustrates its concern that no one has a full picture of what is happening with armed forces visits in state schools.

We also have information from ForcesWatch about visits to state schools and independent schools, and have received a significant amount of correspondence on the petition. What are members' views on the responses and on the suggestions for further action?

Brian Whittle: We have to be careful—especially in the light of the evidence that we heard previously. A career in the armed forces is as legitimate a career as any other. For me, the issue seems to be about targeting of a specific demographic. So far, the evidence has not been particularly clear on that.

Edward Mountain: Can I make an observation? I was in the Army for 12 years and my son is currently a serving soldier. When I was in the Army, I undertook visits to schools, none of which was intended to recruit people. The visits were to make people aware of opportunities that the Army offers. The United Kingdom Minister of State for the Armed Forces has made it clear that no specific recruiting goes on during the visits. If people want to follow up on the visit and see what the forces have to offer, that is a completely different process. The suggestion that the Army

deliberately targets specific people in specific areas goes entirely against my experience of school visits when I was in the armed services.

The Convener: You mentioned the opportunities that the armed services offer. Would you have talked during a visit in realistic terms about the risks of a life in the armed forces? One of the petitioners' contentions is that that aspect is not discussed on the visits.

10:45

Edward Mountain: Everyone is aware—currently, very aware, because the armed services have been on almost continuous operations for 10 years—that there are risks involved. People are made aware of where they could be deployed.

The Army offers skills and trades that are recognised as civilian trades. At a recent visit to Fort George, I had it explained to me that those skills are taught in conjunction with the University of the Highlands and Islands, and how they are working to develop those.

People are inherently aware of the risk that if they go into the armed services, they may be called to serve in places where they will put their lives on the line. I was certainly aware of that when I joined up. My son was aware of that and when he subsequently went to Afghanistan it was proved that there are risks. It is pretty disingenuous to suggest that the risks are hidden or that visits are deliberately targeted in order to recruit people.

The Convener: Are there other views?

Rona Mackay: I disagree with both my committee colleagues. We should look at the response from the Children and Young People's Commissioner Scotland because we are talking about people under the age of 18. To say that the armed forces is just a career like any other is disingenuous because it has inherent risks that other careers do not have. The Scottish Youth Parliament's submission states that some schools and children found armed forces visits to be an unpleasant experience in which the so-called career was glorified by the playing of "Top Gun" music and comments such as, "We'll make you a man". There is just no place for that in our schools: I do not think that there is a place for the military going into schools any time.

Brian Whittle: The Scottish Youth Parliament's submission suggests that, of 49 people who were consulted, 27 had experienced a visit. Of those, 17 found it to be positive, eight found it not to be positive and two were unsure. I understand where you are coming from, but we have to be really careful. It would be abhorrent to me if the armed forces were targeting specific demographics.

Rona Mackay: That is another huge—

Brian Whittle: That is a concern—

The Convener: One at a time, please.

Rona Mackay: I am sorry. I beg your pardon.

Brian Whittle: That would be a concern and I would like to know whether that is the case. We must accept that joining the armed forces is a legitimate career for people to pursue and that the armed forces have as much right as anybody else to describe in schools the careers that they offer. From what I gather from the evidence, parents are forewarned and can take their children out of that particular career opportunity.

Angus MacDonald: As has been said, we have received many submissions, including a large number from local authorities, and from the Scottish Government and the Children and Young People's Commissioner Scotland. There are some salient points from Tam Baillie, the commissioner. The second last paragraph in his submission states:

"My final point relates to the petitioners' suggestion that 'Parents/guardians are consulted as to whether they are happy for their child to take part in armed forces at school'. I would suggest that children in secondary schools would generally be assumed capable of providing informed consent to activities in their own right, as long as they were provided with balanced information before doing so."

The submission from the Scottish Government highlights that

"Local authorities and schools are responsible for considering the arrangements under which any potential employer offers professional advice on career opportunities to pupils. This should be appropriate to their age and maturity and be done in a way which does not seek to exert undue or inappropriate influence"

but there is clearly a suggestion that

"undue or inappropriate influence"

may be being exerted, although that has been denied in some quarters.

I know that we have had extensive information in the submissions that we have received, but maybe there is merit in the petitioners' urging us to seek further information from the organisations that they have suggested. That would prolong consideration of the petition, but there is, given the seriousness of the issue, merit in doing that.

The Convener: There is a range of views in the committee; perhaps Solomon's wisdom will appear soon to help us to deal with them. They are probably broadly representative of the views in our communities. It is a legitimate profession, but are particular groups of young people being targeted? It would be best to get evidence to establish what the process is.

I am a little disappointed. I understand the pressures on local authorities, but I think that they batted the petition back without really engaging with the question of whether people are confident that there is not inappropriate access to young people in particular communities.

Angus MacDonald's suggestion that we look for more information is worth our while. The question of whether the armed forces should be in schools at all is separate, but if they are in schools, are they being transparent and is there confidence that they are not disproportionately targeting particular groups? We need to get evidence on that.

Edward Mountain: I do not know whether any member of the committee has been on a school visit when the armed forces are there. As well as collecting evidence, I suggest that it might be worth our while to see at first hand what the armed forces do when they go to a school and what their presentations are like, so that we know what is going on. I find, with the best will in the world, that what I have read in the petition papers does not reflect my understanding of what goes on during a visit.

The Convener: The committee may wish to explore that. What Brian Whittle said is true: the Scottish Youth Parliament's submission highlights that the majority of young people who were consulted did not have an issue with the visits.

Nevertheless, there is the question of confidence that particular groups are not being targeted and that the way in which the armed forces are represented identifies the risks involved. Committee members might want to take up the offer to go on a school visit.

I suggest that we also seek responses from parents, teachers, schools, children's rights organisations and young people's organisations. Members of veterans organisations may have particular views on how they were recruited and they may be aware of the questions. We could also ask careers bodies such as Skills Development Scotland—which brings employers into schools—what guidance they apply. When companies offer low-skilled work, low wages and poor conditions, do we make sure that they are not targeting vulnerable communities, where there is higher unemployment? That might take us way beyond the remit of the petition.

It is clear that there are a number of issues. We want people to be confident in the process and in the way in which young people come into contact with the armed forces in school visits.

Are those actions agreed?

Members *indicated agreement.*

Whistleblowing in the NHS (PE1605)

The Convener: We move on to petition PE1605, on whistleblowing in the national health service—a safer way to report mismanagement and bullying. This petition is one of three on our agenda by Peter Gregson on behalf of Kids not Suits.

The petition calls for a whistleblowing hotline to be established to replace the existing helpline service. At our previous consideration of the petition, following evidence from the petitioner, the committee agreed to write to the Scottish Government, NHS boards, the City of Edinburgh Council, unions, the Salford Royal NHS Foundation Trust, which operates a hotline facility, and Public Concern at Work, the provider of the current national confidential alert line.

We have received a number of responses, including from 10 health boards, the Scottish Government and Public Concern at Work. We also have a submission from the City of Edinburgh Council, which provides an explanation of how its hotline facility operates. The petitioner has provided a response to those submissions in which he suggests that there is an element of confusion in distinguishing between a helpline and a hotline.

There has been quite extensive coverage of the issue since we first considered the petition, including an article by the chief executive of NHS Scotland, which subsequently was covered in topical questions at the end of September.

Do members have any views on actions to be taken on the petition?

Angus MacDonald: Since the petition was first discussed by the committee, I have become more aware of issues in my health board area. I am intrigued by the comments of the chief executive of NHS Forth Valley. In the final paragraph of her submission, she says:

“To change the existing whistleblowing arrangements and external arrangements are not a solution.”

I found the response of the petitioner, and indeed the submission from Rab Wilson, very helpful. They both reiterate that current measures are inadequate. What I have seen locally suggests that that is the case. I would be keen to explore further the establishment of an independent national officer for whistleblowing across health and social care, located in the office of the Scottish Public Services Ombudsman. The suggestion has been made by Unison and others and gives us a basis for inviting the chief executive of NHS Scotland and other relevant stakeholders to come in and give evidence.

Brian Whittle: I agree with that. I am also interested in the views of potential

whistleblowers—the ones at the coalface. How would we engage with them? Obviously, we cannot bring lots of them in, but is there a particular organisation that we could speak to, which would represent them and speak to the matter with some degree of authority? In the end, it is those at the coalface who would be whistleblowing. To get the chief executive in might not give us the most balanced view.

The Convener: The unions are often a safe place for people to go to make complaints, as they will not wish to make them public themselves. Perhaps they will have views on it. By definition, a whistleblower is perhaps not the person who wants to come before a committee, although some people have waived their anonymity to talk about the problems that they have had in the past.

We are also wrestling with the question of helplines and hotlines. There is quite a lot on that. It looks as if the advice that people are getting is to go back to where they have already been, without really getting the matter resolved.

Taking on board Angus MacDonald's suggestion, I think it would be useful to invite the chief executive of NHS Scotland and other relevant stakeholders. I also note Brian Whittle's point about people at the coalface. A number of organisations, including Public Concern at Work and the City of Edinburgh Council, were identified in the petition.

We do not particularly want a re-run of past difficulties with whistleblowing that the petitioner himself highlighted—that would not be the purpose. The purpose would be to establish processes and systems that do what they are intended to do, as opposed to a process that people do not find particularly useful or helpful.

Are there any other suggestions?

Rona Mackay: Angus MacDonald has summed it up for me. I agree entirely with what he said. The unions should be consulted, too.

The Convener: Is that agreed?

Angus MacDonald: Unison Scotland should definitely be invited, particularly given the significant and worrying drop in calls to the helpline, which I read about in the submissions. There are clearly still issues here, and it would be good to get to the bottom of why there has been such a drop.

I note from the City of Edinburgh Council's submission that it has implemented a hotline, which seems to be working pretty well. It would be good to get some evidence from the council on how exactly it did that and made the hotline a success.

The Convener: Is that agreed?

Members indicated agreement.

Schools and Roads (Regional Collaboration by Councils) (PE1606)

The Convener: Petition PE1606 is on forcing Scottish councils to collaborate regionally on schools and roads. This is the second of Mr Gregson's petitions. It calls for local authority budgets to be set to encourage councils to work collaboratively on the provision of education and transport.

At our previous consideration of the petition, we agreed to write to the Scottish Government, COSLA and the Local Government and Communities Committee.

The Scottish Government notes that negotiations on the local government finance settlement are under way and that

"Reform opportunities such as those raised by the petitioner"

will be discussed in that context. The Local Government and Communities Committee referred to the minister's confirmation that the Scottish Government is planning to consult on a bill that would

"decentralise local authority functions, budget and democratic oversight to local communities."

Do members have any views on suggested actions on the petition?

11:00

Rona Mackay: I suggest that we close the petition, convener, on the basis of what you said about the Scottish Government's on-going review and the petition's proposals perhaps forming part of it. I do not see any merit in continuing the petition.

Brian Whittle: Should we close it before the review results are out?

The Convener: My position is that there is the settlement and the issue of how people are going to work together under the Community Empowerment (Scotland) Act 2015. There is also a big issue around school governance and taking schools out of local authority control. Those issues will be tested significantly by the Parliament over the next period. I just wonder whether this petition, which basically says that local authorities should work together, is simply recognising something that is already happening and is therefore not challenging the current view. Can I have other members' views on whether we should close the petition? Brian Whittle is a maybe.

Edward Mountain: I do not think that the petition will push matters in a different direction from where they are going.

Angus MacDonald: I agree. We should close the petition, because I do not see any merit in taking it forward.

The Convener: We are highlighting the fact that the issues in the petition have been flagged up to the Scottish Government, and the Local Government and Communities Committee is also aware of the situation. We know that there will be a debate around the issue, particularly on school governance. Does the committee agree to close the petition under rule 15.7 of standing orders, on the basis that there are current and forthcoming consultation opportunities that will allow the issues raised by the petitioner to be taken forward?

Members indicated agreement.

Congestion Charging (Scottish Cities) (PE1607)

The Convener: The next petition is PE1607, on congestion charging in major Scottish cities. This is the third of Mr Gregson's petitions. At our last consideration of the petition, we agreed to write to the Scottish Government, COSLA, the Scottish local government partnership and the Mayor of London. We have received responses from COSLA and the Scottish Government, plus a submission from the petitioner. The Scottish Government maintains its position against road pricing now and in the future, and COSLA suggested that the issue might be discussed when the third report on policies and proposals is published. The petitioner repeats his query as to why current legislation is not used by local authorities.

Do members have any suggestions for action on the petition?

Angus MacDonald: There is probably a fear factor, as far as local authorities are concerned. I know that when I was on Falkirk Council and the City of Edinburgh Council was planning to introduce congestion charges, we in Falkirk were all for it. However, I wonder whether we would have been so in favour of it had it been proposed for Falkirk. Local authorities are probably reluctant to take a bold decision on congestion charges.

The Convener: Is there anything in the legislation that makes it more difficult for local authorities to consider congestion charges, rather than it just being a question of local authorities saying, "Well, look what happened in Edinburgh. Let's not go there."? Is there something in the legislation that causes problems for local authorities with regard to considering congestion charging?

Brian Whittle: There could well be. Perhaps Angus MacDonald, who has much more experience of local government, knows whether

congestion charging is difficult for local authorities to approach.

Angus MacDonald: From my point of view, it is not. It seems to be just a reluctance to take bold measures.

Brian Whittle: You did not want to charge your voters.

Rona Mackay: It is a radical step.

The Convener: I think that local authorities are looking at other measures in this area. Car parking in Glasgow, for example, is expensive and I think that Edinburgh has reduced its speed limit to 20mph in the city centre. Councils are taking different measures to address perhaps similar problems.

Rona Mackay: Having more park-and-ride opportunities could help, too.

The Convener: Would it be worth checking whether current legislation blocks local authorities from having congestion charges? We could address that specific question to COSLA if it has not already answered it. The other option is to defer further consideration of the petition until it becomes clear whether the relevant issues will be included in RPP3.

Angus MacDonald: We could seek clarification and defer the petition, because there might be measures in RPP3 that will assist local authorities to take action.

The Convener: Okay. Is that agreed?

Members *indicated agreement.*

Wholly Owned National Private Pharmaceuticals (PE1608)

The Convener: Petition PE1608, which is on wholly owned national private pharmaceuticals, is a continued petition and was lodged by Martin Keatings. It calls for the establishment and ownership of a medical manufacturing organisation in Scotland to provide the manufacturing of drugs that are out of patent and to develop and research new drugs, in line with the needs of the Scottish population.

In our previous consideration, we agreed to write to the Scottish Government, the Association of the British Pharmaceutical Industry and the British Generic Manufacturers Association.

The ABPI said that in principle it did not have any concerns with what the petitioner suggested, but that it was ultimately for the Scottish Government

“to assess the benefits and costs of such an enterprise”.

The Scottish Government said in its response that it does not consider the proposal to be

“feasible” or “sustainable”. It considers that existing arrangements and policies work well but says that it will consider any future policy changes following the Montgomery review.

What are members’ suggestions on how we should proceed with the petition?

Rona Mackay: I think that we should close it. The Scottish Government’s views have been set out, and the arguments for not taking the approach are quite clear in the bullet points in its letter. The Montgomery review should answer some of the questions. I do not see any merit in keeping the petition open. It has been answered sufficiently by the Scottish Government’s response.

Brian Whittle: I agree. The whole principle of the petition flies in the face of what is currently happening. There is nothing to stop a pharmaceutical company setting up in Scotland as it is, apart from the fact that that would cost a fortune. We are already well set up, and I cannot see how the petition can go anywhere.

Edward Mountain: I agree.

The Convener: The issue might be one for individual political parties that are seeking election in future. They might put in their manifestos something that they had identified and done a bit of work on. We know that there will be findings from the Montgomery review, which might inform future decisions.

Do we agree that we should close the petition?

Members *indicated agreement.*

NHS Scotland Treatments (PE1609)

The Convener: Petition PE1609, which was lodged by Robert Marks, is on NHS Scotland treatments. It calls on the NHS to refuse treatment to patients with what are considered to be self-inflicted illnesses and conditions, and for the financial savings to be allocated to other areas of NHS Scotland.

In our previous consideration of the petition, we agreed to write to the Scottish Government to seek its views on the action that is called for by the petition and information on what measures it is taking to promote preventative care and early intervention. A response has been received. The Scottish Government notes that current

“Health policy seeks to engage citizens positively in improving their health rather than sanction them for the choices they make.”

It also outlined a number of its preventative and early intervention healthcare initiatives and its views on the most cost-effective and ethical way to treat illnesses.

Do members have any comments or suggestions on the next stages?

Brian Whittle: Ethically, we cannot judge somebody on their personal decisions when they become ill or do not take treatments that have been recommended to them. I do not think that our society would ever agree to the non-treatment of an illness. I cannot see where the petition can go, and I would like it to be closed.

Edward Mountain: I agree with Brian Whittle. On the ground of compassion, the proposal is not one that anyone would be in a position to sign up to. Therefore, the petition should be closed.

Rona Mackay: I agree with both colleagues.

The Convener: Okay. In that case, do members agree to close the petition under rule 15.7 of the standing orders, on the basis that: current healthcare policy is aimed at prevention and early intervention; the Scottish Government has set out its view on the most cost-effective and ethical way to treat illnesses; and, with the emphasis on preventative help, we hope that the problems that perhaps motivated the petition will be addressed?

Members indicated agreement.

A75 (Upgrade) (PE1610)

The Convener: We come to the final petition on the agenda today, petition PE1610, by Matt Halliday, which calls for an upgrade to the A75. Members have a submission from the Scottish Government providing an update following the transport summit held in Dumfries on 22 August 2016.

Members are advised that the Minister for Transport and the Islands has announced an update to the strategic transport projects review and a review of the national transport strategy. Options for dualling the A75 will be considered as part of those reviews. The Scottish Government could not provide a timetable for the process but has said that it will keep the committee informed.

Members also have a submission from the petitioner, who has expressed concern at the uncertain timeframe for making a decision on the issue. Mr Halliday is concerned that the local region is negatively affected by the current condition of the A75, and that the impact may worsen if action is not taken to upgrade the road soon.

Do members have any comments or suggestions?

Brian Whittle: I think I mentioned this the last time we discussed the petition. I was at the summit that the transport minister chaired. The action points that he took away from that included consideration of a range of inputs from the floor.

As we mentioned before, the A75 is a Euro-route. I think that we also mentioned before that a high volume of articulated lorries pass through some small villages, and not all of those villages have speed cameras and the like. Furthermore, there is the potential impact on Stranraer as a port if that part of the Euro-route is not dualled, given the evidence that a couple of ports south of the border have had significant investment and development. There is a perceived threat to Stranraer.

I would like to move the petition on quite swiftly. I suggest that we ask the Minister for Transport and the Islands to come and give us an update. The other possibility is to bring in the MSPs who represent the area. They will have more information than I do on the matter. It is an issue that needs to be brought to the fore and pushed on.

The Convener: Any MSP is free to come to the Public Petitions Committee. We have had experience of that with other petitions. People will be aware of that invitation.

The question is about not having an absolute timetable. Would it be worth writing to the minister to say that, given the uncertainty and concern, we would expect a timetable? If that is not forthcoming, or if there continues to be uncertainty on the matter, we could consider it further in the new year. I do not know how long such reviews normally take, but I am sure that people locally will want to know that there has been an active review, as opposed to the issue going into the long grass.

Brian Whittle: If I remember correctly, the minister suggested that there would be a reply to the conference by the end of the year. That is why I am suggesting that we ask the minister to come to the committee and update us on where the Scottish Government is on the matter.

Rona Mackay: I would be happy to defer the issue until the very start of the new year, and then ask for a further update. I am not sure what merit there would be in bringing the minister here before the end of the year.

The Convener: Realistically, we would not be able to do that anyway.

Rona Mackay: No—we would not have time.

The Convener: I suggest that we write to the Minister for Transport and the Islands, saying in general terms that the committee wishes some certainty around the timescale. The Government must have one, even if it has not made it public. Its officials must be working to an expectation of when they should be reporting. If the Government can share that information with us, well and good. If it continues to say that it does not have a timescale—when we get a response—we could

perhaps make a decision on whether to have the minister in. Is that agreed?

Members *indicated agreement.*

The Convener: We have now concluded all the items on our agenda. I thank you all for your attendance.

Meeting closed at 11:14.

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