



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 13 September 2018

Session 5



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PUBLIC PETITIONS COMMITTEE

13th Meeting 2018, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*David Torrance (Kirkcaldy) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Mick Cooke (Too Many Cookes Music Ltd)

Alison Reeves (Making Music)

Ralph Riddiough

John Scott (Ayr) (Con)

Liz Smith (Mid Scotland and Fife) (Con)

CLERK TO THE COMMITTEE

Sarah Robertson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Public Petitions Committee

Thursday 13 September 2018

[The Convener opened the meeting at 09:15]

Interests

The Convener (Johann Lamont): I welcome everyone to the 13th meeting in 2018 of the Public Petitions Committee, particularly our new committee member, David Torrance. I place on record our thanks to Rona Mackay MSP, who served on the committee for the past year and has now moved on to other commitments. I thank her for the work she did in support of the committee while she was a member.

The first item on our agenda is a declaration of interests. In accordance with the terms of the Interests of Members of the Scottish Parliament Act 2006, I invite David Torrance to declare any interests that are relevant to the remit of the committee.

David Torrance (Kirkcaldy) (SNP): Thank you for the welcome, convener. I have nothing to declare.

New Petitions

Free Instrumental Music Services (PE1694)

09:16

The Convener: The first petition for consideration is PE1694, by Ralph Riddiough, on free instrumental music services. I welcome Liz Smith to the meeting for the consideration of this petition, and I understand that John Scott may join us during this session.

We will take evidence this morning from the petitioner. He is accompanied by Alison Reeves, manager in Scotland of Making Music, a membership organisation for amateur music societies, and Mick Cooke, who some may associate with Belle and Sebastian, but who is here in an individual capacity representing Too Many Cookes Music Ltd.

I welcome you all. You have the opportunity to make an opening statement of up to five minutes, after which we will move to questions from the committee.

Ralph Riddiough: Thank you very much for the opportunity to speak to you today about musical instrument tuition in state schools in Scotland. I have brought with me 2,068 ink signatures, and I would be grateful if that total could be added to the number gathered online, to give a measure of the support that was gathered during the six weeks when the petition was open for signatures.

This is not just a matter on which many people feel strongly; it is a matter of national importance, raising questions about the national curriculum, our goal to get it right for every child in education, equity and fairness in the classroom, the health and prosperity of our nation and the need to ensure maximum return for us all on precious public resources.

We are here to ask for a change in the law so that musical instrument tuition is available, as of right, to all children attending state schools who wish it, free of charge. In the past 10 years, we have seen a 50 per cent reduction in the number of specialist musical instrument teachers in our schools in Scotland, an increase in the number of pupils receiving tuition in groups and the end of free lessons for all children.

The Scottish Parliament has a responsibility to ensure consistency and excellence in education right across Scotland. It is not right that children have to pay for their education in state schools in Scotland, and what is even worse is the divergence in children's experiences across Scotland.

In some parts of Scotland, children still enjoy free lessons; for everyone else, the fees range from £117 a year in Inverclyde up to a completely unaffordable £524 a year in Clackmannanshire. That is not equitable, fair or consistent and it should be a matter of grave concern to the Scottish Parliament.

The Scottish Government has so far taken the view that it is for local authorities to determine local priorities and local needs. However, I think that a change in the law is appropriate because of the divergence and the lack of fairness and equity across Scotland. The Scottish Parliament has a remit to ensure consistency and excellence.

Fees are a barrier to education. Introducing fees results in some children not being able to afford to pay for their education. The ironic result is that precious resources are concentrated on children who already have the most. Schools should not seek customers for their services; they should provide free lessons to all children.

We believe that the instrumental music service should move away from being a discretionary service and become part of the protected statutory services; that is where it belongs. All children deserve the same opportunities and the best opportunities in school, irrespective of their location, whether they live in a city or a rural area—whether they live in Edinburgh, Clackmannanshire or the Borders, or on the islands. It is wrong to have fees in state schools.

Mick Cooke (Too Many Cookes Music Ltd): Since the days of Lonnie Donegan, the Scottish music scene has been a hugely successful and globally recognised brand. When I played trumpet for Belle and Sebastian, I would often be asked in interviews with, for example, Japanese journalists, “Why are there so many great bands from Scotland? Is there something in the water?” Many of those musicians benefited from free instrumental tuition at school, including household names such as KT Tunstall, Ricky Ross and Eddi Reader.

I took advantage of free trumpet tuition. I was sat in my primary 4 classroom at Hillside primary school in Dundee when there was a knock at the door, and a funny wee guy with a wondrous shiny instrument walked through the door, saying, “Does anyone want to learn the trumpet?” I immediately thrust up my hand, and there began a wonderful journey of discovery, which opened so many doors for a small, shy boy from Dundee. It helped my confidence, it helped me to make friends and it helped with my other school work. I got good grades and I went on to get a science degree from the University of Glasgow. It would also eventually lead to a career that allowed me to travel and see the world, and to play on stages such as the Royal Albert Hall in London and the Hollywood Bowl in

Los Angeles. I am certain that none of that would have happened if I had not been inspired that day by that funny wee guy with his shiny instrument. I believe that every schoolchild in Scotland should be given the same opportunity.

Alison Reeves (Making Music): Good morning. I am speaking on behalf of Making Music, the membership organisation for amateur music groups. There are 257 member groups in Scotland—including orchestras, brass and wind bands and traditional music groups—which consist of around 13,000 individuals. Our members are concerned about the erosion of instrumental tuition, because they recognise that as a gateway to lifelong participation in music making and recognise all the benefits for musicians and their communities.

We have a huge, rich and varied amateur music culture in Scotland. Much of it is volunteer led and self-financing, with very little direct cost to the taxpayer. However, the sector relies on an infrastructure of services that are provided by local councils and by the Government, including instrumental music tuition, which provides a steady flow of skilled musicians from instrumental services and their associated bands and orchestras—those who do not make music their job but for whom it remains a valued part of their leisure time.

The up-front investment in tuition is paid back many times over, through the improved health and wellbeing of lifelong music makers, and through the economic benefits of healthy, connected and empowered communities. We believe that making the service statutory will stop the current uneven provision, ensure consistency and quality and, in the long term, retain access to excellent lifelong music-making opportunities for whoever chooses such tuition.

The Convener: Thank you very much for those comments.

Angus MacDonald (Falkirk East) (SNP): Good morning, everyone. The witnesses have certainly presented a strong case for the petition.

Our briefing refers to a survey that was conducted by the Improvement Service in 2017. It found that the fees that were charged covered between 2 and 58 per cent of the cost of the instrumental music service. There was no correlation between the number of pupils who were taking lessons and the fees that were charged, although the Improvement Service report added that

“This does not mean that the costs of fees do not influence parents’ decision as to whether pupils partake in lessons”.

Will you give the committee your views on that?

Ralph Riddiough: That is a good question. The report that you refer to is one of the annual reports that the Improvement Service undertakes and is from 2017. The next report, which is due out at the end of October, will capture a very significant development from the last round of local authority budgets, when things suddenly got a lot worse. In Clackmannanshire, the fees were already high, at £228 a year, but they have now been doubled to £524. We do not yet have all the figures for the drop-out rate there, but early indications are that it is 40 per cent.

In West Lothian, which is a part of the country that has been absolutely outstanding in its music making, the budget decision was to cut the funding by half. Committee members will probably know that that story ended up with the introduction of fees of £345 a year. My friends who teach in that area tell me that 90 per cent of their students have handed back their instruments.

In East Lothian, fees of £290 were introduced in March. That is a poor area. A teacher approached me to say that, at the end of the school year, a girl had handed back her instrument in tears, saying that her family could not afford the fees. She reappeared after the summer to say that her mum had had a whip-round and to ask whether she could have lessons again.

South Ayrshire, where I am from, is a part of the world in which there is both extreme deprivation and considerable affluence. Since the fees were introduced, 216 children have handed back their instruments out of a total of 1,200 children, a hundred of whom are on free school meals.

I predict that in areas in which there is sufficient affluence, we will see instruments being taken out of the hands of children who are in the squeezed middle, and who cannot afford to continue, and being handed to those whose parents are better off. Parents know how valuable the service is and, traditionally, it has been oversubscribed. Therefore, in sufficiently affluent areas we will see an unjust movement of instruments from children who cannot afford lessons. The children will then have to watch the instruments turning up in the hands of those who can afford lessons. That is divisive. No child should have to come back to school and say that they cannot afford to carry on with lessons—that is just wrong.

Across Scotland, the picture is a complex one. It is difficult to draw direct correlations between decisions on fees and the uptake of a service, and success. In Inverclyde, fees are at £117, which is at the low end. However, I suggest that if we were to introduce those fees in Edinburgh, where mortgage poverty is a real thing, it would have a different effect than in an area where that is not an issue. The picture is complex, and any attempt to justify fees will run into complexity. I want people

to be aware of that and to hold on to some principles, such as that education should be free and that viewing children as customers is not progress.

Angus MacDonald: It is helpful that you have provided the example of the drop-out figure for Clackmannanshire. If you have any figures that you could share with the committee after the meeting, or even anecdotal evidence of what is happening out there, that would also be helpful.

09:30

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The Improvement Service report found that the number of full-time equivalent music instructor posts fell from 660 in 2015-16 to 640 in 2016-17, but in your opening statement you said that the numbers receiving tuition have increased, so music is obviously growing in popularity. What impact will charging for music tuition ultimately have on the availability of music teachers?

Ralph Riddiough: Again, the statistics are from the most recent report, for the year 2016-17. All eyes are on the next report because what we have seen in the previous round of local authority budgets is unprecedented. A very different picture will be coming out in the next report, because we have seen a shocking round of cuts and unsustainable increases in fees. Perth and Kinross Council has decided to increase charges by 60 per cent over the next three years. Where else would you expect customers to absorb a 60 per cent increase in such a short period?

On the point about teacher numbers, 10 years ago we had 1,200 specialist musical instrument teachers; now we have only 600-plus. That is a horrendous reduction.

I went to Forehill primary school—a state school—in Ayr in the 1980s. I remember not being able to get into the building because it was shut as there was not enough coal to heat it and keep the children warm. That was a difficult decade. My dad was a teacher for the local authority and my mum was a secretary at the local hospital. They had a mortgage. At that time, interest rates got up to 15 per cent. I hope that I do not embarrass my parents by saying this, but I remember the strategies that they deployed in order to keep paying the mortgage. If I had come home and asked for £100 a year to continue to take my trombone lessons, it would have been a heartbreaking no.

I had one-to-one tuition. I think that that is what you got, Mick. Is that correct?

Mick Cooke: Yes.

Ralph Riddiough: Alison, did you get one-to-one tuition?

Alison Reeves: I did.

Ralph Riddiough: If we could provide one-to-one tuition in the 1980s, which was a very tough decade in Scotland, I do not understand why we cannot do it now.

Margaret Thatcher scrapped free tuition in England in the 1990s. We held on to it in Scotland until 10 years ago, which is when the financial crash took place and things got tough. We have come through a tough decade, but during that period we have not held on to a service that we held on to in previous difficult decades.

In Scotland, instrumental music tuition took off in the 1970s. That was a tough decade. In the United Kingdom as a whole, the increase in provision in schools was at its greatest in the 1920s and the 1950s. There are no tougher decades than those post-war decades, but the appreciation of the service was there, and the vision to invest in it and to give children the opportunity of tuition.

Why are we taking our eye off the ball now? We are being complacent. As Mick Cooke said, around the world, people know how good we are at making music. It is not because of the quality of the water that we drink, good though that is. The quality of the education that Scotland is famous for and its inclusive nature have led to that success.

We are talking about the benefits of children getting lessons in schools and how that strengthens communities, but let us not forget that this is a massive export industry. I do not know whether you saw the Ed Sheeran interview on the news a couple of weeks ago. He made the interesting point that the tax receipts from the creative industries are enormous. Not only that, but our highest-paid musicians who went to and got their music lessons at state school tend to stay in the UK and pay taxes here. The economic returns are tremendous, if that is the box that you want to tick to justify free lessons.

Rachael Hamilton: I will just interrupt you in order to ask whether Alison Reeves and Mick Cooke have any comments on the impact that charging for music tuition will have on the number of music teachers coming through the education system.

Mick Cooke: It can have only a negative impact. As Ralph Riddiough has pointed out, it will create a two-tier system in which lessons will only be for those children whose parents can afford to send them.

I want to add to Ralph Riddiough's point about why music is so strong in Scotland. It is because of the value that people in Scotland place upon music. The story about the wee girl who had to

hand back her instrument and the whip-round in the community to pay for her lessons proves the point that people in this country place a high value upon music. Charging for the service is entirely wrong, in my opinion.

Alison Reeves: Rachael Hamilton's point about the number of music tutors falling while the number of children learning stays the same is crucial. That is the numbers game that the councils will continue to play. They will continue to tell us that the same numbers of children are learning, but they might be learning in larger groups so the quality of the service that they get is much poorer.

As Ralph Riddiough pointed out, if there is limited provision, children who cannot afford it will drop out and be replaced by children who might have less of an inclination to learn but whose parents can afford to pay for it. At the moment, perhaps eight out of 30 children in my son's class will be offered the opportunity to play the violin. If we had to pay for that and he dropped out, his place would be taken by somebody who might have less innate ability or inclination to learn but can afford to pay for it. That is not fair.

Mick Cooke: My sons go to school in Glasgow and they have not been offered lessons until primary 5. Eight out of 80 children are being offered violin lessons—it is a very small number compared with when I was at a state school in Dundee and lessons were offered to anyone who wanted to try an instrument. We had a symphony orchestra in the school because our headmaster was very into music. He played in a trad jazz band and he would play trumpet on a wee chair along with the children. It was amazing. Those unbelievable opportunities have stayed with me to this day.

Brian Whittle (South Scotland) (Con): I thank the witnesses for their evidence. I recognise Mr Cooke's journey and that sort of access to opportunity in school. We can substitute art, drama or, in some cases, sport for music in providing that sort of opportunity and starting people on a journey. Sport took me around the world and I would not have had that opportunity had it not been for that introduction at school. I wanted to put that on record.

You refer to business leaders calling for changes in the way in which children are taught, with a move away from a knowledge-based education. What sort of business leaders are you referring to and do you have any examples?

Ralph Riddiough: I recommend that you visit the World Economic Forum Facebook page and website and look for the videos posted by Jack Ma. The way that he describes it cannot be beaten—it is absolutely phenomenal.

At the weekend, I was sitting in the back seat of a car, being driven down to Middlesbrough to take part in a brass band competition—I play with Dalmellington band. The driver of the car said “Look; I can press this button and the car drives itself”. He took his hands off the wheel and I thought how amazing it is that computers can do so much for us these days.

However, there are three things that computers cannot do: they cannot show empathy; they cannot have original thoughts; and they cannot mimic human creativity. Jack Ma’s point is that those are the things that we need to focus on in education. I agree that we should keep on teaching the three Rs and all the rest of it, but we must not let go of education in the arts because those things give children so much resilience and equip them to be creative.

What jobs will our kids be doing 10 years from now? It gives real pause for thought, because anything that can be automated, will be—even driving is becoming automated. Will we have train drivers in 10 years, or bus drivers? Children need to be nourished in the humanities.

Brian Whittle: You refer to Scotland’s worldwide reputation for the quality of its instrumental music and state that music plays a central role in Scotland’s cultural heritage. What are your thoughts on the impact of the Scottish Government deciding not to invest in musical services?

Alison Reeves: Our particular perspective is on community music. You will all have seen brass bands at gala days and choral concerts at Christmas. We are concerned about losing that valuable part of our culture and reducing the flow of skills that comes out of schools and into our amateur music groups and culture. There is a huge amount of evidence—I can send some links to the committee—about the impacts on health and wellbeing and the knock-on economic impact.

There are benefits all through life. Such services help with the mental health of young people and with community health. There are provable impacts of playing musical instruments on rheumatoid arthritis and of singing on cardiovascular health. We are concerned about those opportunities being taken away from people for their whole lives and the impact that that would have on the communities to which they belong. We would be reducing the opportunities for people who are least able to afford such services and who would most benefit from them. That is our concern.

Mick Cooke: From a commercial music point of view, I have been doing some research for the past 10 days or so. I put a shout out on Facebook to try to get names of some of the people who

received free musical instrument tuition as children. As well as Ricky Ross, KT Tunstall and Eddi Reader, who I have mentioned, the list includes Stuart Murdoch and four other members of Belle and Sebastian; Stuart Braithwaite from Mogwai; Donald Shaw, the television composer and member of Capercaillie; the current bassist with Iggy Pop; and the head of A&R at Decca Records. The list goes on. Those people were supported by free musical instrument tuition at school. Their emails all said that without it, they would not be where they are today. From a commercial music point of view, we would not be where we are today without the support that people got when they were children. There will be a lost generation and all that potential will die without that support.

David Torrance: As someone who benefited from free music tuition and spent years playing the guitar, I can sympathise with the petition, because I would probably never have been able to play the guitar to the level that I can without that support.

Our briefing refers to reports that John Swinney, the Cabinet Secretary for Education and Skills, has agreed to discuss the future of the service with local authorities and members of the music education partnership group. What are your views on that?

Ralph Riddiough: To clarify, are you asking about my views on the work with local authorities?

David Torrance: Yes.

Ralph Riddiough: That work is great. I have become involved in an enormous campaign to preserve free musical instrument tuition in Scotland. You mentioned the MEPG, which John Wallace chairs. After he and I first spoke six months ago, we had a few conversations and he asked me, “How are you feeling?” I thought that that was quite an interesting question, because he probably detected that there was an intensity in my involvement. He said, “I’ve been doing this for years and years. I’m glad that you’re frustrated and that you’re showing anger but, believe me, trying to secure the place of music in our curriculum is an enormous task.” We are very fortunate to have the dialogue, but we need to ensure that it converts into some change. If we continue on the current trajectory, I think that I can quote John Wallace in saying that instrumental music services will be gone in a period of years. We need to find a solution to the problem.

It is extremely exasperating to approach a local authority and say, “Please prioritise this”, be told that it is not getting enough money from the Scottish Government and it has to find savings somewhere, then go to the Scottish Government and be told that it is an issue for local authorities to determine as they see fit.

09:45

I use the image of politicians shrugging their shoulders and blaming each other. It is not good enough—this is really important. The backwards-and-forwards blame game is not getting us anywhere so, with all due respect, please find a way to exert your power to change the law. Local authorities and everybody else are up against it—times are tough. If there is an opportunity to lawfully make a cut, local authorities have to consider those opportunities, which is why I ask the Scottish Parliament to urge the Scottish Government to change the law.

It does not make sense for instrumental music tuition to be separate from the curriculum. Music is a curricular subject—children have to learn music all through primary school and in the first and second years of secondary school, just like maths, English, history and other subjects. That is great. However, if children want to go on to study music in third year and beyond, they need to arrive at that point able to play a musical instrument. They cannot study music seriously and not be competent on a musical instrument. However, if free tuition does not start until third year, that will not happen. We will have a situation in which children who can afford it will get their instrumental music lessons in primary school, which is when they need to start, then, if they arrive in third year with five years of musical instrument tuition under their belt and decide that they want to study music seriously, they will be fine. However, other children will not have that opportunity and that is wrong.

There must be a failure to understand how important to the study of music is the ability to play a musical instrument. If you wanted to learn a foreign language, but had to pay for grammar lessons, that would not make sense. If you wanted to learn biology, but had to pay for hands-on time in the lab, that would not make sense. If you wanted to learn mathematics, but had to pay to be introduced to the concepts of algebra, that would not make sense. It does not make sense to be unable to learn how to play a musical instrument if you want to study music seriously.

Very often, people say, “Can we afford these small group lessons?”. We have afforded them before, and we should not be apologetic about the fact that learning to play a musical instrument is a difficult challenge that is best achieved in small or even one-to-one groups.

A friend of mine in England who retired as a musical instrument teacher after a long career told me that, because he was dyslexic, he spotted 37 students who he thought were dyslexic during his career. He referred them on and they were able to receive specialist support. Because of the close working between teacher and pupil, he spotted something that was not apparent to others. Other

teachers have told me that they have received disclosures and confidences from children because of the trust that is created in a small group setting. To lose that would also be wrong.

I hope that local authorities are doing their best to keep fees as low as possible but, if there is a spike in interest rates and a return to a normal level, there will be a clear-out of children learning musical instruments. Is it acceptable to the Scottish Parliament that an increase in interest rates could wipe out an educational service?

Rachael Hamilton: The panel is obviously well briefed to get to this point today. Casting your minds back to 2012, when the Scottish Government set up the instrumental music group to examine instrumental music tuition issues, do you have any comments on the recommendations that were made? Would you use them as a blueprint for what you are trying to achieve now?

Ralph Riddiough: One recommendation that came out of David Green’s 2013 report is the need for a national vision statement for music that includes instrumental music tuition. We do not have that yet. John Wallace tells me that considerable research is being done to help to inform that, so that we have a proper understanding of the role of instrumental music within the study of music. If we can get there, it would pave the way for good decisions.

As I say, for some reason there is a disconnect between the study of music in the curriculum and the opportunity to learn to play a musical instrument properly. We would be in a much stronger place if those two aspects were connected, the importance of playing a musical instrument would be properly understood in the context of music, and we could have a national vision statement for that. It would be easier for local authorities to make decisions, if the power is to remain with them, and it would be easier for the Scottish Parliament to pass legislation to put instrumental music tuition on a proper protected statutory footing.

I want to see that piece of work reach a conclusion.

Angus MacDonald: Our meeting papers refer to written evidence that was submitted to the Education and Skills Committee earlier this year. Have you had the opportunity to look at those submissions? If so, do you have any comments on them?

Ralph Riddiough: I have seen the submissions, which are publicly available. I do not have any particular comments on them.

The Convener: You consider that, ultimately, the Scottish Government should take matters into its own hands and invest in instrumental music

services. What might that look like? Do you have a sense of the level of investment that is required? Would there be a national fund? Would there be ring-fenced funding for local authorities? Have you looked at how it might work?

Ralph Riddiough: The Improvement Service's 2017 report says that local authorities spend £27 million a year delivering the service, and £4 million of that comes from fees. We can look to that report to quantify our request. If instrumental lessons are to be free, we would probably be talking about £30 million-worth of funding a year, which would allow us to stand still.

We need to remember that, while things are still good, we have something worth preserving, but only 10 years ago we had something considerably stronger than we have now. If we can secure the current spending level that would be, I hope, a platform from which to progress. We have an opportunity. If we can increase children's take-up of musical instrument tuition, we would be winning.

On the issue of the available concessions, local authorities try hard to make sure that children who are in the least well-off parts of our communities can still access tuition for free. Typically, if children are entitled to free school meals, they are entitled to free tuition. I applaud that, but the truth is that take-up from children in our most deprived areas is stubbornly low. It is very difficult to get children from our poorest communities to take up that opportunity. No doubt there are many reasons for that, but I am sure that introducing fees so that children in the squeezed middle are excluded while the proportion of children from the most well-off families taking up the service increases will not improve uptake from the areas in society where, arguably, that is most needed.

The Convener: Is there a vicious circle around staffing levels? To give anecdotal examples, I have known folk who are musicians and who might have looked at that option but ended up thinking that it was too insecure—and increasingly so. I have also known folk who have done the job of going round schools as instrumental teachers and found it to be a more difficult and less stable career than it was in the past. I do not know whether you have access to young people who are studying as musicians but are not looking at teaching as an option for the future. How do we stop the lack of confidence in that as a career option, which then means that there will be fewer opportunities for young people?

Ralph Riddiough: Historically, becoming a peripatetic music teacher, as they are known, was a real career aspiration for many children who leave school as well-equipped musicians. For someone who was at school 10 years ago and is coming out of university now, it cannot look like an attractive proposition. They can see that half of the

teachers who were teaching 10 years ago are no longer doing so and that, by and large, one-to-one tuition has gone and children are being taught in much larger groups, which must look less appealing.

The ability to teach one to one is different from the ability to teach in larger groups. I recently read an article about the training ships of 150 years ago where homeless boys could learn industrial skills. Such ships had bands. Someone wrote then that training boys was an interesting thing. With some, it was thought that if teachers did not keep on at them and constantly harass them, they would never make any progress. With others, if there was one harsh word they would not play a note, while other children needed to take away what they had been told, think about it quietly and come back to show the teacher their progress. Therefore teaching one to one is a particular skill, whereas teaching in large groups is a very different thing. People who received one-to-one tuition 10 years ago are now emerging into the workplace and contemplating a very different model, so they might not find teaching quite so attractive a proposition.

Alison Reeves: Could I add a point about musicians' careers? In 2017, Creative Scotland produced a very good report on diversity in the cultural sector. A very high percentage of people who work in the sector earn very small amounts of money from portfolio careers. A lot of musicians who are in the instrumental service do so as part of such careers and are earning well below the national average for working in the sector. The point about the impact being not just on the pupils but on the teachers, and all the instrumentalists and musicians who work in the sector, is crucial. The draft culture strategy is looking at ways of impacting on incomes for artists. It would be worth considering the service as a good route to employment for people who have very unstable and low-income careers.

The Convener: I ask our guest members today, Liz Smith and John Scott, whether they have any questions.

Liz Smith (Mid Scotland and Fife) (Con): Thank you, convener. I thank our witnesses for the presentation that they have given, which has been persuasive. Just before the parliamentary recess, I sat with the previous convener of the Education and Skills Committee and heard exactly the same thing from many of your colleagues, including John Wallace, who was mentioned earlier. During the holidays, I had a visit to the Royal Conservatoire, where I heard exactly the same thing again.

I do not think that there is any lack of political will on this. In fact, I do not believe that it is even a party political issue, for all the reasons that our

witnesses have set out. However, I would like to go back to a point that Mr Riddiough mentioned. When the discussion becomes a blame game between politicians—which is not helpful—it is because cuts have to be made in parts of public spending. If we are to find enough money to do what you are asking of us, which I think is very important, we will need far more than £30 million, because the potential demand in the area is considerable. We will have to find the money to be able to do that.

Should we have to muddle along with cuts to other services, which would not be very popular and would certainly politicise the debate, or is there scope to find additional funding? You have mentioned the excellence of the Scottish music industry. If we look abroad to examples of countries that have maybe done a bit better than us, we see that there have been examples of additional funding from other sources. Do you accept that that is a possible way forward?

10:00

Ralph Riddiough: We are straying into big political questions, which I will step back from. The case for free universal access in schools for all children is strong and it merits investment. If we can secure the current spend of £30 million and grow from there, I would be happy.

You mentioned the wider context in which music exists and hinted that third parties could provide funding and investment, perhaps through a public-private partnership. Why do that with music but not mathematics, English or history? There is something about education that should be protected. The specific problem with instrumental music is not a lack of money; it is a lack of understanding of the importance of learning to play a musical instrument in the context of a proper, excellent education. That is where the problem lies. If responsibility for funding that is handed over to third parties, why not hand over that responsibility for education as a whole? However, we are getting into political territory.

Liz Smith: In theory, it would be nice to have everything free, but we are not there with the practicalities. Local authorities would say that they simply could not afford it, although they would like to.

In America, there are examples of third parties providing instruments to schools to boost the level of activity. I am interested in your thoughts on that. I am interested in looking at where we could get instruments and provide support for teachers who can deliver music education. If the Scottish Government and local authorities are going to tell us that we cannot afford instrumental music

services, is it not better to have them through some other means than not have them at all?

Alison Reeves: The Scottish Government finds enough money to pay for our national performance companies—Scottish Ballet and the Scottish Chamber Orchestra, for example—in the budget every year. The money to feed the orchestras has to be found, as well. Investment can be found to pay for the national performance companies, so can investment not be found to pay for the education that is required to feed them?

Liz Smith: But where will it come from? That is the point that we need to address. We can solve the problem if we find the additional spend, and that is what I am asking about. We have to be realists. Public finance is currently very tight for all sorts of reasons, and there are good examples from abroad of additional help from outside sources having been forthcoming. I think that the Royal Conservatoire of Scotland would argue that, too.

The Convener: That matter is beyond the petitioners. It is reasonable for them to make their case that instrumental music services should be funded by the state, which they have done. We might want to look at those examples in our investigations rather than make an assumption.

John Scott (Ayr) (Con): I thank the committee for making me welcome at the meeting. I welcome Mr Riddiough, who is a constituent of mine, and his colleagues on the panel. I am here to support Mr Riddiough in his quest for universal funding for musical instrument tuition.

As politicians, we have a duty to endeavour to make sure that the next generation of children is as well educated as possible. I am concerned that all the indicators suggest that educational attainment is falling. I really do not want to be political, but that is a fact. The situation with regard to musical instrument tuition is just another component of that. The uptake of languages is reducing, and I do not want the take-up of musical instrument tuition to reduce, so I am strongly supportive of the petition.

From the point of view of budgets, we can see from the spend-to-save project in Raploch in Stirling that musical instrument tuition has produced enormous community benefits in that area. That is an example of what the provision of funding could do, particularly when, as Mr Riddiough persuasively argues, it is the most disadvantaged families and children who are likely not to be able to afford musical instrument tuition.

I am very supportive of the petition. Other constituents have approached me apart from Mr Riddiough. Parents have told me that, despite the fact that both of them work, they cannot afford the tuition fees.

I have a question for Mr Riddiough. Did you say that 216 children in South Ayrshire had handed back their instruments? Did I hear that correctly? If that is the case, that fills me with despair.

Ralph Riddiough: Yes, that is correct. A freedom of information request—reference number 8385—that was responded to over the summer sets out all the information. The figure was 216.

John Scott: Thank you.

Brian Whittle: In today's discussion, we seem to have focused on careers in music that can be achieved through the education system. As someone who is starting to recognise that his potential to have a career as a rock guitarist is fading as a result of a severe lack of talent rather than anything else, I would like to explore the impact that being able to play a musical instrument has on people's lives. I use it to vent my frustration—I thrash my guitar, much to the despair of my neighbours. The issue that I have in mind is more to do with building confidence and resilience through the ability to play a musical instrument, which we have not really talked about. Do you have an opinion on that?

Alison Reeves: The good news is that, in Scotland, we have a large and healthy amateur music culture, which means that the large number of children who come out of the service who do not wish to choose a musical career have the opportunity to continue to play. They could do so by playing rock guitar in their bedroom, but they could also do so by forming part of an excellent orchestra, such as the Glasgow Orchestral Society, which is almost 150 years old this year, or the Aberdeen Chamber Orchestra. I spoke to them this week, and they affirmed that almost all of their players had come through instrumental music tuition services. They play to an extremely high standard. On average, the fee to participate in such an orchestral society is between £100 and £200 a year, which is not a significant amount of money, if we think about how much gym membership or cinema tickets cost. There are vast opportunities to continue to play.

We know from the research and the literature about the huge impact on the health and wellbeing of the individuals concerned. Playing an instrument improves mental health and reduces isolation. In addition, the physical impact on the body—this is particularly the case with singing—is crucial. It is important to note that many people who sing in choral societies need to read music. How did they learn to read music? By learning to play a musical instrument. It is a transferable skill.

Therefore, we are not talking about turning out professionals, although the turnaround rate for that is excellent; we are talking about investing in

something that has benefits for everybody's quality of life and should be available to everybody.

Rachael Hamilton: We have not really looked at what the Scottish Government is doing with regard to the youth music initiative. All the rebuttals in the press regarding musical tuition have been that the Scottish Government has provided £109 million over the past decade. I wonder whether we should have explored that issue a little more.

Ralph Riddiough: Thank you very much for raising that point. I see the YMI as an amazing potential solution to the problem of children not having the confidence to stick up their hand and say, "Yes, I'll take that opportunity," or the problem of children not getting a chance for some other reason. The YMI involves whole-class tuition. All the children in the class get a half-hour lesson or something like that once a week for most of the primary school year. At the end of the year, I have seen videos of teachers leading a class, and it is quite impressive to see what can be achieved. That work is absolutely tremendous and gives a real opportunity to every child to have a go and get something out of it, which is really good.

The problem—I refer to it in the text of my petition—is that, at the end of the free tuition, if a child goes home and says to their mum and dad, "I want to carry on learning the violin—here's an invoice," the answer might be no. Would it not be better to invest in generating and stimulating an interest in the subject, which is so valuable and beneficial, as a way of feeding the children into the core instrumental music service, so that they can progress with their studies with a specialist teacher? In a classroom music setting in primary school, children might learn the recorder, strum a guitar or play some chords on a keyboard. That is great and introduces the children to music but, if they want to master the violin, they need to be taught by a specialist violin teacher. If they want to play a brass instrument, they need specialist tuition. Why are we stimulating an opportunity that is then not capitalised on? Some children cannot afford to carry on and the core service is getting weaker and weaker.

The Convener: Thank you very much. It has been a really interesting session. As an ex-school teacher, I let it run on longer than I would normally allow anything to run on. It was important for us to explore all the issues, and we have learned a lot.

I should maybe declare an interest, as the mother of a son who benefited from tuition in Glasgow and who had the experience of going away in a group and performing in the city halls. It is about much more than just the music; it is about the joy of making music together. I always felt that Glasgow did not sing loudly enough about that

service, and I would hate to think that other young people are not getting that opportunity.

Do members have comments or suggestions for action on the petition? My sense is that people feel warmly about the petition, but we need to think about how we take it forward.

Rachael Hamilton: The petitioners have given a strong argument for looking at the issue more closely. We should write to the Scottish Government and ask it to consider this strong petition.

The Convener: We would be looking for something more from the Government than the stated fact that the matter is for local authorities. The question is how the Government responds to the fact that local authorities, for whatever reason, are not providing the level of service that the petitioners want.

The Musicians' Union might also have a view. The petitioners talked about precarious work and whether we can do something about that in order to generate career opportunities.

Brian Whittle: Would it be appropriate to write to local authorities? There seems to be a big disparity in the way in which local authorities approach the matter. It would be helpful to get their opinions.

The Convener: We will write to individual local authorities and perhaps the Convention of Scottish Local Authorities.

10:15

John Scott: Given that there are benefits way beyond the actual learning of music and the ability to play an instrument, such as those for communities and society at large, I suggest that those areas should be explored in a spend-to-save way. Many young people who might otherwise have time on their hands and not enough to do are learning an instrument. There are also benefits to communities. This was only touched on but, given the report on mental health that is out today, the growing problem of that issue and the self-evident benefits to mental health that come from musical instrument learning and tuition, there might be an opportunity to explore budgets other than purely education or local authority ones.

The Convener: That is fair enough, but there is a danger of the matter becoming everybody's responsibility and therefore nobody's responsibility. I am interested in why musical tuition is not seen as core. There might be an argument that judgments are being made on that basis in education departments and local authorities.

I am very much alive to what has been said. My son went on to do an advanced higher in music, which he would not have been able to do had he not started to learn the violin in primary school. Why do local authorities feel that they can make that distinction on this subject? That takes us to asking where the other opportunities are. Should we speak to anyone else?

Angus MacDonald: Given that we are agreeing to contact local authorities, we should ask every one what the drop-out rate has been over the past year or two years. The cuts have come in and the charges have doubled in some areas, so it would be helpful to request that specific information. It might help to concentrate minds if we ask local authorities what their projected drop-out rates will be if things continue.

I note from our papers that the Educational Institute of Scotland supports the petition and is running the change the tune campaign to protest about the budget cuts to music services. I am keen to write to the EIS so that we can get something on the record.

The Convener: Those suggestions are a reasonable place to start. In our correspondence, we want to get beyond the Government line that refers to budget cuts and the matter being one for local authorities. I presume that drop-out rates would affect the calculation on budget cuts, because the projected income would be reduced. We can look at all those things further.

We recognise the significance of the petition. I thank the panel members for their contributions. We have had an interesting session. I assure panel members that we will come back to the issue, and that we will keep you aware of the petition's progress. At each stage, you will have the opportunity to comment on the submissions that the committee receives.

10:18

Meeting suspended.

10:22

On resuming—

Preserving Scottish Battlefields (PE1696)

The Convener: The next new petition for consideration is PE1696, by Jack Gallacher on behalf of the Bothwell Historical Society, on preserving Scottish battlefields. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to prevent development on battlefields as listed on Historic Environment Scotland's inventory of historic battlefields.

The Scottish Parliament information centre briefing in our papers explains that Historic Environment Scotland is responsible for designating and preserving Scotland's nationally important battlefields and maintains an inventory of historic battlefields, as referred to by the petitioner. Our briefing also highlights that Historic Environment Scotland is a statutory consultee in the planning system and can formally object to a planning application if it considers that a new development would have a serious adverse impact on sites that are included in the inventory.

Although objections from Historic Environment Scotland must be lodged at the consultation stage, if the planning authority decides to grant planning permission and there remains an objection from Historic Environment Scotland, the application must be notified to the Scottish ministers. However, the petition raises concerns that battlefields are currently not protected by any legislation.

Do members have comments or suggestions for action?

Rachael Hamilton: Historic Environment Scotland says in its policy statement that it ensures that nationally important battlefields are given consideration in its plans. We should consult HES and ask in writing for its views on the petitioner's perspective.

The Convener: It is a really interesting petition about the importance of those interesting sites that we have all visited at certain times. In preserving them, the competition is about where development is needed in a community and to what extent the battlefield is preserved. I do not pretend to have any expertise or knowledge on that and I would be interested to find out a bit more and tease out whether Historic Environment Scotland being a consultee offers sufficient protection. Clearly the petitioner believes that it does not because HES can make a comment but that does not trigger anything, although it means that Scottish ministers have to look at the issue.

We would be interested in the views of the Scottish Government and Historic Environment Scotland. Do we want to ask anyone else for information?

Brian Whittle: Following on from your point about Historic Environment Scotland's role as a statutory consultee, I would like the committee to write to the Scottish Government in order to understand exactly what is meant by "statutory consultee" and the impact that HES can potentially have on any plans that come forward.

The Convener: We could ask whether there are any examples of development being refused because Historic Environment Scotland has lodged an objection.

Brian Whittle: It would also be interesting to hear from VisitScotland, because it could put the issue in the context of tourism.

The Convener: We could perhaps speak to VisitScotland and tourism bodies to see whether it is an issue for them. If the suggestion from the historical society and other organisations is that the protections are insufficient, we need to identify the evidence for that.

As I said, I would be interested to know on how many occasions an objection from HES has meant that a development has not happened and on how many occasions an objection has simply been heard and a development has gone ahead. We can ask those questions of the statutory body. Do we want to do anything else?

Rachael Hamilton: Would it be prudent to ask the local authorities or is that a step too far? Could we get all the information on appeals and so on?

The Convener: It might be simpler to ask COSLA first whether the issue has been flagged up. Depending on what we get from COSLA, we might want to look further at it. I guess that the issue will not affect all local authorities and that it might affect some disproportionately. Are we agreed?

Members indicated agreement.

The Convener: We thank the petitioner for highlighting the issue. There are opportunities to further explore their concerns.

Medical Care (Rural Areas) (PE1698)

The Convener: The next petition for consideration is PE1698, by Karen Murphy, Jane Rentoul, David Wilkie, Louisa Rogers and Jennifer Jane Lee, on medical care in rural areas. The petition calls on the Scottish Government to ensure that there is strong rural and remote general practitioner representation on the remote and rural short-life working group that was established recently as part of the new general practitioner contract for Scotland; to urgently adjust the workload allocation formula in the light of the new contract proposals to guarantee that primary and ancillary services are at least as good as they are now in all areas, so that patients do not experience a rural and remote postcode lottery in relation to the provision of healthcare; and to address remote practice and patient concerns that have been raised in relation to the new GP contract.

The SPICe briefing in our meeting papers explains that the new GP contract between the Scottish Government and the British Medical Association came into force on 1 April this year. It aims to improve access for patients, address inequalities and improve population health,

provide financial stability for GPs and reduce GP workload through the expansion of the primary care multidisciplinary team.

The contract offer proposes a two-phase approach. Phase 1 involves the introduction of a new GP workload-based resource allocation formula. Members will note that the petitioners have raised concerns that the new formula will reduce funding for remote and rural practices. Those concerns are shared by the Rural GP Association of Scotland, which states that the workforce allocation formula

“seems heavily weighted against rural communities.”

The Scottish Government has set up a remote and rural short-life working group, and the petitioners seek strong rural and remote GP representation on the group. In a letter to Scottish Rural Action in March this year, the Scottish Government stated that it

“will ensure that its membership represents a wide range of remote and rural communities from across Scotland.”

Do members have comments or suggestions for action?

Brian Whittle: The Health and Sport Committee is obviously interested in the topic, too, and has started working on it. Is there potential for cross-referencing the work that it has done? It has pulled together a lot of information that might help with the petition.

The Convener: We could make sure that the clerks of the two committees have a conversation about that.

I was struck by the strength of feeling in the petition. I do not represent a rural area, but I have family who live in what would be considered remote and rural areas. I was struck by the suggestion that there had not been proper consultation but that, when there was consultation, a lot of people went to meetings.

It looks as if one bit of the GP contract has been fixed to some extent but there is no confidence in the other bit in remote and rural areas. We want to get a sense from the Scottish Government as to how it will deal with the lack of confidence that people have expressed.

10:30

Angus MacDonald: That clearly refers to phase 2 of the contract, which is still to be gone through. There is recognition in the contract offer of the costs of dispensing and the diseconomies of small-scale GP practices, and it says that that will need to be addressed by proposals for phase 2. Those issues are clearly on the radar, but the petition has been lodged at an opportune time to highlight them.

Rachael Hamilton: It is slightly concerning that there has been a lack of dialogue, or a perceived lack of dialogue, with rural and remote communities. I am looking at the reply from Jeane Freeman on 6 July, in which she said that she would get officials to identify in a meeting the issues that the group has and that they would be discussed at the next meeting, which is to be held in September. Can we receive information on what was discussed at that meeting and seek the working group's views on the Government's action?

The Convener: I am not sure whether we can, but I presume that the group will report. From the petitioners' point of view—I sense that the committee agrees with this—we want to ensure that there is strong rural and remote GP representation on the short-life working group. We can ask how the Scottish Government is ensuring that there is such representation. We also need to ask the Scottish Government for its response to the issue of the workload allocation formula.

There is a suggestion that we also ask the Rural GP Association of Scotland for its views on the petition and on those questions. I am not sure whether there are other community groups and organisations that represent patient interests in remote and rural areas that we could contact. Perhaps the petitioners reflect that interest and the petition indicates that there is an issue.

I suggest that we start by ensuring that there is a conversation between this committee and the Health and Sport Committee about what is being done. We should also ask the Scottish Government and the Rural GP Association of Scotland for their views on the particular issues that the petition demands. Are we agreed to take that approach?

Members indicated agreement.

Funeral Arrangements (Murder Victims) (PE1699)

The Convener: The next petition for consideration is PE1699, by Amanda Digby, on the release of murder victim bodies for funeral arrangements. The petition calls on the Scottish Parliament to urge the Scottish Government to change post-mortem examination protocols to allow for the deceased to be released as early as possible, in order to enable families to make funeral arrangements for their loved ones.

The briefing note explains that, in the event of a murder, an investigation takes place that includes a post mortem to establish the cause of death and to provide evidence for a criminal prosecution. In Scotland, when someone is then charged with the murder, the defence has the right to carry out its own post mortem, which might uncover things that

were not the focus of the original examination. Sometimes, however, it can take a long time—possibly years—for someone to be charged. As the petitioner sets out, that can result in a lengthy delay before the victim's body is released for a funeral.

The situation is different in England and Wales, where, if no one has been charged in connection with a murder and the police do not expect to make an arrest within 28 days, the coroner will arrange for a second post-mortem examination by a pathologist to take place, independent of the first. The body can then be released and the coroner retains the report for use by the defence if, in due course, an arrest is made and charges are brought.

Members will have noted that, in February, the Lord Advocate answered a parliamentary question to the effect that a review of post-mortem examination protocols is taking place in order to enable more effective consultation between pathologists who are instructed by the Crown and by the defence.

Do members have comments or suggestions for action?

Rachael Hamilton: Do you know when the review is to be concluded?

The Convener: I do not think that we have been given a timescale. That would be a useful question to ask.

Obviously, we cannot comment on the individual circumstances of the case, but we thank the petitioner for highlighting the general issue. I do not understand why we cannot have the same model that has been developed elsewhere. It is unconscionable that someone could be in a position where, because nobody has been charged, remains are never returned to them for burial. That must be very distressing.

I am interested to know why the option of instructing an independent pathologist after 28 days to produce a second post mortem that would meet the needs of a defence should there be a case in future has not been considered for Scotland. I want to ask the Crown Office and Procurator Fiscal Service and the Lord Advocate that question.

Brian Whittle: Why is there that difference?

Angus MacDonald: That seems to be the ideal solution to prevent any delay in releasing the body. We need to ask that question.

The Convener: Are there other organisations that we should contact? If there is an issue about the Scottish system, perhaps we should look to Scottish associations such as the Law Society of Scotland, the Faculty of Advocates and the

Scottish Criminal Bar Association, which might have views on why there is a distinct system in Scotland and why we have not followed the other route. For example, the issue might be the availability of forensic pathologists in Scotland. We could ask COPFS whether that is the case. If it is that way simply for want of expertise, that could surely be addressed.

Angus MacDonald: It might also be helpful if we wrote to Victim Support Scotland and PETAL to seek their views on the petition.

The Convener: PETAL stands for "People Experiencing Trauma and Loss". There might be other people in the system who have had the same experience as the petitioner and want to share their views with us. I confess that it is not an issue that has been flagged up to me in the past. It must add to the trauma that has already been experienced. It is a good idea to speak to other people who have had direct experience of that kind of loss, too.

I think we agree that, if we do not take the model from south of the border, we want to know what model we should have, as the current system is not desirable in any way and it causes extra trauma and grief. Do we agree that we will write to the relevant legal bodies, the Crown Office, the Scottish Government and organisations that represent people who have been in that position?

Members indicated agreement.

The Convener: We thank the petitioner for lodging their petition.

Referendum on Scottish Independence (PE1700)

The Convener: The next petition for consideration is PE1700, by Martin James Keatings on behalf of Forward As One, on the progression of the process for a section 30 order to hold a Scottish referendum on independence from the United Kingdom.

The petition calls for the Scottish Parliament to urge the Scottish Government to seek a section 30 order from the UK Government to enable it to introduce legislation in the Scottish Parliament to hold a second referendum on Scotland's independence from the United Kingdom.

The briefing note sets out the legislative background surrounding a section 30 order, which was the mechanism that was used for the 2014 referendum. The Parliament already debated and voted on that in March 2017. The motion that was agreed to on division mandated

"the Scottish Government to take forward discussions with the UK Government on the details of an order under section 30 of the Scotland Act 1998".

Members will note that the petitioner sent a submission for consideration in which he states:

“So far as the progress and political situation thus far, has been left to the media and the politicians to comment, debate and otherwise direct the conversation. The purpose of bringing this matter before the committee was to press for a section 30 order but more importantly to allow the electorate, businesses and civic organisations in Scotland the opportunity to directly interact with their parliament on this substantive constitutional issue by way of the petitions process.”

The Public Petitions Committee is cross party so it is not expected that we will agree on the merits or otherwise of a referendum on independence. Do members have any comments on the views that were expressed by the petitioner in the petition or in the further submission? Do members feel that the electorate, businesses and civic organisations in Scotland have not been able to engage with the Parliament on the issue? If not, what would be the mechanism for that? The question for us to consider today is what action it might be appropriate for us to take on the petition.

I am not sure whether there has been an update on the Scottish Government’s position on the issue following the programme for government. Do members want to seek the Scottish Government’s view?

Angus MacDonald: As the convener said, this is a cross-party committee. That said, I have sympathy for the petition. It is worth pointing out that the First Minister has stated that she will give clarity on the issue next month, although there are suggestions in the press this morning that that announcement could be made later in the year.

In the first instance, we need to seek clarity from the Scottish Government. I note that the petitioner, Martin Keatings, has stated his frustration at not being given the opportunity to give oral evidence on the petition, but the whole issue has been well rehearsed inside and outside the Parliament, and everyone’s views are well known. We should write to the Scottish Government forthwith to seek clarification on where it is with regard to a section 30 order.

The Convener: Is that agreed?

Members *indicated agreement.*

The Convener: It is an issue on which people have strong views, but it is my sense that conversations are going on in different parts of communities in different ways, about not just whether there should be a referendum but what the mechanism for that might be. In the first instance, it would be useful to find out the Scottish Government’s view on the timing of the use of the mechanism that it has identified.

We thank the petitioner for the petition and their submission.

Counselling Provision (Schools) (PE1702)

The Convener: The final new petition for consideration today is PE1702, by Joanne Waddell, on counselling provision in all schools. The petition calls for the Scottish Government to ensure that, by 2022, all pupils will have access to trained counsellors in schools.

As members will be aware, the Scottish Government’s programme for government includes a range of new measures to help children and young people to access school counselling services. The petitioner has indicated to the clerks that, based on that announcement, she is content for her petition to be closed.

The petition emphasises the importance of early intervention and prevention to support children and young people with mental ill health. Although the petitioner has indicated that she is content for the petition to be closed, we might wish to reflect on the detail of the petition as we consider the scope of the committee’s inquiry on how young people can access mental health services and treatment.

Do members have any comments or suggestions for action?

Brian Whittle: The petition raises issues that are consistently spoken about in the chamber and across the political spectrum. Some of the evidence that the petitioner has brought forward is very useful, so I would be inclined to reflect on that evidence as it pertains to other work that we are engaged in before we close the petition.

The Convener: We can do both. The petitioner says that she is content for the petition to be closed, so we could close it. However, in the piece of work that we have already agreed to do on access to mental health support for young people—which was prompted, in particular, by Annette McKenzie’s petition—we can draw on some of the evidence that Joanne Waddell has gathered together. At a later stage, she might want to reflect on whether she is satisfied with what the Scottish Government has developed. There is the question of the provision of professional counsellors, but there is also the question of the training of front-line teaching staff in counselling, which is slightly different. I would be interested to explore that, too.

I suggest that we agree to close the petition under rule 15.7, on the basis that the petitioner has indicated that she wishes to withdraw the petition, but that we take on board the issues that are highlighted in it that are relevant to our inquiry. Is that agreed?

Members *indicated agreement.*

Continued Petitions

Thyroid and Adrenal Testing and Treatment (PE1463)

10:45

The Convener: Item 3 is consideration of continued petitions. PE1463, by Sandra Whyte, Marian Dyer and Lorraine Cleaver, is on effective thyroid and adrenal testing, diagnosis and treatment. The committee last considered the petition in March and subsequently published its report, which focused on four main areas: guidance framework; diagnosis and testing; treatment; and research. The committee also agreed that it should seek time in the debating chamber for consideration of the issues that are raised in the petition. The committee has received a response to the report from the Scottish Government, and the response is included in the briefing paper.

Elaine Smith MSP has provided some information that the committee might wish to note. We will ensure that the information is circulated to committee members. Elaine has given her apologies because she is unwell and unable to be here. There will be an opportunity in the debate to raise many of the issues that she has highlighted.

Elaine Smith asks a number of specific questions, one of which emphasises the importance of taking a consistent approach in primary care, not just in secondary care. She wants to know whether the Scottish Government will now issue a written edict to health boards before any more patients are removed from their life-saving medication. My experience is that the approach is inconsistent at GP level. She flags up the question of whether the Scottish Government will undertake another properly conducted listening exercise, having admitted that the previous one did not meet its objectives. She also highlighted the feedback from the recent Scottish Women's Convention health conference, and those comments can be included in our consideration.

We have asked for time to be set out in the business programme for the chamber for a debate, and we anticipate that it will be scheduled for later this year.

Do members want to comment on the response or on any other aspect of the petition?

Rachael Hamilton: How likely is it that we will be given time in the chamber to debate the issues that have been raised?

The Convener: It is highly likely. We have raised the matter with the conveners group and it

has agreed that the debate can take place in a committee slot. The group recognises that there is interest in the issue, and there was certainly interest when Elaine Smith held a members' business debate on the matter. As a consequence, we can be confident that we will get a good slot in the chamber, and the Scottish Government will be obliged to open and respond to the debate. The debate will provide the opportunity to explore the issues that we identified in our report and those that other members have concerns about.

Brian Whittle: Securing a debate in the chamber is the obvious next step. There is not much else that we can do other than wait for our time slot.

The Convener: We note the Scottish Government's response to the committee's report. We also note that a debate in the chamber, secured in the parliamentary business programme, will offer an opportunity for the issues to be explored further.

Should there be any other action at this stage? Perhaps we can come back to the petition after the debate in the chamber because it might flag up some issues that it will be useful to consider. Do we agree to take that approach?

Members indicated agreement.

Speed Awareness Courses (PE1600)

The Convener: PE1600, by John Chapman, is on speed awareness courses. We last considered the petition in September 2017. At that meeting, we noted the Scottish Government's position that speed awareness courses are a matter for the Lord Advocate. We also considered previous submissions from the Lord Advocate in which he noted the three-year evaluation that is being undertaken by the Department for Transport. He confirmed that he had given authorisation for Police Scotland to undertake more detailed scoping work on the viability of speed awareness courses.

In their most recent submissions, Police Scotland and the Lord Advocate note that the Department for Transport published the findings of its three-year evaluation in May. Police Scotland adds that scoping work is continuing and that no proposal has yet been submitted to the Lord Advocate.

The clerk's note identifies findings from the Department for Transport evaluation, including that speed awareness courses appear to have a greater effect than fixed-penalty notices, and that those effects appear to persist over time.

The petitioner sets out his concern that Police Scotland is delaying submitting a proposal to the

Lord Advocate due to the financial implications of delivering speed awareness courses.

Do members have any comments or suggestions for action? I share the petitioner's frustration that something that feels and looks sensible and straightforward is not being progressed. We need to think about how we break the log jam, because the Lord Advocate is saying that Police Scotland is doing a scoping exercise and the Scottish Government is saying that it is a matter for the Lord Advocate. I wonder whether it is a matter of policy for the Scottish Government to say that it wants something to be developed through Police Scotland. We changed the law on drink driving; we did not just leave it to Police Scotland and the Lord Advocate to decide when it would happen.

I might be missing something, but the proposal feels eminently sensible and it works elsewhere, so I want to ask the Scottish Government whether it agrees that there is evidence that it works. If so, I want to know what it can do so that the scoping plan stops scoping and starts working.

Rachael Hamilton: I agree.

Angus MacDonald: I agree that it is quite frustrating that it is taking so long to complete the scoping work. I am afraid that I cannot blame the petitioner for coming to the view that the delay in delivering the action that is called for in the petition is because of the financial implications of doing so. I am keen for the committee to write to the Scottish Government to get its view. We are always wary of being accused of interfering in Police Scotland's operational issues but, given that it has taken so long to get the scoping work done, it is legitimate to try to find out why there has been so much of a delay.

The Convener: Would it be worth asking Police Scotland to come before the committee?

Angus MacDonald: Yes.

The Convener: If it is a policy issue, we could get the minister along and ask Police Scotland to come, too. In the parallel that I drew to changing the drink driving rules, that was a policy change that was enacted by the police.

Brian Whittle: That was the case for seatbelts, too.

Rachael Hamilton: Convener, are you saying that it is a chicken-and-egg situation?

The Convener: I want them to just tell us if they think it is a bad idea. If they think it is a good idea, why is not being progressed? If it is a good idea that is not being progressed, what is stopping it? I hear what the petitioner says about the problem being finance but, if it is more effective, it presumably would save lives and perhaps stop

people reoffending in the longer term. As we talked about earlier, it is about spending to save.

Rachael Hamilton: Is the perception that the financial implication is about the scoping work or about bringing the idea into existence? As the convener said, what is holding them back? Perhaps we should write to the minister for his views on why it is taking so long, or to simply say yes or no to it.

The Convener: I suppose that it is a symptom of being old, but I was quite surprised to learn that we last discussed this petition in September 2017. Perhaps we should just cut to the chase and the clerks can get Government officials and the police—or whoever would be appropriate—to come to the committee and explain. Is it because the scoping exercise is expensive, is what is coming out of the scoping exercise a concern or is it not a priority simply because they have a million other things to do? It would be worth hearing from them.

Brian Whittle: It is fairly obvious that there is a financial implication, but that should not be the driving force. If we did not have fixed penalties any more, there would also be a financial implication to that.

The Convener: My sense is that we could still have both. Drivers could not keep going to speed awareness courses; there would come a point at which their speeding would trigger fixed penalty notices and the loss of their licence.

Are we agreed that we want to respond to the petitioner's frustration and get the appropriate people before the committee?

Members indicated agreement.

Energy Drinks (PE1642)

The Convener: The next petition for consideration is PE1642, by Norma Austin Hart, on the sale and marketing of energy drinks to under-16s. The committee last considered the petition in March and agreed to defer further consideration until the publication of the Scottish Government's new diet and obesity strategy. The strategy has now been published and includes a commitment to consult on restricting the sale of energy drinks to young people under the age of 16.

Members might be aware that the UK Government has recently launched a consultation seeking views on the banning of energy drinks to children. The petitioner welcomes the action that has been taken by the UK Government and questions whether the Scottish Government will take similar action.

Do members have comments or suggestions for action?

Rachael Hamilton: I have experience of this issue. A headteacher told me that class work is being disrupted because of pupils' consumption of energy drinks. Subsequently, I wrote to the then Cabinet Secretary for Justice, Michael Matheson, who said that the Scottish Government will wait for the UK Government to take a position on the matter. I am unclear how the UK Government's decision would impact on the Scottish Government's decision, but that is what we must wait for.

Brian Whittle: Responsibility for this policy area is devolved. I am not saying that we should do this, but we could take a different path, if we so desired.

The Convener: I assume that the UK Government is consulting in England and not Wales. Perhaps we could establish that.

The petitioner welcomes the fact that the UK Government is looking at putting in place a ban. I suppose we should ask the Scottish Government whether it is also looking at a ban.

Everybody is on the same page in agreeing that there is a problem. The issue is whether sales should be restricted in public buildings or buildings over which the Government has control, or whether there should be an all-out ban, which seems to be the option that is being consulted on at the UK level.

Would it be sensible simply to ask the Scottish Government for an update and whether it has any plans to consult on the same terms on which the UK Government is consulting? We would keep the petition open until we get that response. Do members agree to take that approach?

Members indicated agreement.

Blasphemy and Heresy (PE1665)

The Convener: We move on to the next petition, which is PE1665, by Mark McCabe, on the common law of blasphemy. We last considered the petition in March, when we reviewed the Scottish Government's response to it, which stated that there are no plans to formally abolish the common law crime of blasphemy. The committee agreed to defer consideration of the petition until the independent review of hate crime legislation in Scotland had been published, as crimes motivated by religious hatred would be covered in the review.

The review's recommendations were published in May. The review concluded that it was not necessary to extend religious aggravation to capture religious or other beliefs, and that the

courts can use common law powers to impose higher sentences if necessary.

Since our papers were circulated, an additional written submission has been received from the Humanist Society Scotland. Members have been provided with a copy of the submission for today's meeting. It states that the Scottish Government intends to launch a formal consultation in response to the review recommendations, which will be informed by "a period of engagement", which will include consideration of whether the common law offence of blasphemy should feature in the consultation. However, the society raises concerns that, when it attended the Scottish Government's first hate crime stakeholders group in August, blasphemy was not part of any of the Government's written plans at the meeting. The society's view is that the Government has no plans to take any action on blasphemy in the formal consultation.

The Scottish Government has contacted the clerks to explain that the Humanist Society Scotland met officials in June to discuss, among other issues, the society's campaign on blasphemy law, and that it was represented at the August stakeholder engagement meeting at which blasphemy law was considered.

The Scottish Government confirms that it is engaging with stakeholders on the recommendations of the independent review of hate crime legislation to help to inform the key issues and concerns for inclusion in a public consultation that will be launched in autumn. That includes seeking views on the common law offence of blasphemy and whether there is justification to include relevant proposals relating to the offence in the public consultation.

Do members have any comments or suggestions for action?

Brian Whittle: Given that the Scottish Government has no plans to abolish the common law crime of blasphemy, we should consider closing the petition.

The Convener: That is one option. The other option is that, given that we received a late submission, we could ask the Scottish Government to clarify its position and update us on its plans for public consultation in the autumn.

We could take the view that the petitioner has raised the issues, the Scottish Government is aware of them and is engaging with stakeholders, including the Humanist Society Scotland, and that there is no longer a role for the Public Petitions Committee.

11:00

Angus MacDonald: I think that that is the case. Having read the Humanist Society Scotland's submission, I know that it made the Scottish Government aware of its views at the meeting of the hate crime stakeholder group on 15 August. It might well be that the Government decides to include those views in any formal consultation, but I am minded to close the petition given that the Scottish Government has stated that it has no plans to abolish the common law crime of blasphemy. If we close the petition, we could still write to the Scottish Government to highlight the Humanist Society Scotland's submission.

The Convener: Is there an alternative view, or do we agree to close the petition and write to the Scottish Government to highlight the new information from the Humanist Society Scotland, as Angus MacDonald has said?

Rachael Hamilton: The evidence from the Humanist Society says that there is a

"lack of commitment to a formal consultation at this stage."

Are we confident that the review will inform a period of formal consultation? Will that be sufficient?

The Convener: I suggest that we write to the Government and highlight the Humanist Society's views, and that we remind the petitioner that they can submit a petition in the future if they feel that their concerns have not been addressed.

Rachael Hamilton: I agree.

The Convener: That would allow the matter either to be addressed or not. The Scottish Government has said that it is engaging with stakeholders in relation to the independent review of hate crime, and that that will help to inform the consultation. Do we agree to close the petition?

Members indicated agreement.

The Convener: I thank the petitioner for highlighting the issue, and I remind him that there will be an opportunity in the future to resubmit a petition depending on how the matter has developed.

Homelessness (PE1686)

The Convener: The final petition for consideration is PE1686, by Sean Clerkin, on the homelessness crisis in Scotland. We previously considered the petition in May, when we agreed to write to the Scottish Government, COSLA, the Scottish Federation of Housing Associations and Shelter Scotland.

The briefing summarises the submissions that have been received, including that from the petitioner. Members will note that the submission

from the then Minister for Local Government and Housing was, in essence, superseded by the minister's statement to the Parliament on 27 June. In his written submission and subsequent statement to Parliament, the minister stated that the Scottish Government's homelessness prevention and strategy group will consider all the recommendations of the homelessness and rough sleeping action group, as well as those from the Local Government and Communities Committee, and that he will report back to Parliament in due course.

In her statement on the programme for government last week, the First Minister stated:

"before the end of this year we will publish a comprehensive action plan"—[*Official Report*, 4 September 2018; c 22.]

That will set out how the Government expects to deliver on all the homelessness and rough sleeping action group's recommendations.

Do members have any comments or suggestions for action?

Brian Whittle: The petition certainly has a great deal of merit and makes sense. I wonder whether another committee, such as the Local Government and Communities Committee, should take the petition forward because of the work that it is doing.

Angus MacDonald: Following on from Brian Whittle's point, I note that the petitioner has suggested that the petition should be sent to the Local Government and Communities Committee. I am happy for that to happen.

The Convener: There is a general consensus that tackling homelessness and rough sleeping should be prioritised because it is an important matter. The contention is in the way in which the petitioner envisaged the money being spent. He felt that it would be front loaded and used to build houses, whereas some people in the housing sector felt that the run-in time for these things can be long, and that a lot of the support that homeless people require is not just about the tenancy but the support that we can wrap around them.

There is clearly an interesting argument to be had, and there are merits on both sides. Given the petitioner's preference for the petition to be referred to the Local Government and Communities Committee, which has done quite a lot of work on housing, it might be useful for that committee to take on the petition.

Brian Whittle: You are right. Negotiations and discussions are taking place on how the money should be spent, but the idea of front loading has merit it and should be looked at.

Rachael Hamilton: If we pass the petition to the Local Government and Communities Committee, there might be an opportunity for other housing federations or whoever it might be to give submissions, and for the issue to be looked at in much more detail.

The Convener: There is no doubt that there is a huge amount of expertise in the sector.

Angus MacDonald: There are, of course, issues with front loading. I am aware of the situation in the Western Isles in which there is a time limit for when building can proceed, and people are having difficulty finding enough land to spend the money that has already been allocated. If the process is rushed even further, that will create more difficulties. The issue needs to be looked at in more detail, and the Local Government and Communities Committee can do that.

The Convener: Are we agreed to refer the petition to the Local Government and Communities Committee?

Members *indicated agreement.*

The Convener: I thank the petitioner for lodging the petition. He will be able to follow the considerations of the Local Government and Communities Committee in relation to the issues that he has flagged up.

Meeting closed at 11:06.

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