



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 27 June 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**  
**13<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

\*David Torrance (Kirkcaldy) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Finlay Carson (Galloway and West Dumfries) (Con)

John Finnie (Highlands and Islands) (Green)

Flora Henderson (Future Pathways)

Shona MacGregor (Future Pathways)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Public Petitions Committee

Thursday 27 June 2019

*[The Convener opened the meeting at 09:15]*

### Decision on Taking Business in Private

**The Convener (Johann Lamont):** Welcome to the 13th meeting in 2019 of the Public Petitions Committee. Agenda item 1 is a decision on whether to take items 4 and 5 in private. Do members agree to take those items in private?

**Members** *indicated agreement.*

**The Convener:** Before we move on to item 2, I want to pass on my best wishes to Stephen Fricker, who has been one of our clerks ever since I became convener. I wish him well in his adventures. He has the thoughts of the committee with him. We are grateful for all the work that he has done to make the committee as open as it is to petitioners. We appreciate everything that he has done.

I welcome Rosie Douglas, who is here to witness the work of the committee today.

## New Petition

### Island Lifeline Ferry Ports (Parking Charges) (PE1722)

09:16

**The Convener:** Item 2 is consideration of a new petition. PE1722, on parking charges at island lifeline ferry ports, was lodged by Dr Shiona Ruhemann on behalf of Iona and Mull community councils and others, including the Mull and Iona Community Trust, South West Mull and Iona Development and Mull and Iona ferry committee. I welcome John Finnie MSP. I should indicate that Dave Stewart MSP has expressed an interest in the petition and that Liam McArthur MSP has provided a written note on the issues more generally and the importance of access to parking for island communities.

The petition calls on the Scottish Parliament to urge the Scottish Government to island proof transport infrastructure to ensure that public bodies do not charge for parking in car parks at island ferry ports, which are essential lifeline services, and that any proposed island parking charges are subject to rigorous impact assessment. Our clerk's note for the petition explains that the Road Traffic Regulation Act 1984 grants local authorities the power to provide off-street car parks and to charge for their use. As landowners, harbour authorities can levy charges in car parks on their property. Our note also refers to the Islands (Scotland) Act 2018 and highlights that island community impact assessments and the duty to have regard to island communities have yet to be brought into force.

Rhoda Grant MSP hoped to be in attendance for our consideration of the petition, but she is unable to be here today. In her absence, she has provided us with her views on the petition. She says:

"It is clear from the petition that the parking charges proposed are at a level that would cause financial hardship for islanders. Neither has this impact been subject to an economic or islands impact assessment.

I hope the Committee can use its influence to prevail on Argyll and Bute Council to reconsider this policy.

While I have every sympathy with the Council and their struggle to provide services with a diminishing budget, to hit already disadvantaged communities with additional charges is incredibly unfair.

It may be that the Council would consider providing those living on these islands with free parking while levying charges on visitors as a compromise."

Members may wish to note that Mike Russell MSP was also unable to attend for the consideration of the petition, but he has indicated his support for it and the petitioners.

I ask John Finnie whether he wants to make a few comments.

**John Finnie (Highlands and Islands) (Green):**

Thank you for allowing me to speak, convener. I echo the views of my colleagues. This is not a party-political issue; it is an issue about communities. Communities rightly look to their local authority to look after their interests but, unfortunately, as my colleague Rhoda Grant said, that is not what has happened in this case. Had Argyll and Bute Council done any meaningful assessment, particularly the economic impact assessment that Rhoda mentioned, it would have shown that the measure would have a significant detrimental effect on many people in the islands. It is important that the council understands the implications of the decisions that it makes, including the wider implications, which we have heard about from Liam McArthur. Clearly, people in Orkney, Shetland and the Western Isles will keep a watchful eye on the issue.

I support all the proposals in the clerk's paper. The irony is that Argyll and Bute Council maintained an interest in the Islands (Scotland) Act 2018. Notwithstanding the fact that the provisions that the convener referred to have not yet come into force, the council had an opportunity to have regard to them, so it is extremely disappointing that it has not done so. I am sure that the communities will be keen for the committee to take the issue on board.

**Angus MacDonald (Falkirk East) (SNP):** As a regular visitor to the Isle of Mull—in fact, I got married there five years ago—I know it very well. I have regularly used all the car parks where the introduction of charges is proposed; I am particularly familiar with those at the ferry terminals at Craignure and Tobermory. I have a lot of sympathy for the petition, and I can understand the anger of islanders and visitors to the island.

It strikes me that, as the petitioner highlights in her submission, Argyll and Bute Council has not paid any heed to the Islands (Scotland) Act 2018, which requires councils and other relevant authorities to carry out island community impact assessments. Unfortunately, as we know, the ICIA's are not yet in force, but I understand from our briefings and from media coverage—I have been following the issue closely—that not even a basic impact assessment was undertaken by the council. In my view, that is simply not good enough. The proposal will have economic impacts, because the car parks in question—especially the one at Craignure and possibly the one at Fionnphort—are part of the island lifeline services. The petitioner has raised other issues, including displacement in Tobermory, which will create even more difficulties. It is hard enough to get parked in the back streets in Tobermory as it is.

I am very supportive of the petition, and I definitely think that we should take it further, although I am happy to hear other members' views.

**Brian Whittle (South Scotland) (Con):** I support everything that my colleagues have said. It strikes me that the islands are unique in Scotland when it comes to travel to a transport facility. We would expect to be able to travel to an airport by public transport, whether rail or—in Edinburgh—tram. In this case, the alternatives are limited. On the islands, I cannot imagine that there are many alternatives to the private car. In other words, it is a closed shop, if you like. The community has little option.

I have great sympathy for the petition, and I think that we should take it on.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** My colleagues have summarised the position very nicely. I think that we are all in agreement, although I am not sure about David Torrance—

**David Torrance (Kirkcaldy) (SNP):** I am in agreement.

**Rachael Hamilton:** —that some sort of assessment should be done and that a consultation should be held, to find out about the economic impact and the cost to people who rely on ferry transport.

**The Convener:** I have two questions. The first is why the island community impact assessments have not been brought into force. The legislative provision in question, which is contained in an act that was passed last year, does not seem to be very complicated. We should ask the Scottish Government why there has been a delay. This is the second time that we have dealt with a petition relating to a failure to carry out such an assessment. When we considered the petition on rural general practitioners' pay, it was clear that an island impact assessment had not been done on that.

My other question is for Argyll and Bute Council. If we work on the assumption that no one wilfully does something that will cause people problems, we need to find out what pressures on the council have led it to consider introducing charges. As someone whose family comes from the islands and who travels to the islands regularly, I know how important it is for people who have hospital appointments to be able to leave their car at the pier. The petitioner's concern about that is evident. I am interested in discovering what has brought Argyll and Bute Council to this point. Like equality impact assessments, island community impact assessments are important in understanding whether a policy will have a disproportionate impact.

It has been mentioned that a possible solution might be to identify the difference between the local community and the visiting community, but even charges on the visiting community would have an impact on tourism. There are many issues to explore, and I think that we should afford the council the opportunity to explain what brought it to the conclusion that the introduction of such charges was appropriate. We should also ask the Scottish Government why there has been a delay in bringing into force what seems to me to be the most straightforward part of the Islands (Scotland) Act 2018.

**Rachael Hamilton:** I add that my colleague Donald Cameron wrote to Brian Whittle and me to express his support for a consultation, which we have concluded would be a good idea.

**The Convener:** It is possible to consult, but we need to find out what the force of such a consultation would be. There should be legislative underpinning for that, but there does not seem to be.

We recognise that the petition raises significant issues that we would like to explore further. We will write to the Scottish Government and Argyll and Bute Council. Is there anyone else we should write to?

**Angus MacDonald:** Given that at least two of the car parks are right beside ferry terminals, I think that we should contact CalMac Ferries and Caledonian Maritime Assets Ltd to get their views.

**The Convener:** We could write to Transport Scotland, too.

**John Finnie:** I wonder whether there might be any benefit in the committee hearing from the other island authorities on how they would deal with the situation.

**The Convener:** I think that there was an islands alliance, but I do not know whether it still exists. Before the Islands (Scotland) Bill was introduced, there was a campaign group, which might have a view, too. It would be useful to contact the other island authorities.

We thank the petitioner for bringing the petition to our attention.

09:26

*Meeting suspended.*

09:27

*On resuming—*

## Continued Petitions

**The Convener:** Our next item is consideration of continued petitions. We have a number of petitions before us today, and I hope to have the opportunity to consider each of them fully. I should flag up to petitioners who may be following the meeting that we are under pressure of time because we have to stop at a particular time. We may not reach all the petitions, but I reassure people that any petition that we do not reach will be dealt with at the first meeting after the summer recess.

### In Care Survivors Service (PE1596)

**The Convener:** The first continued petition is PE1596, by Paul Anderson, on the In Care Survivors Service Scotland. The note by the clerk summarises our previous consideration of the petition, which was in May 2018, and refers to a recent submission from Wellbeing Scotland. Members have a copy of a submission from the petitioner that was received earlier this week.

This morning, we will take evidence from representatives of Future Pathways. I welcome Flora Henderson and Shona MacGregor—thank you for attending. You have an opportunity to provide a brief opening statement of no more than five minutes, after which we will move to questions from the committee.

**Flora Henderson (Future Pathways):** Thank you for the invitation to offer evidence with respect to the petition. It has been a privilege to be involved in this piece of work and I am pleased to be here today.

In 2016, an alliance of four organisations was established to deliver a five-year £13.5 million support fund for people who were abused or neglected as children in care in Scotland. When Future Pathways was set up three years ago, no one knew how many in-care abuse survivors there were in Scotland. Survivor groups initially suggested that the fact that it was a Government initiative might dissuade people from registering. As of June 2019, almost 1,100 people have registered. Most live in Scotland, but others live in the rest of the United Kingdom and the wider world.

The impact of in-care abuse is wide ranging and the needs are diverse. We are learning that no assumptions should be made about who survivors are or what their needs are. The alliance partnership and our wider network of partners recognise that. Future Pathways works with each person to identify what will make a difference to

them and to agree a plan after exploring a range of options. That co-produced support reflects the best of self-directed approaches and offers choice, control and independence. The 70-plus professionals and services that we have contracted with over the three years reflect the range of needs of the individuals who have registered with Future Pathways.

09:30

As a result of the success of Future Pathways in engaging with survivors, demand has outweighed capacity. A waiting list review was carried out in October 2018, which identified and triaged immediate support needs and ensured that support co-ordinators were available and assigned to everyone over 70 years old or with a terminal illness. We have worked hard to ensure that everyone who has registered with Future Pathways has received a service—832 people have accessed support in various forms and 706 people have had individual support from a support co-ordinator.

A proposal was made to scale up the service in line with demand and to implement improvements, which was considered and approved by the Scottish ministers in December 2018. That allowed us to reconfigure our model of support co-ordination into teams, with increased numbers of front-line staff and increased direct support to survivors. We made a concerted effort to contact more than 200 people, which enabled the immediate identification of needs and everyone to be allocated to a support co-ordination team. Those efforts have driven down the waiting list for a named support co-ordinator to 44 people. That is in the context of continued registrations of approximately 40 new people each month.

Now, when someone contacts Future Pathways to register, they speak to a support co-ordinator. That usually happens within a week and often immediately, which enables identification of needs and risk and prioritisation. Going forward, we expect that no one will wait for more than one month for a service. Work is under way to implement further improvements around the framework for discretionary fund purchases, engagement activity and other processes.

**The Convener:** Thank you.

You talked about waiting lists. Wellbeing Scotland's recent submission of 21 June refers to the current Future Pathways waiting list as being "dangerously long". How do you respond to that comment? I hear the figures that you have mentioned but, once somebody has made the first contact, how long is it before they have a meaningful contact that identifies need?

**Flora Henderson:** If we are able to contact someone immediately, that conversation will begin immediately. We have sometimes struggled to contact people and, if we cannot get in touch with someone, it is difficult to assess their needs and respond.

**The Convener:** Do you accept that the waiting list is "dangerously long"?

**Flora Henderson:** That does not match the experience of Future Pathways or the improvements that we have made in the past six months.

**The Convener:** Why did Wellbeing Scotland say that that was its view on 21 June? What was that informed by?

**Flora Henderson:** It is a subjective view based on the experience of people who Wellbeing Scotland may be talking to, but it is not borne out by our evidence or our experience of offering the service.

**The Convener:** The first contact is simply to identify the person. How long might someone have to wait until there is a meaningful outcome? You could make initial contact with the people on a waiting list and then nothing happens for months. Have you looked at that?

**Flora Henderson:** The first contact is when the detailed structured conversation is offered. The only reason why it would not happen would be if the person chose not to have that conversation at that time or wished to reschedule for a different time.

**The Convener:** Are the support co-ordinators trauma informed? Is that part of their training?

**Shona MacGregor (Future Pathways):** I highlight that the members of our team are recruited from a wide range of backgrounds, including social work, health and counselling. We have a robust introduction period, which includes training on trauma-informed practices. Our team is very experienced in dealing with people who have such experiences.

On the point about what happens when people first make contact with us, as Flora Henderson said, we have changed our process so that people have those meaningful conversations right from the beginning. That helps us to identify needs and quickly provide support when it is required. In fact, it can be on the same day if referrals are made or support is put in place from other providers.

**The Convener:** Wellbeing Scotland claims that it has

"offered to support clients on the waiting list"

but that that has not happened. What is your response to that?



**Flora Henderson:** The needs of survivors are diverse and cannot be assumed. Implicit in that statement is the assumption that we are offering something similar. Future Pathways looks into what someone needs and responds to those needs. Specialist support or, indeed, support to do with psychological problems and service does not apply to everyone who chooses to register with Future Pathways.

**The Convener:** There may be people that Wellbeing Scotland could help, in order to address the waiting list, but that support is not offered—you do not direct people towards Wellbeing Scotland.

**Flora Henderson:** We have worked very hard with Wellbeing Scotland to make sure that support to survivors is not disrupted. Our relationship with Wellbeing Scotland began on the basis of ensuring that the support to 134 people was maintained. I want the committee to know that Future Pathways has funded Wellbeing Scotland a total of £819,000 to ensure that that continued support is available. Under the arrangement, support has been made available to at least 326 people, which is over and above the original number identified to us.

**Angus MacDonald:** You have just answered my question in part. How many referrals for counselling, advocacy, informal support, groups and access to records—excluding the redress scheme—have been made to Wellbeing Scotland since Future Pathways was created in 2016?

**Flora Henderson:** Future Pathways is making referrals to Wellbeing Scotland, but the referrals may or may not be in line with expectations. A total of 28 referrals have been made for record searches. As the committee will know from its previous submission, Wellbeing Scotland has not felt able to sign up to our current contractual arrangements with providers.

We are anticipating that we will have an opportunity to meet the board of Wellbeing Scotland, to work through the difficulties, and we are keen to ensure that a way opens up for us to have a more normalised working arrangement that is good for both of us.

**Angus MacDonald:** Is the meeting planned to take place soon?

**Flora Henderson:** Yes.

**Angus MacDonald:** How soon?

**Flora Henderson:** August.

**Angus MacDonald:** How many referrals have been made to other service providers since 2016?

**Flora Henderson:** We have worked with more than 70 professionals and organisations, and 326 people were supported in total.

**David Torrance:** Good morning. How many Future Pathways clients are or have been clients of Wellbeing Scotland and have been referred to Future Pathways by Wellbeing Scotland?

**Flora Henderson:** Ninety-five. We ask the committee to bear in mind that not everyone chooses to disclose where they found out about Future Pathways.

**Brian Whittle:** Good morning. Wellbeing Scotland suggests that Future Pathways is excluding it

“when recommending counselling service to clients”.

It suggests that that exclusion is in order to

“promote a private counselling ... service without an evidence base.”

I thought that I would give you an opportunity to respond to that.

**Flora Henderson:** Thank you. We do not recognise that description. Any referral to counselling is based on the preferences of the individual, who may already be in a therapeutic relationship. It is also based on geography—that is, what services are available locally—and, critically, evidence of appropriate quality standards, such as accreditation with or membership of the appropriate governing body.

We have had difficulties agreeing a contract basis for referrals. We would like to resolve those, so that referrals can be smoother in future

**Brian Whittle:** You will recognise that Wellbeing Scotland’s assertion leads us to believe that—you have confirmed this yourself—the relationship between Future Pathways and Wellbeing Scotland is not all that it could be. In its submission of April 2018, Wellbeing Scotland described the funding arrangements as

“an ongoing unstable situation and we feel that we are in a subservient power dynamic with Future Pathways.”

There is obviously an issue between the two bodies at the moment. How will that be resolved? At the end of the day, that would benefit the patient.

**Flora Henderson:** I think that that needs to be resolved through collaboration and dialogue, and Future Pathways is committed to that. I suggest that the special arrangements that we have made to ensure that funding is not disrupted indicate good will on our part and a wish to do our very best to resolve the issue. I am hopeful that continued conversation between the board of Wellbeing Scotland and our alliance leadership team will provide a way of unlocking the issue.

Wellbeing Scotland has referenced a bureaucratic approach and excessive reporting. Work is under way to find an alternative way

forward that is in line with good practice and meets our need to evidence the use of public funds and the purchase of services.

**Brian Whittle:** Obviously, two parties are involved. What is Wellbeing Scotland's involvement in the process that is now in train?

**Flora Henderson:** It would be as equal partners. Our board and its board are meeting together with the intention of resolving the issues.

**Angus MacDonald:** I am sure that we all hope that a way forward can be found. However, Wellbeing Scotland has raised a number of serious concerns with the Government about Future Pathways and the risk to survivors. The response of Future Pathways was to say that the block on referrals was

“due to practice issues with Wellbeing Scotland.”

What is meant by “practice issues”? Will you provide more detail?

**Flora Henderson:** The impediment to making referrals has to do with information sharing and making sure that we can effectively co-ordinate a range of resources around individual need. As I have mentioned, we are committed to working through those issues in detail, so that a good way forward can be found. There has certainly been a level of discomfort about how information is shared individually and publicly that has made the special arrangements about agreeing funding quite uncomfortable at times. We are just dead keen to get a contract in place, so that our relationship can be put on a more stable contractual footing. Future Pathways is not comfortable with the situation either.

**The Convener:** We have been told that there have been fewer than 10 referrals to Wellbeing Scotland since the establishment of Future Pathways in 2016. Is that right?

**Flora Henderson:** We have made 36 referrals to Wellbeing Scotland for record searches, and we have—

**The Convener:** What else?

**Flora Henderson:** We have funded the support of 192 people in addition to the 134 people who were originally identified by Wellbeing Scotland.

**The Convener:** Why is it saying that there have been fewer than 10 referrals since September 2016?

**Flora Henderson:** Again, I think that the way forward in relation to the mismatch in numbers is a better relationship that enables us to share information more freely.

**The Convener:** This feels a bit bureaucratic to me. Wellbeing Scotland has a proven record of working with survivors in a trauma-informed and

holistic way. I have been privileged to meet some of those survivors. Do you think that there is an issue to do with the broker model that is in place? It feels as though it is too bureaucratic and that it perhaps does not recognise the things that can be got through that service. The petitioner has highlighted to us the importance of long-term and on-going support, counselling and group work, which your model does not allow.

**Flora Henderson:** Our model does permit on-going support.

**The Convener:** How many people are with you for more than 12 weeks?

**Flora Henderson:** Quite a few, I would think.

**Shona MacGregor:** Out of the 1,100 people who are registered with us, many have been registered since the start of the project.

**The Convener:** It has been suggested to us that people can get a variety of services, such as a block of cognitive behavioural therapy counselling, but that those services have an end point.

**Flora Henderson:** I think that that is a misperception. We agree support and review it periodically. That is not intended to limit or stop the provision of support; it is intended to check in with people, to make sure that whatever is being provided still works for them, and if it is not working for them, changes can be made, or, if more of that support is needed, that can be arranged. It is not intended to reduce or get in the way of people having extended support.

09:45

**The Convener:** So it is possible to be supported over a long period with individual and group counselling.

**Flora Henderson:** Yes.

**The Convener:** How many folk are in that position at the moment?

**Flora Henderson:** Most of them are. There are 91 people receiving counselling support. Most people require much more than 12 weeks of support—it is more usual for the support to be for one or two years or even longer.

**The Convener:** It would be very useful to have that information in writing, if that is possible.

**Flora Henderson:** Yes.

**Brian Whittle:** I have a supplementary following on from Angus MacDonald's line of questioning. Is there an issue to do with the difference between the two organisations on data sharing and data ownership?

**Flora Henderson:** Our board and Wellbeing Scotland's board need to work through that issue in detail.

**Brian Whittle:** I am asking whether the nub of the issue is to do with the sharing of data or the ownership of data.

**Flora Henderson:** It is to do with sharing not ownership of data.

**Brian Whittle:** But the issue is to do with the data.

**Flora Henderson:** That is one of the issues. As I said, our plan is to meet the board of Wellbeing Scotland, so that any concerns that it has can be worked through in detail.

**Rachael Hamilton:** According to the petitioner, there seems to be an inconsistent approach with personal outcomes conversations and the in-care survivor support fund. Will you explain what a personal outcomes conversation involves and give us a bit more background on what the survivor support fund does and how it is allocated?

**Shona MacGregor:** Personal outcomes conversations are a widely recognised evidence-based support for people. They are about having meaningful conversations about what matters to the individual, what differences they want to see in their lives and what would help make those differences.

Our support co-ordinators speak to and get to know people and find out what they would like to change and what they would like to be different. Those conversations can go down a number of different avenues. Some people take a long time to recognise what is important to them and the differences and changes that they would like to see in the lives; other people are very clear about that.

I suppose the concern might be that everybody's personal outcomes should be unique to them. No one person will have the same outcomes and goals in life, which means that no one solution is necessarily available for individuals. Perhaps that is why it is difficult for some people to recognise that they are not seeing inconsistency in provision, but they are seeing support that is based on the person and what works for them. What works for one person might not work for another.

On the survivor support fund, we have the opportunity to access the discretionary fund in a flexible way. When people identify a support or resource that might make a significant difference in their lives, we have facilitated that support in a number of cases. We have had people who wanted to reconnect with education—their experiences had impacted on their opportunity to complete it—and we have offered resource to get

people back into education and see them through university.

Another example is somebody recognising their need to increase their health and wellbeing, including through physical exercise. We have supported people to purchase items that would help make a difference.

The support is unique to the person, so this is about sitting down and talking through what would be important to them. It is also a matter of looking at all the available resources that we can draw on—that may be the person's own assets or those of the community and not just those provided by Future Pathways.

**Rachael Hamilton:** You are saying that you are giving not only monetary support but other bespoke resources that would be beneficial to that individual. However, the petitioner has been looking at how the need for support has been evaluated. Is there a process other than what you have just described, which is listening and evaluating personal outcomes? Is your process fair? Some people are allocated a lot of resource and financial help; other people are not. Do you support people who are not successful in getting that resource and help so that they understand why that might be the case?

**Flora Henderson:** Understanding the experience of people who are registered with us is vital, and we are working to understand that through dedicated research and evaluation resource. In order to give confidence about how the decisions are made, a quality framework has been prepared to ensure that there are standards for how our work is approached and that regular monitoring and evaluation data is provided to the alliance leadership team, so that that can be considered and scrutinised. That has enabled the maintenance of quality and governance, as well as meeting the increased needs that I have given evidence on previously.

The work is fundamentally bespoke, which means that determining equivalence is difficult, as what is needed by one person will be very different from what is needed by someone else. However, using a quality framework that looks at how we deliver support allows us to be assured that the process is applied consistently across the service.

**Rachael Hamilton:** Am I right in thinking that you have been operational for seven years?

**Flora Henderson:** No.

**Rachael Hamilton:** How long has it been?

**Flora Henderson:** Two and a half years.

**Rachael Hamilton:** Okay. When was the framework implemented? How can you look

retrospectively at what the outcomes were for survivors before that was in place?

**Flora Henderson:** We can provide a more detailed response to that question after the meeting, if you would like.

**Rachael Hamilton:** Yes. Thank you.

**The Convener:** To go back to the data sharing issue, do you accept that people who are being supported by organisations such as Wellbeing Scotland are, because of their experience, reluctant and lack the trust to provide the level of information that you require? However, if they do not provide that information, they cannot access the services that they had access to before. In effect, you are operating as a gatekeeper on the basis of not getting information that clients do not want to provide to you.

**Flora Henderson:** Future Pathways has sustained a funding relationship and ensured that support is available through Wellbeing Scotland as requested by people, so I do not understand why that is being presented as a gateway issue.

**The Convener:** Do people have to register with Future Pathways to access counselling services?

**Flora Henderson:** People need to be registered with Future Pathways for us to deliver support.

**The Convener:** In the past, what happened? Was there a fund that supported people to access services and they accessed them? Is the situation now that they must go through Future Pathways to access services and, if they do not register with Future Pathways, they cannot access the funding? Is that right? The petitioner says that, as a consequence of a decision to establish Future Pathways, he cannot get the support that he got before in the form that he wants, which happened to be provided by Wellbeing Scotland. Is that right?

**Flora Henderson:** Funding to Wellbeing Scotland has been consistently sustained throughout the period, despite some of the difficulties.

**The Convener:** With respect, that is not the question that I asked. The petitioner contends that Future Pathways would not allow the support that he had before. Is that right?

**Flora Henderson:** I would not have thought so, because support to Wellbeing Scotland has been maintained and its service is available. The financial support is at a level to ensure that support to survivors is not disrupted.

**The Convener:** It seems very odd that we have a petitioner at all then, or that Wellbeing Scotland is expressing concerns if nothing has changed.

**Flora Henderson:** I think that this piece of work has been complex from the start and there are different perspectives about what should be offered and how it should be offered.

**The Convener:** The test is whether, if a process is changed and a service is reduced, that process change was correct. That is what we are trying to establish. Of course you will defend your organisation, but I am asking whether you recognise that the change to the broker model, with you acting as the brokers, has created disruption in the services that were offered previously to survivors.

**Flora Henderson:** Our evidence suggests that there is a need to help people to get the support that they need from a variety of resources, and our experience is that, when people contact Future Pathways, they can be worried about what to expect.

I want to share a case study involving Maria—that is not her real name. Maria is retired and has been registered with Future Pathways for around 18 months. Initially, she was very worried about being told what to do. Meeting her in her own home—Future Pathways can facilitate that—put her at ease, and she was able to have a unique partnership with her support co-ordinator, which she thought was fundamental in introducing a trauma support worker. She felt scared about sharing elements of her life, because she did not know what the reaction to that would be. Feeling that she was in a safe space and that she had choice helped her to feel that it was possible to make a difference in her life.

Maria's experience of always being told rather than being asked meant that the support co-ordinator's personalised approach was a surprise. Another implication of respecting and understanding her past experience and the effects on her life was that she sometimes felt undeserving of the help of Future Pathways.

The theme of collaboration comes through Maria's experiences. She references her trauma support worker and her support co-ordinator as two very distinct avenues of support who work in tandem with each other. Additional support has provided a new skill—pottery and creative approaches. That was made possible through support from a befriender. Maria now confidently plans her trips to and from classes on her own and is attending a new class. The impact of the holistic approach is that she now feels more enthusiastic about the direction in which her life is going.

I share that as an example that is more indicative of our experience of working with people. We always try to maximise what is available to an individual according to their own circumstances, and we help to navigate that.

**The Convener:** Thank you. I have had direct experience of people who have had a good service from Future Pathways, so I recognise that.

I am conscious of the time. Does Angus MacDonald have a final question?

**Angus MacDonald:** Yes. I have a small point about finances and costs. Previous statistics from Future Pathways indicate a unit cost of £292 per hour, whereas the In Care Survivors Service Scotland unit cost is £43 per hour. Can you explain that massive difference? Is that discrepancy in the figures sustainable?

**Flora Henderson:** I do not recognise that analysis and would be happy to respond to the committee in writing on that.

**Angus MacDonald:** We have received that information. It would be good to get a detailed response to it.

**Flora Henderson:** Certainly.

**The Convener:** You have already indicated that you will provide information on the details of other stuff. Will you also give us a sense of how you evaluate your outcomes? You have said that there are outcomes. It would be useful to see that process, as well.

**David Torrance:** Correct me if I am wrong, but I think that you said earlier that 91 individuals are receiving counselling services. How many of them are at Health in Mind?

**Flora Henderson:** At the present time?

**David Torrance:** Yes.

**Flora Henderson:** Since the start of the project, 268 people have received counselling. Not all of them will still be in receipt of services. Referrals to Health in Mind have been in the order of fewer than 100 people. Again, I would be happy to provide written evidence on that to the committee.

**The Convener:** It would be very useful if you were able to provide written evidence on that and on the other issues, including the question of funding. There is concern that a new organisation has been established that needs money simply to run, and there is a question whether, on the basis of the figures that we have, it is good value for money compared with previous processes.

We recognise that there are a lot of issues and that a lot of important work is being done with survivors, which we appreciate. We have to think about what to do next. We will hear from Wellbeing Scotland after the parliamentary recess. Do members have any other suggestions?

**Brian Whittle:** Two organisations whose remit is to help some of the most vulnerable people in society are involved. It is obvious that there is

conflict between them and that, as it has ended up in a petition being lodged, it is serious. That can only impact on the survivors.

It has been indicated that there is on-going dialogue. I hope that, by the time we hear evidence from Wellbeing Scotland after the recess, that dialogue will have started to bear fruit.

We could also invite the petitioner to respond to the evidence that we have heard today.

**The Convener:** Yes. The issue seems to be between two organisations, which are not equal, of course, as one funds and one does not. The petitioner has highlighted his concern that, as a consequence, people will not get the services that they could have got before. That is what we want to focus on.

I thank the witnesses for their attendance. If you want further information, you will be very welcome to it. You will also have the opportunity to respond to the evidence that Wellbeing Scotland gives when it comes before us, which will probably be in September.

I suspend the meeting briefly to allow the witnesses to leave.

10:01

*Meeting suspended.*

10:03

*On resuming—*

### **Restraint and Seclusion in Schools (National Guidance) (PE1548)**

**The Convener:** PE1548, by Beth Morrison, is on national guidance on restraint and seclusion in schools. The petition was last considered in May 2018. In December 2018, the Children and Young People's Commissioner Scotland published the report "No Safe Place: Restraint and Seclusion in Scotland's Schools". The clerk's note summarises the most recent submissions from the petitioner and the Deputy First Minister and Cabinet Secretary for Education and Skills. The petitioner has indicated her agreement with the commissioner's report and referred to the Government's initial response to the report as "weak".

In his submission to the committee, the Deputy First Minister provided a copy of the initial response to the commissioner, a copy of the final response, which was issued on 17 June, and a report on the Government's engagement with education authorities on use of physical intervention and seclusion in schools. The Deputy First Minister's submission centres principally on the engagement activity and actions that have

been identified from that, as highlighted in paragraph 13 of the clerk's note. A short-life working group will be established to take forward those actions.

Do members have any comments or suggestions for action?

**Brian Whittle:** I would quite like to hear the views of the Children and Young People's Commissioner Scotland in an evidence session on the recommended actions that the Deputy First Minister has submitted. That would be appropriate.

**The Convener:** We might think about whether we need to invite the Deputy First Minister and Cabinet Secretary for Education and Skills, because I am struck by the amount of information that he has already given us. We might reflect on whether it would be the best use of the cabinet secretary's and the committee's time. It might be that we should initially get responses from the petitioner and the children's commissioner. There was a television report yesterday about the issue being looked at in England, so it is clearly a broader issue in our communities. The petitioner has felt that people have engaged with her, but we could give her an opportunity to respond to this final information.

**Rachael Hamilton:** I would welcome hearing from the Deputy First Minister, particularly about what the short-life working group expects to achieve. I note that the Deputy First Minister supports a refresh of the guidance—the Convention of Scottish Local Authorities has already been contacted about it—to achieve a more consistent approach across all local authorities.

**The Convener:** Let us see what the petitioner says, then look at how to progress. We recognise that it is a big issue that is live in many places, so we need to think about whether another evidence session would be the best thing to do. We can at least reflect on the responses. Do members agree?

**Members** *indicated agreement.*

### **A75 (Upgrade) (PE1610)**

### **A77 (Upgrade) (PE1657)**

**The Convener:** The next two petitions for consideration are PE1610, by Matt Halliday, on upgrading the A75, and PE1657, by Donald McHarrie, on an A77 upgrade. I welcome Finlay Carson MSP to the committee for consideration of the petitions.

We last considered the petitions in June 2018, when we agreed to hold a round-table discussion with relevant stakeholders at a future meeting. In seeking to set up that meeting, it was drawn to the

clerks' attention that Scotland's Futures Forum will hold a public debate in Dumfries with the Royal Society of Edinburgh on the afternoon of Friday 20 September. The debate will provide an opportunity for people to discuss their hopes and aspirations for the future, with a focus on Dumfries and the south-west of Scotland more widely. A written report will be available after the event has taken place.

What do we want to do next? We are still committed to the round-table discussion, but it might be useful to do that after the meeting on 20 September. Finlay—do you want to make any comments?

**Finlay Carson (Galloway and West Dumfries) (Con):** The most disappointing thing is that some of the issues that were raised last year on 28 June have not been addressed, and urgent action is needed. I read the paper and looked at the remit of the "Our future Scotland" project, and I am not sure that the themes—technology, environment, wellbeing and education—that will be discussed on 20 September will necessarily cater for a push forward with infrastructure improvements.

The south of Scotland enterprise agency will start running in February, and the heads of terms for the borderlands deal will be signed on Monday, but those projects have both said that they will not fund large infrastructure projects.

Although the agency and the deal are welcome, we still need action on the two roads. Not only is the surface condition of the A75 deteriorating, as was stated last year by P&O and Stena Line, but, having driven it with Scotland TransServ and Transport Scotland officers, I know that maintenance of the vegetation on the side of the road is also appalling. The trees have grown over emergency signs that warn of upcoming roundabouts, and over brown tourism-site signs and directions signs, which now cannot be seen. The situation is much worse than it was when I raised it this time last year. Vegetation has been cut back on two sections of the road, but the situation is now almost critical.

A previous transport minister offered to bring forward the strategic transport review, which should have been published at the beginning of 2019. However, we are still waiting, although I have my suspicions that it will be published at 5 o'clock tomorrow night, just prior to recess. The strategic transport review should also come into the discussions at the round-table meeting.

I agree that a round-table meeting is still the way forward; we can probably wait until after the Scotland's Futures Forum event. I doubt that the event will have much of a role in pushing for improvements, but the petitioners could appear at that and contribute. I hope that the petitions can

be kept open and that we can have that meeting at the end of September or the beginning of October, following the recess.

**Brian Whittle:** Finlay Carson and I have been working specifically on this because the roads are within our areas, but a lot has happened since the last time the issue was raised. I went to Belfast to see whether the issues in the south-west of Scotland have an impact on its economy and the response was overwhelming. In fact, all the political parties wrote to the Scottish Government about that.

Like Finlay Carson, I am concerned about the transport review, which was supposed to be published last November. We were both given a preview in separate meetings in March. People obviously did not expect Finlay Carson and I to talk to each other, because what was said to him was different from what was said to me. I am really concerned that the issue is being kicked into the long grass.

The state of the A77, which is the road that I travel on, is absolutely horrendous. The Cabinet Secretary for Transport, Infrastructure and Connectivity was warned about the number of motorbikes that are now going up and down the A77 during the summer and the risk to the people on those motorbikes. One person went over their handlebars a couple of weeks ago, having hit a pothole.

I think that the transport review will probably come out tomorrow afternoon, which will then feed into the strategic transport projects review 2—STPR2—report, which is a further two years down the line. From a safety perspective and an economic perspective, the roads cannot wait that long.

The fact is that we have been talking about this for the whole time that I have been a member of Parliament and, as far as I can see, nothing is actually happening. Somehow or other, we have to leverage this, because nothing is happening.

**The Convener:** The Scotland's Futures Forum event is an open event that we encourage the petitioners and elected members to attend. It will be possible to feed in ideas for what would be part of that debate.

We have established the south of Scotland enterprise board and it thinks that one of the economic inhibitors for the south-west is the roads, so that should be part of its responsibilities. That can also be flagged up.

We will definitely have a round-table event. We can think about what it should look like. We will be happy to liaise on that.

**Finlay Carson:** I want to highlight the real concern that exists across Galloway and West

Dumfries. I started a petition just to demonstrate the strength of feeling across the community. We have already attracted more than 3,000 signatures demanding urgent action on the potholes in and vegetation along the A75. That is more than the number of responses that the strategic transport review attracted. It is not the case that just a few people back the A77 petition and the A75 petition: there is a feeling of anger across the region.

**The Convener:** We will have a round-table event and we are open to suggestions on what it will look like. We suggest that you encourage people to go to the Scotland's Futures Forum event: we will make sure that you have the information.

The committee might want at least to flag up to the transport secretary the concerns about the transport review and the length of time that it is taking, in contrast with what seem to be urgent issues. I do not know how the transport secretary engages with these issues, but we can at least flag up that point, which would inform the work on the round table. We hope that somebody from the Scottish Government will be able to attend the round-table event.

I thank Finlay Carson for his attendance. There are a number of things that we want to pursue. Are members agreed on those points?

**Members indicated agreement.**

### **Child Welfare Hearings (PE1631)**

**The Convener:** Our next petition is PE1631, on child welfare hearings, which was lodged by Maureen McVey.

At our previous consideration of the petition in November 2018, we discussed two relevant pieces of work, including "Consultation on the Case Management of Family and Civil Partnership Actions in the Sheriff Court" by the Scottish Civil Justice Council, and the review of the Children (Scotland) Act 1995 by the Scottish Government. The Scottish Government's submission explains that, following its review, it intends to introduce a family law bill, which will include the development of a family justice modernisation strategy.

Following the Scottish Civil Justice Council's work, its family law committee has agreed to reconvene its case management sub-group. The petitioner's written submission indicates that she is supportive of the action that has been taken by the Government and the Scottish Civil Justice Council. Do members have any comments or suggestions for action?

10:15

**Angus MacDonald:** Given that we will definitely see a family law bill come through Parliament this

session, and that the Government has committed to publishing a family justice modernisation strategy when that bill is introduced, I think that it is fair to say that the petition has done its job. On that basis, I think that there would be merit in closing the petition.

**Rachael Hamilton:** Obviously, the petitioner could come back after the family law bill is introduced, if her points are not addressed.

**The Convener:** Perhaps we could at least flag up to the petitioner how she might engage with the legislative process, as the bill goes through Parliament.

Do we agree to close the petition under standing order rule 15.7, on the ground that work is being progressed by the Government and the Scottish Civil Justice Council that is relevant to the action that is called for in the petition, and of which the petitioner is supportive?

*Members indicated agreement.*

**The Convener:** I record our thanks to the petitioner, and I encourage her to engage with the family law bill as it progresses.

### **Children (Scotland) Act 1995 (Section 11) (PE1635)**

**The Convener:** PE1635, on the review of section 11 of the Children (Scotland) Act 1995, was lodged by Emma Macdonald. Neil Findlay MSP, who has been involved in the petition, had hoped to be in attendance, but has sent his apologies.

The petition, which we previously considered in April 2018, calls for a review of the current system and operation of child contact centres, and the procedure under section 11 of the act, so that the rights, safety and welfare of children are paramount in child contact arrangements, when domestic abuse is an issue.

We received a submission on 7 June from the Minister for Community Safety, in which she outlines the findings of the Government's consultation on a review of the act. She highlights that there is

“strong support ... for the regulation of contact centres.”

The minister also reiterates the Government's commitment to introduce a family law bill, as set out in its programme for Government 2018-19, and says that she will provide an update to the committee once the bill is introduced.

Do members have any comments or suggestions for action?

**Angus MacDonald:** The Government has committed to introduce in this session a family law bill, which is expected to address the issues that

are raised in the petition. Again—similar to the previous petition—the petition has, I hope, done its job. On that basis, I propose that we close it.

**The Convener:** Do members agree to close the petition on the basis that the issues that are highlighted by it have been recognised by the Government? This has been an interesting journey. A problem was identified that I do not think many of us were aware of, so it is good that that will be responded to through the family law bill.

*Members indicated agreement.*

**The Convener:** In closing the petition, I remind the petitioner that if she wants at a later date to reintroduce the petition, she is able to do so. I thank the petitioner for engaging with the Public Petitions Committee.

### **Ship-to-ship Oil Transfers (PE1637)**

**The Convener:** The next petition is PE1637, on ship-to-ship oil transfers and trust port accountability, which was lodged by Greg Fullarton on behalf of Cromarty Rising. John Finnie MSP is here because of his interest in the petition.

We previously considered the petition in June 2017, when we agreed to write to the Scottish Government on a number of issues, including the role of agencies such as the Scottish Environment Protection Agency, Scottish Natural Heritage and Marine Scotland, in relation to ship-to-ship transfer licence applications, the process for those applications and concerns raised by the petitioner about the accountability of trust ports. Responses to the questions that we asked are included in our meeting papers.

The committee has also received a recent written submission from the petitioner, who continues to raise a number of concerns, including on the accountability and governance arrangements of trust ports. The petitioner also questions whether the licences for ship-to-ship oil transfer in Scotland awarded by the Maritime and Coastguard Agency have undergone the proper environmental scrutiny that the regulations require.

Do members have any comments or suggestions for action? Perhaps John Finnie could comment and then we could have a broader discussion.

**John Finnie:** As you say, convener, this is a long-standing issue. Fundamentally, it is about the frustration that communities feel about their ability to address what is perceived to be a public body with no accountability. I want to comment on the submission from the petitioner that is dated this month. It should be self-evident that there is no point in providing assessments if there is not the



wherewithal to understand what the assessments mean and to have regard to them. The submission says:

“This is an outrageous process failure.”

That issue is about the capacity of the Maritime and Coastguard Agency to address information that is sent to it. Actually, the term that is used is “capability”. I do not know whether that refers to knowledge in the organisation or to capacity.

I have two other brief points. One is that communities around the Cromarty Firth continue to feel that the authority does things to them rather than for them. With regard to recent events relating to the siting of a rig there, the submission from the petitioner states that “no one knows” whose responsibility it is. It is clear that there is a cluttered landscape. The Scottish Government has suggested that, if certain powers were vested in the Scottish Government rather than the United Kingdom Government, things would be different. I do not think that that is the case. Frankly, it is immaterial where the powers lie. As members will understand, I want the powers to be vested in the Scottish Government, but that does not mean that the issues should not be addressed.

On the specifics of the accountability of trust ports, over the years I have asked a series of questions of the Scottish Government on that and I am none the wiser as to how things stand. As the petitioner says, the situation in England is different, as there is an avenue of redress through the Department for Transport. The only avenue of redress for someone who is dissatisfied with the response to complaints that are raised with a Scottish trust port is to take legal action. It does not seem proportionate to expect that of citizens.

I urge the committee to continue its good work on the petition and to make the necessary inquiries because, to my mind, there is a distinct lack of clarity about a number of factors.

**Brian Whittle:** I have a lot of sympathy for the petition, especially on the point that John Finnie raised about the line of responsibility and whose responsibility it is to act. From my experience of working with SEPA in my area, it seems that there are blurred lines around the actions that it can take and whose responsibility it is to fund those actions. It would be interesting to try to establish what the line of responsibility is. We should find out who is ultimately responsible and who the public can speak to on the issue. We should ask the Minister for Rural Affairs and the Natural Environment to give us clarity on that.

**Rachael Hamilton:** The petitioner says that there is “a complete regulatory vacuum” and calls for a review of Scottish trust port governance. I would like to ask the minister why Scottish ministers’ guidelines are not enforceable by

ministers. There is a severe lack of ministerial accountability on the issue. To me, it seems like passing the buck.

**Angus MacDonald:** To paraphrase John Finnie, we are all none the wiser on this one. The petitioner has highlighted a number of anomalies with regard to responsibilities and has previously highlighted the strange situation that we find ourselves in where there is no independent oversight or accountability of trust ports to Scottish ministers or any other public authority. The petitioner states:

“The Scottish Government Guidelines for Modern Trust Ports are not enforceable in law bringing a lack of governance and ministerial accountability.”

That is an absolutely strange position for us to be in, although I have to say that it is partly due to the privatisation of port authorities by the Conservative Government way back in 1992. There have been on-going issues ever since. However, we are where we are, and it would be good to get clarity from the minister on exactly where the Government is and what it is prepared to do to sort the issue. I agree with John Finnie that the easiest solution is to transfer the powers back to Scotland.

**The Convener:** You are provoking me now. There is an issue about where the powers lie, but the petitioner suggests that the Scottish Government has powers. It is not enough for the Government to say that it does not have all the powers, because there are things that it could do now. I am interested in whether the issues are to do with capacity, a lack of a sense of responsibility or a lack of being proactive. If all the powers were here but the Government did not exercise them, there would still be an issue.

It feels to me like there is some kind of black hole and everybody is saying that it is someone else’s responsibility, but the fundamental issue is not being addressed. That may be because of historical decisions. It would be interesting to know to what extent the port authorities feel that they are accountable and who has oversight of that. As Rachael Hamilton said, the Scottish Government cannot enforce its own guidelines, which seems curious. I am interested in why that is.

We have two options. We can write to the minister to ask her to respond to the petitioner’s concerns, which are substantial and are laid out usefully in a lot of detail, and to say what conversations the Scottish Government has had with the UK Government on the issue. Alternatively, we could refer the matter to the Environment, Climate Change and Land Reform Committee.

**Angus MacDonald:** I think that the Public Petitions Committee should delve a bit deeper into the matter.

**The Convener:** Mr Finnie, do you want to say anything else?

**John Finnie:** There are two issues. There is the academic issue of who is responsible for what and the relationship between the various bodies but, for the community, there is a very tangible and present issue. The committee has been sent a photograph. I will not try to describe it, but it shows the implications for the community. Simply, no one knows who is responsible for the pollution that is being pumped out.

**Brian Whittle:** Whether an organisation is a public body or a private company, it has to work within rules and regulations. To me, the petition highlights a vacuum in which no one is taking responsibility. It is the polluter's responsibility, but no one seems to be able to identify who that is. We need clarity on lines of responsibility. It does not matter whether we are talking about a public body or a private company.

**Rachael Hamilton:** The Scottish Government has already responded, so I hope that the minister will see our frustration on the issue that the petitioner has highlighted and will not give us the same answer that we were given previously. We were told that it is the port's responsibility, that people should take up the matter with the port and that, if they are not content with that, they can take it up with a court. That is not what the petition is about. I hope that the minister sees our frustration and what we are trying to achieve.

**The Convener:** In our correspondence, we will provide a link to the *Official Report* of the discussion, which will reflect members' concerns. We will ask the minister to look at that and to understand the issue, which is not about where the individual powers lie; it is about the vacuum that has been identified and what the Government will do about it.

I think that we agree to write to the minister in those terms. Once we have a response, we can consider the petition further. I thank John Finnie for attending.

### Legal Aid (PE1645)

**The Convener:** The next petition is PE1645, by James Ward, on a review of legal aid in Scotland. The petition calls for a review of the legislation relating to access to legal aid in Scotland, particularly in relation to clarity about discretionary powers. The clerk's note summarises recent correspondence from the Minister for Community Safety in which she highlights commitments that

the Government has made following the independent strategic review of legal aid.

Do members have any comments or suggestions for action?

10:30

**Angus MacDonald:** Given the position that we are in, there is merit in closing the petition under rule 15.7 of the standing orders on the basis that the Scottish Government has met the action that the petition calls for with the establishment of a panel to review legislation that relates to legal aid and it intends to consult publicly to help to inform future reforms.

**The Convener:** Does the committee agree with that?

**Members indicated agreement.**

**The Convener:** That is a nice, satisfactory result. The petitioner asked for something and got it.

We thank the petitioner for his engagement with the committee. If he thinks in the future that the commitment has not been carried through in a way that he is happy with, he can, of course, submit a further petition. However, we have agreed to close the petition, and we thank the petitioner for it.

### Literacy Standards (Schools) (PE1668)

**The Convener:** The next petition is PE1668, by Anne Glennie, on improving literacy standards in schools through research-informed reading instruction.

The clerk's note summarises the submissions that have been received from Dr Sarah McGeown, the Deputy First Minister and Cabinet Secretary for Education and Skills, and the petitioner.

The petitioner and Dr McGeown maintain their position that the training of teachers in reading instruction is not to the required level, and the petitioner argues that there needs to be

"an urgent and specific review of"

initial teacher education

"provision with regards to literacy and beginning reading instruction."

The Deputy First Minister maintains the position that the Government has been consistent on that issue in acknowledging that there is a role for systematic synthetic phonics in reading instruction, but as part of a wider literacy strategy. There is no indication in the Deputy First Minister's submission that the Government is considering changing its position on the matter.

Do members have any comments or suggestions for action?

We do not have the capacity to know whether the balance is right, but there is a question about the extent to which initial teacher education provides training on how to teach reading. We might want to flag up to the Education and Skills Committee that it might want to look at that as part of its broader work on initial teacher education. We do not have the capacity to make a decision on the professional or educational arguments, but whether we are getting the balance right in giving teachers the confidence to teach reading with phonics may be an issue. I am interested in members' views on referring the petition to the Education and Skills Committee, which could at least have it sitting there. Education Scotland, colleges and universities are in front of that committee at various times of the year, so the issue could be flagged up then.

**Brian Whittle:** I think that you are right, convener. It looks like there could be a chunky piece of work. It is all very well to say that we should go in that direction of travel, but what does that mean practically for the education of our educators and teaching in the classroom? That issue is not for this committee. If we are going to keep the issue alive, the Education and Skills Committee can perhaps use the petition.

**The Convener:** My sense is that there are almost separate conversations here. The cabinet secretary and the Scottish Government agree that there is a role for synthetic phonics, and the petitioner agrees that that role should be in a broader context, but there is possibly unease about the place that the approach is given in the system. We do not know whether it has its proper place.

**Rachael Hamilton:** My gut instinct is that synthetic phonics is part of the wider literacy strategy, but why does the Deputy First Minister not acknowledge that, if there was more research, it could be delivered as part of that strategy and teachers could then choose what suits their pupils best? The Education and Skills Committee could consider that in a wider sense as part of its work.

**The Convener:** I do not think that anybody is suggesting that synthetic phonics is a silver bullet but, if people who develop and deliver training to teachers thought that it was, they would not be resisting it. I think that the issue is the balance of its importance.

My sense is that that would be a useful bit of information for the Education and Skills Committee to have. I am not suggesting that it would do a huge piece of work on the issue, but that information could inform some of its work while it is asking questions on education. I make that suggestion as the deputy convener of the Education and Skills Committee, so I will take

responsibility for that when the matter comes before us.

**Brian Whittle:** I am happy for you to take that on.

**The Convener:** I do not want to misrepresent how big a role or area of work that that would be for the Education and Skills Committee. It seems to me that we have gone as far as we can with the petition. We cannot sit in judgment on the broader educational aspect—we do not have the expertise.

**Rachael Hamilton:** I do not know what is in the Education and Skills Committee's work programme, but are you likely to do work on the literacy strategy or anything in that area in general?

**The Convener:** I cannot commit the Education and Skills Committee to that work. However, we have responsibility for looking at the effectiveness of what is happening in our schools and whether we have the right number of teachers and places, and we have inquiries to do with those issues.

I would not want to mislead the petitioner by saying that the Education and Skills Committee will do a bit of work on the issue. However, if we refer the petition to that committee, that might be something that it would look at when dealing with the areas that I have mentioned.

As I have said, I would not want to misrepresent what the Education and Skills Committee could do, but our choice is to close the petition or, at the least, to pass on the argument and debate to the Education and Skills Committee, and it might, at some point, want to pick that up. Does that make sense?

**Rachael Hamilton:** Yes.

**Brian Whittle:** In practical terms, how would synthetic phonics be deployed? What does teacher training cover? Would teachers have the choice to learn that method, if the Government chose to deploy it? It is all very well the petitioner and us saying that that would be a great idea, but what if there is not the capacity to roll it out?

**The Convener:** The Education and Skills Committee has done work before on initial teacher education, and some students expressed concerns about the level of training that they got on literacy and numeracy full stop.

I do not think that our committee is capable of coming down on one side or the other, because this is basically about the professional judgment of educational experts. However, if we refer the petition to the Education and Skills Committee, when it looks at the issue, it could raise the matters in the petition with those who come before it.

Do we agree to close the petition on the basis that the Government maintains its consistent position that systematic synthetic phonics has a wider part to play in reading instruction? Sorry—we are not closing the petition, are we?

**Members:** No.

**The Convener:** My apologies. Do we agree to refer the petition to the Education and Skills Committee and highlight that this is a debate about where the balance lies in relation to the commitment to systematic synthetic phonics? Obviously, it would be for that committee to deal with the petition as it sees fit.

**Members indicated agreement.**

**The Convener:** I thank the petitioner for bringing the issue before the committee. If the petitioner has future concerns, she is able to resubmit a petition at a later date.

### **Hidradenitis Suppurativa (Specialist Support) (PE1682)**

**The Convener:** The next petition is PE1682 by James Jamieson, which is on access to specialist support for hidradenitis suppurativa sufferers. The petition calls for a specialist clinic to be established in Scotland, as access to specialist support is currently provided only through referral to a clinic in England.

When we first considered the petition in May 2018, we noted concerns about a lack of awareness among general practitioners about the condition. The submissions from AbbVie Ltd and the Hidradenitis Suppurativa Trust agree that more needs to be done on the issue. AbbVie also considers that the development of a Scottish intercollegiate guidelines network guideline would improve referral pathways and ensure that patients can access the right care and treatment. The Scottish Government advises that anyone can suggest a guideline topic, and the process for doing that is set out in its submission.

The core of the petition is about the provision of specialist services. AbbVie and the Hidradenitis Suppurativa Trust consider that having a dedicated service for patients to access in Scotland would reduce stress and delays. The Government appears to suggest that the prevalence of HS is equivalent to more than 500 patients in a one-year period and therefore is not sufficiently rare or unpredictable to require the establishment of a specialist service. I am not quite sure what point is being made. It has said that there are more than 500 patients and that that number is too many for a specialist service, but the petitioner has said that there is no specialist service because there are few people with the condition.

Members will recall that Rona Mackay, who was previously a committee member, and I met the petitioner. The petitioner was frustrated about the condition not being understood or diagnosed early and the consequence of that for those who have the condition. It is as though the matter has fallen between two stools. As I said, I am quite confused about what point the Government is making.

Do members have any comments or suggestions for action?

**Rachael Hamilton:** Regardless of the numbers, the petitioner makes the point that the

“prognosis for sufferers is very poor”

and that HS can severely impact their lives

“not just from the physical pain ... but also for their ... wellbeing.”

I was really struck by AbbVie’s submission, which highlights that the

“NHS has developed a digital dermatology resource”

and that the inclusion of HS in that resource

“would ... raise awareness of the condition”.

That would be an important step, and I wonder whether we could bring that to the Government’s attention.

**The Convener:** I think that we could agree to that action. Are there any other comments?

**Brian Whittle:** We would certainly want a response from the petitioner on the Government’s response.

**The Convener:** Yes, we should ask for that. It would probably be worth while writing to the national health service boards, to ask how they identify what services they should provide for HS patients and how they deliver those services. I feel that we are not getting to the heart of the petitioner’s concern, which is that his condition is not really understood.

**Brian Whittle:** A total of 500 cases is not very many.

**The Convener:** No. The argument is about prevalence and at what point specialist services should be provided, but raising awareness about the condition is important.

Is there anything else that we could do?

**Angus MacDonald:** The AbbVie submission refers to

“the NORSE clinic in the Midlands”.

We could write to that clinic to get its views on the action that the petition calls for and the referral pathways for HS.

**The Convener:** All those suggestions are very useful. Do members agree to take that action?

### **Members indicated agreement.**

**The Convener:** Of course, we encourage the petitioner, if he feels able to do so, to respond to the submissions received to date, as we would be interested in hearing his views.

We will come back to the issue once we have received responses to our queries. I thank the petitioner for bringing the issue to our attention.

### **Medical Care (Rural Areas) (PE1698)**

**The Convener:** Our next petition is PE1698, on medical care in rural areas, which was lodged by Karen Murphy, Jane Rentoul, David Wilkie, Louisa Rogers and Jennifer Jane Lee.

At our meeting on 9 May, the committee heard evidence from the Cabinet Secretary for Health and Sport; Sir Lewis Ritchie, chair of the remote and rural working group; and Richard Foggo, director of population health, Scottish Government.

In its submission of 7 June, the Government provided further information on the development of the Scottish workload formula, associated additional funding and the role of the technical advisory group on resource allocation. It also provided a further explanation about the costs of providing rural general practice and immunisation rate figures; that explanation was given to Rhoda Grant and copied to the Public Petitions Committee.

Rhoda Grant had hoped to attend the committee for our consideration of the petition, but she is unable to be here. She has passed on the following comments:

“Richard Foggo forwarded me the Cabinet Secretary’s response to the Committee. I did not find it enlightening. I also shared with my constituents who still have concerns.

They believe the Deloitte analysis of workload is based on incorrect assumptions and meaningless data and therefore is not an improvement on SAF:

- You cannot equate numbers of appointments available or given with need. Practices under pressure will inevitably have fewer appointments to offer per patient than practices that are coping well. Need is not in any way proportional to provision. This is the whole problem highlighted by the “inverse care law”—those who most need health care are least likely to get it. SWAF simply reinforces existing inequalities.

- The dataset on which the analyses was based was out-of-date.

- The definition of rurality was binary, so real remoteness was not taken into consideration.

The end result was a net £10k annual gain per average urban GP in a Central Belt practice, with no gain for rural practices and little for those in the most deprived areas. Even if rural GPs’ incomes are protected at current levels, their position is going to be worse because they will find it even more difficult to recruit from a limited pool of GPs.

The statements about practice SIMD appear wrong when you look at the winner/loser map—Gorbals and Possil get no extra funds while Milngavie gains.

The statements about the exclusion of TAGRA are disingenuous—to say that they cannot play a part in discussions about GP/practice remuneration does not make sense. Sums paid to practices are used to pay GPs, their practice staff and also to provide components of care for patients, including equipment and consumables.

GPs themselves make decisions about how much is spent on service provision, how much on staffing and how much on their own incomes. Awards of funding to practices are not conceptually different to the considerations needed in awarding funding to individual health boards (in which TAGRA is very much involved).

The letter about immunisation does not add anything. The vaccine transformation process has not really started in any rural area and practices are still being paid for offering the immunisation programme. It would not be expected to see any damage until the contract is more fully implemented.

Based on this information I would hope that the Petition would be kept live until at least the Working Group report.

It may also be the case that the Health and Sport Committee could look at this as part of their wider enquiry but it would need to be given a degree of prominence in order to get to grips with these complex issues.”

10:45

In considering that suggestion, members will note that our papers confirm that the issues that are raised in the petition will be addressed as part of that inquiry, which has the dedicated remit of looking at the future of primary care in Scotland.

Do members have any comments or suggestions for action? My main comment is that, as Rhoda Grant said, we have not had an answer to the question about why we have created a new funding formula that takes money out of rural areas and poorer urban areas and puts it into better-off urban areas. That remains an issue. We need to think about who is best placed to take forward the concerns.

**David Torrance:** Brian Whittle and I are members of the Health and Sport Committee. A substantial amount of work is going to be done on primary care, so I am happy for the petition to be referred to that committee.

**Brian Whittle:** As David Torrance says, the Health and Sport Committee confirmed on Tuesday in discussing its work programme that the inquiry will be a fairly chunky piece of work. If we pass the petition to that committee, we should highlight the petitioner’s specific ask in order to ensure that it is answered in the inquiry. Given the size of the inquiry on primary care, it will go a long way towards answering the petitioner’s questions. Without question, we will cross-examine the cabinet secretary on the issue. Because David Torrance and I are members of the Health and

Sport Committee, we can probably ensure that the petition has a degree of prominence, so I am inclined to pass it to the Health and Sport Committee.

**Rachael Hamilton:** When I first saw that we were considering the petition again, I was reluctant to let it go elsewhere, because the evidence that we heard was powerful and suggested that we could not ignore the subject. However, after hearing from Brian Whittle and David Torrance that the Health and Sport Committee is doing an inquiry into primary care and that the committee will give significant importance to the issue, I am reassured. I would not want the petitioner to think that we are letting go of the petition on a whim.

**Brian Whittle:** Actually, it elevates the petition to allow the Health and Sport Committee to incorporate it into a much bigger piece of work that will specifically look at the GP contract and primary care. I impress upon the petitioner that, by allowing the petition to go to the Health and Sport Committee, we are elevating the investigation.

**Angus MacDonald:** I agree with all the comments. I am happy for the petition to be referred to the Health and Sport Committee, with the proviso that it is given the attention that it deserves.

**The Convener:** We agree to refer the petition to the Health and Sport Committee. I share Rachael Hamilton's reluctance to let it go, because it is such an important issue. We recognise that there will be a broader inquiry by the Health and Sport Committee, but we hope that there will be a spotlight on the specific processes that are raised in the petition. The issue is not just about whether, in general, we are funding GPs properly; it is about whether active decisions were made in Government that seem to have had a perverse effect. We talked earlier about the island impact assessment, which clearly was not done in this regard, either. We hope that the Health and Sport Committee will be able to pursue that.

**Brian Whittle:** You would be welcome to come and give evidence to that committee, convener.

**The Convener:** You would not get me to shut up—I would have to chair myself.

We recognise that there are interesting issues about process that are exercising people, such as why TAGRA is not involved. Those look like process issues, but they have had significant consequences for the outcomes. The serious outcome is that GP practices are under pressure in urban areas and in remote and rural areas, where the pressures are different.

We agree to refer the petition to the Health and Sport Committee to consider as part of its inquiry into primary healthcare. I thank the petitioners for

bringing the petition before us and for providing so much detailed information. If there is a sense that the matter has not been dealt with or properly resolved, they have the opportunity to bring back another petition at a later stage.

### **Funeral Arrangements (Murder Victims) (PE1699)**

**The Convener:** The next petition is PE1699, by Amanda Digby, on the release of murder victim bodies for funeral arrangements. When the committee considered the petition previously, in September 2018, we agreed to seek views on the action called for from a range of stakeholders, as outlined in our papers. The committee was particularly interested in gaining more information on the timeframe for the review of post-mortem examination protocols.

The Crown Office and Procurator Fiscal Service's written submission confirms that, following consultation with the Law Society of Scotland, the Faculty of Advocates and forensic pathologists, it has reviewed the post-mortem examination protocols. The review concluded that a complementary consultation protocol that supports effective consultation between pathologists who are instructed by the Crown and the defence may deliver further improvements, and such a protocol was published in October last year.

The petitioner has indicated that she met the Lord Advocate and the Cabinet Secretary for Justice late last year—I was privileged to be at that meeting, too—and that she is "taking comfort" from the new protocol which, as she says, will lead to

"a more balanced protocol for Procurator Fiscal and forensic Pathologists to work from."

However, she raises concerns that the protocol will result in more homicide victims becoming special cases and that bodies may not be released any sooner than they would have been before the protocol.

The suggestion that the protocol that is used in England and Wales could be adopted in Scotland received limited support from the Scottish Government, the COPFS and the Law Society of Scotland. They argue that there are fundamental differences between the two legal systems and that, in England and Wales, there is no equivalent to the procurator fiscal.

In the Law Society's written submission, it suggested that there is scope for improvements to be made to the public information that is available in relation to post mortems and scope to explore the role of new technology in relation to the holding of post mortems in order to speed up the process.

When I met the petitioner and her family, I was struck by their courage in taking forward the matter and by the level of distress that they felt families have experienced because bodies are retained in a way that does not happen elsewhere. I think that there is an issue with the availability of people to do post mortems speedily. The new protocol should help, but we should ask the important question that the petitioner asks about how that will be monitored. Her concern is that we will simply shift the label so that there will be more special cases and then we will have the same problems, although we will do things in a slightly different way. I want us to press that issue a little further.

**Brian Whittle:** I agree. I am interested in the Scottish Government's response to the Law Society's suggestions on how the process could be tightened up somewhat. I am not inclined to close the petition at the moment.

**Rachael Hamilton:** I agree with Brian Whittle. The written evidence from the Law Society made compelling points about improvements that could be made, particularly through the use of digital technology to gather evidence in order to speed up the process. The matter is sensitive, and I would be very reluctant not to see it through because, as the convener said, the petitioner has been so brave in bringing it forward and highlighting the differences between what happens in England and Wales and in Scotland and what we can do better here.

**The Convener:** There is no doubt that the Scottish Government and the COPFS recognise that there is an issue. The meeting with the Lord Advocate and the Cabinet Secretary for Justice was very constructive. Getting people in a meeting was in itself an achievement. We recognise that there has been compassion in the system in looking at what is there.

We could write to the Scottish Government to seek its views on the suggestions that are outlined in the Law Society's written submission and its reflections on the concerns relating to monitoring that the petitioner has highlighted and whether there would be the consequence of simply deciding that more cases are special cases. It would be useful to get a response to that. We recognise that there has already been significant movement on those concerns by the Scottish Government and the COPFS. Does the committee agree with that approach?

**Members** *indicated agreement.*

**The Convener:** We thank the petitioner for providing us with a further submission. The issue will, of course, come back to the committee at a later stage.

## **Access to Broadband (Rural Scotland) (PE1703)**

**The Convener:** Our final continued petition is PE1703, on access to broadband in rural Scotland. The petition, which was lodged by Hugh MacLellan on behalf of Laid grazings and community committee, calls on the Scottish Parliament to urge the Scottish Government to deliver superfast broadband internet access to every household and business in Scotland, particularly in rural areas, before 2021.

In response to questions about the reaching 100 per cent programme, the Scottish Government's submission states that, despite the complexity involved, it remains committed to the timescale of delivering 100 per cent superfast broadband by 2021. The submission confirms that the programme's £600 million of investment will be focused on rural areas, as urban premises have been excluded from the initial R100 procurement process. However, a submission from Scottish Enterprise highlights the extent of the challenge ahead.

As we have already heard, Rhoda Grant hoped to be here for consideration of the petition, but she has instead provided her comments. She said:

"I have an interest in this petition having worked previously with the Petitioner who is a constituent and the issue raised is one that affects much of the Highlands and Islands.

There has now been a delay in the tendering of R100. The Minister was questioned on this at Topical Questions two weeks ago but failed to provide an assurance that R100 would be delivered by 2021.

It would appear from speaking to interested parties that there is now little hope of R100 being completed in that time scale.

Could I ask the Committee to pursue the likely timeframe for R100 being delivered both to Laid and to the whole of Scotland?"

Do members have any comments or suggestions for action?

**Angus MacDonald:** I take exception to Rhoda Grant's comment that there is little hope of R100 being delivered by 2021. The Government remains committed to the 2021 target to reach 100 per cent coverage. I grant that there has been a slight delay in the procurement process and that the procurement timeline has been extended, but the Minister for Energy, Connectivity and the Islands has stated in the chamber that the appointment of a preferred bidder or bidders is expected by the end of September, and he is committed to updating Parliament once the procurement process has been completed.

Although there is still a challenge in delivering R100 by 2021—obviously, there has always been a challenge—that is still the target, and I see no

reason to keep the petition open, given that that is the Scottish Government's stated commitment.

**Rachael Hamilton:** I completely disagree with Angus MacDonald.

**The Convener:** We were all doing so well. We will have another half hour on this.

**Rachael Hamilton:** I have never felt so strongly about something. I get constituency work on the issue, and we know that the Scottish Government has admitted that it is running late. In a written answer to a parliamentary question by Stewart Stevenson, Paul Wheelhouse admitted that the contract will not be signed until the end of the year. Angus MacDonald mentioned September. If the contract is not signed until the end of the year and the Government has quietly announced that the programme will be late, how can we realistically believe that it will be delivered on time? Therefore, we should absolutely not close the petition.

11:00

**The Convener:** I will let everybody have a go. We will then try to find an answer that we all agree with.

**Brian Whittle:** I will go on the middle ground. Just yesterday, in my office, I talked specifically about tourism and the deployment of technology in tourism business opportunities in the south-west. What Rachael Hamilton just said was highlighted in that discussion. The lack of connectivity, including digital connectivity, holds everything back in my rural area.

Much as I welcome the Government's maintained commitment to deliver the programme by 2021, I am sceptical about whether it will be able to do that. I do not particularly want to let the petition go, because we have to maintain pressure on the Government in order to ensure that it fulfils its commitment. If it does that, that will be fantastic.

**The Convener:** Do we not think that that pressure will be maintained by Rhoda Grant, Rachael Hamilton and all the parties that are engaged? I am reflecting on the fact that I have had a month and a half of problems with the broadband in my house, and I live in an urban area.

The question for the committee is not whether there is a desire to hold the Government to account on an important issue that is a real problem, but whether our holding on to the petition will make any difference to that. Even if we decided to close the petition, that would not signal that we thought that the Government had got it right, that the matter had been dealt with or that it could not be revisited. The question is whether our

holding on to the petition will make the debate happen. The debate will happen anyway. We know that, across the parties, people are really concerned and that if it looks like the programme will not be delivered by the end of 2021, the petitioner can come back to us.

I am thinking the matter through. I am quite clear that some issues will not get the Government's or the Parliament's attention without this committee's work, because we bring forward issues that are not politically alive. That is why we have not spent a lot of time in the committee debating whether we should have an independence referendum, for example. We know that the debate about that will continue. I am also conscious that there is a lot of pressure on our time.

I ask the committee to think about whether, if we decided to close the petition, we would be assured that the debate would continue, that the pressure on the Government would continue and that there would be opportunities for the issue to be brought back. What is the added value of the committee holding on to the petition?

**Rachael Hamilton:** The petitioner requires that the timeline be kept to. That says it all. We could ask the petitioner to respond to the recent admission that the programme will be delayed, find out whether he wants to put trust in everyone holding the Government to account on the statement and the promise, and then see whether he wants to close the petition.

**The Convener:** The petition asks for superfast broadband internet access to be delivered "before 2021". We are having an argument and have now accepted that, if that is going to be delivered, it will be in early, middle or late 2021. That is not what the petitioner is asking for. I suppose that the message to the Government is that, no matter what strategy it has, the petitioner is saying that he is already being failed. Is holding the petition open to see whether he gets a date that is beyond what he asked for the right approach?

**Brian Whittle:** This topic will remain live and will be at the forefront of the minds of many MSPs across the chamber, because delivering full coverage is hugely important to Scotland. My issue lies with our ability to question the cabinet secretary effectively. Every time that I have asked a question, my question is batted off and, after I have asked a supplementary, the matter is finished. We never get anywhere. The one thing that I think that committees have the ability to do is properly cross-examine the Government. The cabinet secretary is adept at defending himself in the chamber on the issue, and I just do not think that we get to the nub of the issue.



**The Convener:** If we are being honest, if we get the cabinet secretary along to the committee and put to him that the petitioner wants full coverage before 2021, we will have an argument about when in 2021 it will be done.

This does not in any way diminish the importance of the petition, but the petitioner has had a number of opportunities recently to engage and has not done so. He might feel that, regardless of whether the committee is dealing with the issue, the pressure on it is on-going.

I am very reluctant for us to divide on the petition, because we have never divided on anything before. I do not think that we are dividing on the substance of the matter—we agree that there is an issue; the question is whether, given the huge pressures on our time in giving an adequate service to all the petitioners, we want to hold on to this petition. If we agree to do that, we would be not just holding on to the petition, but doing more work on it, and we need to think about that.

**David Torrance:** I am quite happy to close the petition, because the Government has guaranteed full coverage by 2021. I do not know whether the target will be met, but I believe that there is ample opportunity in the chamber for MSPs to keep the topic to the forefront; there are even opportunities to raise the issue in other committees, too.

**The Convener:** Would it be acceptable to close the petition on the basis that it is already out of date, but that we recognise that the petitioner might want to bring back another petition? The issue is being closely monitored. Maybe we could ask Rachael Hamilton and Brian Whittle in particular to keep an eye on it and highlight to us in the middle of next year whether there are any problems. A refreshed petition could be brought back, which could include a critique of why the deadline was not met.

**Angus MacDonald:** That may not happen.

**The Convener:** We also know that Rhoda Grant is very engaged with this issue, as she is with many of the other petitions that we have considered this morning. I think that she has front-bench responsibilities in this area—I certainly know that she has flagged up the matter in the chamber.

I do not want anybody to think that the Public Petitions Committee does not think that this issue matters or that we think that there is not an issue, but if we were to close the petition, would we close off the topic? No, we would not. Therefore, should we afford the opportunity for the petitioner to come back with another petition, which would be a refreshed and updated petition on whether the target has been met with great success or disastrous failure? Would that be acceptable?

**Rachael Hamilton:** That is not acceptable to me, because we are a voice for constituents and Hugh MacLellan is a voice for people across Scotland. The final five per cent are experiencing hardship because of the wait for broadband cover.

We are disagreeing over a description. The petition calls for full coverage “before 2021” and our background paper says that there will be full coverage “by 2021”. On such a large topic, we are disagreeing over such a small description. Perhaps the petitioner’s reference to “before 2021” was an oversight, but I disagree with closing the petition.

**The Convener:** The petition will not be successful, because full coverage will not be achieved by 2021. That is not semantics. It may be that we can get a revised petition with updated concerns. It might be that we could consider a different version more quickly. The fact of the matter is that what the petition calls for will not be delivered. That is not the same thing—

**Rachael Hamilton:** Why did we accept the petition in the first place with that wording?

**The Convener:** At the time, we were told that full coverage could have been achieved by that time, but we are now told is that it will not be. When was the petition submitted? Was it December 2018? The date is in my papers somewhere.

**Rachael Hamilton:** That is not an excuse. You can understand what I am saying.

**The Convener:** I absolutely understand that a huge number of people, including the petitioner, are exercised about the capacity to deliver a strong economy in Scotland if we do not have access to broadband. The test is not whether that is a big issue; it is whether the committee can add value to that argument. Our colleagues who are supportive of the Government or Government back benchers will understandably defend the Government’s position. My argument is not about whether the Government is doing the job right; it is about whether our holding on to the petition will progress matters, when it is clear to me that it is politically alive elsewhere. We cannot think that we are the only place where political debate takes place. We have to try to afford opportunities to people to raise issues that are not highlighted or focused on elsewhere. We have had greater success on issues on which there has not been the same level of political pressure and everyday debate.

I do not want anybody to think that I do not think that the issue is serious. I would be concerned if the only reason we were holding on to the petition was because we are sceptical that the minister will deliver by the end of 2021, when the petition asks for it to happen before that.

**Brian Whittle:** To clarify, without question, we all support the Government's aim to get the programme right. My frustration is with the Parliament's ability to hold the Government to account. I do not know about other members, but I write letters to the cabinet secretary about broadband at least every two weeks, and the response that I get back is simply that the Government is committed to delivering broadband. The responses that we get in the chamber and in writing are not good enough. The committee has the ability, when needed, to dig deeper. It is a big issue across rural Scotland—and in East Kilbride—so, somehow or other, we have to look at it. The issue is not about whether we are going to get broadband; it is about getting reasonable answers from the cabinet secretary.

**The Convener:** We have to decide what extra value the committee brings to the process.

**Rachael Hamilton:** We can scrutinise the contract and the people who are responsible for it once it is signed. We can ask them when they will complete the work and how realistic the Government's ambition is.

**The Convener:** That would be deciding not just to hold on to a petition that we know will not be secured; you are asking for a huge piece of work to be done. I am reluctant to spend time on that when other committees have a direct portfolio responsibility and the issue is alive politically in Scotland. You are not saying that we should hold on to the petition to see what happens; you are saying that you want to scrutinise the contract. To be honest, on balance, given all the other work that we have to do, I do not support that, and it is not what the petitioner asked for anyway.

We have to divide things up. It is not the committee's role to scrutinise Government on every issue that petitioners bring before us and to address ministers' failings. I am as frustrated as anybody else is about asking questions and getting non-answers, but that is a broader issue. It cannot solely be the responsibility of the committee to address those failings. There are issues where we have done that, and we have proof of that but, in my view, this is not one of them. Work is being done on the issue elsewhere. We may want to refer the petition to the committee that has responsibility and ask what it is doing about this huge issue. We can inform the petitioner that we have done so and, if they remain concerned, they can lodge a petition in a different form that highlights that failure.

We will have to have a longer conversation on the matter, but I feel strongly that we cannot be a substitute for the other bits of the parliamentary process that have failed to scrutinise Government, because we are incapable of doing that. We have to be strategic in thinking about how best to use

our time. I have constituents coming to me who are concerned about the delay in getting into the petitions system. We must think about what added value we bring. For me, one of the tests is whether the issue will be debated elsewhere and, in this case, the answer is clearly yes.

**Brian Whittle:** Are other committees dealing with the issue? Is the Environment, Climate Change and Land Reform Committee dealing with it?

**Angus MacDonald:** It would be the Rural Economy and Connectivity Committee.

11:15

**The Convener:** Our job is not to do everything because other committees do not do it. If we refer a petition to another committee, it is obliged to consider that. There is a responsibility on the members of that committee to ensure that the petition is addressed.

I go back to the point that the petition was published in September 2018 and was already asking for something that was not going to happen. If the petitioner wants to raise the issue or lodge another petition on the evident failure even to deliver in 2021, they can do that.

**Rachael Hamilton:** If the petitioner rewords the petition and brings it back, how soon could that be done given that there is a big backlog?

**The Convener:** If they come back into the process, they will obviously be at the end of the queue. They could submit a petition in September, but we could not guarantee that it would be dealt with immediately, because we have to deal with things as they appear and we have to be fair to other petitioners.

We have to separate the importance of this individual petition to some members of the committee—and more broadly to a lot of people in the Parliament and beyond it—from the issue of whether we add value by holding on to it. The only way—

**Rachael Hamilton:** Sorry, but it is not us as individuals. We are speaking for the rural dwellers and residents who are frustrated about the issue. If we cannot scrutinise the Government through committees—

**The Convener:** I am not saying that we are not scrutinising it through committees. I am saying that the Public Petitions Committee is not the committee for scrutinising all the issues that our constituents bring before us. That is an impossible task.

**Rachael Hamilton:** But the issue cuts across every single committee.

**The Convener:** We are not a cross-cutting committee; we are a public petitions committee that has the opportunity to highlight serious issues and take them forward. We have considered an eclectic mix of petitions this morning. Every issue is important to the person who brings it forward, but it is impossible for us to be the scrutiny body of last resort on issues that really matter. Every party that is represented on the committee has front-bench spokespeople, committee time and parliamentary time and can ask questions on the issues, as I have seen members doing. Indeed, not that long ago, there was a topical question on the issue.

**Rachael Hamilton:** We do not get answers.

**The Convener:** If we took the approach that is being advocated, we would be in permanent session, because I have thousands of issues that I would want to bring forward. There has to be a means by which other bits of the system do that job and by which political parties can highlight inadequacies.

**Rachael Hamilton:** But they do not get an answer—that is the problem.

**Angus MacDonald:** On that point, when the minister made his statement in the chamber, he pointed out that he cannot give a definite answer until the contract has been signed.

**Rachael Hamilton:** That is correct.

**Angus MacDonald:** Therefore, demanding the detail now before the deal is signed and sealed is asking for the impossible.

**Rachael Hamilton:** I am not demanding anything. That is not how we work. We are negotiating whether we close the petition.

**The Convener:** I want to bring the discussion to a conclusion, because we could go on forever. As a committee whose members get on very well, we need to have a conversation about how we prioritise our work, our role and the question of how we add value. I am as reluctant as anyone else is to let petitions go, which is perhaps why the committee got rid of so many petitions last week when I was not here. We are all invested in the issues and the petitioners who have taken the trouble to come to us. We all agree on that.

The only question is whether we add value on this petition, which cannot have its outcome secured, although the underpinning issues are important to people. One of the tests that I apply is whether other committees or other means by which the issues are raised in the Parliament are addressing the issue. The question of whether it is addressed satisfactorily is a different point—the question is whether it will be addressed.

It would be helpful if we agreed to refer the petition to the Rural Economy and Connectivity Committee, underlining to it the importance that members place on the issue. The petition is out of date, but the issues surrounding it and the concerns that people have are not—they are very much alive.

**Angus MacDonald:** I appreciate your comments, convener, but the problem with that option is that we have already accepted that the petition is out of date, so referring it to the REC Committee could result in—

**Rachael Hamilton:** I agree that we should refer it.

**The Convener:** We can refer the petition to the REC Committee, stating the obvious that the ask is out of date but that the concerns behind the petition about the delivery of the programme remain, and asking that committee to look at the issue. Perhaps the REC Committee will contact the petitioner, and it may want to reflect on how it will continue to scrutinise what some people regard as drift in the process. Would that be fair?

**Rachael Hamilton:** I agree.

**Angus MacDonald:** That seems a fair compromise.

**The Convener:** Our discussion highlights the issue of how we try to balance. We have worked effectively together. I understand all the pressures on members in relation to petitions, but we need to be careful that we do not end up in a situation where, when a petition is closed or referred, we are somehow saying that it does not matter any more, because that is not the case. If we did so, we would not be able to have that dynamic situation where people feel that, if they lodge a petition, they will be heard within a certain amount of time. We do not want too big a gap between people lodging a petition and their being heard.

Do we agree to refer the petition to the Rural Economy and Connectivity Committee in the terms that I outlined? We can also ask that committee to keep us updated on what it plans to do, which would be helpful.

**Members indicated agreement.**

**The Convener:** That was an important discussion. I thank colleagues for working through it and coming to an agreed position. We now move into private session.

11:22

*Meeting continued in private until 11:37.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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