



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 8 October 2020**

**Session 5**



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Pàrlamaid na h-Alba

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**Thursday 8 October 2020**

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**PUBLIC PETITIONS COMMITTEE**

**16<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*Tom Mason (North East Scotland) (Con)

\*David Torrance (Kirkcaldy) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Alexander Burnett (Aberdeenshire West) (Con)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

Virtual Meeting



# Scottish Parliament

## Public Petitions Committee

Thursday 8 October 2020

[The Convener opened the meeting at 09:30]

### New Petitions

#### Bereavement Education (PE1820)

**The Convener (Johann Lamont):** Good morning. I welcome everyone to the 16th meeting of the Public Petitions Committee in 2020. The meeting is being held virtually.

The first item on our agenda is consideration of new petitions, the first of which is PE1820, on compulsory bereavement education in schools, which was lodged by Sameena Javed. The petition calls on the Scottish Government to introduce compulsory bereavement education into the school curriculum. We have received submissions from the Scottish Government and from the petitioner.

The Scottish Government's submission notes that, although

"the Curriculum for Excellence (CfE) ... is a broad framework at national level, it is not a statutory curriculum prescribed to the level of individual courses that must be followed by each individual school."

The Government advises that the framework can be adapted

"at individual school level as appropriate and in response to the needs of each individual school."

It further states:

"there are resources on Education Scotland's website to support teachers to deliver learning on bereavement".

The petitioner's submission notes:

"Many schools appear to be lacking the basic resources to teach this topic, and there have been instances where parents themselves have had to personally provide resources so that this topic can be taught to their children."

Do members have any comments or suggestions for action? The petition addresses what is obviously a difficult matter that has come from direct experience. There is a concern that young people are not supported. I think that there are issues around how we can be sure that young people individually who have experienced tragedy are supported and also, more generally, around how young people learn to talk about these issues.

There is something here in our papers about what further might be done, but I shall call Gail Ross first.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** As you say, convener, this is a very sensitive topic. The petitioner is quite right that it is one that we should be talking about and encouraging our young people to talk about and therefore understand.

I completely get why many parents are not equipped to talk about it, and it should perhaps be included in personal and social education in schools. The Scottish Government's submission states that curriculum for excellence is in effect a guide that allows schools to adapt to their local circumstances, but the petition covers something that touches absolutely everyone in society.

I would like us to write to stakeholders such as Child Bereavement UK, YoungScot and the Childhood Bereavement Network to ask for their views and to see whether they have any suggestions about how the subject can be dealt with in a more robust but sensitive way in schools and about how it is being dealt with at the moment.

**Tom Mason (North East Scotland) (Con):** My apologies, convener, for not being at the pre-meeting session. My technology is hopefully on track now.

I agree with what Gail Ross has said. This is an important area, and we must do something more about it. We need more information from stakeholders. I would be particularly interested to receive information on the childhood bereavement co-ordinator's brief and terms of reference. If we get that information, we can make further deliberations on the subject.

**David Torrance (Kirkcaldy) (SNP):** I agree with my committee colleagues that we should write to all the relevant stakeholders. I would also like to find out about the role that counsellors play in high schools, now that nearly every high school has a counsellor in place, in relation to pupils and child bereavement.

**Maurice Corry (West Scotland) (Con):** I agree with what all my colleagues have said. I recently had an interesting visit to Children's Hospices Across Scotland at Robin house in Balloch. We should write to CHAS, because it has first-hand experience in this area and I would value what it has to say.

Apart from that, I have no further comments.

**The Convener:** I think that we all recognise that there is an issue, but we would want to reflect on what needs to change. I was a teacher myself; it was a long time ago, but I remember a young boy in my class who died, and there was no conversation about it. Nobody knew how to talk to young people about how they felt about it. I have

no doubt that the situation in that regard will have improved massively over time.

There is an important role for counsellors in dealing with young people who have experienced bereavement, but the whole school community needs to be supportive, and it is very important to have those conversations in school. I think that the committee generally agrees that there are issues in that regard.

Members have made a range of suggestions about who we should contact, and the clerks will take that up. We are agreed that we will look further at how best we equip our young people to cope with the reality of bereavement and at how schools can be geared up to support individuals when they are facing very difficult times. I thank the petitioner for bringing the issue to our attention.

### **Neonates (Brain and Body Scans) (PE1823)**

**The Convener:** The next new petition is PE1823, on full-body scans for all neonates in Scotland. The petition, which was lodged by Sameena Javed, calls on the Scottish Government to offer full-body scans to all neonates in Scotland with the aim of detecting—and, it is hoped, treating—rare and hidden conditions.

The Scottish Government's response advises that Scotland's pregnancy and newborn screening programme does not currently include the condition to which the petition refers, which is arteriovenous malformation. It describes developments that are relevant to the petition, such as the new congenital anomalies and rare diseases registration and information service for Scotland.

Genetic Alliance UK states that it

"agrees with ... the Scottish Government that full body scans for all neonates would 'carry an element of risk' and does not recommend routine scanning of newborns."

It advises nonetheless that it "fully supports" the petitioner's aim of improving the early detection of rare conditions and the opportunities for treatment. It states:

"One way to achieve this would be for the Scottish Government to review and expand the existing Newborn Screening Programme."

It goes on to note that

"Scotland currently screens for just nine conditions",

whereas

"Iceland, for example, screens for 47 conditions, the Netherlands for 34 and Norway for 28."

The petitioner's response to the Scottish Government and Genetic Alliance UK highlights

that early detection gives a greater chance of a successful outcome. She therefore proposes that

"Body scans for neonates should be offered to all parents",

and that parents should have the choice of whether to accept the scan, as it may save their child's life. She agrees with Genetic Alliance UK that the newborn screening programme in Scotland should be reviewed and expanded.

This is another challenging petition. It comes from the family's direct experience, and we appreciate the petitioner bringing it forward as a result of her own terrible and tragic circumstances.

The suggestion that is offered acknowledges that there is a risk involved but says that the scan should be offered to parents. How would parents feel about that? Would they even be informed enough to know whether they should take up the offer? I certainly think that there is an issue. Questions around the value of a young person's life and the ability to capture a condition early on are obviously powerful, but the benefits have to be balanced with the risks. I am interested to hear what other committee members think, starting with Tom Mason.

**Tom Mason:** This is a difficult area. I have some personal experience in my family of the choices that have to be made in deciding whether to scan for genetic diseases; that experience had a considerable effect on the whole family.

Before we deliberate fully on the petition, we need more information. In particular, we need to know why there is a limit on the number of conditions that are scanned for in Scotland in comparison with other countries. The rationale in those other countries needs to be established. We should write to the Government to see what its views are and to the General Medical Council to see what it can come up with. Further consideration is appropriate here.

**David Torrance:** I agree with Tom Mason. We need more information about the issue. I definitely think that we should write to the Scottish Government and the General Medical Council to seek their views.

**Maurice Corry:** I agree with what both colleagues have said and have nothing further to add. We need to explore the issue further and seek further information from the Government and other appropriate bodies.

**Gail Ross:** Like the convener, I was struck by the paragraph in the Genetic Alliance UK submission that compares what happens in Scotland with what happens in Iceland, the Netherlands and Norway, which screen for many more conditions. I back up my colleagues' calls to write to the Scottish Government to find out why that is and what can be done about it.

As the convener said, a fine balance of offering something and ensuring that parents are fully informed is involved. As many people will understand, having a baby can be quite a frantic time. A person being given the choice of a scan when maybe they do not know whether they should have it could bring a lot of guilt if they do not have it and something comes out later.

It was good to see Genetic Alliance UK agreeing with the premise of the petition, but it has warned what it could mean. There could be a compromise in expanding the programme to look for more conditions without going to full-body scans, which might include too many risks.

We should look for more information and discuss the petition further.

**The Convener:** I think that there is a consensus that there is an interesting and challenging issue, and I think that we want to explore Gail Ross's point about comparisons with other countries. We agree to write to the Scottish Government, the General Medical Council and relevant stakeholders that might have a view on the benefits and, indeed, the disbenefits and problems that might be caused by the proposal in the petition.

We thank the petitioner for bringing the issue to our attention. We will return to it once we have received responses from the organisations that we have written to.

### **Government Contracts (30-day Supply Chain Payments) (PE1824)**

**The Convener:** The next new petition is PE1824, on 30-day supply chain payments for Government work, which was lodged by Bill Alexander. The petition calls on the Scottish Government to ensure that the 30-day supply chain payment policy is being complied with.

I welcome to the meeting Jackie Baillie MSP, who is in attendance for the discussion of the petition.

We have received submissions from the Scottish Government and the petitioner, which are summarised in the clerk's note. The Scottish Government's submission states:

"We strongly encourage the prompt payment of suppliers and expect those who deliver public contracts to adopt the highest standard of ethical business practices."

It says that the

"Scottish Government aspires to a 10 day target for paying bills to businesses",

but it notes that how other contracting authorities comply, including with

"prompt supply chain payment provisions in their contracts, is a matter for them."

The petitioner has noted that

"It is one thing to 'strongly encourage' it is another thing to then do nothing about it"

and that

"Failure to comply with the new clause in the standard conditions of contract is a breach of contract."

I ask Jackie Baillie to give her views on the petition. She will have a further opportunity to speak to it once we have had our own discussion.

**Jackie Baillie (Dumbarton) (Lab):** I will try to be brief.

The petitioner is spot on. Legislation is always full of good intentions, but that matters little if we do not afford equal importance to ensuring that it is implemented properly. I have no doubt from the submissions that you have received that the Scottish Government does relatively well on paying its bills within 30 days, but that is not the point; the point is that the rest of the public sector, other contractors and the supply chain may not be quite so effective. The evidence that I would proffer for that is that, when I was a member of the Economy, Energy and Fair Work Committee many moons ago and we did an inquiry into the construction sector, we found that there were late payments as a matter of course, that companies deliberately withheld payments, and that others did not release cash retentions—that is common in the construction industry. The problem was therefore endemic.

The committee need only consider the evidence from the Federation of Small Businesses, which tells us clearly that the issue is a problem not only in the private sector but equally in the public sector. I am clear that the legislation on the issue, which is now 11 years old—I seem to recall, convener, that you and I were both in the chamber when it was passed—has not been properly implemented. The Scottish Government needs to monitor the situation and do so not on the basis of a one-off survey but on a regular basis. I hope that the committee will consider that.

09:45

**The Convener:** Thank you for reminding me of my longevity.

It strikes me that the gap between saying that something should happen and then not doing anything to check that it is happening is a problem. The Scottish Government perhaps has responsibility to ensure that the policy is complied with.

**David Torrance:** The petition is important, especially for small businesses, which have to pay their bills within the 30-day period, and for which credit is very short. It is interesting that the

Scottish Government says that it encourages organisations to comply rather than that they have to do it. I would like us to write to the Scottish Government to ask when it will consider changing the legislation on the issue. We should also write to Audit Scotland, which must have to deal with the issue quite a lot, so it will be able to give us good information.

**Maurice Corry:** I agree with David Torrance. It is important that we find out where the Scottish Government is on the issue and ensure that it is following through on the matter. I have had experience of audit boards in a council, where the issue used to be raised fairly frequently. I agree that we should write to Audit Scotland to ask what can be done to help contractors and those that are in receipt of various payments from local authority bodies or contractors generally that are operating on behalf of the Government. I endorse David Torrance's points that we should write to the Scottish Government and to Audit Scotland.

**Gail Ross:** I always worry when I see phrases such as "strongly encourage" when we have evidence that something is not happening. Maybe we should have the word "ensure" or even "enforce". David Torrance is right that the issue is important, particularly for smaller contractors that are under a first and maybe even a second contractor, for cash-flow reasons and so that they can keep their business afloat. It is more than just good manners that invoices are paid on time; it is a matter of keeping people in jobs. Therefore, I absolutely endorse the suggested course of action of writing to the Scottish Government and Audit Scotland.

**Tom Mason:** The issue is important, particularly for smaller businesses. As with many issues, there are good intentions, and legislation is in place, but it is not pushed through to the final conclusion or actually made to happen. It is appropriate for us to write to the Scottish Government and Audit Scotland.

**The Convener:** Members have made important points. In the current times, the issue can be the difference between a business surviving and not surviving. We know that big organisations often lean down or press heavily on smaller ones, and that cannot be acceptable in times when people are hanging on by their fingertips.

I ask Jackie Baillie whether she has any final comments.

**Jackie Baillie:** I think that the committee has agreed an appropriate course of action. I emphasise that a one-off survey does not do the trick and that we need regular and robust monitoring to ensure that there is compliance.

**The Convener:** We can flag up that point in writing to the Scottish Government. We can ask

how it makes the approach meaningful, given its purpose and aims.

We will write to the Scottish Government and to Audit Scotland. I again thank the petitioner. We will return to the issue at a future meeting once we have responses.

## Maternity Facilities (PE1825)

**The Convener:** The final new petition for consideration today is PE1825, on dedicated facilities for women with unexpected pregnancy complications, which was lodged by Louise Caldwell. The petition calls on the Scottish Government to ensure that maternity departments have dedicated facilities for women who experience unexpected pregnancy complications.

We have received a submission from the Scottish Government that recognises that women who experience a miscarriage must be provided with the right information, care and support in a way that takes into account their individual circumstances.

The Scottish Government advises all health boards to have facilities available for women who experience unexpected pregnancy complications. Such facilities include early pregnancy units or areas for early loss and rooms or areas in a labour suite for those women. The Government further advises that, although some units are able to provide safe care within gynaecology services, there can be additional clinical reasons that mean that a labour suite is the best and safest place for individual women.

I found the petition, which was born out of direct experience, very moving—I had quite an emotional reaction to it. Just this week, the Parliament has debated support for women who experience miscarriage. We are very conscious that the petition was driven by the personal impact of the issue on the petitioner, and it raises important issues, which it would be good to explore further.

I seek comments from other members, starting with Maurice Corry.

**Maurice Corry:** I was fortunate to attend the members' business debate on miscarriage, which included descriptions of dramatic situations and real-life stories from individual members. I have full sympathy with what, as the convener said, is a moving petition, in support of which the petitioner made a moving statement.

I think that we should write to relevant stakeholders, including the Royal College of Obstetricians and Gynaecologists, the Stillbirth and Neonatal Death Society—which is known as Sands—Tommy's and the Miscarriage Association, and any other appropriate bodies to



seek their views on the action that is called for in the petition, because it is important that we understand the issue and get on top of it. I commend that approach to the committee.

**Gail Ross:** Like the convener, I was very moved by the petition and the petitioner's personal account of what she had to go through—she had an absolutely awful experience. She was extremely brave to come to us and detail her experience in the way that she has done.

I agree with Maurice Corry that we need to obtain further information on the issue, even though the Scottish Government has said that all health boards have such facilities available. Obviously, in such situations, clinicians have the best intentions for the patient and, as the Scottish Government's submission says, there are circumstances in which women who have miscarried might have to go into a labour suite.

Although all health boards might have appropriate facilities, some of those might be in hospitals that are miles away from where the people concerned stay. In NHS Highland, for example, Raigmore is the centre, but people in parts of my constituency are hundreds of miles away from that hospital. I would be interested to find out how such facilities are spread out within health boards. Are local services available? How local are the services that are provided?

We need a lot more information on the subject, so I back up Maurice Corry's call for us to write to relevant stakeholders.

**Tom Mason:** Such situations must be absolutely devastating to mothers who have suffered miscarriages or experienced similar problems.

We certainly need to write to the various stakeholders to find out what information is available on the situation in this country, but I would also like to know whether we could gain any information on good practice in other countries. I am not sure who could provide us with such information, but it would be useful to have. We are always in danger of looking in on our ourselves, rather than looking outwards, and I think that we should explore whether we can learn from other countries.

**The Convener:** We may include that specific point in our questions if we write to the charities and organisations that are involved. They will have some awareness of the issue or can perhaps direct us if they do not.

**David Torrance:** I agree with colleagues about writing to all relevant stakeholders, but can we also write to all the national health service boards to find out what facilities they have in place? I have nothing else to add, convener.

**The Convener:** That is probably a useful suggestion. Let us leave that with the clerks to decide whether to write to boards or NHS Scotland to see whether we can get the information that way first, if that is acceptable to you, David.

We are trying to get a picture of whether there is an understanding of the problem and, in understanding the problem, what is then provided. It will be different in different parts of the country. Gail Ross made an important point, but we recognise that these things, by definition, cannot be planned for. There is an issue about how health boards respond to an emergency to ensure that women are supported as sympathetically as possible.

We have agreed to do quite a lot. We recognise the significance of the petition and the heartache behind it for many people. We thank the petitioner and we will return to the petition when we get submissions back.

## Continued Petitions

### A83 (Rest and Be Thankful) (PE1540)

09:56

**The Convener:** The next agenda item is consideration of continued petitions. The first continued petition is PE1540, on a permanent solution for the A83, lodged by Douglas Philand. The petition calls on the Scottish Government to ensure that a permanent solution is found for the A83 Rest and Be Thankful that ensures that the vital lifeline route is not closed because of landslides. Jackie Baillie is in attendance for the petition.

The committee considered the petition previously on 5 March 2020. At that meeting, the committee took evidence from the Cabinet Secretary for Transport, Infrastructure and Connectivity. The committee agreed to consider the evidence at a future meeting. The clerk's note summarises the evidence that was heard at that meeting and what has happened since. Notably, the Scottish Government has announced an appraisal of 11 options to improve the resilience of the A83 Rest and Be Thankful, which is being led by a dedicated Transport Scotland project team. A public consultation on the 11 options is open until 31 October 2020 and will inform the progression of stage 1 data collection, assessment of corridors and sifting work, with recommendations for a preferred route corridor with alignment options expected in spring 2021.

I call Jackie Baillie before I move to committee members.

**Jackie Baillie:** I will try to be brief. As you have outlined, much progress has been made since the committee considered the petition previously and I have no doubt that the committee's engagement with the cabinet secretary had a lot to do with pushing the issue on, as did the original petitioner. However, I am cautious, because we are at the options stage. There was no specific reference to the A83 in the capital infrastructure document that was published recently, although the cabinet secretary was keen to assure me that it could be added at a later stage. The consultation on the 11 options that were presented finishes at the end of the month and I expect commitments to be made thereafter, but we are clearly at a critical stage in the process.

Given my caution, would the committee consider keeping the petition open until we have those commitments in hand and the process of securing a permanent solution to the A83 is well under way, which I expect to be in the new year?

**Gail Ross:** I thank Jackie Baillie for coming along and pushing the matter on behalf of her constituents. She is absolutely correct that the petitioner has made an impact. I disagree with her on keeping the petition open, because we have taken it as far as we can. We have the Government's commitment to look at the options. As Jackie Baillie said, 11 options are being put to stakeholders and anyone else who wants to feed into that.

I have a lot of faith that the Scottish Government will follow through on its commitments on the matter. Obviously, the petitioner could come back in a year's time, although I hope that progress will have been made by then. I think that we have taken the petition as far as we can and should close it, under rule 15.7 of standing orders.

10:00

**Tom Mason:** The petition has, in practice, been overtaken by events, and I do not think that keeping it open will achieve anything. If the Government does not perform as expected, the petitioner can come back with another petition. Such a petition would be more meaningful, because it would reflect the current situation. This petition was lodged five or six years ago—or even longer ago—so, once we have seen what the Government does, a new petition would be appropriate, if it were needed.

**David Torrance:** As somebody who visited the area when the issue was raised in previous Public Petitions Committee meetings, I think that we have come a long way. We have the Government's commitment to prioritise the issue, so I am happy to close the petition under rule 15.7 of standing orders.

**Maurice Corry:** I am well versed on the issue, even from my days on Argyll and Bute Council's roads committee. I agree with David Torrance that we have come a long way with the petition. I agree with my colleagues that our work has come to a final point. We have the assurances that the Scottish Government will put in place whatever results from the 11 options that have been put forward.

However, we should keep an eye on the issue. As has rightly been said, the petitioner can come back if there is no progress. I have had meetings with the cabinet secretary, and he has given me assurances that the work will be included. I understand what Jackie Baillie says, but I have every hope that that will be the case.

Therefore, I suggest that we close the petition under rule 15.7 of standing orders. The petition has been on the books for some time, and the committee has done all the work that it can. There has been dramatic progress in the past month or

so. We know that the consultation on the options will close at the end of October and that a final decision will be made in the early part of next year. As a regional MSP, I for one will be keeping the pressure on, and no doubt other members will, too. I propose that we close the petition.

**The Convener:** I think that there is consensus that there has been progress. However, notwithstanding what Gail Ross has said, there is slight scepticism and we want to ensure that the work is delivered. The question is how that is best done. If the petitioner comes back in a year and says that all the fine words were not delivered, that will have a significant impact. There is always a dilemma for the Public Petitions Committee in that we want to ensure that people know that we think that a matter is serious, but we always have to be alive to the point that holding on to a petition precludes somebody else's petition from being considered.

The consensus is that we should close the petition. We recognise the progress that has been made by the petitioner and other campaigners on this important issue. The Scottish Government has made a serious commitment, and it will be held to account if it transpires that the work is not being progressed in a serious manner.

We agree to close the petition. We thank the petitioner for all their engagement with the committee and advise them that, if there is no progress in a year's time, the committee will be able to return to the issue.

### **Tick-borne Diseases (Treatment) (PE1662)**

**The Convener:** The next continued petition on the agenda is PE1662, on improving the treatment for patients with Lyme disease and associated tick-borne diseases, which was lodged by Janey Cringean and Lorraine Murray on behalf of Tick-borne Illness Campaign Scotland. I welcome Alexander Burnett to the meeting for consideration of the petition.

The petition calls on the Parliament to urge the Scottish Government

"to improve testing and treatment for Lyme disease and associated tick-borne diseases by ensuring that medical professionals in Scotland are fully equipped to deal with the complexity of tick-borne infections, addressing the lack of reliability of tests, the full variety of species in Scotland, the presence of 'persister' bacteria which are difficult to eradicate, and the complexities caused by the presence of possibly multiple co-infections, and to complement this with a public awareness campaign."

When it previously considered the petition in February 2020, the committee agreed to write to the Scottish Government and to the Royal College of General Practitioners, which had not responded to previous correspondence. Written submissions have been received from the RCGP and the

Scottish Government. The committee has also received written submissions from individuals who have been affected by Lyme disease.

Since the publication of our papers, the committee has received a written submission from the petitioners. In it, the petitioners explain that no education has been provided in Scotland as a result of the RCGP's Lyme disease spotlight project—indeed, the project was shelved in December 2019.

The petitioners also state that the patient representative on the Scottish health protection network sub-group who is highlighted in the Scottish Government's submission is

"not resident in Scotland, is not a patient of NHS Scotland, does not have Lyme disease, and does not have regular contact with Scottish patients that we are aware of."

I will ask Alexander Burnett to comment first, after which I will go round the committee.

**Alexander Burnett (Aberdeenshire West) (Con):** Thank you, convener. I am grateful to the committee for allowing me to speak on the petition.

Before I speak about the substance of the petition, I would like to raise the point that paragraph 3 in the clerk's paper refers to the petitioners being "invited to respond". I am afraid that it came as a huge shock to me and to them when we saw the papers 48 hours ago and realised that there was a risk that the petition might be closed without their having responded. I do not know whether anything can be done to make it clearer to petitioners about how the process works. I know how complicated it is even for us as members of the Parliament, so who knows what it is like for those outside Parliament when they are trying to understand how some of the process works.

That said, I thank the clerks for their extremely helpful assistance in the past 48 hours; they really went out of their way to help the petitioners to get a submission in, which the members can now see. They also allowed us some leniency with it, as I think that it is slightly over the permitted word count, and I would like to thank them for their assistance on that.

On the substance of the petition, and the Government's submission, I would strongly object to the petition being closed at this point. As the convener has pointed out—I will not reread it all—the petitioners' submission makes a number of points about the Government's submission; about the general practitioner training courses and the fact that they are not taking place and that no resources have been allocated for them to take place; and about the fact that the patient representative is

“not resident in Scotland, is not a patient of NHS Scotland, does not have Lyme disease, and does not have regular contact with Scottish patients”.

The petitioners also question the testing and point out the issues around antibody testing, which I think that everybody is now very familiar with because of Covid. I am sure that committee members will study the petitioners' submission in detail if they have not read it already; it makes a clear case that there are still questions to be answered.

The other part of the petition is about raising awareness of Lyme disease. Since my last appearance before the committee, I have been asking questions about the awareness campaign, and I am afraid that the answers that we have received from the Scottish Government do not show much of a campaign. I think that the last tweet on the subject was two years ago; the Government built a website, which has had minimal traffic, and it is hard to see how much of that traffic is from external views or hits.

Particularly under Covid, there have been times in the past few months when more people have been accessing our great outdoors. We like to see them do so and they have been encouraged to do so, but I am afraid that I do not think that anyone has noticed any Lyme disease awareness campaign to accompany that. Lack of awareness was an issue before we were encouraging people to go out and it has become even more so in the past few months. If any member of the committee is aware of a campaign by the Scottish Government or any other body around Lyme disease, they can certainly point that out to me.

I believe that it would be wrong to close the petition. I am not entirely up to speed with what options are available to the committee but, as a minimum, I hope that the committee will invite the Scottish Government to respond to the petitioners' submission and answer some of the points that I have raised.

**The Convener:** I would like to begin by making the point that if a petitioner does not respond, that does not necessarily mean that their petition will be closed, because we might have other information that encourages us to keep it open. Just because a submission from a petitioner does not appear, that does not automatically mean that a decision will be taken to close it. In this case, the petitioners were invited to respond in June and, as usual, that was followed up with a series of emails. The process is clear, but we recognise that in some circumstances people have their lives to get on with and might not notice such emails.

I am not the only member to be struck by the power of the submission that has now been made, which allows us to reflect on the issues. I found the evidence from the petitioners and from the

round table on the issue compelling. In recent months, I was out walking and the only sign saying that I should be aware of ticks was a very raggedy-looking one that was posted up somewhere, which was not exactly drawing attention to itself.

There is an issue about awareness and an issue about Lyme disease being taken seriously as a health condition. Both those issues weigh heavily with the committee; the question is whether we can do anything further. We can still usefully pursue the points about patient representation and the lack of an education campaign.

**Tom Mason:** I take on board the issues that the petitioners and Alex Burnett have raised. Lyme disease is a horrible condition. My brother suffered from it, or we think that he did. One problem is that the knowledge base in the medical profession is not complete enough, so there needs to be far more education of general practitioners and the medical profession more generally. We also need greater awareness of the potential dangers of acquiring diseases from ticks in the countryside, particularly given that, as has been said, we are increasingly being encouraged to use the countryside more, and correctly so.

It is important that we get information from the Government in response to the petitioners' comments, so we should keep the petition open.

**David Torrance:** Until yesterday, when I read the petitioners' late submission, I was of a mind to close the petition. Anybody who has dogs will know that the ticks situation has been horrendous this year—they have been particularly prominent. The petitioners raise points in their late submission about issues in the petition that have not been addressed.

Therefore, like Tom Mason, I think that we should write to the Scottish Government. Could we also write to Dr Cruikshank, and can we get the relevant minister or cabinet secretary to answer some of the points that the petitioners have raised in their late submission?

**Maurice Corry:** I fully endorse what Tom Mason and David Torrance said. The strength of the points in the late submission from the petitioners moves the argument to a slightly different level, so I believe that we should keep the petition open. Given that the Scottish Government's commitment to understanding more about Lyme disease indicates that it is not particularly satisfied at the moment, it would be helpful to invite a minister to the committee. The Royal College of General Practitioners recognises the issues, too.

10:15

The round-table discussion that we held last year was worth our while. One of the key issues that came out of it was the need for an information campaign. That has not yet happened, so we need to ask the Scottish Government about that, as well.

I agree that we should keep the petition open. There is a lot more for us to do and there are more people for us to hear from before we can come to a final decision.

**Gail Ross:** I agree. This proves the power of petitioners following up on the evidence that the committee receives. Like David Torrance, after reading the written submissions of the Royal College of GPs and the Scottish Government, I assumed that the matter was moving forward, so the petitioners' evidence was powerful in that respect. It pointed out many issues that we should be taking cognisance of, such as the Lyme disease champion and the fact that the course that the RCGP was developing is no longer going ahead.

On the final page of the petitioners' submission, they make some really valid points. They say:

"we do not feel that any of our requests have been addressed",

and they ask for more discussion on testing, treatment, education and tick control.

David Torrance is right in saying that the prevalence of ticks is increasing. That is not just among people who go out walking in the countryside, as I have heard reports of people finding ticks on themselves or their dogs after walking on uncut grass verges in parks in towns.

It is becoming more important that the issue be followed up by everyone who is involved, including all the stakeholders we had around the committee table, the Scottish Government and the medical profession, from which we have not yet heard. The petitioners suggest that we invite Dr Cruikshank and Professor Lambert to give written evidence or to come to speak to us, and I think that we should follow up with the cabinet secretary, as well. There is a long way to go with this petition.

**Maurice Corry:** Gail Ross raises an interesting point—which I support on account of knowledge of the issue from my area—about grass verges in the municipal areas of our towns and villages. The problem comes as a result of councils cutting their budgets for grass cutting. That is another reason for keeping the petition open.

**Alexander Burnett:** I do not have much more to say. I fully support the convener's comment about the petitions process and agree that it was followed correctly, although it might not be as

understandable as it could be for some people outside Parliament.

I repeat my thanks to the clerks. I hope that the Public Petitions Committee decides to keep the petition open; if it does, I and the petitioners will be extremely grateful. As Gail Ross pointed out, if the submission had not come in, the committee would perhaps have come to a different decision.

**The Convener:** It is clear that the Public Petitions Committee seeks to follow the evidence with which it is provided. Through the process, the petition has highlighted issues that would not otherwise have come into the public domain, and that is important. I am certainly confident in the process, and the clerks have been clear about how it has worked. Perhaps this is a good example of just how important petition information can be.

A range of suggestions have been made about how we can take forward the petition. We should certainly write to the cabinet secretary. We can make a decision at a later stage on whether we want to call somebody in to speak to the committee, but we hope that all the groups that have been mentioned by members will respond in order to inform further discussion.

An interesting point has been made about the issue becoming more prevalent in urban areas. I think that two things are happening. Maurice Corry is probably right that budget decisions are a factor, but there is also the drive towards rewilding—that is, the idea that grass does not necessarily have to be cut and that the environment can be improved by letting grass grow naturally. However, all those things are matters of judgment.

We agree that we will pursue the issue. I thank Alexander Burnett and I thank the petitioners for their submission, which will help to inform our thinking.

### **Care Charges (Protection of Crofts) (PE1729)**

**The Convener:** The next continued petition is PE1729, on legal protection of crofts from local authority care charges, which was lodged by John Maciver. The petition calls on the Scottish Government to ensure that crofting tenancies are exempt from local authority financial assessments for care charges.

The petition was previously considered in February, when the committee agreed to write to the Scottish Government. Written submissions have since been received from the Scottish Government and the petitioner.

In its written submission, the Government reiterated that, in the crofting bill group's

engagement in preparation of future crofting legislation,

“there was a consensus among the members of the Group that there was a need to establish the legal wherewithal to introduce a standard security provision for croft tenancies. Any such provision would rely upon a croft tenancy being treated as an asset.”

The Government also reiterated that it is for local authorities to interpret charging for residential accommodation guidance. The petitioner agrees with that, although he believes that Comhairle nan Eilean Siar applied that incorrectly in his case.

The issue is a difficult one, and it seems to me that it has not been resolved. I declare an interest: I have family members who have crofts. I am never that confident that the Government understands the crofting system. There have been a number of examples during the Scottish Parliament’s existence of poorly drafted crofting legislation and policy. My concern is that there should be an understanding that a croft is more than just an asset; it is also a family business and a way of living in particular communities.

I have concerns about whether the matter has been resolved. The question is whether the committee can resolve it, and I am interested in members’ views on that. It seems to be about interpretation and discretion, and the question is why Comhairle nan Eilean Siar is not exercising discretion in this case. However, that question might be specific to the individual rather than a question at policy level, and perhaps the petitioner will need to look for support in advocating for him elsewhere.

I ask members for their views.

**David Torrance:** I do not think that the committee can take the petition any further. In its response, the Government is adamant that it will not change the guidance, so I do not know where we should go from here—I do not know whether we should close the petition or pass it on. I would like to hear members’ inputs first, but probably the only thing that we can do is close the petition under rule 15.7 of the standing orders, because the Government will not change its mind that consideration of how best to apply the regulations lies with individual local authorities. However, I am open to being persuaded by other committee members, if they wish to keep open the petition.

**The Convener:** You are like many of us in that regard, David. We are wrestling with an issue and we are concerned that, because of its complexities, we would not be able to support how those could be addressed.

**Maurice Corry:** The petition is a difficult one to wrestle with. I recall an issue that came up before: a person who manages a croft does so in

perpetuity, but they are like a guardian and do not necessarily own it.

At this stage, I would be a bit unhappy about closing the petition, because we need to tease a bit more information out of the Crofting Commission, which I think the convener referred to, and the Convention of Scottish Local Authorities. We should seek its views, and particularly the views of authorities that have crofting communities in their area.

At this stage, it would be premature to close the petition. We could go back to the Government to ask it what could be done. I would opt to keep it open with a view to going back to the Crofting Commission and COSLA for further information with appropriate questions.

**Gail Ross:** Maurice Corry makes an interesting proposition. Representing a constituency that has a lot of crofting tradition, I know how important it is to individuals and the area as a whole. We did a crofting inquiry when I was on the Rural Economy and Connectivity Committee, and many people, including Queen’s counsels who specialise in crofting legislation, commented how complicated the legislation is. You were absolutely right in your opening remarks, convener, when you said that legislation has been piled on top of legislation and it is not clear whether it is understood.

I agree with David Torrance: I would like to see something more come of the petition, but given that it is a legislative issue and the Scottish Government has pointed out that local authorities make the decisions on a case-by-case basis, I am not sure what input the Crofting Commission or COSLA would have on the matter. They would just come back and tell us the same things. I wonder whether the local MSP could take up the matter as a constituency case, rather than our committee taking it any further, because I do not see what value there would be in keeping the petition open, even though I would like to. Again, like David Torrance, I am willing to listen to others’ opinions on the matter.

**Tom Mason:** It is a difficult one. What is missing is a case on the process that has been taken to court in order to establish the finality of the law on the issue. I presume that all the cases on the topic are resolved one way or another before they get to the High Court for a ruling. However, in an attempt to progress matters, we could keep the petition open and acquire a bit more information, to see whether we can clarify the situation. Closing it prematurely would not do the crofting community much good, and we can help to clarify the issue if we get a bit more information.

**The Convener:** I hear the dilemma that everybody is in—I feel it strongly because of my family and emotional connection to the idea of

there being a family croft even when most people have had to move away from the community. However, to sustain that community, a croft cannot be treated as if it is simply a house when, in fact, it is a business and something more.

Maurice Corry and Tom Mason have suggested that we ask more questions, but I am not sure what those questions would be. The difficulty is that the Scottish Government says that there is discretion and local government says that it is exercising that discretion. This is about an individual case in which the person is arguing that the rules have not been followed.

I will give people a chance to come back in, because I think that we are all in a dilemma but, realistically, we as a committee cannot pursue an individual case. The individual has used their circumstances to highlight a problem. We have tried to identify where that problem is and the position we are left with is that the Scottish Government says that there is discretion and the local authority is exercising that discretion.

10:30

The petitioner might already have done this, but Gail Ross has suggested that he get one of his MSPs—he has, I think, seven or eight—to pursue his case directly, in order to test why he feels that the rules have not been applied appropriately.

In closing the petition, we could write to the Government to flag up the matter of concern and our lack of confidence that there is a proper understanding of the implications for crofting communities. Would that satisfy members?

We could close the petition but encourage the petitioner to go back to his MSPs so that his individual case can be addressed, which is not the role of the committee. We could also flag up to the Government that there is a lack of clarity, which is simply not good enough.

Part of the context relates to how we fund care. A local authority with little funding might be exercising its discretion in order to address budgetary pressures, but that has to be balanced against fairness and individual crofters' legal entitlements.

**Gail Ross:** The Government has considered legislation. I add a note of caution in that respect. As the convener said in her initial remarks, the Government's submission says that, if we were to introduce legal standard security for croft tenancies,

"Any such provision would rely upon a croft tenancy being treated as an asset."

That would mean that the legislation would go in completely the opposite way from the way that the petitioner would like it to go, so there is obviously

the law of unintended consequences when we ask for something to be considered.

I have a suggestion on how to proceed. There will need to be another consultation before the crofting bill is introduced in the next parliamentary session, and I suggest that we write to the Government to ensure that the issue is asked about in its consultation.

We should also write to the cross-party group on crofting, because it is quite powerful. The Scottish Crofting Federation, the Crofting Commission, other stakeholders and lawyers who specifically deal with crofting legislation all sit on that group, so it would be a good place not to refer the issue to but to pass it on for discussion at its next meeting.

If we do those two things, I do not think that there is any need to keep the petition open. We can definitely come back to the issue in a year, because I hope that the legislative programme will have been agreed by then and that crofting legislation will be included in that programme. Therefore, if the petitioner comes back with another petition in a year's time, that can be included in the Government's discussions.

I suggest that we close the petition but send letters to the Government and the cross-party group on crofting.

**The Convener:** I call Maurice Corry, then Tom Mason. I hope that we will come to a conclusion after that.

**Maurice Corry:** Gail Ross has put an interesting slant on the discussion. I, too, picked up the same point in the Government's submission of 26 March about the crofting bill. We should get some clarity on that. Her suggestion that we notify the cross-party group on crofting is very powerful, and I certainly support doing so.

As the convener quite rightly said, we must be careful that do not charge forward with an individual constituent's case; we work in a wider field than that. However, there are clearly a lot of grey areas, and I hope that the crofting bill will address those. I am sorry that, at the time, the responsible cabinet secretary, Fergus Ewing, was not stronger in pushing forward and including that aspect in any legislation.

On the balance of the information that we have received, and given what has been said by my colleagues today, I propose that we close the petition, but on the assurance that we write to the people whom Gail Ross has mentioned—I will not repeat them—to ensure that we make good progress. If that progress does not come to fruition, the petitioner can, of course, come back in a year.

From my experience on Argyll and Bute Council, I know that the council wrestled with the issue and we were never clear on where matters stood. I come back to my original point about a person being a guardian of a croft; I maintain that it is on that point that the issue stands.

**Tom Mason:** Having listened to the conversation, I will go along with what Maurice Corry and Gail Ross have said, in as much as we need to get assurance of some movement, but closing the petition might be appropriate.

**The Convener:** The committee has quite rightly taken the issue seriously and has wrestled with it. It is clear that the individual case must be pursued as such. However, the implications relating to the crofting legislation and the rights of crofters can be flagged up to the Scottish Government—and to the cross-party group, which was an interesting suggestion. That means that how the issue is progressed in the new parliamentary session can be helped by the committee's institutional memory.

I hope that the amount of time that we have spent on the petition reassures the petitioner that we recognise that there are serious issues and that we want to ensure that they are pursued. The dilemma for me is where the grey area is. The Scottish Government believes that it is a matter of discretion and that change is not required, whereas the pressures on local authorities' discretion relate not necessarily to the legislative rights of crofters but to the other understandable pressures under which they find themselves.

We have agreed to close the petition. In doing so, we will write to the Scottish Government and the cross-party group to flag up the issues that have been highlighted. I have no doubt whatsoever that the petitioner will have been pursuing other avenues, but he will have the right to return with another petition in a year, if he feels that that is necessary. We thank him for flagging up the important issue, and we trust that his individual case can be resolved in the near future.

### **Home-educated Children (Registration) (PE1730)**

**The Convener:** The next continued petition on our agenda is petition PE1730, on registration of home-educated children, which was lodged by Kenneth Drysdale. The petition calls on the Scottish Government to conduct an urgent review to identify children who are not registered with an education authority and are being denied a basic human right to access an education that is suitable to age, ability and aptitude.

The Scottish Government's response states that revised home education guidance with formal consultation had been planned, with the intention of publishing updated guidance in summer 2020,

but that that has been delayed due to the Covid-19 pandemic. We also have submissions from the Scottish Home Education Forum and the petitioner, which are summarised in our papers. We need to reflect on the evidence that we have been given.

I understand that a lot of work has been delayed because of the pandemic, but ensuring that young people are secure in education at home or in a more formal setting is even more important now because we do not know how the lockdown will have impacted some young people.

The general issue of ensuring that there is transparency around home education is evidenced in our papers. The Scottish Home Education Forum makes the point that there has for a long time been a request for compulsory registration and so on, but that has not yet happened.

The forum made interesting comments that concerns around home education include that young people are inappropriately home educated because of a failing in the mainstream system, whereas home schooling can be a satisfactory and positive experience for many young people. There were also comments that, in some circumstances, an argument about home education is a proxy for another argument that parents are having. Shared parenting and parental rights—whether parents are together or not—are complex. Comments from all sides were interesting, and we have afforded an opportunity for the issues to be closely examined.

We have highlighted the issue and there seems to have been progress. My view is that we should perhaps close the petition, while flagging up to the Government the necessity for the revised version of the statutory guidance on home education to be progressed as a priority.

**Maurice Corry:** I listened intently to your words, convener, particularly from your professional point of view as a former teacher. It is quite clear that the getting it right for every child policy comes into this, as the petitioner rightly says. The Government's submission says:

"authorities are advised to make contact with families they know to be home educating in their area and if the authority is not satisfied that a child is receiving an efficient and suitable education, they have the power to serve an attendance order notice to parents",

which is the Government's statutory requirement of local authorities. I am satisfied that there are enough safeguards in that.

I am minded to close the petition under rule 15.7 of the standing orders, on the basis that the Government is preparing a revised version of the statutory guidance on home education, and will be engaging with stakeholders as part of that process. Nevertheless, as the convener says, it is



important that we keep on top of that and write to the Government and COSLA to ensure that there is every opportunity for that to be done.

**Gail Ross:** I echo what has been said so far, and I thank the convener for providing her knowledge of the issue through her opening remarks.

This is another piece of work that has, unfortunately, been delayed due to the pandemic that we are all living through, and I hope that the revised home education guidance will be updated in due course. It is difficult for the Government to give us timescales, but a formal consultation is planned and stakeholders including the Scottish Home Education Forum will be involved in that.

I agree with Maurice Corry that the Public Petitions Committee has probably taken the petition as far as we can, under the circumstances. However, in a year's time, if the petitioner considers that the guidance has not been adequately reviewed, they should feel more than welcome to come back to us. I thank them for their interest in the matter, which has brought up a lot of issues to which I had not given proper cognisance. Local authorities should consider how they deal with home-educated children; I hope that that will come through in the revised guidance.

Under rule 15.7 of the standing orders, I would close the petition.

**Tom Mason:** I do not have much more to add, and I agree with what has been said so far. It is an important issue to get right. If the Government is to review the guidance, I hope that that will be sooner rather than later.

**David Torrance:** I agree with my fellow committee members to close the petition under rule 15.7 of the standing orders. The petitioner always has the opportunity to come back if they consider that the statutory guidance is not right.

**The Convener:** It seems that we are agreed that we have probably taken the petition as far as we can and that we should close it. We recognise that important issues are involved, and that this has been an opportunity to highlight them, not least through the evidence that we have been given from various groups that are involved in home education. We can have confidence in that. The submissions have been exceptionally useful in informing us.

10:45

As no one is indicating otherwise, we agree to close the petition under rule 15.7 of the standing orders. We emphasise to the petitioner that if, in a year's time, they consider that there has been no progress, we can return to the matter. We thank

the petitioner for their engagement with the committee.

### **Scottish Landlord Register (Review) (PE1778)**

**The Convener:** The next continued petition is petition PE1778, on reviewing the Scottish landlord register scheme, which was lodged by David Findleton. The petition calls on the Scottish Government to review the effectiveness of the Scottish landlord register scheme.

The Scottish Government's submission states that it does not agree that a review is needed, as it believes that the relevant legislation and guidance have been revised sufficiently and are robust. The petitioner disagrees with that point of view and is concerned that physical checks of properties are not carried out to check landlords' declarations.

I declare an interest in that I was the Government minister who took the registration scheme through the parliamentary process; I am therefore interested in its effectiveness. I did not envisage that it would be a hands-off scheme; I thought that there would be a serious process and that being registered would mean something. I am concerned that, at least according to anecdotal evidence, the process becomes a paper process, although an important one, when a local authority does not have sufficient resources. I recognise from the evidence that we have been given that the registration scheme has been hugely strengthened since its early days.

I go back to the petition on 30-day payments, which we considered earlier. If there is a gap in a policy and we are not confident about that, it is one thing to say what should be done, but how effective can that be if there are no checks?

I am interested in what other committee members think about the petition. There might be nothing further that we can do at this stage, but perhaps we should flag it up to the relevant committee that deals with housing, because there is a confidence issue with the register. If it is just theoretical, it does not mean anything to be registered, and that is a problem for those with concerns about the way in which a landlord conducts themselves in relation to their tenants.

**Gail Ross:** You have raised interesting points in your opening remarks, convener. In reading the Scottish Government's response, I thought that the changes had made the scheme robust. I have no doubt that complaints that are made to individual local authorities are followed up, because nobody wants rogue landlords who do not fulfil their roles. Issues such as carbon monoxide detection and the safety of electrical systems are hugely important, as they can be a matter of life and death.

I agree that closing the petition might be cutting it off because we do not think that there is anything else that can be done, and that we could refer it to the Local Government and Communities Committee, which I am a member of. We dealt with housing just a couple of weeks ago, and we are dealing with a relevant bill that is going through Parliament. It is about rent, but I am sure that the landlords situation will come up during evidence taking. It might be interesting to refer the petition to that committee.

**Tom Mason:** Issues and legislation that have been delegated will, by definition, be local, and will be dealt with according to the various needs and priorities of the local community. The issue goes with other issues to do with landlords, rented accommodation and housing generally, so referring it to the Local Government and Communities Committee would be appropriate so that it can be kept in balance and there is some sort of rationale. There is always a danger of particular legislation being interpreted overly strongly without the context of the local situation. We should refer the petition to the appropriate sister committee.

**David Torrance:** I agree with my colleagues Gail Ross and Tom Mason. We should refer the petition to the Local Government and Communities Committee.

**Maurice Corry:** I listened intently to what my colleagues Gail Ross, Tom Mason and David Torrance said and agree that we should pass the petition to the Local Government and Communities Committee. I have experience in my area of two relevant cases. A landlord was struck off after being taken to a legal process. He was eventually struck off in quite a major way, and the issue was raised in Parliament by one of my colleagues. I also know of a situation in which a tenant took a landlord to court in relation to rent. The landlord thought that he was in a good situation, but the tables were turned on him because he was not properly registered, and he faced a fairly heavy fine.

I know that the approach has been working in part, but it is important that we have more scrutiny of it. Maybe the issue goes back to whether local authorities have the resources to implement the law. They might be just cherry picking. We should have a further look through the other committee's actions on that.

**The Convener:** As Gail Ross has suggested, the appropriate committee to refer the petition to would be the Local Government and Communities Committee. The argument that a person can go to court is important, but the whole point of the registration scheme was that people had rights, entitlements and obligations, and that people were accountable without a person having to go to

court. The idea was to have transparency and accountability. If there was a problem with a tenant, somebody would take responsibility for that. A lot of the approach emerged from direct experience—including my own—of landlords who preyed on local communities. Far from being accountable, they did the opposite and caused huge problems in local communities.

This is a classic situation in which the question is how we ensure that legislation is enforced or, if it is not working on the ground, changed. That is maybe how we should flag up the issue to the Local Government and Communities Committee. This might not be something that can be done right now, but it seems that there is a legislative process that is ripe for proper scrutiny. The petitioners suggest that registration is not meaningful if there are people who do not think that it matters much how economical they are with the truth in their applications because no one will pursue them, although there are lots of people who do take registration seriously.

I think that there is a consensus on referring the petition to the Local Government and Communities Committee, because we think that the scheme is important, but is meaningful only if it is enforced in a serious way.

We thank the petitioner very much for highlighting the issues and for his submissions, which give us further information on his views. The petitioner will have the opportunity to bring the issue back to the Public Petitions Committee in a year's time if he feels that there has not been progress.

### **Large Shops (Closure on New Year's Day) (PE1780)**

**The Convener:** The final continued petition on today's agenda is PE1780, on consultation on the closure of large shops on new year's day, which was lodged by Stuart Forrest on behalf of the Union of Shop, Distributive and Allied Workers. The petition calls on the Scottish Government to launch a consultation on implementing the legislation that is already in place to ban large shops from opening on new year's day. Jackie Baillie is in attendance for the petition.

The committee considered the petition previously on 20 February 2020. At that meeting, the committee agreed to write to the Scottish Government. Responses have now been received from the Scottish Government and the petitioner.

The Scottish Government's submission notes that any decisions that might affect retail companies are taken with regard to other issues that are having, or could have, an economic impact. Such issues include the current Covid-19 pandemic and exiting the European Union. For

those reasons, the Scottish Government's view is that it is not an appropriate time to reconsider the current position on a consultation on new year's day trading. However, the Government notes that, as it moves forward with the development of the retail strategy, it will involve unions in that process, and they will have the opportunity to discuss and consider such issues in conjunction with other representatives of the retail sector.

The petitioner's submission notes his disappointment with the Scottish Government's view. Although he welcomes the commitment from the Scottish Government to develop a retail strategy, the petitioner does not believe that stopping trading for large shops on new year's day is a block to that strategy in any way.

Before I call members of the committee, I ask Jackie Baillie to comment.

**Jackie Baillie:** This will be the last time that I annoy the committee—at least for today.

I declare an interest as a member of USDAW. I met the minister in charge, Jamie Hepburn, and USDAW to discuss the Christmas Day and New Year's Day Trading (Scotland) Act 2007 and, specifically, the provisions relating to new year's day. Members might recall that I raised the issue at First Minister's question time in January this year, which seems like an awful long time ago. The First Minister was very positive in her response and said:

"Shop workers deserve a festive break such as the rest of us get the benefit of."—[*Official Report*, 9 January 2020; c 21.]

Emboldened by that, we thought that we would approach the minister, with a view to moving ahead.

Those with long memories will remember that, in the first session of the Scottish Parliament, Karen Whitefield MSP brought forward the proposal through a member's bill, and that the Christmas Day and New Year's Day Trading (Scotland) Bill was passed in 2007. I reference that because it has been 13 years since anything has been done in relation to the new year's day provision in the 2007 act. That provision requires the Scottish Government simply to consult on any proposals to ban new year's day trading but, so far, that has not happened.

I say as gently as I can that one would think that such a consultation being part of the retail strategy would be welcome, but the person who announced that strategy was Keith Brown, who was three ministers ago, so this is taking forever. I urge the committee not to feel that the consultation necessarily needs to be part of the retail strategy; it can stand alone.

I am sure that, during the lockdown, all members of the committee stood on Thursdays, as I did, clapping for our front-line workers. There was no doubt that retail staff were on the front line in keeping the nation fed and well stocked. I do not think that they want our applause; they deserve a day off on new year's day.

Far be it from me to remind the committee of the cultural significance of new year's day in Scotland but, until recently, it was much more important than Christmas day. I agree with the First Minister that retail workers deserve a day off. I hope that, likewise, the committee will agree and will write to the Scottish Government to ask it to get on with the consultation, because it has been 13 years in the making.

**The Convener:** Thank you. You are making me feel my age again, because I recall when people would never have even remotely considered going anywhere near a shop on new year's day or the day after. New year was a very big issue for my family. However, it is clear that the position has changed.

I remember clearly that, when the bill was originally taken forward, there was a commitment to consult, which was not absolutely what USDAW wanted, but that consultation did not happen. I feel strongly—even more so now, because of the impact of Covid—about the importance of retail workers and the abuse that they face.

We are suddenly discovering that things that we thought absolutely had to happen do not have to happen. There does not seem to be any argument in the world that we have to be able to shop on new year's day. During the lockdown, we have learned that we can do things differently. There are issues about the rights of families and workers. If the lockdown has shown us anything, it is that it is not true to think that, by definition, it is an economic necessity to have shops open on new year's day.

11:00

I strongly support the consultation taking place. We should write to stakeholders such as the unions and the co-operative retailers as well as the Scottish Retail Consortium to ask for their views. The retail sector does not have a unified view on the issue. Sometimes, we end up in a position in which everybody thinks that they have to open because some shops are open. If no shops are allowed to open, shops cannot compete for the business, which seems eminently sensible.

I have given a pretty clear view of what I think, but I ask other members for their views.

**Tom Mason:** I exceed your age by many years, convener. I remember when shops closed at

Saturday lunch time and on Wednesday afternoons. I do not think that we have necessarily benefited from some shops now being open 24 hours a day. We now have the alternative of shopping online, which is increasingly useful.

It is a moving target. We need to consult fully and get agreement across the board on how we go forward with retail in order to support the high street and look after shop workers. It is appropriate to hold the consultation with stakeholders at this stage.

**David Torrance:** I fully support the petition. As somebody who believes that Christmas and new year are sometimes the only times when people get to see their family, and that family time is really important, I do not believe that shop workers should be put under pressure to work on new year's day. I have had many complaints in the past in relation to certain retailers.

I would like us to write to the Scottish Government to see how quickly it can do the review, which has been promised for so long. I would also like us to write to the relevant unions. Let us see whether we can push the issue, because I would like new year's day to be a holiday for everybody, including shop workers. We erode Scottish traditions when we allow the big shops and retailers to open and, as I said, put pressure on people to work.

**Maurice Corry:** It was interesting to hear what Jackie Baillie had to say and to hear the history of the issue. I just missed the days when people had to work on Christmas day, but I will not go there.

The situation is clear. I agree entirely with David Torrance and Tom Mason. We need to keep the petition open and push the Scottish Government on its progress with its consultation, which has clearly stalled.

As a family man, I fully appreciate that new year's day is important for family. Shop workers deserve that day off. We should write to the various stakeholders such as the Scottish Retail Consortium, the Scottish Trades Union Congress and the GMB to ask for their views on the action that needs to be taken. We should put a rocket behind the Government and ask it to get a move on to get the results of the consultation. I propose that we keep the petition open.

**Gail Ross:** We must be quite traditional and old fashioned up where I live, because we still close for a half day on Wednesdays. That can be quite frustrating when you forget something and go down to the chemist but it is shut.

I agree with what has been said. I see no reason for shops to be open on new year's day. I remember when the sales used to start on new year's day, but they now start on boxing day or

sometimes even before Christmas. There is no material reason at all for shops to be open on new year's day. I completely agree with the other members of the committee in relation to the organisations to write to and on putting rockets behind the Scottish Government. I fully agree with that suggested course of action.

**The Convener:** Gail Ross says that we should be

"putting rockets behind the Scottish Government".

We will make sure that that is flagged up to the Government.

I do not think that it is necessary to bring Jackie Baillie back in, unless she indicates that she wants to come in. There is clearly a consensus that the workforce would benefit from shops being closed on new year's day. Shops being open creates demand, but I think that people would survive if they were not open.

There is a broader issue about every day being the same for a lot of workers in relation to how much they are paid. We can reminisce about the days when people got extra pay for working on a Saturday—I remember getting double pay for working on a Saturday. All that has gone, and that is to be regretted in relation to the rights of workers more generally in some sectors. There is important work to be done in that area.

There is a consensus that we should write to the Scottish Government and to the stakeholders and unions that have been identified. There will, of course, be further opportunity for the petitioner to engage, once we get the responses back, but the petitioner and USDAW can make further submissions on the basis of what has been said. We agree to take that course of action.

Before we move to agenda item 3, I suspend the meeting for five minutes.

11:05

*Meeting suspended.*

11:13

*On resuming—*

## Mental Health Support for Young People

**The Convener:** Item 3 is consideration of the Scottish Government's response to the committee's report on its inquiry into mental health support for children and young people in Scotland. The response, which was provided by the Minister for Mental Health, Clare Haughey, outlines actions that the Scottish Government is taking to address the issues of mental health support for children and young people, and is summarised in our clerk's note.

We have received a response to the minister's letter from Annette McKenzie. Members will be aware that it was during consideration of evidence that we received in relation to Ms McKenzie's petition that the committee agreed to undertake the inquiry. In her submission, Ms McKenzie expresses her disappointment with the minister's response; she believes that insufficient action has been taken to support young people and families. We thank Annette McKenzie for her response. We are conscious of how difficult it is and continues to be for her, and her plea is that we recognise how serious the situation is for young people. She says that those problems were there pre-Covid and that they continue. I know that, in the local community, there are on-going concerns about suicide and how troubled some young people are. We are very conscious of the seriousness of those issues.

I welcome comments from members on the response from the minister.

11:15

**David Torrance:** I also thank the petitioner for bringing the petition to the committee and I thank everybody involved with it, including the clerks, because a huge amount of work has gone into it. We have to note the minister's response, but I would definitely like us to get some parliamentary time to debate the issue, so that we could get some proper answers.

**Maurice Corry:** I agree with what David Torrance said. It is an important issue and, as you know, you and I went around the country to various meetings and listened to young people in different circumstances and different geographical areas, and I came back thinking, "Gosh, we need to do something about this." Clearly, as life goes on with the Covid experience—goodness knows what the outcome of that will be for young people—the mental health issue has to be flying at the top of the tree. Young people are the future generation and any support that we can give them

would be super, and I am grateful for what the petitioner has said and for bringing it to our attention. A lot more needs to be done to make the Scottish Government aware of the issue so I, too, would seek that this goes in the parliamentary business programme for a debate on the issues raised in the inquiry. Although I note the Minister for Mental Health's response to the committee report, this is an important issue, I am deeply moved by it and would like to see it progressed.

**Gail Ross:** I start by addressing the petitioner directly. I was struck by her response to the Scottish Government's response. I say to her that she has not failed and that she has been extremely brave. She has started a conversation here; we have spoken to so many people, including young people themselves, and the petitioner should be very proud of herself, because the whole inquiry has brought things out into the open that need to be spoken about, and we are now doing that.

I agree with the petitioner that the answer that we got from the minister should not just have come about because we are in the middle of a pandemic—important though that is and will be to people's on-going mental health, especially young people's mental health. This would have been happening if the pandemic had not happened, so we need to look at it in that context. A response to the issue should be on-going, health pandemic or no health pandemic.

As the minister pointed out, a lot of work is being done. Current problems have focused minds and mental health has been brought to the fore of many situations, in some cases unfortunately because people have taken their own lives, and we are left asking why and what could have been done to prevent it and, more importantly, what can be done to prevent it from happening again.

I note the response and I note that things are happening in that regard across all sectors of society, in education and in the workplace. I think that, as a society, we could be a lot kinder to each other in recognising, when somebody has an issue but does not want to come forward for whatever reason. A lot of this stuff will take time to bed in and have any real outcomes, but in a lot of situations we do not have that time, so it has been a really difficult issue to get a grip on.

We need to be pushing as much as we can for a full debate in the chamber of the Scottish Parliament. I agree with my fellow members on that. I thank the petitioner very much for bringing this to us and I hope that she is comforted by the fact that this is now being discussed in an open forum and in a serious way.

**The Convener:** Thank you. I think that Gail Ross speaks for all of us; it has been very powerful.

**Tom Mason:** I endorse everything that Gail Ross has said. The petitioner has been very brave and should be congratulated on her tenacity in keeping this going. We must be putting young people through incredible dilemmas and pressures with everything that has been going on in the past period. As a pensioner for some years, although I am still keeping going, I look at what young people experience compared with what I experienced when I was their age and I think that we had it soft; we benefited greatly from everything—in fact, in some ways, I feel quite guilty about the situation.

At the very least, we can make sure that we listen to young people where necessary, and a debate would be a great way of trying to tease out some further details and to get people to take ownership of the mental health issues of young people. I think that a debate would be a great idea, if we could get that to happen.

**The Convener:** Thank you for that. I agree with everything that has been said. I think that the point about the pressure on young people is absolutely right. It predates the pandemic, but the pandemic has brought everything under the most intense glare, whether it is pressure on young people in schools, the fact that they are not guaranteed work, the fact that, all of a sudden, the jobs with which young people sustain themselves while studying are the very jobs that are disappearing, or the level of uncertainty and fear for older family members and what might be happening to them. I think that everything is intense just now.

My feeling about the ministerial response is that it did not engage with quite a lot of the recommendations that we made; there were general statements about what the aspiration of Government policy is. I absolutely do not doubt in any way the sincerity of the minister in her response, but a parliamentary debate would afford us an opportunity to raise those specific recommendations and ask for a response to them.

There is the whole question of having not just counsellors but training for staff and for young people, having a shared language to talk about how people feel and having a sense that the whole school community has a responsibility. Also, and I thought that this was a weakness in the response, there is the question of what we expect from employers, particularly those that are taking on apprentices and new trainees. A lot of employers would be happy to engage with us, but they may need support to know what they should be doing and how they can direct people if they are experiencing pressures, concerns, anxiety or distress.

We are all recognising the importance of the whole issue—the inquiry makes that clear—but a debate would allow us the opportunity to press on some of the specific recommendations that have not been addressed and we will be able to return to this as a committee once that debate has taken place.

Unless anybody wants to add anything further, I think that we are in agreement that that is what we will be seeking and we will be able to give notice of when that debate might be when that has been decided. I thank the petitioner for her continued persistence and her tenacity, which is a word that another committee member used, and I recognise just how difficult it continues to be; we are thinking of her.

With that, I thank the committee members, clerks and the broadcasting team for allowing this committee meeting to happen. I will now close the meeting.

*Meeting closed at 11:24.*

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