



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Wednesday 9 December 2020**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**

**21<sup>st</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)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

Virtual Meeting



# Scottish Parliament

## Public Petitions Committee

*Wednesday 9 December 2020*

*[The Convener opened the meeting at 09:30]*

### Continued Petitions

#### Residential Care (Severely Learning-disabled People) (PE1545)

**The Convener (Johann Lamont):** Good morning. I welcome everyone to the 21st meeting in 2020 of the Public Petitions Committee. The meeting is being held virtually.

We had hoped to take evidence today from Professor Dipankar Nandi, consultant neurosurgeon and head of department at Charing Cross hospital and St Mary's hospital, and professor at Imperial College London, on PE1723, on essential tremor treatment in Scotland. Surgery commitments have prevented him from giving evidence today, but he hopes to be able to attend next week. I should emphasise that we are extremely grateful to Professor Nandi for being willing to come before the committee, and we understand why he is unable to be with us today.

The first continued petition for consideration today is PE1545, on residential care provision for the severely learning disabled, which was submitted by Ann Maxwell on behalf of the Muir Maxwell Trust. The petition calls on the Scottish Government

“to recognise residential care as a way severely learning disabled children, young people and adults can lead happy and fulfilled lives and provide the resources to local authorities to establish residential care options for families in Scotland.”

Following our most recent consideration of the petition, the committee wrote to the petitioner to ask what issues they wished the committee to raise with the Cabinet Secretary for Health and Sport in relation to their petition. The petitioner's response formed the basis of the committee's letter to the health secretary. A response has been received on behalf of the health secretary from the Minister for Mental Health, as learning disabilities is within their portfolio. A further response from the petitioner has also been received. Those responses are summarised in the clerk's note.

Do members have any comments or suggestions for action? I feel a great deal of frustration about the Government's submission,

and you can see from the petitioner's submission that she feels that very strongly.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I agree. I was quite frustrated with the Government's submission. The thing that struck me about it is that the Government said that the numbers are too small for individual residential units in communities. Basically, reading between the lines, if it was going to make such provision available, it would have to do it nationally, but that would go against its policy of not taking people out of their communities. The irony is that the petitioner has already had to go outwith not just her community, but her country, and has had to access care in England, which seems to be excellent. It is a shame that such provision is not available in Scotland because, from what the petitioner has indicated, there certainly seems to be a need for it. On the opposite side, the Scottish Government has the policy of wanting people to be cared for in their own homes and it says that high-quality care at home can be accessed. I do not know whether that is true all over the country, but it certainly seems to be the case that, in some areas, people would find it very difficult to access the high-quality care that is said to be available.

I think that a lot of issues have been raised by the petition that still need to be addressed, but I worry that this committee is not the place for that. The Scottish Government said that there has been a short-life working group, that it has done the “Coming Home” report and that it is carrying out a review of adult care services. I hope that the work that it is doing with the Convention of Scottish Local Authorities will lead to solutions for the people in this group.

I find it very frustrating that where we are in the parliamentary session means that we might not be able to put as much emphasis on the petition as we would normally have done. I would have liked to pass it on to another committee, but I feel that we should close it under rule 15.7 of standing orders. I make that recommendation extremely reluctantly, but given the powers that the committee has, I cannot see anywhere else we can go with it. However, I would like us to mention the petition in our legacy paper so that we can bring the issue to the attention of the Health and Sport Committee for the next session of Parliament, if other members agree.

**Maurice Corry (West Scotland) (Con):** I agree with the comments that my colleague Gail Ross has just made. It is difficult, because we know how frustrating it is for families with offspring in this situation and it is dreadful to think that people have to go down south to get the right provision. We are a caring society in Scotland and we should be able to resolve the matter. I am disappointed that we cannot make any further progress with the

Scottish Government at this stage, but it is safe to say that the petitioner can bring the petition back again next year in the new session of Parliament, and I think that she should consider doing that.

I agree with Gail Ross that to pass the petition on to another committee now would not necessarily solve the issue in the immediate future. The issue deserves more input from the committee and from Parliament, and I think that, at this stage, we have no option other than to close the petition under rule 15.7 of standing orders, on the basis of the comments that have been made and the fact that the Scottish Government feels that there is no more that it can do. To be honest, that is disappointing, but that is the position that we face. I hope that the issue will be picked up again; we can certainly put it in our legacy paper.

**David Torrance (Kirkcaldy) (SNP):** I agree with my colleagues that it is a very difficult petition. I agree that we should close it, but as Gail Ross said, I would like us to bring it to the attention of the Health and Sport Committee in our legacy paper.

**Tom Mason (North East Scotland) (Con):** I agree with what has been said so far by my colleagues. Ideally, matters should not be left as they are, but if the only way forward is to mention the petition in our legacy paper, then so be it. I think that closing it under rule 15.7 is the only way to proceed at this stage. The best solution would be notification through our legacy paper so that it can be picked up in the next session of Parliament.

**The Convener:** The constant pushback from the Scottish Government is that it has a policy of people being supported in their communities and in their homes. The petitioner is saying that that is not appropriate for a group of people and because the policy is to keep them in their homes, there is a pushback on families who want something different, which is not what the policy should be. It should not involve the provision of only one thing exclusively. It should be a case of meeting the needs of the individuals concerned. If the provision is not there, it is extremely difficult. I found some of the tone of the Scottish Government's response a bit challenging. I think that, if I was the petitioner, I would be quite annoyed—that is the kindest way of putting it—as it is clear is the case from the petitioner's submission. I would possibly be slightly insulted by the idea that I had not thought about or did not understand what the policy was.

I think that this will be a theme today: as a committee, we are right up against the fact that we are coming towards the end of the parliamentary session, and we want to be honest with people about what we can do between now and March 2021. We can identify issues that really matter

here, but it will be for Parliament to decide in the next session.

I am very reluctant to let the petition go, but I accept what my colleagues are saying, which is that we must be clear that there is a limit to what we can do. We can write to the Education and Skills Committee and the Health and Sport Committee to flag up the fact that they should be thinking about the issue. Is it really our policy that the only way in which we can support people with complex needs is in the community? If members remember, at the very beginning, there was a big issue about whether we even counted the numbers right; it was said that there was a need for a proper analysis of how many people were in this group. I think that the Government's approach is underpinned by an attitude of, "Why are you asking for that kind of support? This is what we've decided," and I think that that is problematic.

Realistically, we can write to the Education and Skills Committee and the Health and Sport Committee to say that there is a big issue here about having a one-size-fits-all policy, that there needs to be flexibility and that we need to listen to people with learning disabilities and complex needs and their carers so that the issue is not closed down in the way that we have seen. We could agree to do that.

I think that we should agree to close the petition. We should emphasise to the petitioner that we recognise how long a struggle it has been and that, should they wish to return to the issue in the new session of Parliament, they would not have to wait a year—they could do so as soon as the new session of Parliament begins.

I think that this is unsatisfactory, but we agree reluctantly and with no sense of wanting to let the petitioner down that we will perhaps put something in our legacy paper. We will flag up the issue to the relevant committees, and the clerks can advise us which would be the right committees to deal with the core issue, which relates to the policy that the Scottish Government has pushed back on. We agree to close the petition and thank the petitioner very much and remind her that she can bring it back as soon as the new session of Parliament is convened. Is that agreed?

Yes, that is agreed. We have agreed to close the petition but to correspond with the relevant committees and to ensure that we flag up the issue in our legacy paper. We thank the petitioner and regret that there has not been the scale of progress that she might have hoped for.

### Higher Education (PE1769)

**The Convener:** The next continued petition is PE1769, on higher education in Scotland, by Marie Oldfield. The petition calls on the Scottish

Parliament to urge the Scottish Government to review the way in which higher education is set up and delivered in Scotland, including how students' rights are enforced and whether there is scope to allocate more power to the Scottish Public Services Ombudsman. I welcome Jackie Baillie for consideration of the petition.

Since our most recent consideration of the petition in September, the committee has received submissions from the Minister for Further Education, Higher Education and Science and the Scottish Funding Council. A submission has also been received from the petitioner. In their submissions, the minister and the Scottish Funding Council outline the procedures that are in place in the event that a student should have a complaint, with the Scottish Funding Council commenting that it has

"no evidence that that the current approach is not effective in protecting the interests and rights of students, and the issue was not raised with us in our recent review of colleges and universities."

In her petition, the petitioner reiterates that, at present, the Scottish Public Services Ombudsman is limited in what remedies it can enforce to resolve a complaint. She contrasts the powers of the SPSO with those of the Office of the Independent Adjudicator for Higher Education in England, which is able to consider a wider range of complaints and has the power to award financial compensation.

I will ask Jackie Baillie if she wants to make a contribution on the petition. After we have gone round committee members, I will allow her back in if she has further comments to make at the end.

**Jackie Baillie (Dumbarton) (Lab):** Thank you very much, convener. I hope that I will not detain the committee for too long.

I was genuinely disappointed by the responses from the Scottish Government and the Scottish Funding Council. Having tried to assist Marie Oldfield, who is my constituent, with her complaints against the University of Glasgow has proved to me that there is a gap in the opportunity for complaint or redress, particularly for postgraduate students, and a gap in the opportunity for the protection of students' rights and interests. In her case, the Scottish Public Services Ombudsman found that the complaints procedure of the University of Glasgow was not fit for purpose, and it noted that the number of postgraduate complaints in the enhancement-led institutional review seemed to suggest that there was a problem there.

There is no doubt in my mind that there is a problem but, as I said, I am disappointed in some of the solutions—or, rather, the lack of solutions—offered by the people the committee has written to.

Marie Oldfield has identified a body in England—the Office of the Independent Adjudicator for Higher Education—which can consider a much wider range of complaints than the SPSO can and can award compensation. I understand, based on the comment about timescale that the convener made on the previous petition, that there might be a view that the petition should be closed. I encourage the committee to keep it open, pursue it further and write to the Scottish Government and the Scottish Funding Council about the body in England. However, if the committee has no option other than to close the petition at this stage, I ask it to give an indication of whether it would welcome a further petition from the petitioner in the new parliamentary session on whether such a body would have a role and be relevant in Scotland.

09:45

**Maurice Corry:** I listened intently to Jackie Baillie's comments. I had picked up on the point about the Office of the Independent Adjudicator for Higher Education in England. I think that, at this stage, given the responses from the Government and the Scottish Funding Council, the fact that universities are not public bodies and how that relates to the question of extending the existing powers of the SPSO, it would be much more beneficial for the petitioner to come back with a new petition that was specifically aimed at the comparison with the Office of the Independent Adjudicator for Higher Education that is currently running in England.

I think that that would be a good way forward, because we are faced with the prospect of closing the petition under rule 15.7 of standing orders on the basis of the responses that we have received from the Scottish Government and the Scottish Funding Council. The Government does not want to extend the existing powers that are available to the SPSO, and the SFC has stated that there is

"no evidence that that the current approach is not effective in protecting the interests and rights of students".

Therefore, I think that it would be more beneficial to Marie Oldfield, who is a resident of my region, to take a fresh look at the issue. From the petitioner's point of view, I think that it would be a good idea to lodge a new petition in the new session of Parliament.

**David Torrance:** It is clear from the submissions of the Scottish Government and the Scottish Funding Council that the Government is not going to change its plans and extend the powers of the SPSO, and that the Scottish Funding Council is quite happy with the present situation, as it believes that there is

"no evidence that the current approach is not effective in protecting the interests and rights of students".

I think that there is nothing that the committee can do other than close the petition under rule 15.7 of standing orders. However, as Maurice Corry said, the petitioner could submit a petition on the specific topic that he mentioned in the new session of Parliament.

**Tom Mason:** I endorse what has been said so far. The current situation is unsatisfactory and we need to focus on exactly what the issues are in a much more definitive manner. That would require additional time and discussion. The only way to achieve that is for the petitioner to come back with a very focused petition in the new session of Parliament to move the Government away from the rather rigid position that it has at the moment. I think that closing the petition is the only way that we can make that happen. I hope that a further petition is lodged in the new session of Parliament.

**Gail Ross:** I agree with everything that has been said. The suggested course of action, which would involve the petitioner lodging a new petition that has a focus on how things are done in England, is the right one. I agree to our closing the petition.

**The Convener:** My sense is that the petitioner feels as though she has been given the runaround and that it is not anybody's responsibility—it is case of, "There's nothing to see here," and there are no plans to change anything. I think that the Scottish Government should have reflected a bit more on what was being said, whereby someone was in the position of not getting access to learning, still being charged for it regardless and experiencing the frustration of having to run round the system. I think that there is an opportunity for our successor committee to look specifically at the new option that has been suggested, but we have come to a consensus on what that body could look like.

Jackie Baillie, do you have anything to add?

**Jackie Baillie:** I very much agree with you, convener, because the petition brings evidence of a problem. I think that you have summed up the situation perfectly. The petitioner could find no redress and was given the runaround in the system. The SPSO found that there was a problem, but its remit did not allow it to deal with it. I welcome the committee keeping open the option of a future petition being brought before its successor committee.

**The Convener:** I cannot remember whether the term "academic freedom" was the one that was used. It seems that something was caught up in that category that did not really feel as though it should have been in that category; it was as though it was somebody else's problem.

From now on, I think that we will hear it repeated regularly in the Public Petitions

Committee that we are caught up in the parliamentary timetable. We recognise that there is an issue here. We think that, should a future petition be lodged on the issue, it should have the focus of looking at what kind of body would be needed to address the problem and what similar powers it should have. As ever, the clerks are available to provide support with how such a petition might best be worded, and the petitioner would not have to wait for a year, because it will be a new parliamentary session.

To capture what the committee has said, we recognise that there is a significant issue here and we do not think that it is satisfactory that the Scottish Government is saying, "We have no current plans, as we don't think there's a problem." The petitioner may wish to reflect on whether she can lodge a petition in the new session of Parliament that is absolutely focused on the kind of solutions that she is looking for.

We agree to close the petition under rule 15.7. I thank Jackie Baillie for her attendance and thank the petitioner very much for engaging with the committee.

## Water Safety (PE1770)

**The Convener:** The next continued petition on our agenda today is PE1770, on improving water safety, which was lodged by Margaret Spiers. The petition calls on the Scottish Government to work with all relevant bodies across Scotland to improve water safety by ensuring that all waterways have life-saving equipment such as lifebelts and buoyancy throw bags, with ropes, to allow multiple attempts at rescue, and that tampering with water safety equipment is made a criminal offence of endangering public safety.

Since the petition was last considered in September 2020, we have received written submissions from COSLA, Glasgow City Council and Police Scotland.

COSLA states in its submission that it would be supportive of life-saving equipment being available on waterways, where it is deemed appropriate or necessary. However, it urges caution with regard to the establishment of a new criminal offence, stating that it would support

"the promotion of education and preventative activities to avoid the criminalisation of people."

Similarly, Police Scotland does not agree that tampering with water safety equipment should be made a criminal offence, explaining that legislation is already in place that

"would support Police action where equipment is removed or damaged."

In its submission, Glasgow City Council highlights the work that it has done, following the



intervention of the petitioner, to add distinctive ropes to lifebelts and new additional throw bags. It states that the use of the distinctive rope has been successful in deterring thefts and vandalism, thereby ensuring that the equipment is available when needed.

I think that this is a very important petition. I had the privilege of meeting Mr and Mrs Spiers, who have sought to address a problem as a consequence of their own tragic circumstances. I was struck then, and I think that the committee has been struck since, by their persistence and courage. I do not accept the notion that this should not be a criminal offence. If somebody was blocking off fire exits from a building where there was a fire, I think that people would regard that as a criminal offence. My own sense is that there should be recognition that vandalising life-saving equipment is a very serious offence because at some point in the future somebody may require it and it will not be available.

I understand that people would prefer education. We would prefer there to be a campaign that got people to understand why these things matter and why, if you do this stupid vandalising thing, it can have very serious consequences that people have to live with for the rest of their lives. I recognise the progress that has been made by Glasgow City Council and I think that there has been cross-party support in the council for finding a solution that has been identified with the family.

The question to put to members is: is there more that we can do at this point? My own sense is that we hope that this is something that the Parliament could take on, but we need to think about whether the Public Petitions Committee can realistically do anything more at this stage.

**David Torrance:** I thank the petitioner for lodging the petition. I live in a coastal town and on several occasions have seen vandalism to life-saving equipment on our promenade, and it absolutely disgusts me that somebody could do that. However, when we look at the submissions from Police Scotland, COSLA and Glasgow City Council, we can see that Police Scotland does not agree with the petitioner. It says that the legislation is in place that allows it to prosecute somebody who damages or removes equipment.

I would like to thank the petitioner because, in lodging the petition, she has highlighted the issue to Glasgow City Council, which has acted on it and put measures in place to try to improve water safety. COSLA supports having such measures in place as well.

Like the convener, I do not think that the committee can take the petition further. I would like to close the petition under rule 15.7 of standing orders and thank the petitioner once

again for lodging it and for highlighting the irresponsibility of some people around the waterways who are damaging equipment, and the cost of that in terms of people's lives.

**Tom Mason:** I agree with the approach that is being stated at the moment. The timing, at this stage of the session of Parliament, is difficult. It is a disgrace that such equipment is vandalised, which can cause loss of life. I think that we have no alternative but to close the petition at this point, but that a new petition can be lodged to focus on a specific requirement for an offence to do with vandalising safety equipment in general. I think that it is a mistake to limit it to this particular situation; it has to be done on the more general basis of jeopardising safety equipment.

**Gail Ross:** You are absolutely right in what you said, convener, about vandalising safety equipment in general—for example, blocking fire doors or taking away fire extinguishers. I think that this is absolutely in the same category. Tom Mason and David Torrance also touched on that point. Education is all very well, but I think that there has to be some kind of penalty, because it can be a life-or-death situation. Police Scotland and COSLA have already said that they do not want to go down that road, so I think that there is little we can do to push that.

I agree that there is not much more that we can do as a committee, but the thing that struck me was the really good work that this family has done on getting the coloured ropes in place and how thefts and vandalism have really gone down because of that. I would love to see that being rolled out everywhere. I do not know how that can come about—perhaps through some sort of national campaign with local authorities and the manufacturers. If it is working in one local authority, it is a no-brainer that it would work in other local authorities that have waterways. I think that it was Maurice Corry who spoke last time we considered this petition about water safety reports or something similar that local authorities should have in place. His cross-party group had said that only some local authorities have them.

10:00

I think that in closing the petition, we should perhaps either write to COSLA on behalf of all local authorities or just write directly to all local authorities to ask them if they have a water safety report—I am calling it a report, but I think that that is the wrong word—and to bring the coloured ropes to their attention and say that it might be a good idea for them to look into that as well.

**Maurice Corry:** To pick up on Gail Ross's last point, that is exactly right. I am on the cross-party group on accident prevention and safety

awareness and we are in the process of writing to every single local authority about working on their water safety policies. We discovered that only five of them have policies either in place or nearly in place, which is really rather appalling. The problem is that it is not a statutory requirement for them, so it is a matter of persuading them to have such a policy.

I think that we have no option other than to close the petition at this stage, but when we do, I think that it would be a good idea for the committee to write to the individual local authorities. That would give a lot of impetus to the work that we have been doing in the cross-party group on trying to persuade them to look at the whole of their inland and coastal water safety policies. I raised that point because I have a deep interest in this particular subject.

I think that it is proven that the idea about new equipment from Margaret and Duncan Spiers is a brilliant idea and I thank them for lodging the petition, although it is born out of tragic circumstances. The idea obviously worked for Glasgow City Council and I think that it should be extended. We should write to the local authorities and we should certainly write to the cross-party group convener about what we have discussed today. There has been movement in this area and, as a cross-party group, we have been talking with COSLA too. It is very much at the front of our minds, so I would like the petitioners to feel that this has spurred us on to look at it further in relation to other actions that we are taking.

At this stage, as far as this committee is concerned, we have no option other than to close the petition under rule 15.7 of standing orders on the basis of what has been said in relation to Police Scotland and the statutory requirements, but we are taking the issue further with the cross-party group, so I hope that that will help. I agree with the comments of my colleagues as well.

**The Convener:** Thank you. I call Gail Ross back in.

**Gail Ross:** Convener, my point has already been covered. I was going to suggest that we copy the letter to the cross-party group, as Maurice Corry indicated.

**The Convener:** In that case, we are agreeing to close the petition. We recognise that there are a number of very significant issues outstanding, but there has been progress, and we note the progress made in Glasgow.

I think that it is fair to say that we are highlighting concerns about whether this should be a criminal offence. We think that it should be regarded as a public safety question. Tom Mason made the point more generally about the impact of vandalism.

In closing the petition, we will write to local authorities to highlight to them the need for water safety plans. The petitioners might want to think about whether they should be arguing for it to be a statutory responsibility for local authorities. That is another area that they may want to explore in the next session of Parliament.

In the meantime, we will write to local authorities to highlight the very important issues about local authority planning in this regard and we will copy the letter to the cross-party group. As that is agreed, we want to place on the record our thanks to the petitioners and I am absolutely clear that their campaign will continue, given the determination and persistence that they have shown so far. If they want to think about a new petition, they can do that after May next year. I thank them again.

### **Learning Difficulties and Disability Qualifications (PE1789)**

**The Convener:** The next continued petition on our agenda today is PE1789, on learning difficulties and disability qualifications, which was lodged by James A Mackie on behalf of the 1673 network. The petition calls on the Scottish Parliament to urge the Scottish Government to increase the number of professionals, such as speech and language therapists, educational psychologists, physiotherapists, psychiatrists and occupational therapists, qualified to assess children and parents with learning disabilities or difficulties and other behavioural problems, to reduce the number of children who are taken into care.

The petition was last considered by the committee on 17 September 2020. At that meeting, the committee agreed to write to the Minister for Children and Young People. It also agreed to write to the Scottish Trades Union Congress and other relevant professional bodies. Responses have been received from the Minister for Mental Health, the Association of Scottish Principal Educational Psychologists, the Royal College of Psychiatrists in Scotland, the Educational Institute of Scotland and the petitioner.

I was very struck by the substance of the responses to the petition. It is clearly an issue that people regard as serious. I was very interested in the EIS's point that there has been a retreat by these professionals from schools and educational establishments and much more of the responsibility now lies with individual class teachers. Clearly, teachers have a key role in this, but I think that they would expect to be part of a supportive team.

I should declare an interest as someone who taught for more than 20 years. In my time, professionals such as educational psychologists came in and they did not just come in to give teachers advice. They worked directly with families, they assessed whether young people were in the right placement and so on.

From the figures in the table that has been given to us by the EIS, a steep rise can be seen in the number of young people with additional support needs, but there has been decline in staff to support them. I regard that as a significant problem and there are serious questions to be asked about that. I hope that at this stage we can raise with the Scottish Government the direct questions that have been raised by professional organisations and look for a response from the Government.

**Tom Mason:** I entirely agree with your comments, convener. It is worrying that the resources seem to be disappearing and, as a result, more young people are being affected. I remember in my day, many years ago, professionals of various types being very much involved with the class and the teachers. We must explore why that is not happening. Demanding an explanation from the Government about what is going on and trying to reverse a bad trend seems appropriate. I hope that we do not have to close the petition now and that we can carry it over as necessary.

**Gail Ross:** I agree. There are some serious issues to be discussed here. The Scottish Government has completed the independent care review and we have the promise but, as you say, the other evidence that we have from the professional organisations needs to be addressed. I agree that we should write to the Scottish Government and ask it how and when those issues will be addressed.

**Maurice Corry:** I agree with what my colleagues have said so far. The comments made by the various professional bodies are overpowering. These are the people who really know what needs to be done. I think that we have no option other than to ask the Scottish Government about the concerns that are expressed by those organisations. I ask that we continue to do that and see what is happening in relation to the outcome of the promise and the other strategies that the Government has been considering and implementing. Clearly, something needs to be done and I commend that to happen.

**David Torrance:** I agree with my colleagues that we should continue the petition and write to the Scottish Government because I am concerned by the concerns that have been raised in the submissions. I would like to see the Scottish

Government answer them and put a timescale on how it will address them.

**The Convener:** Thank you very much for that. I think that there is agreement that we write to the Scottish Government and ask for its response to the various concerns expressed by the professional organisations, including the EIS, and whether what has been said here will inform its actions. The point that David Torrance made about timescales is also important. We will write to the Scottish Government and we can revisit the petition in the near future.

### **Paying University Students (Compensation) (PE1807)**

**The Convener:** The next continued petition is PE1807, on compensation for paying university students, which was lodged by Jordan Hunter. The petition calls on the Scottish Government to make funding available for Scottish universities to compensate paying university students for lost class time and a lower quality of education as a result of staff strikes and the Covid-19 crisis.

At the last consideration of the petition, the committee agreed to write to the Minister for Further Education, Higher Education and Science and the Scottish Public Services Ombudsman. Submissions have now been received from the minister, the SPSO and the petitioner.

In his submission, the minister highlights that universities have made huge efforts to continue to provide a high-quality learning experience for all their students, supported by the Scottish Government and the Scottish Funding Council. The SPSO advises that, although its numbers do not indicate that a large number of students have brought the concerns that are noted in the petition to the SPSO, this issue is being raised with it.

The question for us is what we should be doing. My feeling is that this petition may be one that we cannot progress any further. It links to the questions that were raised in the earlier petition that was supported by Jackie Baillie about the attitude of bodies to students. There is a whole question brewing about students having to pay rent while not attending university and having a lot of their learning online; there is a recognition that that may have an impact on young people. Part of the issue is to do with Covid, but some of it predates Covid and is to do with organisations' lack of responsiveness. I am interested in members' views on whether there is something that we can do at this stage to progress the petition or whether we have to close it.

**Gail Ross:** This is a difficult one. I was a student a wee while ago now, but I have spoken to a lot of young people, and the experience of college or university is a lot more than just

learning. It is about going away for the first time, socialising, meeting new people and finding yourself as a person. I cannot imagine how difficult it has been for young people this year. As the petitioner said, what with the staff strikes and then Covid-19, it has just been disruption after disruption. The convener touched on the fact that, unfortunately, it is a bigger issue. The SPSO says that a small number of the thousands of students who go through our colleges and universities every year have raised concerns about this. On the other side, Covid-19 is something that none of us has ever had to face and we are all struggling and trying to do the best we can. Universities and colleges have, in the main, done well. They are getting the courses online that they can at such short notice. I have great sympathy for the petitioner and all the other students and for what they mention in the petition, but, unfortunately, I do not think that there is anywhere else the committee can take it, so I reluctantly agree to close it under rule 15.7 of standing orders.

**Maurice Corry:** I agree that this is a difficult one. As you say, there is an interesting correlation with the petition that Jackie Baillie presented this morning. We are in such unusual times, as my colleague Gail Ross said, and I think that we have to give credit to the universities and colleges. They are doing all that they can to move things online and also have some hybrid teaching and presentations.

10:15

I come back to the point that universities and colleges are not public bodies. They are bodies in their own right although, obviously, the Scottish Government and the state have a massive influence on them. They have mechanisms by which people can be compensated as far as possible. I do not think that they are ever going to achieve full reconciliation on any of the issues that the petitioner has raised but, at the moment, I think that we have no option other than to close the petition under 15.7 of standing orders.

We are in exceptional circumstances. I have a son going through the process and he has managed to cope, but I know that it is very difficult in different universities and different situations. There is a mix now of accommodation under private contractor ownership and accommodation that is owned by the universities, and obviously there is the new way of teaching. Sadly, I think that we have to close the petition under rule 15.7, but if the petitioner wishes to bring it up in a year's time, if this situation is still going on, I see no reason why they cannot.

**David Torrance:** I do not think that the committee can take the petition further. I agree

with my colleagues that we should close it under rule 15.7 of standing orders.

**Tom Mason:** I do not have anything more to add, as I think that the issue has been covered by my colleagues. We should close it under rule 15.7.

**The Convener:** To me, part of the issue is the extent to which the minister simply said, "There is nothing to see here—everything is okay, because people have made immense efforts," when in fact there are some challenging issues that I am sure students will be bringing to his attention along the line. I have every confidence that these issues will be debated in the Parliament elsewhere, so if they are not being considered by the Public Petitions Committee, it is not that they will not be a feature of political debate. There are big issues to do with the safety of young people, what they are entitled to when it comes to education and, with the shift online, whether they need to be on campus.

Although it is with some reluctance, we are agreeing to close the petition. We know that these are challenging times. We also have confidence that these issues will be considered closely by Parliament. Of course, the petitioner can engage directly by writing to individual MSPs, including their own MSP, but we are agreeing to close the petition at this stage. We thank the petitioner for their engagement with the committee and we recognise that these are important issues that have been highlighted.

### **National Curriculum (African Scottish History) (PE1813)**

### **National Curriculum (Black, Asian and Minority Ethnic History) (PE1814)**

**The Convener:** We agreed to consider the next two continued petitions together. The first of those is PE1813, on reforming the national curriculum to include all African Scottish history, which was lodged by Eunice Olumide. The petition calls on the Scottish Government to reform the national curriculum to include Afro-Scottish history, including artefacts of African diaspora, cultural and economic contributions, the role of the British empire and the benefits to Scotland from colonies in the Caribbean and Africa. The other petition is PE1814, on compulsory education on black, Asian, and minority ethnic history in Scottish schools, which was lodged by Toby Amamize. It calls on the Scottish Government to embed BAME history into the school curriculum.

Since the committee's last consideration, submissions have been received from the Scottish Government, the petitioner for PE1813, the Coalition for Racial Equality and Rights and Andrew Strachan, and they are summarised in the

clerk's notes. The Scottish Government advises that it has now formally committed through the programme for government to find ways of promoting diversity and better teaching and learning about BAME history and the importance of tackling racism in society today in schools. This commitment will in part be met by the increasing diversity in the teaching profession working group and the recommendations of Professor Rowena Arshad's report, "Teaching in a Diverse Scotland: increasing and retaining minority ethnic teachers".

Since our papers were published, we have received a joint submission from the CRER and the petitioners. The submission notes that the Scottish Government discusses diversity in teaching, including addressing the underrepresentation of minority ethnic teachers in Scotland and the creation of learning resources, but it raises concern that the Government has not identified specific actions to address the issues that are raised in the petition.

Again, I think that these are a very important couple of petitions, which raise important and challenging issues for us about the extent to which there is diversity in our teaching of history and our understanding of our history as a country, and the extent to which BAME people are teachers and therefore are providing role models. The petitions are a challenge to the view of what our education system should be about. There are very important issues here. It feels to me that this is a longer-term and bigger project than we can offer in the short time that the Public Petitions Committee will remain in action, but we may want to flag it up to a relevant committees as something that would be worth further examination.

**Maurice Corry:** I agree that this is an interesting issue. Obviously, combining the two petitions—PE1813 and PE1814—is logical. The Scottish Government has committed to find ways of promoting diversity, improving teaching and learning of the various minority issues and history and tackling racism in our society today in schools, and I think that that work continues. Sometimes it is not going fast enough and sometimes it is going okay, but, as you rightly say, convener, we should probably flag this issue to another committee, which would take it forward in due course. Bearing in mind that the petitioners can come back in a year's time if they are not satisfied with the actions that we take, at this stage I am sufficiently happy that we should close the petitions under rule 15.7 of the standing orders on the basis that the Scottish Government has given a commitment to find ways of promoting diversity in our schools. We should see how this plays out, but I think that it should certainly be monitored by an appropriate committee. That is my position on closing the petition.

**The Convener:** I remind colleagues that, because it is the end of a parliamentary session, a petition can be brought back immediately once the new Parliament has convened and the Public Petitions Committee has been re-established—the year rule would then apply. That is perhaps an important and comforting option for some petitioners whose petition has been closed.

**David Torrance:** The commitment from the Scottish Government to promote diversity and to find ways of doing it reassures me, but I would like to pass the petitions on to the Education and Skills Committee just to highlight them, so that it could in future look to see what progress has been made. In that way, we could have checks in there to make sure that the Scottish Government is moving as fast as it can. I am happy to close the petitions under rule 15.7 of standing orders.

**The Convener:** In other times, we would have referred the petitions to the Education and Skills Committee, but because the session is coming to an end, the petitions would simply be sent back to us at the conclusion of the session. However, the recommendation that we write to the Education and Skills Committee is probably an important one.

**Tom Mason:** I agree with that. The Government has made a commitment to improving the situation, but I think that, if we could ask the Education and Skills Committee to take a watching brief on the issue, that is the appropriate thing for us to do with the petitions at this stage.

**Gail Ross:** If it were earlier in the session, we would certainly refer the petitions, because this issue is hugely important. I would ask for it to be included in the legacy paper of the Education and Skills Committee. I would also write to the Equalities and Human Rights Committee, because it is an equality issue. The issue is so important that it would be preferable for three committees to have a watching brief on it, so if members agree, I would put it two committees.

**The Convener:** Thank you very much.

I think that there is a consensus that, recognising that these are important issues, they involve a substantial bit of work over a long period of time and, in the circumstances, the Public Petitions Committee will not be able to add to the petitions at this stage, but we want to write to the Education and Skills Committee and the Equalities and Human Rights Committee to emphasise the importance of these issues. The issues are what is taught and by whom it is taught, and the context is the human rights of people and the recognition of the experience of people feeling excluded from the education system and us not properly appreciating our full history as a country. We thank the petitioners very much for bringing both these

petitions before us. We are agreeing to close them, but we will write as members have indicated.

### **Bereavement Education (PE1820)**

**The Convener:** The next continued petition on our agenda is PE1820, by Sameena Javed, on compulsory bereavement education in schools. The petition calls on the Scottish Government to introduce compulsory bereavement education into the school curriculum.

Since the committee's previous consideration of the petition, submissions have been received from Young Scot, Children's Hospices Across Scotland and the petitioner. Young Scot advises us that the research shows that, to support young people who are experiencing death and bereavement, there must be more information on the subject, appropriate support and more conversations on the topic in schools. CHAS recognises that a lot of very good tools are available and that the feedback that it hears from teachers indicates that they feel sufficiently confident to fully utilise those. From those conversations, it is clear that teacher education and training do not cover death, dying and bereavement. CHAS therefore recommends that the subject be formally included in teacher training and education.

Reflecting on our previous discussion about the personal experience that brought the petition before us, we know that issues like bereavement can knock people to such an extent that their education may never recover—although for other young people it can. It is about their being sufficiently supported in desperately sad times so that they can recover—if they can—and continue their education, having found ways of dealing with those kinds of terrible things very early in life.

I personally think that it might be worth writing to the Scottish Government to get a response from it on the very important points that are being made to the committee by the organisations that I have identified.

**David Torrance:** The submissions from Young Scot and CHAS show that Young Scot has done a lot of work in this area and that CHAS is very positive about some of the things that are being done in schools, although it notes what is absent from teacher training.

I think that we need to write to the Scottish Government, to hear its views on the submissions from Young Scot and CHAS.

**Tom Mason:** I am conscious that we make the assumption that young people are very resilient to some of these issues when, in fact, they are not—they are as sensitive as anybody else. We must make sure that they are aware of the issues and

that, when they are confronted with a death in their school or close to them, they understand what is going on and have a few more tools in their chest to cope with it.

I think that writing to the Government, to make sure that the issues are fully addressed, would be the right thing to do.

**Gail Ross:** As colleagues have said, there does seem to be a gap, so I would support writing to the Scottish Government to seek its views on the submissions from Young Scot and CHAS.

**Maurice Corry:** I, too, support what my colleagues have said about writing to the Scottish Government. Having visited Robin house in Balloch, I am absolutely amazed at the work that it does. I would certainly commend all the points that it has made, which are very practical. We need to take those up. It will be important to get the Scottish Government's view on the Young Scot and CHAS submissions. Again, I thank them for those submissions, and I thank Sameena Javed for bringing the petition before us, because it is something that we need to address forthwith.

10:30

**The Convener:** Thank you. I think there is agreement that we recognise the importance of the issues. Tom Mason is right to say that we sometimes imagine that young people are resilient, but we must find means to support young people to cope with these issues if they are not to have long-term consequences for them. We are agreed to write to the Scottish Government to get its views on the submissions.

### **National Health Service Funding (Hospital Bed Capacity) (PE1822)**

**The Convener:** The next continued petition is PE1822, lodged by Colin Stewart, on more NHS money for hospital beds. The petition calls on the Scottish Government to provide increased funding to the NHS to enable hospitals in Scotland to increase their bed capacity. The petition was last considered by the committee on 1 October 2020. At that meeting, the committee agreed to write to the Cabinet Secretary for Health and Sport and to NHS Scotland. A joint submission from the Cabinet Secretary for Health and Sport and NHS Scotland has now been received. The petitioner was invited to respond to the submission but has not done so to date.

I wonder whether members have views on the petition. My own sense is that this is a big policy area. Certainly in the past, there was a policy argument for reducing the number of acute beds and shifting into the community. I would hope that this policy would at least be getting tested. I do not think it is good enough to simply say, "This is our

view.” It needs to be tested against actual lived experience, and I certainly would hope that the lessons of Covid have been learned around this. We do not know what they all are yet, but clearly some of the measures around lockdown were, because we feared for the capacity of hospitals to cope. I am interested in the views of other members.

There is probably a recognition that this issue is not going away, but I am not convinced that it is something that the committee can look at further. Perhaps, in closing the petition, we might think about at least writing to the Scottish Government to emphasise that we think there is an issue and that we should keep it under review. Or perhaps we should write to the Health and Sport Committee. I am interested in other members’ views.

**Tom Mason:** We all want more funding and more resources to be put into health services, but I think the Covid pandemic has caused us to think very clearly about what the forward plans and strategies should be in terms of public health, beds, acute things and specialist services, and so on. I think that, at this stage, the whole issue of health is up for review. Once we have managed to get the pandemic out of the way, looking in a very holistic way at how we provide health services will be absolutely important. Whatever Government gets in come May, its number 1 task will be to look at the issue in a very holistic and effective fashion and get solutions sorted out, so that we do not have continued arguments on the detail but can get the overall health of the nation improved substantially. However, I think there is no option at this stage but to close the petition, although we could write to the Health and Sport Committee to make sure that the matter is kept under review in the forward situation.

**Gail Ross:** Bed numbers are an issue that comes up with me locally on quite a regular basis, so I agree with the convener and Tom Mason. It is something that will have to be under review now, given that we are hopefully on the way out of the pandemic, but we are going to have to have a very close look at healthcare to see how it is delivered and to evaluate whether we are doing things right and whether things can be done differently in the future.

I reluctantly agree to close the petition, because I cannot see that there is anywhere else that we can take it, but I would certainly write to the Health and Sport Committee and the Scottish Government. I think that this is another issue that should be put in our legacy paper and that we should ask the Health and Sport Committee to keep a watching brief on it. I am sure that, given where we are going to be going after May, it will be doing that anyway, but it will be nice for us to

just point that committee in the right direction, as it were.

**The Convener:** That is our job in life—to point everybody in the right direction.

**Maurice Corry:** I agree with the comments that my colleagues have made. I think it is a question of supply and demand, and obviously there is a big move. Having chaired a health board before I came into Parliament, I understand that it is about people’s desire to be moved back home as soon as possible after, say, surgical care or in-patient care. Obviously, it is the same with day cases, too. That is the *modus operandi*. Nevertheless, it is about balancing what is needed and avoiding our professionals, nurses and doctors worrying about what beds will come up next.

It is a difficult one, particularly with the pandemic, but I agree with my colleagues that, at this stage, we should close the petition under rule 15.7 of the standing orders. However, we should write to the Health and Sport Committee, just to flag it up. Obviously, this could be an issue for our legacy paper as well, to keep an eye on it. Hopefully, with the review of the health service after the Covid pandemic, we might see some changes in the right direction.

**David Torrance:** I am happy to agree with all the recommendations of my colleagues and to close the petition under rule 15.7 of the standing orders.

**The Convener:** I think there is agreement that, at this stage, we will close the petition but write to the Health and Sport Committee and to the Scottish Government, to flag up that we think there are big issues here and that Covid obviously complicates the matter further. We hope that there will be a very close review of the implications of a policy that was developed in a time long before Covid was even thought of.

We are agreeing to close the petition, but we thank the petitioners very much for their engagement with the committee. Of course, if they want to bring another petition in the new session, they are able to do so.

I will suspend the meeting briefly. It is now 10:37, and I propose that we come back at 10:40 to deal with new petitions.

10:37

*Meeting suspended.*

10:40

*On resuming—*

## New Petitions

### War Memorials (Protection) (PE1830)

**The Convener:** Agenda item 2 is consideration of new petitions. The first new petition is PE1830, on protecting Scotland's war memorials, by James Watson on behalf of friends of Dennistoun war memorial. The petition calls on the Scottish Government to introduce legislation that recognises desecration or vandalism of war memorials as a specific criminal offence. The Scottish Government's submission advises that vandalism is a crime, regardless of the motivations for it, and it condemns all acts of malicious vandalism and graffiti. The submission notes that, as legislation is currently in place to deal with the vandalism and desecration of statues and memorials, including war memorials, the Scottish Government has no current plans to introduce new legislation for that specific purpose.

It is an interesting and important petition. I should declare an interest in that I have publicly supported the friends of Dennistoun war memorial, but there is an issue in many communities. There is an issue about respect and recognition of what the memorials stand for. It is about recognising the suffering of communities, individuals and families when people went to war. There should be respect. There is an issue about what schools can do to speak to young people. A lot of groups across Glasgow have done positive work to engage with young people to try to get them to understand why the issue matters.

The question is whether there should be legislation and whether, at this stage in the parliamentary session, we can do much about that. My view is that, even if we close the petition, we should underline and emphasise to the petitioner that we recognise that the issue is important and serious.

I am interested in my colleagues' views.

**Gail Ross:** I agree. The petition puts me in mind of the one that we had about dog theft. There was an issue about specific crimes being included under the offence of public disorder. In this case, the issue is covered by vandalism. However, I hate to say it, but I think that there are different levels of vandalism. The sort of vandalism that the petition raises, which is similar to when people go into cemeteries and graveyards and deface tombstones or knock them over, is just completely unacceptable. I would hope that, if such a crime was prosecuted, the procurator fiscal would look at the specifics and would see it for what it is, which you aptly described, convener.

Although I feel strongly about the issue, I do not think that there is anywhere that the committee can take the petition. We should say to the petitioner that, if they want to, they can bring the petition back to the committee in the next session of Parliament and have it considered. I would be absolutely supportive of that. However, for us, the creation of new legislation is outwith our capabilities. Again, we should reluctantly close the petition under rule 15.7 of standing orders.

**Maurice Corry:** I fully agree with my colleague Gail Ross. As the Government has confirmed in its submission, there is sufficient legislation in place to prosecute any vandalism of this sort, which is totally despicable and has no place in our society in Scotland. It causes hurt and grief to those who are connected with any person who is mentioned on the war memorial or anybody who has taken part in that particular campaign or era.

10:45

We have legislation in place covering this sort of damage. There can be fines and even imprisonment, as the case may be, to cope with the issue. Therefore, at the moment, we should just close the petition under rule 15.7 of standing orders on the basis that there is legislation in place to cover the vandalism and desecration of statues and memorials. Certainly, there is no place in society for anybody who damages or sprays graffiti on them and so on. I agree with my colleague that we should close the petition.

**David Torrance:** As the Scottish Government is not going to introduce any new legislation and the current legislation is fit for purpose, the committee has no option but to close the petition under rule 15.7 of standing orders.

**Tom Mason:** I agree with my colleagues. The vandalism of war memorials is a very sensitive issue for those whose loved ones are remembered. I am conscious that there are other symbols that are not war memorials and that are important to other groups of people, and that vandalising those is equally offensive and needs to be considered. Therefore, special legislation for war memorials is not appropriate. Given that there is legislation that covers all vandalism and that the courts have an opportunity to vary sentences according to the seriousness of the offence, I am satisfied that we cannot add to the situation. Therefore, it is appropriate to close the petition at this stage.

**The Convener:** Tom Mason makes an important point about damage to other symbols and relevant things in our community, which can be offensive, and Gail Ross makes a point about graveyards. I find it deeply upsetting that anybody



would even think about doing that, and we know about the distress that that has caused.

I think that we are agreeing to close the petition under rule 15.7 of standing orders. We appreciate the significance of the points that have been raised in the petition. We thank James Watson and the friends of Dennistoun war memorial, not just for lodging the petition but for their work to maintain the war memorial. We thank them for their engagement with the committee. They might wish to return to the issue. Of course, the point has been made that there is legislation in place and the issue is taken seriously, but there is a whole job to be done to educate people about why memorials and other things matter so much to people. We thank the petitioners for their engagement.

### **Dyscalculia (Awareness) (PE1833)**

**The Convener:** The second new petition is PE1833, on raising awareness of dyscalculia. The petition, which was lodged by Jade McDonald, calls on the Scottish Government to help raise awareness of the learning disability dyscalculia. The Deputy First Minister and Cabinet Secretary for Education and Skills states in his submission that education authorities are required to identify, provide for and review the support for pupils who need support to overcome barriers to learning, including dyscalculia, and outlines a range of resources that are available to help achieve that.

The Deputy First Minister also highlights the Scottish Government's additional support for learning action plan, which was published in October and which sets out how the Scottish Government will address the recommendations of the independently chaired review of the implementation of additional support for learning. Our briefing paper highlights the considerable work that the Education and Skills Committee has done and continues to undertake in its scrutiny of additional support needs.

Again, there is an issue for us. A theme has been developing over many months in this committee about access to education and support for additional support needs. The petition has been effective in raising awareness of dyscalculia, because I was not aware of it previously and it is interesting to learn a little more about it. However, as I say, we have been aware of the theme of support for young people with various additional support needs. In the past, we have dealt with part-time timetables and lack of staff, and the issue was mentioned even earlier in the current session.

I am interested in members' views on how we might take forward the issue. There will be significant issues in the coming period about

ensuring that we are clear about the number of young people who are identified with various needs and what relevant support is being put in place for them.

**Maurice Corry:** The petition is very interesting. I have had some experience of the issue in primary schools. Some years ago, I was on a parent and teacher council and the issue was beginning to come up. The matter needs further examination. The issue has certainly been highlighted to the committee, and I thank Jade McDonald for bringing the petition in front of us.

The Scottish Government has recently published its additional support for learning action plan, and we are aware that the Education and Skills Committee has been investigating and continues to investigate additional support for learning, which I hope includes the issue of dyscalculia. However, we need to home in on the issue. We should write to the Education and Skills Committee to highlight the concerns that are raised in the petition for consideration in its on-going work on additional support for learning.

What more can we do in relation to the petition? The Government has updated its statutory guidance on the implementation of additional support for learning. I should declare that my wife is an additional support needs staff member at a primary school and she comes across the issue quite a lot. The Government has also published its additional support for learning action plan, as I said, so quite a lot of the issues are covered. We can strengthen that by writing to the Education and Skills Committee but, at the same time, we should close the petition on the basis that I have just set out. I recommend that approach to the committee.

**David Torrance:** We should write to the Education and Skills Committee to highlight the concerns that are raised in the petition and to ask what progress has been made by the Government. The Government has updated the recommendations, but we still need to see the timescale for implementation of that. I am happy to close the petition under rule 15.7 of standing orders, but we have to highlight it to the Education and Skills Committee.

**Tom Mason:** We should write to the Education and Skills Committee to make sure that the matter is progressed. Although we recognise that the Government has made some progress and is taking the right actions, unless some committee keeps the matter under review, it might go by the wayside. It is appropriate to close the petition.

**Gail Ross:** The petition raises very important issues, but I agree with the course of action that my colleagues have suggested. I do not have anything to add to the suggestion that we close

the petition but write to the Education and Skills Committee to highlight the concerns.

**The Convener:** I think that there is agreement that some progress has been made, but that it needs to be monitored closely. David Torrance's point about timescale is important. I feel that the Scottish Government needs to be open to seeing what is happening and the patterns in the experiences that have been brought forward by groups and individuals such as the petitioner who feel that their experiences are not properly taken into account. That is an important point.

We are agreeing to close the petition, but we will write to the Education and Skills Committee. That relates to one of the earlier petitions. There are important concerns about awareness of the particular condition, and there are more general issues around additional support needs. I hope that the Education and Skills Committee will look at the issue in its on-going work in the new session of Parliament.

We agree to close the petition. We thank the petitioner very much for their engagement with the committee. They can return to the issue in the new session.

### **Citizens Advice Bureaux (Funding) (PE1834)**

**The Convener:** The next new petition on our agenda today is PE1834, on urgent funding for Citizens Advice Scotland. It was lodged by Alistair Stephen.

The petition calls on the Scottish Government to provide urgent funding to Citizens Advice Scotland to ensure that citizens advice bureaux continue to provide services for people across Scotland. Our meeting papers explain that each CAB is an individual charity and is therefore responsible for its own funding. The Scottish Government provides funding to the advice sector, but the funding is to deliver specific projects, for example on welfare-reform mitigation and the Scottish Government's money talk team service.

In her written submission, the Cabinet Secretary for Communities and Local Government highlights the increased support that has been provided to the sector, including to Citizens Advice Scotland and to individual CABx in response to the Covid-19 pandemic. That has included funding to help to set up a national helpline, to purchase personal protection equipment, and to make physical alterations to bureaux to enable their safe opening for face-to-face advice services.

Again, we want to think about what action we can take. I cannot overstate the importance of the advice sector at this time. There has certainly been a crisis in Glasgow, and the issue of funding

for the sector has been raised. It is one thing for the Scottish Government to fund individual projects, but it is also necessary to sustain the network of advice services. Without core support and funding, other projects cannot be delivered. That is a more general issue that has been flagged up over time.

I think that we have to close the petition, although I am interested to hear what members have to say. My view is that it is not enough for the Scottish Government simply to say that it funds projects and that it is not its responsibility to fund individual bureaux. CABx have a fundamental role, at this time.

I do not think that we have even the imagination to understand the scale and seriousness of the crisis that we are facing. This is about accessing advice on welfare and other things. We know the important job that CAS plays in that regard. I am interested to hear the views of the committee; it is not clear how we can progress the petition at this time. My personal view is that we should underline that we recognise the significance of having a properly funded advice sector so that we can meet the challenges that are ahead of us.

**David Torrance:** Thank you, convener. CABx are important, especially locally. MSPs know that certain services have better knowledge, so we pass constituents to them. It is therefore very important that they are funded. However, the Scottish Government says that it funds the whole advice sector, not just one part of it, and funding is available to CAS from other sources including local authorities, the national lottery and so on.

I know that CABx are individual charities and that it is important for every one of them to go out there and get funding, as somebody who is—  
[Inaudible.]

I do not know whether we can take the petition any further. I appreciate the help that CABx give to the citizens whom we represent. I think that we must close it under rule 15.7 of standing orders, but I am open to hearing the feelings of other committee members.

**Tom Mason:** It is difficult; funding is becoming an issue for such organisations as a result of various problems, including Covid-19. I think that we should ensure that the subject is kept under review by another committee, if we close the petition. I do not know which would be the appropriate committee, but we could write to a committee to ensure that core funding is available to advice organisations, because it is vital that advice is available to everybody. I am not quite sure what would be the most effective mechanism by which to achieve that. I do not think we can take the petition very far forward, so closing it might be the only option that we have.

11:00

**Gail Ross:** As you said, convener, we cannot overstate how important CAB is to everyone in Scotland. I deal with local CABx in my constituency quite often, and we help each other with constituents' issues. They are the gold standard in the services that they offer.

We have to look at the matter, as Tom Mason rightly suggested, through the lens of diminishing budgets and the Scottish Government's inability to borrow. We are stuck between a rock and a hard place.

I would pass the matter on in a letter to another committee. I do not know whether we should include the matter in our legacy paper, but I certainly think that we could flag it up to the Local Government and Communities Committee. I know that it does—all committees do—on-going budget scrutiny throughout the year, so it might be able to find a place for the matter in an evidence session. The Social Security Committee, too, might want to look at the subject. It is important. This committee's hands are tied, but I would like to see the matter being taken up in the new session by another committee.

**Maurice Corry:** I absolutely agree with Gail Ross about putting the matter before the Social Security Committee and the Local Government and Communities Committee. It is a very important subject.

I know that in my time as a councillor from a rural area on rural Argyll and Bute Council that we have had a lot of issues to do with CABx. A fundamental thing when we set budgets at the council is that funding of the service is a line item, and we could afford to fund only one office, and not two other offices in Campbeltown and Oban. We simply did not have the cash. I think that the matter is one in which we need to involve COSLA.

I agree that we are between a rock and a hard place and I agree with colleagues that we have no option but to close the petition, but should write to the two committees that have been mentioned.

We should also write to COSLA because this is about allocation of budget increments by the Scottish Government to local authorities. When local authorities set their budgets, one of the line items is funding of CABx and it is always an extremely contentious issue. Sadly, people slip through the net because we do not have advice services in communities.

I recommend that, if we close the petition, we also write to those who have been mentioned and consider whether special funding can be given by the Scottish Government apropos the post-Covid scenario. There will certainly be an increase of people coming through CABx doors.

**The Convener:** Everybody recognises how important the issue is and that we want the Scottish Government and COSLA to be aware of its importance, which is not just about funding being a vehicle for projects that have been identified. CABx need to be supported and funded appropriately—in these times more than ever. We could work with COSLA and write to it in that vein. We could also flag the matter up to the Local Government and Communities Committee and the Social Security Committee.

In my experience, interventions by and support from a local CAB can make the difference in people securing appeals and getting appropriate funding. That has been true in another issue that the Public Petitions Committee has dealt with in the past—women who have been affected by mesh implants. CABx have been able to support women in making the case for why they need support through the universal credit system. That has been very effective.

In other times, we would have written the letters then come back to the petition, but we are at the end of the parliamentary session. I think that we are agreeing to close the petition, but will send the suggested letters to ensure that the substantial matters in the petition are flagged up. In closing the petition, we thank the petitioner very much and remind them that they will be able to return with a petition in the new parliamentary session, should they want to ensure that the issue is highlighted. Maurice Corry wants to come back in.

**Maurice Corry:** I want to emphasise that we should make sure that the matter goes in our legacy paper.

**The Convener:** In other circumstances we would write to COSLA, get a response back and reflect on that. We want to underline to COSLA the importance of funding for the advice sector, and the importance of it flagging up to Government when funding is inadequate and there is a big gap. It is important that citizens are able to enforce their rights.

Of course, CABx do more than just advise about social security: in a lot of cases the advice is about consumer rights. They are where people go when they feel that they need advice and advice organisations in local authorities no longer exist.

We recognise the limitations of correspondence; we are not going to bring the matter back before the committee, but it is important that we at least flag it up. We agree to close the petition. We thank the petitioner for bringing the matter to our attention; if they want it to be pursued further there is an opportunity for them to do so later.

### **Child Protection Cases (Submission of Information) (PE1835)**

**The Convener:** The next new petition in our agenda today is PE1835 by James A Mackie. The petition calls for the Scottish Government to make it a criminal offence for any person knowingly to submit misleading and false information to a sheriff or children's hearing in child protection cases.

Our meeting papers outline the opportunities that are currently available to allow information that is presented as part of court proceedings in the children's hearings system to be challenged, and that the offence of perjury applies in civil as well as criminal proceedings. Our papers also outline the professional sanctions that could be taken should someone knowingly provide false information to a hearing. In his submission, the petitioner reiterates his belief that reports that are prepared by social workers are not always based on facts and explains that in his view the action that is called for in the petition is necessary to ensure that all reports are based in truth.

Do members have any comments or suggestions for action? The petition relates to child protection issues that we have been dealing with.

**Tom Mason:** I am conscious that the petition could be paired with petition PE1836, which follows this one. They go together. The action is not a criminal offence at the moment, in order to maintain the informality of the children's hearings and make sure that they do not get into a confrontational situation. If it was made a criminal offence, the advice that would be given would be totally different and less expansive, and people would have to take legal advice continuously. On whether the committee should support the petition, I do not think we should take it any further now. In making our judgment, we should consider the following petition at the same time. May we do that at this stage?

**The Convener:** It is slightly complicated. We have to make a decision about this petition because we have not formally brought the two petitions together and they deal with slightly different issues, although I agree that they are related. Specifically, we are looking at the point you make, which is about the nature of the hearings system. It is not that people are being dishonest, but there is a sharing of information and social workers and others have to meet the standards of their profession. It is not possible to consider the two petitions together, but it may be that the discussion informs what we do with the following petition.

**Gail Ross:** This is another example of a subjective view from somebody who has first-hand

experience of a sector or something that has happened where the practice differs from the policy. There are a couple of things in the petition that make me feel a bit uncomfortable and I would not want to tar a whole profession because of one negative experience. We need to be aware of that.

The petition has brought up some quite serious issues, but the Scottish Government submission covers all those issues. However, this is another petition on which the Scottish Government has covered all the issues and the petitioner has come back with more evidence to challenge what the Scottish Government has said, thereby prompting further discussion. The Scottish Government has said that perjury is an offence, that people who submit false or misleading information can also be held in contempt of court, and that there can be professional sanctions. The petitioner responds that many such things do not happen under oath, therefore sanctions do not apply.

It is a complex and emotive situation. I would hate to think that anybody goes into children's hearings or a court who does not have the best interests of the child at heart. To be blunt, if a social worker is not doing the best for the child, they really should not be in the profession.

I do not want to close the petition, but I do not think that the Public Petitions Committee can take it any further. I would like to put something in our legacy paper, and perhaps we could pass it on to another committee. Like Tom Mason, I am open to suggestions from other members.

**Maurice Corry:** The petition is a difficult one and I have had one or two cases like this before me, as an MSP and as a councillor. Both sides of it are very difficult. The petitioner comments that

"reports prepared by social workers are not always based on facts and explains that, in his view, the offence is required to ensure that all reports are based on truth rather than opinion or supposition."

It is very difficult to get beneath and into that. The social worker is trained, and we understand that, but they might see the situation one way while it is another way. I think there is a feeling that there is a presumption of guilt for a family who is brought before the panels and things like that. Certainly, from my experience and from what I know from people who have worked in that area, most cases are pretty watertight, although there might be the exceptions.

I do not know what more the committee can do with the petition. I agree with colleagues that we want to do more but have done as much as we can. Certainly, we should highlight the petition in the committee's legacy paper. We can only close it under rule 15.7 of standing orders, on the basis that any individual who knowingly provides false or

misleading information in a children's hearing risks potential sanction.

I come back to the points that I made earlier and to the fact that the hearings provide appropriate opportunities for participants to challenge information. I know that that happens because I have experience of it.

The Scottish Government comments that it

“does not consider the creation of a specific offence in relation to children's hearings proceedings to be necessary or appropriate.”

I take issue with whether it is necessary, but perhaps we could write to the Law Society of Scotland about that in closing the petition. I would be grateful if the committee would consider that particular point and the other points that I made.

11:15

**David Torrance:** Like my colleagues, I find the petition difficult. I do not think that the committee can take it any further, but I am happy to go with the recommendations of colleagues and write to the Law Society. However, we have to close the petition under rule 15.7 of standing orders because we cannot take it any further.

**The Convener:** On the Law Society question, we are straining to do more than simply close the petition and writing. There is an expectation that the Law Society will respond, so closing the petition would not be appropriate.

Tom Mason is right to say that there is a link to the next petition, which is about opening up regulation of how individual child protection complaints are dealt with. We can deal with that separately.

When I was on the Education and Skills Committee, it did an inquiry about how effective the children's hearings system is and getting the balance right between, as Tom said, informality and allowing people to discuss. The committee had done a similar inquiry not that long before that; the issue is very much on its agenda. There is a concern that what was meant to be about the focus on the needs of the individual child and their support and protection has perhaps become more formal. The presence of lawyers has been greater, and that has an implication for the capacity of the young person and their family to engage. I think that there is an issue.

Of course, the children's hearings system has been regarded as an important way of addressing the rights of and protections for young people. There is so much reluctance to decide that a young person should go into care that the question is interrogated very seriously.

We recognise that the petition has perhaps been shaped by the petitioner's direct experience and conversations. My suggestion is that we close the petition but we write to the Education and Skills Committee to say that we know that it has worked on the issue previously, that the petition has highlighted the issues, and that should the committee look at the issue in the future, we hope that the questions could be asked. Do members agree?

**Members indicated agreement.**

**The Convener:** That is agreed. We will close the petition. We understand the important issues here, but we will write to the Education and Skills Committee to ask that, should it look at issues around children's rights and protections in the future, it takes the issues that the petition has highlighted into account. We thank the petitioner for engaging with the committee on such an important issue.

### **Care Inspectorate (Child Protection Complaints) (PE1836)**

**The Convener:** The final new petition on our agenda today is PE1836, which was lodged by James A Mackie. The petition calls for the Scottish Government to expand the remit of the Care Inspectorate to include investigation of individual child protection complaints.

Our papers explain that, although social work services discharge many of the responsibilities relating to child protection and will often lead in a case, significant collaboration and multi-agency working with police and NHS staff is key to the decision-making process in child protection cases. The Scottish Government states that, as a result, although inspections of child protection activity are led by the Care Inspectorate, they must involve scrutiny partners in order properly to reflect the multidisciplinary nature of child protection practice. It states that the investigation of complaints that involve child protection activity would require a similar approach and notes that that could risk duplication or confusion with the functions of the Scottish Public Services Ombudsman and the Police Investigations and Review Commissioner.

The petitioner argues in his submission that, as there is no single independent organisation that has the power to investigate a complaint holistically, there is insufficient accountability in child protection.

This is an important issue. However, I think that whether the Care Inspectorate should take on such a duty is such a big issue that it would be quite a leap for us as the Public Petitions Committee to take a view on it at this stage. I am mindful of the importance of there not being duplication, but there being co-ordination and

people speaking to one other. In recent years, there have been tragic instances in which lack of conversations between relevant bodies has meant that young people have been let down, and sometimes, in very serious circumstances, that has led to loss of life.

There is a challenge for the public organisations and bodies that are involved in child protection to do with how they are co-ordinated and tested to ensure that the right decisions are made. I am not sure that the proposed solution is the appropriate one, but maybe we should investigate that further with relevant organisations, which might have strong views on it.

**Gail Ross:** The basis for the introduction of the proposed legislation on named persons was to make sure that there was one individual who was responsible for different age groups. Of course, we do not have that now.

A lot of issues are thrown up by the petition and the submissions. I agree that it would be wrong to take a view on the petition, or to close it on any basis, at the moment. I would like us to get some more information and evidence from organisations such as the Scottish Children's Reporter Administration, Children's Hearings Scotland and the Scottish Public Services Ombudsman, which you mentioned, convener. I am sure there are other organisations that the clerks and other members could mention.

It is certainly a big issue. Like you, convener, I am not sure that the solution is for the Care Inspectorate to take on the role, but I would certainly like to get some more opinions on, first, whether there is an issue, and secondly how it could be solved.

**Maurice Corry:** I agree with Gail Ross. We need to do some more fact finding and information gathering. It is such an important issue, and the petition follows on from the previous one that we discussed.

I recommend that we write to key stakeholders such as the Scottish Public Services Ombudsman, Children's Hearings Scotland, the Scottish Children's Reporter Administration, the Scottish Child Law Centre, Who Cares? Scotland and any others that the committee deems appropriate. This is something that we need to investigate further.

**David Torrance:** Like my colleagues, I think that we need more information before we can make a decision on the petition. I recommend that we write to all the key stakeholders.

**Tom Mason:** I agree with my colleagues that we need more information. The area needs to be investigated and we need to be sure that the hearings are properly policed, if that is the right word. I think that who should police them and on

what basis needs to be investigated fully. I agree that writing to the various stakeholders and appropriate organisations is the right way to go.

**The Convener:** I agree that we should write to the key stakeholders. The challenge here is to ensure that the rights of the child are at the very centre and that everybody is fully engaged with that so that the protections that we seek for children and young people are afforded to them. We should ask the stakeholders whether they believe that the solution that the petitioner has identified is the right one, and indeed whether they accept that there is not sufficient oversight.

We agree to take the petition forward in that way. We have identified key stakeholders, but if the clerks feel that it would be useful also to contact other bodies that we have not mentioned, that can be done.

We have reached the end of our agenda. I thank the petitioners who have provided us with the subjects for our conversations, and I thank members for their continuing capacity to deal with virtual discussions. I also thank our broadcasting team and our clerks. It is remarkable that we have managed in such a short time to get to a point where we can have our committee meetings in such an efficient and productive way.

*Meeting closed at 11:26.*

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