



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 29 May 2024

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
10th Meeting 2024, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Clare Haughey (Rutherglen) (SNP)

Monica Lennon (Central Scotland) (Lab)

Edward Mountain (Highlands and Islands) (Con)

Nicola Sturgeon (Glasgow Southside) (SNP)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 29 May 2024

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 10th meeting in 2024 of the Citizen Participation and Public Petitions Committee. We have received apologies from the deputy convener, David Torrance.

Our first item is a decision on whether to take in private items 5 and 6. Under item 5, we will consider the evidence that we hear this morning. Are colleagues content to take those items in private?

Members *indicated agreement.*

A9 Dualling Project

The Convener: That brings us directly to item 2, which is an evidence session as part of our inquiry into the A9 dualling project. This morning's evidence session follows on from the committee's previous evidence session, when we heard from former First Minister Alex Salmond.

We are joined again by Edward Mountain MSP in his capacity as a reporter on the inquiry from the Net Zero, Energy and Transport Committee. I also see that the petitioner, Laura Hansler, is in the gallery. She has been a faithful attendee of the committee when we have been taking evidence on the petition and considering the issues that it raises.

Those who have been following our inquiry will know that our primary objective is to ensure that the A9 project is now on track and will be delivered. That is what the petitioner is keen to see.

The petition also calls for a national memorial to all those whose lives have been lost on the A9 over the years. At the very end of our previous evidence session, we asked Mr Salmond for his views on that, and we will perhaps come on to it with this morning's witness later.

I am absolutely delighted that we have with us Nicola Sturgeon MSP, the former First Minister. We will move straight to questions.

We have had a lot of evidence from technical people, from different trades, people affected by issues with the route and ministers. You contributed evidence, along with others. Alex Neil suggested that we should go looking for various bits of paperwork—I did not realise that that paperwork would be a foot thick when we got it. We have been through it all.

I do not want to pre-empt the committee, but I do not think that, at this stage, colleagues think there is any smoking gun in relation to the non-completion of the road. However, it seems that, at some point, something happened—I do not know whether we will ever be entirely clear what it was—that led to a dilution of the focus and the drive to take forward the project.

When we heard evidence from Mr Salmond, he said—perhaps not unexpectedly—that all was hale and hearty when he left office. The Scottish National Party's manifesto commitment underpinned the priority of the project, perhaps over other national infrastructure projects that might have been regarded as equally viable. A lot of the work during Mr Salmond's time involved preparatory investigation of what would be required, but there was no suggestion—in the public mind or in the mind of the Parliament—that

the road would not be delivered on budget and on time in the years immediately after that.

I am interested in your perspective on what happened. I realise that, as Cabinet Secretary for Infrastructure, Capital Investment and Cities, and subsequently as First Minister, you had different views on what was going on, but we know that the road did not get built, so something did not happen. The committee is interested in trying to understand what happened so that we can see whether there are lessons to be learned.

Nicola Sturgeon (Glasgow Southside) (SNP):

I will do my best to respond to that question and, in the course of today's session, to answer questions as fully as I can.

My starting point is to agree with your starting point: I do not think there is any smoking gun or anything deeply sinister for the committee to uncover. Clearly this is from my perspective, but I do not agree that there was a diminution of focus and drive behind the A9 project. During my time as First Minister, the two sections of dualling that have now been completed were completed, and there was, and there continues to be, an incredible amount of work to progress things.

In preparing for this session, I have had the opportunity to go back and read all the relevant paperwork—I thought that I had left behind reading Government papers when I stood down from Government. When the 2025 target was set back in 2011, we were absolutely committed to it, in good faith. The question in my mind now—this will undoubtedly also be a question in the committee's mind—is whether there was sufficient rigour and openness about just how challenging a target it was. When I look at it now, it is clear that, for the target to have been met, we would have to have had a fair wind on every aspect of the project that we were embarking on. Of course, we did not have a fair wind on every aspect of it. I have no doubt that we will come on to some of the issues, but, for example, the 2014 change of classification of the non-profit distributing model, austerity, Brexit and the pandemic all had an impact.

We encountered a situation of great complexity. We talk about the A9 being a single project, but it is actually 11 major projects in one. A lot of effort went into some of the preparatory stages. One example is public consultation. I do not want to sound as though I am underplaying the challenges, but I think that one of the achievements is that, unlike the situation with the Aberdeen bypass, we have not ended up getting caught up in endless legal processes through challenges and public inquiries.

That is my observation. With any such project that has not been delivered in the timescale that was initially set, it would be appropriate to look

back, at an appropriate time—this committee's deliberations will be part of that process—to see whether there were stages or points at which things could have gone quicker than they did. However, I think that we have progressed the A9 with drive and determination; it is simply that we have encountered significant challenges along the way. Although some of those challenges were foreseeable in a project of such a scale, many of the others that were encountered were not foreseeable at the time that the 2025 target was set.

The Convener: You challenged the suggestion that there was any diminution in focus. I made that suggestion only because, when we read the papers and saw the timeline, it seemed that, all the way through until about 2018, everyone was still adhering to an expectation that the road would be delivered as initially forecast. There was no change in the public perception after that date, but, from reading the paperwork, a sense creeps in that there was a feeling that other funding models might need to be explored—a feeling of, "How might we go about that?" It is not clear from the paperwork whether it was ministers who were driving a review or whether a review was being suggested to them.

Keith Brown, who was pretty experienced and had a track record in relation to the delivery of national infrastructure projects, left the responsibility at that point and was succeeded, I think, by Michael Matheson. From reading the paperwork, we feel slightly confused about what happened at that point. We cannot point to anything in particular, but it looks as though something happened at that point that is not in the public domain, the discussion around which led to a delay.

Nicola Sturgeon: Having very recently reread all of that paperwork, I think that that is a fair point to draw out, but I do not necessarily agree that underneath that was a sign of something going wrong. I think that that is a reflection of what was under consideration at that point.

I think this point has been made to the committee, but it is worth repeating. Under the Scottish public finance manual, in projects of this nature, consideration of private finance options is required. Therefore, such consideration was necessary. In 2014, the NPD model became unavailable to us, in effect, because of its reclassification as public rather than private finance. That was followed by a period of consideration of a different potential private finance route, should the Government have decided to take such a route. There was no obvious alternative for a period. It has taken until very recently to settle on the mutual investment model that the current cabinet secretary has

announced and spoken about. Therefore, I think that that simply reflects the very technical nature of the work that was being undertaken in the period from 2018 onwards.

Having reread that paperwork, there is another observation that I would make. Again, it is not a conclusion but a question that I think it is perfectly reasonable for the committee to at least ask. At that point—from 2018 and certainly for the couple of years after that—should we have been a bit more open about the work that was going on? The search for a viable private finance model was under way, but we had not abandoned the prospect of a design and build, capital-funded option as well. That was the option that was still theoretically possible—I use that phrase deliberately—in a 2025 timescale; the private one would not have been. We were still grappling with many of those issues at that point, in good faith, and the work was being done internally. The question—which I think is a reasonable one—is, should some of that have been aired a bit more publicly?

The Convener: Let me explore that, and then I will move on to colleagues. In your written submission, you drew a distinction between the period when you had a direct responsibility for infrastructure and your wider responsibilities as First Minister, when you had more of an overview of those matters. I am interested in understanding the extent to which you, as First Minister—not now, from reading the papers, but at the time—understood that this was percolating into something that might involve a delay, and whether any discussion took place about the need for perhaps more public candour about what the impact would be.

Nicola Sturgeon: I do not recall our having a discussion at the time about whether we should be airing more of it publicly, not because we were trying to hide it but because the work was still being done. The work was not at a point of conclusion, and therefore we would not have been at the point of making a ministerial statement about the end result.

As First Minister, you have an overview of every aspect of Government policy, and from time to time, you will be much more closely involved in certain aspects. As we got into 2020, I was consumed by something else rather large, but I would have been aware of the work that was under way, and certainly aware of the issues, because they were not peculiar to transport projects. We were aware of and concerned about the reclassification of NPD, because it had a potential knock-on effect on our capital programme.

I was obviously very aware—and this is pertinent to the A9—that we had no clear and

obvious funding route for a period because of the NPD issue and because of the, frankly, very significant constraints on our capital budget. Those were issues that we were grappling with and trying to resolve. Inevitably, that takes you into a period in which a lot of the work seems to be internal to Government as we try to find the solutions. What it does not, in my view, equate to is a lack of focus and drive; it is just that we had a problem that we were desperately trying to find the solutions to, but the solutions were not easy to find.

The Convener: Okay. I might come back with other thoughts later, but I will now bring in Fergus Ewing.

Fergus Ewing (Inverness and Nairn) (SNP): Thank you, convener. Good morning, Nicola. Was a decision ever taken during your tenure as First Minister to deprioritise investment in dualling the A9 project?

Nicola Sturgeon: No, not as far as I am aware. I think that you were in government during most of that time, Fergus, so you would be aware of any decisions taken there. You will remember as well as I do some of the difficult discussions that we had around the Cabinet table about budgets; as is the nature of budgetary processes, we had to balance the competing priorities. At different times, different projects will have greater immediate priority than others, but it is always about trying to balance and achieve the objectives that we have set.

Fergus Ewing: Sure. We did, as a party, promise it in manifestos in 2007, and ever since. From 2011, the dualling promise had the target date of 2025. We have seen an extract from a Cabinet paper from November 2018 advising that the use of private finance would mean that the 2025 completion date could not be met. How can that be squared with the assertion that it became clear only in 2023, last year, that the 2025 deadline would not be met?

Nicola Sturgeon: I think it can be squared pretty easily, actually, drawing on what I have just said. I do not know how many of the papers you would have seen personally at the time, but at that point, we were not in a position where we had decided whether we would definitely use private finance, because we did not have a clear private finance route, or opt for publicly funded straight capital provision.

09:45

The situation at that point was that, had we gone down a private finance route, the 2025 target would not have been capable of being met, but we had not closed the door to the design build capital funded option. If memory serves me correctly, it

was only at the end of 2022 or thereabouts that it became clear that there was no route to a 2025 target being met. With any kind of target, as you get closer to it, there is a diminishing prospect of it being met, but, until that point, there was, at least in theory, a route to meeting the 2025 target. That closed off around the end of 2022 or 2023. Clearly, there were other factors at play around then as well.

Fergus Ewing: I think it is fair to say that we have heard evidence from industry that the civil engineering contracting world knew from 2018 at the latest that the 2025 target was not going to be met in practice, because the scale of the work that was required could not have been done in seven years. As you pointed out, I was in government as well, and I have said on several occasions that if there is any responsibility that we must accept for the failure to dual the A9, I am part of that, although I never had portfolio responsibility for it and I did not receive papers on the matter from 2018.

Do you feel now that, because the target was such a major promise for so long from both the SNP and the Scottish Government, an apology should be given to the people of the Highlands? It is fair to say, in my perception at any rate, that the issue has been met with considerable dismay and concern in my constituency and in the Highlands in general, especially in view of the tragic loss of life that we have seen.

Nicola Sturgeon: I will answer the question quite carefully and seriously, because people will have heard me during my time as First Minister readily apologise for things that I think merit an apology. I also think it is important not to reduce the value of an apology by saying these things simply to get out of a tight spot. I am sorry that we will not have dualled the A9 by 2025. I regret that, and I think that people in the Highlands have every right to feel the way that they do about it, not just because the target was set and not met, but because the nature of the project and the reasons for making the commitment to dualling the A9 were so serious and involved safety. The loss of life on the A9 is a matter of deep regret for everybody. I think that those feelings are justified.

I want to be clear, though, that I do not accept that we failed to meet that target because we just did not bother and we were not trying to meet it. The 2025 target was set for the right reasons and we were committed to it. I was Deputy First Minister at the time that the target was set by Government, so I am not trying to escape responsibility. Then, I had no direct involvement in the A9. However, when I look at it now, I would ask myself whether we were as candid as we should have been with ourselves, as well as with the public, about just how challenging it would

always have been to meet the target, even with the fairest of winds.

My second point, which I have made already, is that a number of things happened subsequently that were not foreseen or even, in some cases, foreseeable, which meant that it was even more difficult to meet the target. I will be careful in what I say here: I am not sitting here saying that I am sorry that we messed up because we just did not bother trying to do this. I am sorry that a whole range of circumstances, many of which were beyond our control, meant that we were not able to deliver on that target.

I absolutely understand the feelings of people in the Highlands about that. I am no longer in government, but that is why I think it is now so important that the project is completed according to the revised timescales that have been set.

Fergus Ewing: Thank you for that answer, but I wish to press you on a couple more points, please. The preparatory work, the design work, choosing the preferred route, the progress to made orders, the compulsory purchase orders and the ancillary roads orders are all very time consuming and complex, as you alluded to earlier. However, do you not feel, as I do, that some of the 11 sections could and should have moved into procurement much earlier, and that that is a failure?

Nicola Sturgeon: I do not want to repeat everything that I have already said, but we ran into a period when we did not have obvious funding procurement routes, and much of the work that was being done was to resolve that.

On a more open point, given the considerable slippage in the 2025 timescale—which is what the committee is considering, in part, right now—it is important for the Government to look back, at an appropriate point, for the purpose of learning lessons for future projects, of whatever scale. Notwithstanding everything that I have said about the very real reasons that we were confronted with, which led to the delays that we are talking about, it is important to look back and ask ourselves, or for the Government to ask itself, whether there were points at which different decisions could have accelerated other sections of the route going into procurement more quickly. My saying that is not me sitting here saying that the answer to that is yes, but it would be reasonable to do an exercise—it would perhaps be unreasonable not to do it—that openly asked those questions so that we can learn appropriate lessons.

Fergus Ewing: I will ask the same question, but in a more specific form. It is clear from the documentation that four of the 11 sections went to made orders. They went to the completion of the land identified to be compulsorily purchased and

all the ancillary roads orders. Two sections went to made orders in July 2021, and another two went in October 2021. I have raised this matter during this session of the Parliament, because I genuinely do not understand why those sections are not in procurement now and why they were not moved swiftly into procurement. Can you answer that question now? It is quite a specific question, of which you have not had notice, so, if not, I wonder whether you could go away and let us have an answer later.

I am not making this assertion, but many people say that the influence of the Green Party, as part of the Government since 2021, has had a negative effect, as it alone, of all the parties represented in Holyrood, is opposed—very strongly opposed—to the dualling of the A9. Therefore, there is a very strong feeling that the Greens played a part in what has happened, although, to be candid about it, I have no evidence for that.

Could you address that point and the previous specific and detailed question now or, if not, later? We can provide you with the names of each of the four sections, although I will not do that now. Given that those sections went to that milestone stage of made orders, why were they not moved into procurement at that time, if we were serious about progressing the project as quickly as possible?

Nicola Sturgeon: Let me try to answer that as best I can, perhaps in a general sense. On any particular points, I am more than happy to look at the paperwork after this meeting and come back with specific answers in writing, if that would be helpful to the committee.

I will say two things in general. First, it is not the case that the issues with the A9 were down to the Greens' involvement in the Government. People can read the Bute house agreement for themselves to see that the commitment to the A9 was not affected by that agreement. As First Minister during that time, I can say that that was not the case.

With the caveat that I will look again to see whether I can throw some light on other issues, my second point is that we are talking about a period when our revenue and capital budgets were under significant and growing pressure. Members of the Parliament have heard statements that various finance secretaries have made during recent times about the need for savings and the need to reprioritise. We all know the reasons for that. The overarching reason is the funding challenges that we have been confronted with in relation to the on-going work to try to find ways to make progress on sections of the road through either direct capital or a private finance model. In my view, the funding challenges are the overarching reason. However, as I said, I am

happy to go away to see whether there are further comments that might be helpful.

Fergus Ewing: I have a final question on that. Why do you argue that there is such pressure on funding when the capital budget has been circa £4,000 million to £5,000 million per year, and the estimated cost of dualling the A9 is substantially less than that? Given the scale of the capital budget, surely many people are right to say that the A9 was not the top priority for the Scottish Government, because the money was there—there was between £4,000 million and £5,000 million a year. Plainly, at least some of the sections that have not yet been dualled could have been dualled if more priority had been attached to that. That is a strongly held view in the Highlands, so I am putting that to you to see whether you think that that is a fair point, or whether you think that it is completely unfair to you and your colleagues who were making the decisions at the time.

Nicola Sturgeon: This is probably a classic politician's answer—I am trying not to give those—but, if it is possible, it is both. It is absolutely fair for people in the Highlands to say that the A9 should have been prioritised above the other demands on the capital budget. If I was living in the Highlands, there is no doubt that I would have that view, so I am not in any way suggesting that that is somehow an unfair view for Highlanders to hold.

The other side of it relates to the way that you posed that question to me. I understand why you did it—you are speaking on behalf of your constituents, so I am not criticising that in any way—but you were in the Government for many years, so you know that to point to a big budget when speaking about a particular project that is small, relative to the size of the budget, and say, "Well, why couldn't that have been done?" does not fully encapsulate the budgeting process.

For most, if not all, of the time that I was in the Government, the demands on the capital budget exceeded the quantum of it. Fergus Ewing knows that as well as I do, because of his time in the Government. Within that, there is a legitimate question about the relative priority that is given to different projects, but in the process of budgeting we try to balance all of those things to progress everything that we want to do, and that will inevitably lead to supporters of different projects feeling, at times, that their project is not getting the priority that it needs.

However, it is not a fair characterisation of how such things work to simply point to the size of the budget and the cost of the A9 and somehow say that there was no problem with funding through our capital programme.

Fergus Ewing: As the convener said, our focus is not so much on trying to carry out a post-mortem; the focus is more on prognosis than on diagnosis. It is about how we can put this right as quickly as possible. Do you, as a seasoned and experienced politician, think that it is fair to say that other parts of Scotland have done quite well from transport infrastructure projects over the 25 years of devolution during which both of us have been servants in the Parliament? I am thinking of the Borders railway, the Aberdeen western peripheral route, the massive improvements to the M74 and the M8 and the magnificent Forth crossing—and, well, Edinburgh chose the trams. Other parts of Scotland have had massive investment, which is welcome, but do you agree that it is now, if you like, the turn of the Highlands?

10:00

Nicola Sturgeon: As an aside, I note that, against the wishes of the Government that you and I were both part of, the Parliament choosing the trams had implications for other aspects of the capital programme at that time.

All of the projects that you have spoken about were necessary and important. As a relatively new driver, I have only recently driven across some of those projects—I drove on the A9 for the first time just a couple of weeks ago. The projects were all important, but I do not think that that is the point that you are making.

It is not the case that we inappropriately prioritised the Queensferry crossing, the M74 improvements or the Borders railway. However, I suppose that my short answer to your question would be yes—although we ran into the difficulties that I have been speaking about, I certainly hope and expect that the Government now prioritises completing the A9.

The programme that has been set out, with timescales, will still face challenges along the way—I would be astonished if it did not. To me, it looks like a programme that will succeed, and it is essential that it is given the priority to ensure that it does.

Maurice Golden (North East Scotland) (Con): Ms Sturgeon, in answer to Fergus Ewing, you have been clear about the Greens' influence on the dualling of the A9. Obviously, the backdrop to your tenure in government was some ambitious climate change targets, including the setting of an extremely ambitious interim target in 2019. I wonder whether looking to tackle climate change in the context of failing to meet a number of emissions targets had any influence on the prioritisation of dualling the A9.

Nicola Sturgeon: That is a really good question, and I think that it is an important

question when we are considering any roads projects. We could talk about this in a lot more detail but, in respect of the A9 generally, no, I do not think that it did. The A9 was effectively excluded from the Bute house agreement—I am using shorthand here—but the commitment to it continued because of the important reasons for the dualling of the A9. It is not about providing extra road capacity for more cars; it is fundamentally about safety, so it is a roads project that is important to complete.

More generally, the climate cannot be divorced from the consideration of road projects in this day and age; it is an important part of any deliberation. However, I would argue strongly that the reason why we are sitting here talking about delays to the dualling of the A9 is not about the Greens being in government or because we downgraded the priority of it for some consideration of climate and emissions targets.

Maurice Golden: Thanks; that is very helpful. I am just trying to square the timeline in my mind. On the basis of the evidence that we have heard, around 2014 seems to be the point at which a red flag was raised over the plausibility of completing the project. I think that you pointed to 2014 in terms of the financing aspect and there was probably a significant change in that in 2018. However, the Scottish Government did not find out until 2022 that it would not be possible to complete by 2025. I struggle to find that explanation to be realistic and plausible, given the track record and what had gone before. Perhaps you could comment on that.

Nicola Sturgeon: As I look at this from the perspective that I have now, some of the questions that the committee is posing are reasonable. That does not mean that there is anything sinister there. As a Government, we were desperately trying to find a path to meet a 2025 target. Obviously, the prospect and chances of doing that were diminishing with every month and year that passed, but we had not given up on doing so.

The 2014 date is significant because of the Office for National Statistics issue with the classification of NPD. That was not the point at which we had to consider a private finance option, as that was always a requirement; it was the point at which we had to effectively scrap the one that would have been the option and try to find another one, which took considerable work and time.

Then there was the period around 2018. As I think I said in response to the convener, if I look at the issue now, in hindsight, that is a point at which it is reasonable to at least pose the question about whether we should have been airing a bit more of this publicly. If I remember correctly, the original estimate for construction was about six years. By

2018, you are getting to the point at which, even if you have the finance procurement route settled, you are starting to get tight for a 2025 target.

If I was to go back to relive that period, I do not think that I have read anything that would make me think that there is something that we could have done to change things and to hit that target, but I would say that we should perhaps have been airing a lot more of the difficulties that we were in or the challenges that we were facing at that point a bit more openly. However, that is me applying hindsight.

Maurice Golden: What was the impact of Covid on the project?

Nicola Sturgeon: The impact of Covid on the A9 project would have been multifaceted, as it was on every aspect of Government priorities outside what was required to manage Covid. It would have impacted civil service time and wider industry engagement. Everything associated with a big project would have been and was impacted by Covid.

Again, I am using shorthand here, which is probably always a bit dangerous, but, effectively, outside what we needed to do to deal with Covid—this applied not just here but everywhere—the rest of Government shut down to some extent. That, of course, impacted on the A9 project, as it did on many other things.

Maurice Golden: From your assessment as the then First Minister, did the impact of Covid have a multiplier effect so that the impact was not just during the period when Covid was occurring? How quickly did Government and all the operations get back on track?

Nicola Sturgeon: That is an excellent observation. I know that we are talking about the A9, but that point is one of the things that is quite difficult conceptually for people to get their heads round, including people in Government at the time, but also very real across a whole range of issues. In the national health service, for example, the period in which elective treatment was shut down had a significant multiplier effect in terms of what it takes to recover that position.

On everything else, including the A9 project, it takes more time to catch up with such things than the period of the pause, for a variety of reasons. It is not that people are sitting round and not trying to get back on top of things; it is just the way that such things work. On a whole range of things and in many walks of life, the recovery period from the Covid experience will be much longer than the two years-plus of Covid.

Maurice Golden: That is helpful. I have a final question. How were you advised about the project running behind time? Was it regularly discussed at

Cabinet, for example, or was it broadly left to the relevant minister and officials?

Nicola Sturgeon: Again, I am happy to set that out in more detail. My written submission covered the period when I was the Cabinet Secretary for Infrastructure, Investment and Cities, not First Minister. I am not asking for more requests for information but, if it would be helpful to set a bit more of that down in writing, I will do that for the committee.

In summary, as First Minister, you have an overview. The day-to-day responsibility for making sure that things are being done as they should be on any project, as is the case on the A9 project, is with the relevant cabinet secretary. As First Minister, although I was not copied into everything, I was copied into significant briefings or submissions on things, and I would ask questions and get more involved in periods when I thought that there was a need for it. That is how these things generally work.

The A9 would have featured from time to time in Cabinet discussions—Fergus Ewing quoted from a Cabinet minute a wee while ago—and, at particular moments, the cabinet secretary would have brought things to Cabinet. I do not have all the papers in front of me, so I cannot say exactly when that would have happened with the A9, but I would be happy to provide more information on that if it is appropriate.

Maurice Golden: Thank you.

Foysoil Choudhury (Lothian) (Lab): Good morning. To continue on the point that my colleague Maurice Golden just asked about, Alex Salmond, during our evidence session with him, said that he “would have been astounded” if any cabinet secretary had decided to be slow on the project and had not told him. Did you, in your time as First Minister, have a similar working environment?

Nicola Sturgeon: Similar to what? I am not sure what you mean.

Foysoil Choudhury: I am talking about the working relationship with the cabinet secretary who was in charge of the A9, and whether he had not given you an update or had been slow on the project.

Nicola Sturgeon: I think that my reputation—it is for others to decide whether this is accurate—is that I was possibly more of a hands-on micromanager than my predecessor.

Foysoil Choudhury: Given that you were the minister during the Queensferry crossing project, and that was finished on time, why do you think that the A9 project has slowed down or has not been running on time?

Nicola Sturgeon: I think that it is for the reasons that I have spoken about. Again, I say this with hindsight—that is one of the features of exercises such as this; we look at all these things from a different perspective. The 2025 target was always a massive mountain to climb, and to get to the summit by 2025 was going to require everything to go our way.

We then had certain things that did not go our way, such as the 2014 ONS issue, and austerity—I am not making a party-political point there; austerity put huge pressure on budgets. There was also Covid, which I have just spoken about. Those things were over and above the inherent complexities of the project around design, route selection, public consultation and environmental assessment—the project runs through a national park, and there are sites of historical significance. When we add on some unforeseen complexities, that is the reason why we are sitting here.

That does not make it easy or acceptable from the perspective of the Highlands, but nor does it equate to a situation in which the Government simply did not bother trying to progress the A9 project. We had significant commitment and drive behind it, but we encountered very significant challenges along the way.

Foyso Choudhury: I have one last question. If you were First Minister now, or if you went back a year ago, what would you do differently to speed up the project?

Nicola Sturgeon: This is where I will be candid with the committee. I have looked again—as you would expect me to do in advance of being here—at all the papers that I would have seen, and some that I did not, which I would not, as First Minister, routinely have seen at the time.

Before I say what I am about to say, I think that it is important not to sit here and say that there is nothing that we could have done to speed it up. It is important that there are processes to enable us to look back and really ask those hard questions. There will undoubtedly be points at which different decisions might have speeded things up to some extent.

Do I think that there is anything, in the context that we were, and that we came to be, dealing with, that we could have done that would have meant that the 2025 target turned out to be deliverable? My honest answer is no, I do not, because of the nature of the challenges with which we were confronted.

If I was First Minister then, is there something that I think that I could have done to meet that target? I genuinely do not. If I was First Minister now, which is not a prospect that I really like to contemplate, I would, I think, be confident—with all the caveats that one always has to add around

major infrastructure projects—in the programme and the timeline that the Government has now set out.

The Convener: In your previous answer, you drew an analogy with mountains—I am not sure whether that was simply because you knew that we would now be turning to Edward Mountain.

Nicola Sturgeon: I do not particularly want to think about climbing—sorry. [*Laughter.*]

Edward Mountain (Highlands and Islands) (Con): I would be careful where you go with that, Ms Sturgeon.

Nicola Sturgeon: I will be very careful what I say there.

10:15

Edward Mountain: Just to start off with, when we questioned Alex Salmond on 8 May, he gave a very clear description of how the Cabinet worked. He said that the “big discussion” at the Cabinet was always the infrastructure plan, and that he would have known if anyone was dragging their feet. He picked me up for suggesting that Alex Neil could be dragging his feet, and said that that could not have happened, and that a minister would have come to him if there was a problem with the delay. Is that how your Cabinet worked as well?

Nicola Sturgeon: Again, I will be slightly light-hearted here—I sometimes hear descriptions of how Mr Salmond’s Cabinet operated, and I wonder whether I was part of the same one.

Edward Mountain: Putting that to one side—

Nicola Sturgeon: I will just leave that there.

Where he is absolutely right is that, in the period around the financial crash and after that, infrastructure was a central priority of the Government. Infrastructure is always a priority of the Government but, in terms of the economic situation that we were facing, trying to drive economic activity through infrastructure projects was absolutely a central focus, and Alex was absolutely pushing that.

As I say, I think that my reputation is probably that I was more of a hands-on micromanager than my predecessor was. I would be involved in issues that needed to be resolved or pushed on. Cabinet secretaries would come to me and I would go to cabinet secretaries where there were issues or where I thought that things were not moving fast enough. That is the nature of how Government works on a day-to-day basis.

Edward Mountain: Okay. If we use the figure that you used earlier—which was, interestingly, the same figure that I came up with—the estimate was that it would be a six-year project to build it.

From my experience of compulsory purchase orders and how they actually work, they can take a minimum of three years to get through, by the time you have gone through the whole process of issuing notices, getting confirmation from the Government, issuing the orders, speaking to the owners, and a public inquiry, if that is the way it goes. That means that it would take nine years altogether. Therefore, if you were going to be building the A9 by 2025, alarm bells should have been ringing in 2017-18 that the process was not moving along at the necessary pace. Would you agree with that synopsis?

Nicola Sturgeon: Where I would take issue with how you have characterised it is that a lot of the work was on-going at that point. Much of the preparatory work, to use that catch-all phrase, was on-going. We are now in a position where, with the exception of one of the sections of the route, all the orders are in place, so it is not the case that none of that was progressing.

The six-year estimate, of course, was made way back—it was an estimate of the construction period. The significant barrier that we were grappling with at that point was around funding options, in terms of coming up with a private finance possibility versus the pressure on our capital programme. You can have everything else in place—you can have all the preparatory work done—but you need to have routes to funding and procurement. That was the aspect that was the most significant challenge.

Edward Mountain: With respect, the funding is critically important—I fully accept that—but what I have laid out to you is a timescale that a surveyor and people working within the industry would set to deliver the project, which I think, from the moment you issue the first order, would be approximately nine years. That is why I am confused that the issue only came to light in 2023, when it probably should have come to light back in 2017. Did Mr Yousaf, who was the transport minister in 2017-18, come to you and tell you that there was a problem then? If he did not, we have probably found out where the delay started from.

Nicola Sturgeon: I think that that would be an unfair characterisation of his position. I do not recall a particular occasion when he came to me and said, “First Minister, we’ve got a big problem with the A9.” However, we were always looking at progress and at the issues that we were grappling with.

It is important that we are not overly binary about this. Of course, we had, by 2017-18, realised that there were significant hurdles to completion on target, but it was only by late 2022 or early 2023 that it was clear that there was no viable route to 2025. That was a funding issue.

Again, a lot of the necessary work to get sections of the project into construction was being and had been done, and things were progressing and moving along. It was not some binary matter of our finding ourselves one day with none of the work done and our not having enough years left to do it; it was an on-going process in which we were determined to try to find a route to 2025. It was a diminishing prospect as we got closer—obviously, that stands to reason—and we reached a point at which it became clear that there was no such viable route.

I might turn that question back and suggest that a criticism that could be made, perhaps, is that we were so determined to try to find a route that we did not tell ourselves quickly enough that it was not there. If that is a valid criticism, it arises not from a lack of priority or determination but perhaps from the opposite—that is, our desperately wanting to get to a position where we could deliver the target.

Edward Mountain: This will be my final question. I do not doubt your determination to deliver the target, but clearly it was infeasible by 2017-18, even under the figures that you have given. Surely that would have been the time to tell people across the Highlands that it was not going to be delivered. I think that there will be very few people in the Highlands who, since then, have not seen or do not know somebody killed as a result of the road. I think that we—or, I should say, you—have been dishonest in that the target was not deliverable by the date that your Government promised on 6 December 2011.

Nicola Sturgeon: I have already made both the points that I would make in response to that question, so you will forgive me if I repeat myself.

First, until that point, the advice to Government was that there was a viable route to 2025. That was the advice, but that viable route depended on capital provision being made available, which was a significant challenge. It is not the case that we were, as you say, just being dishonest.

My second point is one that I made in my first answer to the convener. When I look back on that period, I think that we should perhaps have been airing this more publicly. I certainly think that that is a reasonable question to pose, but if we were guilty of anything at that point, it was of trying our hardest to find the route to 2025, and—I am happy to concede—perhaps taking too long to accept that that was not possible. If that is the case, it happened for the best of reasons.

My condolences and heart go out to every single person who has lost someone on the A9 or who knows someone in that position. The dualling of the A9 has been a priority for the Scottish Government. It has encountered significant

challenges; it was always going to, but there were some additional ones. I do not believe that we are sitting here today because Government did not give the issue enough priority, but there is absolutely no doubt that priority must be attached to it until the commitment is met. To go back to Fergus Ewing's question, I am absolutely of the view that the Government has an obligation to ensure that the revised timetable is now met—and met in full.

Edward Mountain: Thank you.

The Convener: I should say that I am not sure that Mr Yousaf was the lead minister for the project at any point—I think that it was Keith Brown.

Nicola Sturgeon: Yes.

The Convener: And then Michael Matheson.

Nicola Sturgeon: Yes.

The Convener: Your predecessor generously told us that, as we consider how the road might be completed, his advice to the committee, to the Parliament and to the Government would be to appoint Alex Neil as an A9 tsar to oversee the project's completion. Would you welcome the opportunity to take a view on that concept, as much as on the nominated individual?

Nicola Sturgeon: I do not think that that would add anything to where we are right now. In fact, I am concerned that, if somebody came in and decided to take a fresh look at everything, that would slow things down. The Government is now in a strong place with funding, the reassessment of the order of the routes and the timescale of the project, so it should be able to get on with that work and be held to account for it. Therefore, that suggestion would hinder rather than help.

The Convener: As it happens, I met Mr Neil, who was slightly surprised by the suggestion—not that he was disappointed, of course.

Nicola Sturgeon: I will make no comment.

The Convener: You referred to the Queensferry crossing. We had an interesting discussion with Màiri McAllan on that point, before she surrendered responsibility for the project to Fiona Hyslop. The Queensferry crossing project was driven by a Government bill—I was the convener of the hybrid committee that took forward the Queensferry crossing route planning and build design. Joe FitzPatrick was on that committee, too. Neither of us was invited to the opening, let me tell you, and that grievance still rankles.

Nicola Sturgeon: There were lots of sensitivities about the opening that I became aware of only afterwards—it is a sore point.

The Convener: More generally, my point is that the existence of a parliamentary committee that oversaw some of the harder work created its own momentum. Part of the issue with the A9 is that it is now a multisession project. The parliamentarians who were first involved in discussing it in the chamber have long since retired; we have in effect had 90 new parliamentarians since 2016.

As the project looks as if it could run until 2035, could Parliament be involved in some way, with some sort of institutional memory carrying forward until then, so that somebody else does not have to try to inquire later into everything that will take place in relation to the construction of the route from this point forward? Màiri McAllan thought that there was some merit in considering that.

Nicola Sturgeon: At the risk of being accused of trying to curry favour with the convener, I say that that suggestion is eminently more sensible than the one that you just asked me about. The A9 was always going to be a multisession project. You know the differences—the Queensferry crossing process was different because of the legislative requirements that were in place around it versus those in place around the A9. That is why there was a parliamentary committee in one process and not in the other.

The suggestion should be considered. I keep saying, “We should consider”—obviously, I am not in government any more, but it is for Parliament, too, to consider that built-in parliamentary oversight process, with MSPs who in effect become specialists. If a project covers multiple parliamentary sessions, that can be a way of carrying forward the institutional memory, as you put it. That should be given serious consideration.

Fergus Ewing: References have been made to the revised completion date of 2035, and many people—including the petitioner, who is with us today, and MSPs from all parties but one—are due to meet John Swinney to urge him to accelerate the date and complete the project before 2035. As you said, every single section has now gone to made orders, with the possible exception of Dunkeld. Therefore, nothing is stopping the scheduling of the completion of the various sections as quickly as the work can be done.

The contractors' representative has always said that the companies can rise to the occasion and do the work more quickly if they are given the contracts and if the funding is available. Do you agree that that is a reasonable objective and that, if it is at all practical, it would be very desirable indeed—in the light of the failure to meet the original 2025 deadline—to bring the completion date forward from 2035, so that people can see it in our expected lifespan?

Nicola Sturgeon: If that is practical, yes, I would agree. I have not been in government for more than a year, so it would not be fair of me to comment on whether, if we take all the different factors into account, it is practical. However, if it is, the Government should try to accelerate the timescale. John Swinney's constituency is on the route of the A9. I am certain that, if it was practical to bring forward completion, he would be very open to doing it, but it is important that I not try to speak for the Government or the First Minister, given that I am not at all close to the detail of those things in the way that I once was.

10:30

The Convener: The other ask of the petition that we are considering is whether a memorial to those whose lives have been lost would be appropriate. Transport Scotland was slightly concerned about that proposal and looked at it rather literally as a memorial more or less in the central reservation with people driving past, which I do not think was the suggestion. Your predecessor pointed to the memorial that was built at Queensferry for the people who died during the construction of the Forth rail bridge many years before.

Given the loss of life, is such a memorial appropriate? I do not remember anything similar in Mr Salmond's time. Both of us have been involved in politics long enough to remember national tragedies such as the Lockerbie bombing or the Piper Alpha disaster in which there was a considerable loss of life and for which there is a memorial that people can go to. What would your thoughts have been if, as the First Minister, you had received such a suggestion? If there is merit in it, what process would evaluate that best and potentially take it to a conclusion?

Nicola Sturgeon: I would be supportive of that proposal. It would be appropriate. We tend to have memorials to disastrous tragedies that lead to a significant loss of life in a single incident, which is entirely appropriate, but we do not do the same with loss of life over longer periods in situations such as the one that we are speaking about, and we should.

My views on that have possibly been strengthened by the Covid experience. I know from talking to bereaved families, because of my close involvement in that experience, how important it is to have recognition and somewhere that people can go to reflect, remember and come to terms with their grief. The importance of that cannot be overstated. Therefore, the proposal would and does have my general support.

On the process, I again draw from the experience of Covid to some extent. It would be

wrong and inappropriate for Government to decide what that should be. The starting point in any such process should be engagement with people who have lost loved ones or who live on the route of the A9—those with, to use the term, lived experience of the loss that we seek to commemorate—and the process should work from there.

Memorials take many different forms. As you said, we all have particular images in our minds when we talk about memorials, but there are lots of Covid memorials that are open spaces, gardens and places where people simply go to reflect. Therefore, it would be important to properly understand what would be meaningful for people who have lost loved ones on the A9.

The Convener: That draws our questions to an end. Would you like to add anything that we have not touched on?

Nicola Sturgeon: No—I think that we have covered everything that I expected us to cover. There were a couple of moments when I rather rashly offered to provide more written information. It would be good if the committee could remind me of those, as I no longer have an army of civil servants sitting behind me to remind me later.

The Convener: Welcome to our world.

Nicola Sturgeon: Indeed.

The Convener: I thank you very much for joining us and for the candour with which you have addressed the committee's questions. I am grateful for your time.

I suspend the meeting briefly for us to rearrange the table.

10:34

Meeting suspended.

10:36

On resuming—

Continued Petitions

Child Sexual Abuse Allegations (Religious Organisations) (PE1905)

The Convener: Welcome back. We move to item 3, which is consideration of continued petitions. The first of those petitions, PE1905, lodged by Angela Rosina Cousins on behalf of UK XJW's Support, calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the response of religious organisations to allegations of child sex abuse since 1950.

We last considered the petition on 6 September 2023. We asked the then Deputy First Minister about work arising from the independent inquiry into child sexual abuse in England and Wales, and about how the implementation of national child protection guidance is monitored in the context of religious settings. We received a response in November 2023 that highlights that child protection committees were asked to return a self-evaluation by the end of October that year. The Scottish Government was then due to work with the Centre for Excellence for Children's Care and Protection—CELCIS—to analyse those returns, and a report was due at the start of 2024 to summarise the national implementation progress.

The then Deputy First Minister highlighted that, under the guidance, faith organisations should have designated child protection leads who have a role in passing on concerns about children to police or social work, and in developing and maintaining organisational policies and procedures. Government officials presented to faith and belief representatives group in 2022 to raise the profile of the guidance.

In response to the report in England and Wales, the Scottish Government has worked with stakeholders to gather views and consider the potential risks and merits of mandatory reporting of child sexual abuse in a Scottish context. The petitioner's submission emphasises the challenges that are associated with engaging certain religious groups in that work. She states that her experience suggests that not all religious groups will engage with advisory groups or committees. She argues that that is why it is important to legally require religious leaders to report allegations of abuse to the authorities.

Do members have any comments or suggestions as to how we might proceed? It seems as though we have been going round the houses and the Government's view is fairly clear. It seems that, irrespective of the views that the

committee has expressed or supported, it is not minded to proceed in that way.

Fergus Ewing: Yes, I tend to agree that we have exhausted every avenue, so I suggest that we close the petition under rule 15.7 of standing orders on the basis that the Scottish Government will not widen the Scottish Child Abuse Inquiry's remit to include abuse in different settings, that the Government has taken steps to raise the profile of the national guidance for child protection with religious organisations and, finally, that the Scottish Government is monitoring national data to track implementation of the national guidance.

The Convener: Thank you, Mr Ewing. Do members agree with that?

Maurice Golden: I am a bit cautious about closing the petition, although I think that we are reaching the end of the road. I wonder whether there might be one final opportunity for the committee to write to the Deputy First Minister and ask for detailed information about the work that is being undertaken to consider the findings and recommendations of the independent inquiry into child sexual abuse for England and Wales, and to ask for an update on the publication of the implementation progress report and its findings. I feel that there was an error in limiting the scope of the inquiry.

The Convener: We have explored that issue with the Government.

Maurice Golden: Yes.

The Convener: Could we take forward Mr Ewing's proposal but combine it with your suggestion? We could perhaps express the view on behalf of the committee that we felt that that was the wrong action for the Government to take, and that, in closing the petition, we would welcome a final report from it in relation to the questions that you have posed? Would that satisfy you?

Maurice Golden: That would make sense.

The Convener: Would colleagues be content with that?

Members indicated agreement.

The Convener: The petition has been a very important one. We have discussed it on a number of occasions, although, sadly, without achieving the progress that we would wish for. However, we will set out the committee's view, which has very much been in support of the petitioner, to the Scottish Government and seek additional information in relation to the comparative work in England and Wales.

Human Tissue (Scotland) Act 2006 (Post Mortems) (PE1911)

The Convener: Our next continued petition, PE1911, was lodged by Ann Stark, who I think I can see with us in the gallery again. I say, “I think,” because I have a big spotlight shining in my face and it is difficult to see anybody down at that end of the room from here. The petition calls on the Scottish Parliament to urge the Scottish Government to review the Human Tissue (Scotland) Act 2006 and the relevant guidance to ensure that all post mortems can be carried out only with the permission of the next of kin; that brains are not routinely removed; and that tissues and samples are offered to the next of kin as a matter of course.

We are again joined by our colleague Monica Lennon, who has been with us before when we have considered the petition. Good morning and welcome, Monica.

We last considered the petition on 6 September 2023. At that time, we agreed to write to the Crown Office and Procurator Fiscal Service, the Royal College of Pathologists and other relevant organisations. The response from COPFS to the committee confirms that recent discussions with pathology providers have included the benefits of and possible difficulties with the suggestion to use CT scanners as an alternative to invasive post-mortem examinations. The response also highlights the HM Inspectorate of Prosecution in Scotland’s annual report for 2022-23. The inspector’s view is that consideration of the delivery model for forensic pathology is required. The report notes the cross-sector nature of work in the area and therefore suggests that the Scottish Government should lead on it.

Both the Royal College of Radiologists and the Royal College of Pathologists have highlighted the existing clinical guidelines relating to the use of CT scans in post-mortem examinations. The Royal College of Radiologists states that there should in principle be no reason why CT scans could not be used during post-mortem examinations in Scotland, and that the guidance notes that, at the time of writing, the availability of expertise in imaging interpretation was limited to a small number of centres in the UK.

The Royal College of Pathologists notes that many types of deaths that can be diagnosed by post-mortem imaging in England would not require an autopsy in Scotland. The submission suggests that the impact of scanning on the overall autopsy rate in Scotland is likely to be much less than in England.

The petitioner has provided two written submissions, which reiterate the key ask of her petition. She also notes that a meeting recently

took place between her and the Lord Advocate—I think that Monica Lennon may have been at that meeting, too—in which they discussed her individual case and the changes that she wishes to see.

The committee has uncovered a number of issues throughout its consideration of the petition. We have gathered a lot of written evidence from a number of key organisations and have taken oral evidence to inform our thinking of the issues, all of which have had us as passengers in support of the aims of the petition as it progresses the issue. Before I invite committee members to suggest where we might go next, I invite Monica Lennon to give a brief statement.

10:45

Monica Lennon (Central Scotland) (Lab): Good morning, convener, and thank you for your opening remarks. Having listened to your recap, I note that we have been on quite a journey. I pay tribute to Ann Stark and her husband, Gerry, as well as the committee. At the start of the process, we knew very little about the Parliament’s understanding of what was going on. The Government was not taking an active interest and, it is fair to say, the Crown Office and Procurator Fiscal Service thought that there was nothing to see.

The convener mentioned the meeting on 17 April with the Lord Advocate and Andy Shanks, who is the head of the Scottish fatalities investigation unit. I was present along with Ann Stark and Gerry Stark. The meeting lasted for almost two and a half hours. The Lord Advocate was very much in listening mode, but she had lots of questions, which speaks to the fact that, since Richard Stark’s death in 2019, the family have been trying to get answers. That shows how difficult it can be for grieving families to deal with the system. The petition has always been about improving the system, not just for the Stark family but for all families in Scotland.

I extend my thanks to the committee, because a lot of evidence and information is now available to us. We know that we need to learn lessons, but we also need to learn from other jurisdictions where families have been listened to and where the process of modernisation has been started, if not rolled out. Lessons have been learned in relation to the process, including about making efficiencies and savings at a time when public finance is under pressure, but the changes have also led to a more compassionate experience for families. On behalf of Ann Stark and Gerry Stark, I emphasise that the petition is about trying to minimise distress for grieving families at the worst time in their lives. As Ann has said in her written submissions, Richard’s death was not suspicious,

but the family feel that they were treated in exactly the same way as they would have been were it a murder case or a highly suspicious death. That made their ordeal all the harder to bear.

I will touch on the discussions that we had with the Lord Advocate. I characterised her evidence session with the committee as tense, because it was quite difficult to try to tease out who was going to take responsibility for making change happen. The Lord Advocate has written to us since that meeting, making it clear that she shares the family's desire for COPFS to make whatever improvements it possibly can. She reiterated her apology for the poor communication on behalf of the service and recognised that that caused unnecessary distress. There was some discussion about the family liaison charter, which should include looking at the medical history of the deceased and would inform whether a full invasive post mortem is required. We recognise, not just for the Stark family but for many families, that there is a communication issue, which is something that COPFS is looking at.

We know that COPFS is committed to the continuous improvement of its death investigation work. It is fair to say that it is as a result of the petition and the committee's work that an improvement programme in the system for the investigation of deaths has been established. The purpose is to oversee a programme of work that is designed to achieve greater public confidence—which is really important—improve the service, deliver to bereaved relatives and deliver increased efficiencies in the investigation of deaths.

On the issue of samples, which I know is covered in the committee's briefing papers, I want to reiterate that Richard Stark died in 2019. As we sit here today, on 28 May 2024, his parents and wider family still await confirmation that all of Richard's body samples are accounted for. The Lord Advocate has confirmed in her letter to me that she is making further inquiries with pathology providers that are contracted to do that work. Again, that shows how difficult this can be.

As you have been told, COPFS regularly meets the current pathology providers, and the potential future use of CT scanners has, from time to time, formed part of their discussions. It is our view—it is my view from speaking to the family—that the conversations have not led to anything up until now and that that has been mentioned almost in an ad hoc way.

However, more positively, since the Lord Advocate last appeared at the committee, members of COPFS's pathology, toxicology and mortuary programme board visited Northern Ireland. They received a presentation, which we are told was informative, from the state pathologist

on the experience in Northern Ireland of utilising CT scanning. We welcome that.

Mrs Stark and the family suggested to the Lord Advocate that COPFS staff or members of its pathology, toxicology and mortuary programme board should perhaps visit Lancashire, where we believe that Dr James Adeley would be happy to facilitate a fact-finding trip. I know that, from time to time, the committee gets out of Parliament, and my suggestion to the committee is that it might wish to consider the opportunity for such a site visit. If the Lord Advocate and her colleagues are considering that, it would be worth checking where they have got to.

I will not repeat points that have been made about the resourcing issues and the workforce pressures that are facing COPFS and, more generally, pathology and other health services that are involved. It is very much a case of our needing to have the right people doing the right jobs. We have identified that there are shortcomings in the skill set in COPFS. That is why, in a paper that he submitted to the UK Justice Committee back in September 2020, Dr Adeley talked a lot about the importance of communication and the relationship with families. I have that submission in front of me. We want to minimise stress, deal with workforce pressures and use public resources better. We have heard about potential savings and at least achieving cost neutrality through the work in Lancashire.

I want to thank the committee, because we can see that your work is making a difference. We still have quite a distance to go, and, right now, I am not so confident about how engaged the Scottish Government is or about how meaningful that engagement is. Therefore, I think that the visit would be important. The opportunity here is to minimise the stress to grieving families, modernise the investigation of unexpected and sudden deaths and build resilience into the system. The scanners give us another tool that we do not currently have. The Human Tissue (Scotland) Act 2006 needs reform.

Today, I am giving only one example: the Stark family's situation. However, as you know from Ann Stark's submissions, many other families have found themselves in that situation. I thank the committee for its compassion for the Stark family, but we want every family to experience the same level of compassion and for the system to be modernised. Thank you.

The Convener: Thank you very much for that, Monica Lennon.

We have now assembled a considerable amount of evidence. Having had a chance to discuss these matters privately as well, the committee is of the view that we now need to write

to the Scottish Government directly highlighting some of the matters that we have raised.

I wonder whether one of my colleagues would like to summarise, for the record, what areas we are proposing that that letter would cover.

Fergus Ewing: There is a lot of ground to cover, so I will just read the text from our briefing paper.

The Convener: Yes, it is a comprehensive series of asks.

Fergus Ewing: It is. I am very grateful for Monica Lennon's work in taking up this matter so diligently, which is a credit to her. We should write to the Scottish Government to highlight the HM chief inspector of prosecution's view that consideration of the delivery model for forensic pathology is required, and that the Scottish Government should lead that work. In passing, I note that it was evident that the Crown Office and the Lord Advocate passed the buck in their evidence by saying that it is primarily a matter of medical evidence. They were, if you like, not taking the lead, so the Scottish Government should take the lead in that regard.

In addition, we should highlight the issues and suggested improvements to pathology services that were raised during the committee's consideration of the petition, including the lack of clear direction and fragmented nature of the service, which is leading to challenges in resolving issues as they arise and the inconsistent and unclear communication with the next of kin, as well as the suggestions that tissue samples are returned to the next of kin and that CT scanners are used as an alternative to invasive post mortems. Thanks to the petitioners, Monica Lennon and the committee's work, we have had a lot of evidence about each of those issues, so there is no point in rehearsing all that.

We should also highlight concerns in forensic pathology services about value for money, affordability, sustainability and contractual terms, as noted in the HM Inspectorate of Prosecution in Scotland's annual report. We should highlight COPFS's call for a national forensic pathology service.

We should recommend that the Scottish Government brings together service providers, the Crown Office and stakeholders to consider the key challenges that face pathology services as identified in the petition and the inspectorate's report, takes ownership of and leads the development of a delivery model for pathology services, and ensures that any delivery model facilitates continuous and long-term improvement of pathology services.

In conclusion, that is all a bit dry—it is MSP-speak—but at its heart is the concern that the next of kin's wishes should be respected and taken into account, and that they should be treated with dignity and respect in the desperately difficult situation that they face.

The Convener: Thank you, Mr Ewing. That obviously draws on a lot of what the committee has heard. In the first instance, I think that we should set that out to the Government in the terms that Mr Ewing has suggested, and see what response we get, which would then inform how we might take forward the matter. Do members agree with that proposal?

Members indicated agreement.

The Convener: We will keep open the petition and act on that basis. I thank members and the petitioners for the work that has been done.

Child Arrangement Orders (PE1984)

The Convener: PE1984, which was lodged by Amy Stevenson, calls on the Parliament to urge the Government to reduce the financial barriers that prevent parents from having contact with their children by introducing a Scottish equivalent to the C100 form, with a fixed fee for making applications for child residence or child contact orders.

We last considered the petition at our meeting on 4 October 2023. We received a response from the Minister for Victims and Community Safety suggesting that, although work is under way to implement section 24 of the Children (Scotland) Act 2020, it is likely to be later in 2024 before the Government is in a position to advance with the pilot scheme on mandatory alternative dispute resolution meetings.

The minister's response also notes that the Scottish Government does not plan to review the current system for initiating actions for child contact and residence orders due to "other priorities and pressures" but refers to actions in the family justice modernisation strategy that could help to improve the experiences of individuals going through child contact and residence disputes.

Do members have any comments or suggestions?

Maurice Golden: We should close the petition under rule 5.7 of standing orders, on the basis that section 24 of the Children (Scotland) Act 2020 requires the Scottish ministers to arrange a pilot scheme for mandatory alternative dispute resolution meetings and work is under way for the pilot to commence this year. Secondly, the Scottish Government has no plans to review the current system for initiating actions for child contact and residence orders. In closing the

petition, it might be helpful for us to flag to the petitioner that they have the option to resubmit the petition in 12 months' time, should no progress have been made on the pilot.

11:00

The Convener: Thank you very much for that, Mr Golden. Are members of the committee content to proceed on that basis?

Members indicated agreement.

The Convener: We thank the petitioner very much for raising the issue with us. In the light of the minister's response, the committee feels that there is no immediate further course of action for us to take, as Mr Golden has summarised. However, I emphasise the point that it is perfectly possible, if the Government's commitment has not been realised, for the petition to be brought back to us in 12 months' time.

Performance-enhancing Drugs (Public Information) (PE2024)

The Convener: PE2024, which has been lodged by Cael Scott, calls on the Parliament to urge the Scottish Government to create a national public information programme to raise awareness of the impacts of the use of steroids, selective androgen receptor modulators and other performance-enhancing drugs. It makes the case that that programme should have a particular focus on the impact of such products on young people aged 16 to 25, and that work should be done with community learning and development practitioners, gyms and community coaches to raise awareness of the issue. It also asks that a public health campaign be developed to highlight the negative impacts of PEDs and to encourage regular health check-ups for users, and that a screening programme be developed to allow users to test the safety of their PEDs.

We last considered the petition on 6 September 2023, when we agreed to write to UK Anti-Doping, Anabolic Steroids UK and the Scottish Drugs Forum, as well as the Scottish Government. The Scottish Government has responded by providing the terms of reference for the early interventions for children and young people working group, which, it notes,

"will be guided every step of the way by the experiences of young people whose lives have been affected by alcohol and drug use and the front line services who support them."

The response also lists the organisations that are members of the working group.

In its response, UK Anti-Doping draws our attention to its 2019 report on image and performance-enhancing drugs, which showed that the use of IPEDs extends beyond cheating in sport

and is a significant public health issue. It is UK Anti-Doping's view that structural arrangements to establish cross-agency working are needed in order to tackle the wider public health concerns that exist in relation to IPED use.

The Scottish Drugs Forum would welcome and actively support any national initiative that was focused on reducing the risks and harms associated with IPEDs. The forum suggests that a national campaign should be accompanied by the provision of adequate services, such as blood testing and other health checks, to reduce harms.

We have also received a response from the petitioner, in which they share their analysis of a series of freedom of information requests to regional health boards across Scotland on the costs and prevalence of, and existing support for, IPED use.

Do members have any comments or suggestions for action, given the robust responses that we have received?

Maurice Golden: I think that we might be nearing the end of the road on this petition as well. However, we could write to the Minister for Drugs and Alcohol Policy to highlight the written evidence that the committee has received, which you have articulated, and to seek an update on what specific action the early intervention working group is taking to address public health concerns about the use of image and performance-enhancing drugs, including how it intends to include owners of leisure centres, gyms and fitness professionals in that work.

The Convener: I think that we might accompany that with a note to emphasise the strength of expression of the responses that we received from the Scottish Drugs Forum and UK Anti-Doping. Are colleagues content with that approach?

Members indicated agreement.

Changing Places Toilet Fund (PE2027)

The Convener: PE2027, which was lodged by Sarah Heward on behalf of the Tyndrum Infrastructure Group, calls on the Parliament to encourage the Scottish Government to launch without further delay the £10 million changing places toilet fund that was pledged in the 2021 SNP manifesto, and to make the application process clear, straightforward and expeditious for groups that are trying to build these much-needed facilities.

We last considered the petition on 6 September 2023, when we agreed to write to the Minister for Social Care, Mental Wellbeing and Sport. The minister's response to the committee highlights the Scottish Government's on-going commitment

“to make the £10 million fund available across the financial years 2024-25 and 2025-26.”

The fund is due to open at “the beginning of 2025.”

In the light of the fact that the aim of the petition has, therefore, been realised, which is to make the funding available without delay, and a timetable has been set for that in early 2025, I am inclined to propose that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government is now working to make the £10 million available for changing places toilets in the current session of Parliament, which is key.

In closing the petition, the committee could highlight to the petitioner that the fund will now open in 2025 and that, if they are not content with how the Government’s work progresses thereafter, we would be very pleased to receive a fresh petition at a later date in order to advance the aims. However, we have a firm commitment from the Government. On that basis, therefore, are members content to close the petition?

Members *indicated agreement.*

The Convener: Mr Choudhury, can I get confirmation from you on that? Mr Ewing has left us, but we need three heads to nod.

Foyso Choudhury: Yes.

The Convener: We have that—thank you.

Insulin Pumps (PE2031)

The Convener: Our next petition is PE2031, which has been lodged by Maria Aitken on behalf of the Caithness Health Action Team. It calls on the Scottish Parliament to urge the Scottish Government to ensure that children and young people in Scotland who have type 1 diabetes and would benefit from a life-saving insulin pump are provided with one, no matter where they live.

I am reminded that that was a key issue in the very first session of Parliament in which I was elected, from 2007 to 2011; it is always intriguing to see how things develop. At that point, insulin pumps had just come on the scene, and we were very keen to have them made available through the NHS.

I welcome again Edward Mountain, who has remained with us since our earlier discussion on the A9 inquiry as he has an interest in this petition. I will invite him to say a few words in a moment.

The committee last considered the petition on 20 September 2023. At that time, we agreed to write to Diabetes Scotland, the Insulin Pump Awareness Group and the NHS regional health boards. The committee has received responses from eight of the 14 health boards, copies of which are included in our meeting papers.

A number of the responses refer to utilising additional Scottish Government funding to increase the number of children and young people who are accessing insulin pump therapy and the need for further Scottish Government funding to support on-going staffing and resource requirements that are now necessary to meet the demand for insulin pump therapy. It is also the case that, since the third session of Parliament, from 2007 to 2011, the incidence of diabetes has continued to increase dramatically within the population.

We have received a response from Diabetes Scotland that highlights the benefits of diabetes technology for people with type 1 diabetes, which include the improvement of blood sugar management and a reduced risk of complications such as stroke, eye damage and kidney disease. The response draws our attention to the “Diabetes Tech Can’t Wait” report, which Diabetes Scotland published in November last year. The report includes a number of recommendations to the Scottish Government and to health boards to support the faster roll-out of diabetes tech, with the aim of ensuring that 100 per cent of children and 70 per cent of adults living with type 1 diabetes are able to use hybrid closed-loop tech by 2030.

Before I invite the committee to share thoughts on how we might proceed, I invite Edward Mountain to comment.

Edward Mountain: Thank you, convener. At the outset, I highlight that Caithness Health Action Team strives hard to ensure that healthcare is delivered across the Highlands, but particularly in Caithness, from where it is more difficult for people to get to Raigmore and the centralised health service that is currently run by NHS Highland. There is no doubt that, up there, people feel isolated from that healthcare, as it can take at least an hour and a half under blue light, and probably two and a half hours under normal driving conditions, to get to it.

I remind the committee that, in 2023, extra money was given by the Scottish Government, and NHS Highland chose to use it for closed-loop therapy mainly for adults. Some money went to paediatric services, but there was a concentration on adults and, consequently, some children missed out. As the petitioner has made clear, there are approximately 25 children across the Highlands waiting for a diabetic insulin pump. My estimate of the cost of the pumps alone is about £75,000, which is not a huge amount of money, although there are some ancillary costs involved, as the convener has made clear: the costs are not only from the equipment but from the staff.

Providing the pumps would make a huge, huge difference to children as they come to terms with the diabetes that they must face, sometimes not

fully understanding its effects. It would not require much additional money to ensure that all the children in the Highlands have insulin pumps. In fact, it would come at less than the cost of some of the administrative directors who sit on the board of NHS Highland. I therefore think that the committee could encourage NHS Highland to explain where the funding—the extra money that was given to the Government—went originally, why children were not made a priority and whether there are additional funds, with a mere £75,000 needed to provide pumps for all the children.

I will leave it to the committee, but I will just end by saying that it is difficult to overstate how remote people in the Highlands sometimes feel to healthcare, which is centralised. Giving people the ability to manage their own treatment would be truly revolutionary.

The Convener: Are colleagues content to embrace Mr Mountain's suggestion? Are there any other suggestions that the committee would like to add?

I see that we have a suggestion. It is not from a member of the committee, but I am delighted to see Clare Haughey with us this morning. I am happy to invite you to comment in any way, Clare.

Clare Haughey (Rutherglen) (SNP): Thank you for your indulgence in letting me speak on this petition, although I was not intending to. I draw the committee's attention to a written question that was answered yesterday, S6W-27895, in which I have a constituency interest. The written answer may respond to some of Mr Mountain's asks. I am happy to elaborate if that helps. The Minister for Public Health and Women's Health, Jenni Minto, confirmed that,

"this financial year, up to £8.8 million of funding will be made available to expand access to diabetes technologies in Scotland. The focus will primarily be on providing access to all children that want Closed Loop Systems, but will also allow us to continue increasing access to adults."—[*Written Answers*, 28 May 2024; S6W-27895.]

Perhaps that might assist with the petition.

The Convener: I shall not wander round the room asking for party contributions, but I thank Clare Haughey for advising the committee of that. We will seek confirmation from the Government, as that points seems directly to add to our consideration of the issues that are raised in the petition. I suppose that we could prompt that by writing to the Scottish Government in response to Diabetes Scotland's "Diabetes Tech Can't Wait" report, asking what specific funding would support the statement that the minister has made. Are colleagues content to do that? I again thank Clare Haughey for drawing that ministerial answer to our attention.

Foysoil Choudhury: Could you add something? Perhaps you could ask the Scottish Government whether the funding will be adequate, sustainable and recurring. I understand that Lothian NHS Board is currently having to restrict access to insulin pumps and hybrid closed-loop technology for adults.

The Convener: We can certainly ask the Government to confirm the sustainability of any funding that it is making available.

Foysoil Choudhury: We could also ask how much each health board will be receiving specifically for insulin pumps.

The Convener: Is there anything else? I do not want to make a dripping roast, saying yes and then having another thing sprung on me. Thank you, Mr Choudhury.

Are members content to incorporate those suggestions into the representation that we make?

Members indicated agreement.

Highly Protected Marine Areas (PE2034)

The Convener: PE2034, which was lodged by Stuart Chirnside, calls on the Scottish Government to halt its proposals for highly protected marine areas—HPMAs—and to bring forward new proposals that take account of sustainable fishing methods.

We last considered the petition in October last year, when we agreed to write to the Scottish Government seeking an update on its alternative plans to enhance the protection of the marine environment. We have received a response from the Scottish Government confirming that there are no plans to progress the HPMA proposals, nor is the Government looking to designate 10 per cent of Scotland's seas as highly protected marine areas by 2026.

In response to what the petitioner might feel is validation of their submission, do colleagues have any suggestions for action? I see Mr Ewing flailing around in his seat as he seeks to contribute to our deliberation on the issue.

11:15

Fergus Ewing: I will add that it has been brought to my attention by fishing representatives that, whereas HPMAs policy, as such, was dropped—after various representations of various types were made to urge the Government so to do—I understand that it is a widely held belief in fishing circles that NatureScot is busily working on that topic to pursue what some feel might be HPMAs by another name. I have not seen the factual basis for that, but I wonder whether we might, to take a belt-and-braces approach, write to

NatureScot to ask whether it is doing work in that area, and, if so, what that work is, who has asked it to do it and what role in and input to its deliberations, if any, fishing representatives, such as those representing fishermen in the Clyde and the vicinity, might be having.

The Convener: I understand the substance of the question, but I am not sure that it is consistent with the petition that we have before us, which is quite specifically a petition in relation to the Scottish Government. I am not sure that that action would be competent in the sense of being within the reach of the petition itself or whether it would have to be the subject of a fresh petition. However, I am willing to take a view from colleagues on that.

Maurice Golden: The petition refers to “the current proposals”. On the face of it, notionally, those proposals have been shelved. If, at the time, the Scottish Government was saying that it would not progress the current proposals, the petition would clearly have to be closed. However, if, at that time, the Scottish Government instructed NatureScot to progress some form of the current proposals, I think that that would fall within the scope of the petition. It might be worth clarifying that aspect with NatureScot. Clearly, if NatureScot is doing that off its own bat—if it is doing it at all—that is a different matter. However, if the Scottish Government has instructed it, we should see the details, because that might fall within the scope of the petition.

Fergus Ewing: I was going to make exactly the same point that Mr Golden just made.

The Convener: I am outflanked by what I would call that rather tenuous link, which committee members have managed to draw together by a thread. That is fair enough. It will be some time before we consider the petition again. There might have been quicker routes to try to establish all that. However, is that the will of colleagues, including you, Mr Choudhury? That appears to be the case. Thank you. In that case, we will keep the petition open and we will seek to clarify that point.

New Petitions

Cot Deaths (PE2082)

11:18

The Convener: That brings us to agenda item 4, which is consideration of new petitions.

As always, before we consider a new petition, I say to those who might be joining us, either here or online, to hear their petition discussed that, in advance of the first consideration, we ask the Scottish Parliament’s independent research body SPICe—the Scottish Parliament information centre—to comment on the issues raised by the petition. We also write to the Scottish Government for an initial view. We do that because, historically, when we considered petitions without first having done those things, we would agree them as the first two things that we should do. Therefore, it makes sense to carry out that initial inquiry if we are to meaningfully advance the issues raised in a petition.

PE2082, on improving the support provided to families affected by cot death, has been lodged by Kevin McIver and calls on the Scottish Parliament to urge the Scottish Government to stop promoting the Lullaby Trust to Scottish families for cot death support, as that charity provides support only to families who live in England and Wales, and instead to provide practical support to families by prioritising the promotion of the Scottish Cot Death Trust, which has been supporting families since 1985.

Mr McIver tells us that he lost a child to cot death, also known as sudden unexpected death in infancy, and that he has received support from the Scottish Cot Death Trust. He is concerned that the literature provided by the Scottish Government since he had another child promotes the Lullaby Trust, an England-based charity that does not support families living in Scotland.

In its response to the petition, the Scottish Government notes that, although it has worked in partnership with the Lullaby Trust and other organisations to develop and deliver resources on safer sleep for babies, it does not promote the Lullaby Trust as a baby-loss support organisation. It states that the Scottish Cot Death Trust was invited to become involved in the development of those resources, but it declined.

The response then goes on to detail work to support families who have experienced pregnancy and baby loss, including through the national bereavement care pathways. It also notes that the Scottish Government has provided funding to the Scottish Cot Death Trust to deliver its sudden

unexpected death in infancy simulation and awareness training.

I am minded to try to establish with the Scottish Cot Death Trust, which is funded by the Scottish Government, why it declined to participate in the drafting of the resources that the Government sought to make available. That seems to be a curious lack of engagement. I understand the Scottish Government's principal point in relation to the petitioner's point about promoting the Lullaby Trust, in which it says that it does not promote that organisation but promotes the Scottish Cot Death Trust. I am curious, though, as to why the trust declined to participate.

Are we content to keep the petition open so that we can inquire on that point?

Members indicated agreement.

Covid-19 Vaccinations (PE2086)

The Convener: PE2086, which was lodged by William Queen, calls on the Scottish Parliament to urge the Scottish Government to acknowledge those injured by Covid-19 vaccines and to have the NHS offer them appropriate treatment.

The SPICe briefing explains that, when someone presents to a GP, their treatment is not necessarily based on or connected to the cause of the illness but based on alleviating the symptoms and, if possible, treating the underlying cause, if that can be identified. The briefing notes that injury caused by the Covid-19 vaccine is still a live area of research and that it is currently difficult to find comprehensive and reliable evidence and research that details and defines Covid-19 vaccine injury. I should also say that I do have constituents who are concerned about this issue.

The Scottish Government's response to the petition acknowledges that, on rare occasions, Covid-19 vaccines can cause injury and that it does not take concerns over the safety of vaccines lightly. The submission states that recipients of the vaccines are given

"as much information on the potential side effects as possible"

and

"must give informed consent before receiving a vaccination."

The petitioner has provided two written submissions, the first of which calls for the vaccine injured to be given time and a platform to speak about their experiences and asks for the Scottish Government to meet the Scottish Vaccine Injury Group. The second submission calls for more research into symptoms and illnesses that result from vaccination, improved diagnosis and treatment for mast cell activation syndrome,

specialist clinics or multidisciplinary teams and financial support for private medical care where adequate treatment cannot be provided on the NHS.

In light of the responses that we have received, do colleagues have any clear idea about how we might proceed?

Fergus Ewing: We should write to the Scottish Government to ask how it can be confident that specialist diagnostic testing and treatment, as set out by the petitioner, are available when required and, secondly, that healthcare providers are aware of the possible side effects of Covid-19 vaccines and apply that knowledge when considering treatment for symptoms that might have arisen as a result of the vaccination.

By way of comment, I add that I recently read in one of the more serious newspapers of doubts about one of the Covid vaccines being raised by a reputable organisation. I will not go into the details, because that would not be appropriate; I just wanted to mention it, as it is the subject of some current controversy. We need to drill down a little more and write to the Scottish Government to raise those concerns.

The Convener: I hesitated slightly during my earlier comments, because I was struck by the fact that the Government's submission states—I will repeat this—that recipients of the vaccines are given

"as much information on the potential side effects as possible"

and

"must give informed consent before receiving a vaccination."

I recall that exactly those phrases were used in relation to the use of mesh in surgical procedures. I vividly remember being told that recipients were given as much information as possible and had given informed consent, but the evidence of many of the women in that circumstance was that that was simply not the case.

I would therefore like to ask the Government how it can assert with confidence that such practice is in place—it might be that it can do so, but I would like to understand how. The committee knows of previous examples in which a similar assurance was initially made but then was not seen to be properly validated by subsequent evidence.

The petition is important, given everything that we are now looking at. Admittedly, it is with the benefit of hindsight, but these issues are on-going in some instances. We will therefore keep the petition open and proceed with inquiries based on the suggestions that members have made. Are we content?

Members indicated agreement.

The Convener: I am not sure whether people connected with the petition are in the public gallery, but I hope that they are content with our keeping the petition open and proceeding on that basis.

Control of Dogs (Cemeteries) (PE2087)

The Convener: PE2087 is on passing a law making exercising a dog in a cemetery an offence—those in the public gallery will see that we move across a broad range of public interest. The petition, which has been lodged by Paul Irvine, calls on the Scottish Government to pass a law to make exercising a dog in a cemetery an offence punishable by an on-the-spot fine for infringement.

Mr Irvine tells us that he lives opposite—*[Interruption.]* I am terribly sorry, but I forgot that Clare Haughey had joined us for the previous petition. However, I think that she is content with the action that we have taken. Apologies—that just occurred to me suddenly.

I go back to Mr Irvine, who tells us that he lives opposite the cemetery where his son is buried and has been upset by the number of people who exercise their dogs in the cemetery and allow them to urinate and defecate on graves, including his son's. Mr Irvine has raised the issue with his local authority, which has introduced a rule that dogs must be kept on leads in cemeteries but has stopped short of its pre-pandemic rule of permitting only assistance dogs in cemeteries.

In responding to the petition, the Scottish Government states that it fully recognises the distress—as I am sure the committee will, too—caused by irresponsible dog owners who damage headstones and mementos left at gravesides. However, responsibility for the management, security and upkeep of local authority burial grounds lies with the local authority for the area in which the cemetery is located. Existing legislation gives local authorities the power to make, consult on, publish and display management rules that regulate the use and conduct of people while on land or premises that are owned or managed by the local authority.

Additionally, under the Dog Fouling (Scotland) Act 2003, which covers all public open spaces, anyone who does not immediately clean up fouling by a dog is committing an offence and could be issued with a fixed-penalty notice of £80. The SPICe briefing also highlights the Control of Dogs (Scotland) Act 2010, which allows the police to issue a dog control notice if a dog is not being kept under control effectively and consistently.

In light of that, do colleagues have any suggestions as to how we might proceed?

Fergus Ewing: I note the tragic loss of the petitioner's three-year-old son and that the petitioner lives opposite where his son is buried. He talks about the family witnessing up to 100 people exercising their dogs daily, with dogs being let off leads or on long leads, resulting in their urinating and defecating on graves and damaging teddies and so on that have been left in memory. I just thought that I would mention that because, plainly, the petition is somewhat unusual, but there is a human tragedy behind it.

The Convener: Yes.

Fergus Ewing: Therefore, one understands it.

For that reason, I have a series of suggestions. Given that the issue seems to be primarily a local government responsibility, we should write to the Convention of Scottish Local Authorities to seek further detail on best practice for local authorities regarding the presence and behaviour of dogs in cemeteries. We should also write to Police Scotland to request information on the breakdown of offences under the Dog Fouling (Scotland) Act 2003 and the Control of Dogs (Scotland) Act 2010, specifically in relation to those that have taken place in cemeteries, in order to ascertain whether there is any pattern of enforcement by the police in this matter.

Furthermore, we should write to the Scottish Government, seeking an update on the implementation of the Burial and Cremation (Scotland) Act 2016, and specifically on whether proposed regulations for the management of burial grounds might address the issues raised by the petition.

The Convener: Thank you, Mr Ewing. Are colleagues content to proceed on that basis?

Members indicated agreement.

The Convener: That was the last of our new petitions for consideration this morning. We will now move into private session to consider items 5 and 6. Our next meeting will take place on 12 June.

11:31

Meeting continued in private until 11:52.

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