



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 19 January 2022

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 19 January 2022

CONTENTS

	Col.
INTERESTS	1
CONTINUED PETITIONS	2
Essential Tremor (Treatment) (PE1723)	2
Witchcraft Act 1563 (Pardon and Memorial) (PE1855)	4
Hypnotherapy (PE1873)	7
Body Cameras (National Health Service) (PE1877)	8
Mental Health (Care and Treatment) (Scotland) Act 2003 (Prosecutions) (PE1878)	9
Sentencing (Paedophiles and Sexual Predators) (PE1881)	10
Lockdown Restrictions (Toddler and Baby Activities) (PE1883)	11
Hedgehogs and Moles (Legal Protection) (PE1888).....	13
Self-employed People in Travel Industry (Financial Support) (PE1889).....	14
Swimming Lessons (PE1891)	16
Medical Certificates of Cause of Death (PE1894).....	21
NEW PETITIONS	24
Domestic Abuse (Gender) (PE1909).....	24
Council Venues (Funding) (PE1912).....	25
Secondary School Uniforms (PE1914).....	27
Rest and Be Thankful Project (PE1916)	29

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

1st Meeting 2022, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Ruth Maguire (Cunninghame South) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Foyso! Choudhury (Lothian) (Lab)

Rhoda Grant (Highlands and Islands) (Lab)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Virtual Meeting

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 19 January 2022

[The Convener opened the meeting at 10:15]

Interests

The Convener (Jackson Carlaw): Good morning, and welcome to the first meeting in 2022 of the Citizen Participation and Public Petitions Committee. We are operating in a virtual format this morning, with members participating remotely.

Before we start, I have the pleasure of welcoming Ruth Maguire not only as a new member of the committee but back to Parliament. We are all delighted to have Ruth back with us at Holyrood.

Before I ask her to declare her interests—such as they may be—I also thank and pay tribute to Bill Kidd. We veterans must stick together. I have been working with Bill for many years, during the time that I have been a member of the Parliament, and I very much valued his contribution, sound judgment and advice during the months that he served with us on this committee. I know that he will be serving Parliament in some other capacity, and I wish him well in that. I thank him very much for the job that he did with us over the past year.

The first item on our agenda is to welcome Ruth Maguire and for her to establish for the record whether she wishes to declare any interests.

Ruth Maguire (Cunninghame South) (SNP): I thank the convener for that welcome. I look forward to the work ahead on the committee. I have no registrable interests to declare.

Continued Petitions

Essential Tremor (Treatment) (PE1723)

10:17

The Convener: Our second agenda item is the consideration of continued petitions. The first of those is PE1723, on essential tremor treatment, which was lodged by Mary Ramsay and calls on the Scottish Parliament to urge the Scottish Government to raise awareness of essential tremor and support the introduction and use of a focused ultrasound scanner for treating people in Scotland who have the condition.

I am delighted to welcome Rhoda Grant MSP back to the committee to speak to the petition. Before I come to Rhoda, I will provide a little more background. When it last considered the petition in September of last year, the committee agreed to write to the University of Dundee to seek an update on the magnetic resonance-guided focused ultrasound—MRgFUS—scanner system.

A response from the University of Dundee has now been received, which confirms that its focused ultrasound system has been used to treat five patients with essential tremor. Funding approval has been obtained from individual national health service boards for patients to be treated in Dundee over the coming months.

The committee also wrote to the Cabinet Secretary for Health and Sport requesting an update on plans to submit a proposal to the national specialist services committee to allow the treatment to become a standard form of care. Applications to the committee have now been halted due to the pandemic. At present, the majority of those wishing to access the treatment are forced to travel long distances to access care in England.

Although I sometimes tease that she is with us more than some of our committee members, it is a pleasure to have Rhoda with us again this morning. Would you like to update the committee on anything in relation to the petition?

Rhoda Grant (Highlands and Islands) (Lab): Thank you, convener. If I seem to be here a lot of the time, it simply shows how important the committee is to my constituents. It makes a real difference to people's lives, and I hope that this petition will also have that impact.

Since the committee last considered the petition, I have spoken to and met Mary Ramsay virtually on a number of occasions. Following some of those meetings with Mary, and with other stakeholders who have an interest, I wrote to

Ralph Roberts, who is chair of the national specialist services committee.

He told me that the national services division is due to meet the clinical team in Dundee towards the end of this month to discuss how a formal application for designation and the relevant paperwork can be prepared for consideration by both the national patient, public and professional reference group and the national specialist services committee. He told me that the next meetings of those groups are scheduled for February and March, but that it is unlikely that they will discuss focused ultrasound at those meetings. The issue is more likely to be discussed at the May or June meetings, and there is no guarantee that a conclusion will be reached at that time.

It feels to me that there is still no real recognition of the issues that people with essential tremor face in having to travel to London for assessment and again if they are assessed as suitable for the procedure. There is also no acknowledgement of the waiting times that people face and the impact on their lives. There are real fears that the decision will be further delayed beyond the spring or summer.

The committee knows how long the petition has been before it and the previous committee. I share Mary Ramsay's frustration that we appear to be moving at a snail's pace in bringing this much-needed treatment to patients in Scotland. Patients have to consider joining a waiting list in London, where the treatment is available. However, that is a long waiting list; indeed, NHS England is looking to create another centre to deal with the demand.

It makes no sense whatever to me that we have the equipment and knowledge in Scotland but we are not using those for our patients, who are forced to travel to access the treatment. That is not good for them, and it is certainly not good for the public purse. I am not sure whether the committee is aware that 80 patients were referred for assessment in Dundee last year from their health boards, and that around 25 per cent were considered to be appropriate for treatment.

I urge the committee to keep the petition open and to put pressure on the bodies that I mentioned to ensure that the treatment is approved as quickly as possible. I think that the committee already knows that Mary Ramsay and Ian Sharp, who has had the treatment, are happy to give evidence on their experience and show at first hand the difference that treatment can make to those with essential tremor. Perhaps the committee could also contact the NPPRG and the NSSC to ask them to give priority to their consideration of the treatment and to do so at their earlier meetings. As you said, convener, because of Covid, those bodies have not met for a long time.

The Convener: Thank you, Rhoda. That was helpful, and quite disappointing in some respects.

David Torrance (Kirkcaldy) (SNP): I would like us to keep the petition open, based on the evidence from the University of Dundee and the success of the treatment there. I would like us to write to the Scottish Government to highlight that success of the MRgFUS treatment in essential tremor patients and to ask for clarification as to when the pause on NSSC applications is likely to be removed. I would also like us to ask the Scottish Government whether it intends to provide funding for the MRgFUS treatment to be made available to more essential tremor patients in Scotland, and how it will raise awareness of the treatment among the profession.

The Convener: As no other member wishes to come in, on the basis of David Torrance's suggestions and the contribution from Rhoda Grant, I think that we are proposing to write to the Scottish Government to highlight the success in Dundee and to ask when the pause is likely to be removed. We will also ask the Scottish Government whether it intends to provide dedicated funding to ensure that ultrasound scanning can be made available to more patients in Scotland and how it plans to raise awareness of essential tremor among patients and healthcare professionals.

I would also like us to take on board Rhoda Grant's suggestion that we write to the two organisations that she mentioned. I am sorry, but I did not actually catch the acronyms, but they will have been noted by the clerks. She mentioned two bodies that she was keen for the committee to write to, so I would like to include them in our further submissions.

Are members content with that approach?

Members indicated agreement.

The Convener: I think that we will be seeing Rhoda Grant again later, so I look forward to that.

Witchcraft Act 1563 (Pardon and Memorial) (PE1855)

The Convener: Our second continued petition is PE1855, which is on pardoning and memorialising those convicted under the Witchcraft Act 1563. The petition has been lodged by Claire Mitchell QC, and at this point I must, on behalf of the committee, apologise to her. There was an oversight, in that appropriate notice was not given about the petition coming back to the committee this morning, and the opportunity to submit further evidence to us was therefore lost. I think that, later in the proceedings, we will be seeking to keep the petition open, and we

therefore look forward to receiving that submission.

PE1855 calls on the Scottish Parliament to urge the Scottish Government to pardon, apologise and create a national monument to memorialise those people in Scotland accused and convicted as witches under the 1563 act. We last considered the petition at our meeting on 1 September 2021, when we decided to seek further information from the Scottish Government and the petitioner on whether the royal prerogative of mercy could be used to achieve a pardon. The petitioner seeks three things—a pardon, an apology and a national memorial for those convicted under the 1563 act—and further detail on all of that has been provided to colleagues in their papers.

In relation to the pardon, the petitioner suggests that the royal prerogative of mercy is not a suitable vehicle for achieving the petition's aim, stating that

“we are not looking for a pardon in individual cases by the Queen”

as

“The prosecutions were carried out by the Scottish State.”

The petitioner also states that an application to the Scottish Criminal Cases Review Commission to pardon individual people would not be competent as there would be

“no-one that could be considered to have a ‘legitimate interest’ in terms of the Criminal Procedure (Scotland) Act 1995”,

given the fact that centuries have passed since these events happened.

Instead, the petitioner suggests there is a need for the Scottish Government

“to legislate to provide a pardon for all those convicted.”

The petitioner draws parallels with the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018, which provided

“a collective and posthumous pardon.”

The petitioner suggests that the committee should ask the Scottish Government

“to provide a public apology to those convicted of witchcraft, making it clear that those convictions ought not to have happened and that these people were not witches.”

In its submission of 4 November 2021, the Scottish Government accepts that

“while the SCCRC can consider posthumous applications made on behalf of a convicted person ... by someone who would have standing to bring an appeal on their behalf, in practice, this will almost certainly not be possible”.

In terms of the royal prerogative of mercy, the Scottish Government advises that

“the First Minister will not generally consider recommending to Her Majesty a free pardon under the RPM process until the person's appeal against their conviction has been

dismissed, or leave to appeal has been refused, and any application to the SCCRC seeking to have the case referred to the Appeal Court has been rejected.”

In a further submission from the petitioner dated 5 December 2021, she suggests that the committee might wish to consider a committee bill on this topic. Since then, we have received a submission from Natalie Don MSP, who has indicated that she intends to bring forward a member's bill to allow for a pardon to take place. However, she notes that the two other asks of the petition—that is, to seek a public apology and to create a national monument—will not fall within the scope of her bill.

I hope that my microphone has been working for the past several minutes, otherwise there is a lot that I will have to repeat. On the assumption that it has been, I ask members whether they have any comments with regard to the action that might be taken.

Alexander Stewart (Mid Scotland and Fife)

(Con): A lot of correspondence has gone back and forth on this topic, and I note what the Scottish Government has said about the process and proceedings. As you have indicated, Ms Don has now come forward with her suggestion for a member's bill, and I think that, at this stage, it would be appropriate to keep the petition open until we can establish the topics on which that bill is likely to proceed. You indicated that it might not be as broad as the approach that Ms Mitchell wants to progress, but it would be useful for us to have the proposal in any case and to invite the petitioner to provide evidence to the committee, depending on whether the member's bill is allowed to progress.

I recommend that we try to achieve that with the petition. It will not be easy, as you indicated. The Scottish Government has expressed some strong views on the matter but, at this stage, it is important that we continue to progress the petition.

10:30

David Torrance: I know that Natalie Don will propose a member's bill and we do not know what that will look like, but I would still like to invite the petitioner to give evidence to the committee so that we can base any future decisions about the decision on it. I feel that—[*Inaudible.*]

The Convener: No other members of the committee have indicated that they wish to comment.

To summarise, we are keeping the petition open. It looks as though Natalie Don will propose a member's bill. We might require some clarification on our ability to progress the petition if a bill is introduced and proceeds but, in any event, it looks as though the scope of such a bill will not

comprehensively cover the scope of the petition. Therefore, we will keep in mind members' desire to hear evidence from the petitioner at a future meeting, clarify with Ms Don when she might be likely to lodge the proposal for the members' bill and invite her to participate in our consideration of the petition on that date.

Does that course of action meet with the committee's approval?

Members indicated agreement.

Hypnotherapy (PE1873)

The Convener: Our third continued petition is PE1873, on providing hypnotherapy for the treatment of mental health conditions, psychosomatic disorders and chronic pain. It was lodged by Graeme Harvey and last considered in September. The petition calls on the Scottish Parliament to urge the Scottish Government to instruct the national health service to provide hypnotherapy for the treatment of certain conditions. The Scottish Parliament information centre has produced a summary of the available research on hypnotherapy conducted in other countries. It concludes that irritable bowel syndrome appears to be the condition with the most research on the efficacy of hypnotherapy and that evidence for its efficacy in other conditions is more mixed.

Submissions from the leads of clinical health psychology, NHS Orkney and North Ayrshire health and social care partnership highlighted a lack of available evidence on the merits of hypnotherapy. The petitioner's recent submission reiterates the point that hypnosis in various forms has been in use for thousands of years. He also highlights the point that mindfulness and meditation are not new practices and have always been a part of hypnotherapy treatments.

I should say that I am a former convener of the cross-party group on chronic pain, which has considered the issues.

Ruth Maguire: Although it is not in my entry in the register of members' interests, I should mention that I am a former complementary therapist and used hypnotherapy in a practice. I have not practised for a number of years but might well practice again in the future.

Convener, you highlighted in your opening remarks the evidence and feedback that we have received from stakeholders. Unfortunately, at the moment, there is a lack of quality evidence that would enable them to recommend hypnotherapy as a treatment on the NHS. The Scottish Government has also stated that it is up to individual NHS boards to decide which

complementary therapies and alternative medicines they use.

On that basis, we will have to close the petition. However, I wonder whether the committee would support us writing to the Scottish intercollegiate guidelines network and the National Institute for Health and Care Excellence to encourage them to undertake a review of scientific literature to help healthcare professionals and patients to understand the medical evidence relating to the use of hypnotherapy to treat mental health conditions, psychosomatic disorders and chronic pain.

The convener mentioned the cross-party group on chronic pain. A number of us will have anecdotal evidence of hypnotherapy being an effective treatment tool for people, so I think that the issue warrants a little more exploration.

The Convener: I associate myself with those remarks.

A course of action has been recommended to the committee. Are members content with Ruth Maguire's recommendation?

Members indicated agreement.

Body Cameras (National Health Service) (PE1877)

The Convener: PE1877 was lodged by Alex Wallace. We considered the petition in September of last year. It calls on the Scottish Parliament to urge the Scottish Government to provide body cameras for all front-line NHS staff and paramedics in Scotland. Members should note that the Public Petitions Committee considered a similar petition from the same petitioner in session 5.

The committee wrote to stakeholders to seek their views. In its submission, the British Medical Association raised concerns about how the use of body cameras might affect confidentiality and patient trust and suggested that, if a patient thought that their remarks were being filmed, that could prevent them from seeking help or being honest about their situation.

The clerk's note that accompanies the petition sets out data that the Scottish Ambulance Service has provided on reports of physical or verbal abuse against its staff. In its submission, the service notes that it has recently considered and approved a limited trial of the use of body cameras and sets out a number of perceived benefits, including a potential reduction in staff absence due to assault, the provision of better quality footage that would support prosecutions and wider improvements to staff wellbeing.

I invite comments, starting with Paul Sweeney.

Paul Sweeney (Glasgow) (Lab): I noted the petitioner's requests and the feedback that we received. In particular, I noted that the Scottish Government said that it did not believe that the use of body cameras would necessarily be appropriate for all front-line clinical staff, given that the safety risks vary considerably across different job roles.

Obviously, there are also patient confidentiality issues. That concern has been reiterated by the BMA. Confidentiality, breach of trust, sensitivity, data protection—[*Inaudible.*]—wide. However, I think that there are certain instances in which the use of such devices might be appropriate and might be worth considering more thoroughly.

To that end, I propose that we write to the Scottish Ambulance Service to request more information on its trial of the use of body cameras and to ask when it expects the trial to conclude and how the findings from it will be utilised. I also propose that we write to the Scottish Government to ask what plans it has to review the findings of the Ambulance Service's trial and to scale up the use of the measure, should the trial prove to be successful and it be deemed appropriate for the use of body cameras to be tried out more widely.

Alexander Stewart: I see some merit in looking at the limited trial that the Ambulance Service is to carry out. As Mr Sweeney has indicated, there are risks to do with confidentiality and so on, which might be too great, but I believe that there is merit in considering what comes out of the trial and how things might progress.

Therefore, I am keen that we continue our consideration of the petition, and I am happy to support Paul Sweeney's recommendations.

The Convener: That being the case, although we note the BMA's submission, we are minded to keep the petition open and to write to the Scottish Ambulance Service and the Scottish Government in the terms suggested by Mr Sweeney and supported by Mr Stewart. Is that agreed?

Members indicated agreement.

Mental Health (Care and Treatment) (Scotland) Act 2003 (Prosecutions) (PE1878)

The Convener: PE1878, which has been lodged by Andrew Muir, calls on the Scottish Parliament to urge the Scottish Government to investigate why there have been so few prosecutions under sections 315 and 318 of the Mental Health (Care and Treatment) (Scotland) Act 2003. We last considered the petition at our meeting on 22 September 2021, when we decided to write to the petitioner, and also to the Scottish mental health law review to ask for an update on

its work on compulsory detention and care and treatment under the 2003 act.

The review has responded that, as part of its remit, it is

“considering patients' experiences of care and treatment whilst subject to compulsion, why there has been an increase in compulsory detention and treatment and the reasons for variation in compulsory orders across Scotland.”

That includes “issues of concern” around accountability, complaints systems and strengthened advocacy rights. A link to the review's full submission can be found in members' papers.

Do members have any comments or suggestions?

David Torrance: We dealt with these issues when we considered PE1786 last year. As I see no difference between that petition and this one, I recommend that we close the petition under rule 15.7 of standing orders. Moreover, the issues that it raises fall within the scope of the work of the Scottish mental health law review, from which we have had a really in-depth submission. As I cannot see the committee taking the matter anywhere else, I am happy to close the petition.

The Convener: Do members agree with Mr Torrance's recommendation that we close the petition under rule 15.7 of standing orders?

Members indicated agreement.

Sentencing (Paedophiles and Sexual Predators) (PE1881)

The Convener: Our next continued petition is PE1881, which is on longer sentences for paedophiles and sexual predators. The petition, which was lodged by Carol Burns and was last considered in September 2021, calls on the Scottish Parliament to urge the Scottish Government to increase the length of time that sexual predators serve in jail. At that previous meeting, the committee requested an update from the Scottish Sentencing Council on progress on developing sentencing guidelines in relation to rape, sexual assault and indecent images of children. The committee also sought updates from Rape Crisis Scotland and Victim Support Scotland.

We have now received from the Scottish Sentencing Council a submission that provides information about

“the development ... of three general guidelines ... to create a high-level framework for sentencing ... and ... a ... foundation for the development of offence-specific sentencing guidelines”.

The council also says that

“work on the development of guidelines on rape, sexual assault, and indecent images of children is now at”

stage 2, which focuses on

“engaging with key stakeholders, gathering evidence and developing a first draft for each guideline.”

However, the SSC

“is not yet in a position to set out a definitive timescale”

for the publication of the guidelines.

In its submission, Rape Crisis Scotland shares the petitioner’s concern that some

“sentences ... feel disproportionately short to those affected”

by the crime, and it welcomes the SSC’s review of sentencing guidelines.

Do members have any comments?

Alexander Stewart: There is no doubt that work is progressing on a high-level framework, and I think that the Scottish Sentencing Council has put a huge amount of effort into all of this. I therefore suggest that we close the petition under rule 15.7 of standing orders given that, as the convener indicated, the council is developing a set of sentencing guidelines

“on rape, sexual assault, and indecent images”.

In closing the petition, the committee could write to the petitioner suggesting that she engages with the development of the guidelines and specifically the research project on rape and sexual assault. The committee could share the petitioner’s details with the Scottish Sentencing Council to ensure that dialogue and discussion take place between the petitioner and the council. I think that that would be the best way forward at this stage.

The Convener: I note the recommendation that you have made in addition to your suggestion that we close the petition. Do members agree with the suggested course of action?

Members indicated agreement.

The Convener: In closing the petition, I thank the petitioner, Carol Burns, and very much hope that she engages with the Scottish Sentencing Council on the development of the guidelines that is under way.

Lockdown Restrictions (Toddler and Baby Activities) (PE1883)

10:45

The Convener: PE1883, which was lodged by Katrina Clark, is on the opening of all toddler and baby activities in tier 3 of Covid-19 and any future pandemic lockdowns. The petition, which calls on the Scottish Parliament to urge the Scottish Government to allow baby and toddler activities to

be considered equally with other indoor activities in tier 3 of future lockdowns, was previously considered by the committee in November.

We wrote to the Scottish Government on a range of issues that are highlighted by the petition. In its response, the Scottish Government states that

“No formal analysis has been carried out in relation to”

baby and toddler groups, but that

“engagement took place with ... member organisations”.

It states that

“Small grant funds were set up ... to support smaller organisations”;

that children’s rights impact assessments and business regulatory impact assessments were undertaken at each stage of the pandemic; and that the Scottish Government and Public Health Scotland are working to understand what impacts from the pandemic there might be on children aged up to three and what actions could be taken to reduce those impacts.

The petitioner has subsequently highlighted that similar risks are associated with baby and toddler groups to those that are assessed for soft play centres, but that soft play centres were allowed to open in tier 3 and baby and toddler groups were not.

Do members have any comments?

Ruth Maguire: I hope that we are seeing a bit of light at the end of the tunnel in respect of the pandemic, but we know that the Scottish Government is unable to completely rule out further restrictions related to Covid-19 or to advise what they might be in the future. The topic that has been raised is really important. There will not be many families that have not been impacted. Anyone who has young children or has older children and remembers what they were like will appreciate how important such activities are for children’s development and wellbeing and, indeed, the wellbeing of mums and dads.

However, as the Scottish Government cannot rule out further restrictions, we probably have to close the petition. We should write to the Scottish Government and explore the further issues that Katrina Clark has raised with the committee. I would also want us to highlight to her the inquiry into the handling of the pandemic. The petition raises the example of a group in society—babies and children and their parents—that has been impacted by actions that have taken place. That is a legitimate area for the inquiry to look into.

The Convener: I want to be clear. Are you recommending that we close the petition? The issues are sufficiently important that we would very much encourage the petitioner, Katrina Clark,

to contribute to that inquiry, which will no doubt encompass related issues when it is convened in due course. Is that correct?

Ruth Maguire: That is absolutely correct. I am sure that, as individual MSPs, we will all be mindful of the matters that she has raised, too.

The Convener: Is the committee content to proceed on the basis of Ruth Maguire's recommendation?

Members *indicated agreement.*

Hedgehogs and Moles (Legal Protection) (PE1888)

The Convener: PE1888, which was lodged by Joseph Allan, calls on the Scottish Parliament to urge the Scottish Government to grant full legal protection to hedgehogs and moles. We previously considered the petition at our meeting on 3 November 2021, when we agreed to write to the hogwatch Scotland project, the Scottish Wildlife Trust and the Mammal Society.

We have had responses from the hogwatch Scotland project, which is operated by the Conservation Volunteers in Scotland, and the Scottish Wildlife Trust. In its submission, the hogwatch Scotland project reiterates that

"Hedgehog numbers in Britain have fallen from an estimated 30 million in the 1960s to just 1.5 million in recent years".

It notes with concern that

"the Scottish biodiversity list categorises hedgehogs in the 'Watching Brief Only' category. This means hedgehogs are considered of 'less concern' and only require monitoring".

It considers that the declines that have already been shown by current estimates require a more proactive approach, and it believes that

"Increasing the level of protection afforded to hedgehogs in Scotland and raising awareness about their conservation could drive conservation efforts from the public, particularly in urban settings."

In its submission, the Scottish Wildlife Trust explains that it is

"very concerned about the decline in hedgehog numbers, which is highlighted by the fact that it is currently considered vulnerable to extinction on the Red List for Scottish Mammals. We would like to see concerted action to protect these and other vulnerable species by directly addressing the causes of their decline"

and increasing legal protection. The trust's view is that there does not seem to be evidence to suggest that moles have experienced a similar decline in numbers to that of hedgehogs. However, it believes that more needs to be done to mitigate the impact of human activity on all biodiversity. The trust believes that that is especially important if we are to achieve the

Scottish Government's ambition to address both the nature and climate crises.

We have been advised by the Scottish Government that it is awaiting the outcome of the Joint Nature Conservation Committee review, which is not due for publication until early spring. It will then require scrutiny before any policy actions can be taken, albeit that there is clearly widespread concern in relation to the issues that the petitioner has raised. I am minded to recommend that we close the petition and look forward to the consideration of the JNCC review. Are colleagues minded to support that course of action?

Members *indicated agreement.*

The Convener: Our colleague Collette Stevenson MSP has informed the committee that the petitioner, Mr Allan, has very sadly died since we last considered the petition. We are very sorry to receive that news. I pass on the committee's sincere condolences to Mr Allan's family. We thank them for the petition that Mr Allan brought to the committee's attention, which I hope will receive appropriate consideration when the review is forthcoming.

Self-employed People in Travel Industry (Financial Support) (PE1889)

The Convener: PE1889, which was lodged by Nikki Peachey, encourages the Scottish Parliament to urge the Scottish Government to provide a tailored financial solution for self-employed individuals in the travel industry whose businesses have been affected by the Covid-19 pandemic—and, indeed, who have been on the Scottish Parliament campus, lobbying MSPs directly. When we last considered the petition in November 2021, we agreed to write to the Scottish Government and industry representatives.

A response has been received from ABTA—the Travel Association. It states in its submission that the summer of 2021 failed to deliver a meaningful restart for the travel sector. It recently conducted a survey on behalf of the save future travel coalition, and businesses reported that the value of new bookings that were taken across the summer and early autumn last year represented, on average, only 31 per cent of the value of new bookings that were taken over the same period in 2019, before the pandemic.

ABTA notes that self-employed travel agents operate a variety of business models and, as such, are able to access only part of the grants that have been made available. In relation to furlough, the submission explains that some staff have been required to issue refunds and manage booking requests on behalf of clients. Her Majesty's Revenue and Customs data shows that

uptake of furlough by travel agencies and tour operators to 30 April 2021 was only 49 per cent, compared with 70 per cent in hospitality.

ABTA believes that many of the grant funding schemes in Scotland have failed to recognise the impact of the unique restrictions that have been placed on travel. Many local authority-administered schemes focused on the physical constraints caused by Covid-19, such as the closure of premises or social distancing measures. The submission explains that schemes such as temporary closure grants were only applicable to retail travel agents when their premises were required to close and that online travel agents, tour operators and travel agent home workers were ineligible for that funding. Travel businesses without rateable premises were not eligible for the one-off travel agent fund payment that the Scottish Government launched in January 2021, or for the restart grant scheme.

Furthermore, ABTA advises that it is aware that many independent agents within its membership have had to remortgage or sell their homes in order to keep their businesses alive.

ABTA highlights support schemes that have been offered by the Northern Ireland Executive, such as the limited company director's support scheme or LCDSS, which provided an initial one-off taxable grant of £3,500 to eligible company directors in January 2021, and the 2021 Northern Ireland travel agents coronavirus financial assistance scheme, which included a one-off single payment of £3,500 for self-employed travel agents who were working from home. That was clearly a different approach.

I invite Paul Sweeney to comment.

Paul Sweeney: I share the petitioner's concerns, having had dealings personally with Barrhead Travel in my region, which is one of the largest travel agents in the UK. It has raised concerns that the package of support was designed largely for hotels, hospitality venues and tourist attractions, which might be affected by the cessation of inbound tourism, and that similar consideration was not given to businesses that are involved with outbound tourism, and particularly travel agents. The support is geared towards travel agencies with premises but, even then, because of the way that the scheme is constructed, some businesses with multiple premises or companies such as Barrhead Travel, which employs nearly 500 people, do not necessarily qualify for support.

There is a major concern that there is a gap in the way that the system and schemes have been designed. The Northern Ireland model is certainly worth investigating as a benchmark. Before Christmas, I raised the matter with Ivan McKee,

the Minister for Business, Trade, Tourism and Enterprise, and I was not convinced by his response. He made a point about having engaged with Barrhead Travel and, in effect, the company disputed that that was the case. There is clearly an issue about the level of engagement with the industry, and that is not to mention the issue of the design of the support structures. Clearly, people feel that they have been let down.

It is therefore appropriate for us to interrogate the matter further. We should write to the Scottish Government to raise the issue of the Northern Ireland scheme and ask why it has not been emulated. Perhaps we should also seek evidence from stakeholders. I nominate Barrhead Travel, but it might be worth investigating the position of other major participants in the sector.

The Convener: Thank you, Mr Sweeney. That was quite comprehensive.

As no other colleague wishes to comment, we will keep the petition open and write to the Cabinet Secretary for Finance and the Economy on the basis that Mr Sweeney has suggested. In particular, we will draw to her attention the package of support measures that were implemented in Northern Ireland, which perhaps seemed to have responded more directly to the aims of the petitioner. Do colleagues agree with that course of action?

Members indicated agreement.

Swimming Lessons (PE1891)

The Convener: The next continued petition is PE1891, which was lodged by Lewis Alexander Condy and calls on the Scottish Parliament to urge the Scottish Government to ensure that all children have the opportunity to learn to swim by making it a statutory requirement to provide lessons in the primary school curriculum.

I am delighted to say that we are joined by our colleague Foysol Choudhury MSP. Good morning, Mr Choudhury. I will invite you to speak in a minute or so but, before I do so I will provide a bit more background to the following proceedings.

We previously considered the petition in November of last year, when we agreed to write to the Convention of Scottish Local Authorities to seek data on how many schools provide swimming lessons as part of the curriculum. We also wrote to the Royal Society for the Prevention of Accidents and Scottish Swimming.

COSLA's submission states that, currently, "There are no local or national mechanisms in place"

to collect the data, and notes that the delivery of swimming lessons can depend on factors such as access to facilities, cost and delivery model. The

latest figures, which are pre-pandemic and are for 2018-19, suggest that

“21 Local Authorities were offering swimming activity through the Active Schools Network.”

Scottish Swimming notes in its submission that

“there were over 106,000 children enrolled in learn to swim programmes ... prior to the pandemic”.

The submission also highlights data that suggests that

“there is a direct correlation between a child’s socio-economic background and their opportunity to learn to swim.”

Scottish Swimming states that it has submitted a proposal to the Scottish Government in support of a programme of school swimming and is currently involved in discussions with sportscotland on its potential development.

We also received a submission from the Royal Society for the Prevention of Accidents, which highlights the need for any swimming programme to include consideration of outdoor water survival skills.

The petitioner suggests that the current policy of allowing councils to choose whether to provide swimming lessons is unfair, leading to many children missing out or being forced to take private lessons, which might be inaccessible to lower-income families or those living in rural areas.

Before I turn to members of the committee, I ask Mr Choudhury whether he would like to comment on the petition’s aims.

11:00

Foysoyl Choudhury (Lothian) (Lab): I again thank my constituent Lewis Condy, who brought this important issue to the Parliament’s attention and provided a considered response to the Scottish Government’s submission. This is a good example of positive citizen engagement with the Scottish Parliament. Lewis has, throughout, emphasised the importance of equality of access to swimming lessons. Inequality of access is a big problem, as has been highlighted repeatedly in the responses to the committee, and is a key failure in the current situation.

I thank all those who signed the petition and the organisations that responded to the committee’s request for more information. They have provided a wealth of evidence about the value of swimming lessons and the factors that influence the inequality of access to them.

I note the following points in the response from COSLA. The Scottish Government previously answered a written question in Parliament from me about swimming lessons and competency levels in primary school children, by saying that

the information was not held centrally. I am concerned and disappointed to learn that COSLA confirms that not only is there no data to indicate the presence of swimming lessons across Scotland, there is no mechanism to collect such data. It also notes the variations in the provision of swimming lessons across the country, with the availability of facilities and the cost of lessons being significant factors that drive unequal access. Although extracurricular support of the active schools network is highlighted, only 21 local authorities offer swimming activity through the network, and it is not known how many children that reaches.

The response from Scottish Swimming confirms the initial concerns raised by the petitioner that

“over 40% of children leave primary school unable to swim in Scotland”

Furthermore, it notes that only 10.5 per cent of children in swimming lessons through its learn to swim framework come from the most deprived areas of Scotland, and that there is a

“direct correlation between a child’s socio-economic background and their opportunity to learn to swim.”

If we are serious about tackling inequality, we need a very different approach.

The Royal Society for the Prevention of Accidents notes that in England, despite swimming being a statutory part of the national curriculum, a significant number of children leave primary education without being able to swim. It highlights the known issue of equality of access, including that it is affected by a family’s affluence and location. ROSPA’s submission indicates that swimming lessons as a statutory requirement might not in itself be a panacea. Making swimming lessons mandatory without support for and from the organisations that would need to be involved in delivery may not have the desired effects, so a whole package of measures require consideration.

There is also evidence that is available through other sources in England and Wales that identifies particular barriers to accessing swimming regularly for some ethnic minority communities, which have proportionately fewer children who are able to swim and be confident in water safety.

From the responses to my constituent’s petition, we have seen that there is widespread support in the sector for doing more on that issue. The committee has heard that there is no statutory curriculum in Scotland. However, the Scottish Government has previously found means to mandate an inclusive education in other areas where it has deemed that necessary.

At its heart, this is a question of social justice as much as it is one of education. The committee has heard that there are significant social disparities in

the provision of swimming lessons. We know that access to swimming lessons gives people a benefit to their safety around water and to their health, fitness and wellbeing. Resolving those disparities is a matter of equality of opportunity.

The issue has public support and clear support from the sectors involved and, if properly addressed, would provide significant benefit to society. Many points have been raised by the organisations involved in that area, and the committee might wish to put those points to the cabinet secretary for further comment.

I thank the committee for allowing me this opportunity to speak.

The Convener: Mr Choudhury, you raised a number of important issues, and I thank you again for contributing to our consideration of your constituent's petition this morning.

We turn to questions from committee members, and the first is from David Torrance.

David Torrance: I thank the petitioner for lodging the petition, because it is a really important issue. From the number of tragedies since last summer in Scotland, we see the number of people who could not learn to swim. Learning to swim could be a life-saver and that is why it is so important. I know that there can be difficulties around the lack of swimming facilities in some geographical locations, but I would like to explore that more. The evidence from COSLA, Scottish Swimming and the Royal Society for the Prevention of Accidents shows that it is really important that we encourage every primary school child to learn to swim. As I said before, it would save lives, so I would like to ask for an update from the Scottish Government on the proposals to work with Scottish Swimming and sportscotland on a programme of school swimming, including who might benefit from that.

In response to comments from Mr Choudhury about data, I would also like to explore with the Scottish Government how we can collect data on the number of primary school children in Scotland who are able to swim by the end of primary school. I would also like that work to take into account factors such as a child's geographical location and socioeconomic and ethnic background, because those are also important and will highlight where we are missing children out.

Paul Sweeney: I congratulate Mr Choudhury for making such an elegant case on behalf of his constituent, the petitioner, and I thank him for coming to the committee. I agree with the points that he raised and with Mr Torrance's comments.

In my time as a representative in Glasgow, the issue has been brought up with me time and

again, particularly by the Spiers family who, a few years ago, launched the Christopher's saving lives campaign, after their son tragically drowned in the River Clyde.

I have also met representatives from the Glasgow Humane Society, who raised a number of recurring issues about a lack of confidence when people encounter difficulty, particularly in open and tidal waters, as well as a lack of respect for life-saving equipment, which is frequently vandalised and removed—often by young people. There is an issue around general education in that area.

Teaching kids to swim is a fundamental life-saving exercise; it is not necessarily a recreational activity. That is the fundamental consideration. It is a public safety matter, rather than a sporting matter and that needs to be the consideration and basis on which we take the work forward. Furthermore, the issue of certain councils' infrastructure might be a valid concern. Not every school has a swimming pool or ready access to leisure centres.

However, we might also want to consider education with regard to open-water swimming and open-water confidence. Outdoor education was certainly a big part of my primary education and, given that confidence in open water is the main issue here, that might well be a consideration. As has been mentioned, there was the tragedy that happened at Loch Lomond last summer when young people got into difficulty.

That is a major issue to consider, and it might not raise the same issues with regard to physical infrastructure, given that there are plenty of opportunities to experience open-water swimming in Scotland at a relatively low cost. It is just a matter of introducing children to that environment and explaining some of the hidden dangers in such waters. The Glasgow Humane Society, for example, has described mud as being one of the main safety issues in rivers. The fact is that a lot of people drown not because they cannot swim but because they get stuck in mud and cannot physically remove themselves from the river. Obviously that is a distressing situation for someone to be in, and it is not for want of being able to swim but a lack of awareness of how treacherous river banks can be. It is that broader spectrum of education that needs to be introduced to our schools.

The Convener: Thank you for those very helpful comments.

We have had quite a comprehensive discussion this morning. I see no indication that other committee members wish to come in, so I thank Foysoil Choudhury for joining us this morning.

I think that we will keep Mr Condry's petition open and write as David Torrance has suggested, but I suggest that we also include some of the themes that Paul Sweeney has talked about and highlight not just the teaching of swimming as people would traditionally think of it in controlled environments such as swimming pools but the life-saving benefits of what one might call, for want of a better description, wild swimming in its widest sense and as described in the conversation that we have just had. It might go slightly broader than the range of the petition, but we could look at what more might be done to progress the issue in a way that would save lives, even though ultimately the petition's objective with regard to swimming pools is slightly impractical for certain local authorities. There is certainly a very important issue at the heart of this.

Do members agree to keep the petition open and to seek further information on the basis that has been proposed?

Members indicated agreement.

The Convener: Once again, I thank Mr Choudhury for joining us this morning.

Medical Certificates of Cause of Death (PE1894)

The Convener: PE1894, which was lodged by Kenneth Robertson, is on permitting a medical certificate of cause of death—or MCCD—to be independently reviewed. The petition was last considered in November 2021, when we agreed to write to the Crown Office and Procurator Fiscal Service and Healthcare Improvement Scotland for their views.

The petition calls on the Scottish Government to change the Certification of Death (Scotland) Act 2011 to permit an MCCD to be independently reviewed by a medical reviewer from the death certification review service, where the case has already been reviewed by the procurator fiscal but not by a medical professional expert. The Scottish Government's submission highlights that

"DCRS ... checks the accuracy of approximately 12% of all Medical Certificates of Cause of Death in Scotland"

and also

"carries out Interested Person Reviews in cases where questions or concerns about"

certificates

"remain after an individual has spoken to the certifying doctor".

The Government suggests:

"Given that COPFS is independent and has the responsibility to investigate these cases, it would not be appropriate for"

the death certification review service

"to review"

medical certificates of cause of death

"in cases already investigated by COPFS."

In its submission to the committee, Healthcare Improvement Scotland provides further information about the work of the review service, including as part of that its inquiries service to support certifying doctors. It also notes:

"Since the service was established in 2015, the monthly median percentage of cases ... where the certifying doctor has made a clinical or administrative error ... has reduced from 44% to 24.4%."

The submission also sets out the circumstances in which a referral might be made to the Crown Office and Procurator Fiscal Service.

The Lord Advocate states in her submission that, in establishing what should be stated on a medical certificate of cause of death,

"the Procurator Fiscal may seek an independent medical opinion, for example from a pathologist for their view on the appropriate MCCD or whether anything would be gained from conducting a post mortem examination."

She also suggests that

"it would not be appropriate for DCRS to review MCCS in cases already investigated by Procurators Fiscal."

In light of the submissions that we have received, I would welcome comments from colleagues.

Alexander Stewart: You have outlined the information that we have received and where we are in the process. When we last considered the petition in November, we wrote to some organisations, and you have gone through the correspondence that we have received from individuals and organisations, which have some very strong views on the petition. I note those views.

Under the circumstances, I believe that we should close the petition under rule 15.7 of standing orders. We have sought views from the Lord Advocate and Healthcare Improvement Scotland, and both believe that it would be inappropriate for the death certification review service to review medical death certificates in cases in which the cause of death has already been investigated by procurators fiscal. We have exhausted most of what the committee can do, so I suggest that we close the petition.

The Convener: No other member has indicated that they wish to come in. I thank Mr Robertson for lodging the petition, which raises an important matter. However, given the responses that we have received from the Scottish Government and the various legal bodies, I seek committee members' support for Mr Stewart's

recommendation that we close the petition. Do members agree to do so?

Members *indicated agreement.*

New Petitions

Domestic Abuse (Gender) (PE1909)

11:16

The Convener: Item 3 is consideration of new petitions. I say to anybody who is tuning in to see their petition being considered for the first time that we seek the views of the Scottish Government on all new petitions before we formally consider them. The responses that we receive in advance form the notes that members get in their papers ahead of consideration of the petitions at the committee.

The first new petition, PE1909, which was lodged by William Wright, calls for the removal of the so-called gender-based domestic abuse narrative and for it to be made gender neutral and equal. The petition calls on the Scottish Parliament to urge the Scottish Government to make domestic abuse policies, guidance, agendas and practices gender neutral; to introduce equal domestic abuse provision and funding for everyone in Scotland, regardless of any protected characteristic; and to ensure that all domestic abuse joint protocol guidance, policies and practice for Police Scotland and the Crown Office and Procurator Fiscal Service are gender neutral.

In her submission, the Cabinet Secretary for Social Justice, Housing and Local Government outlines a number of key statistics as evidence that domestic abuse is predominantly perpetrated by men against women. For example, women are nearly three times more likely to be killed by a partner or ex-partner, and 95 per cent of charges that were reported by the police to the Crown Office and Procurator Fiscal Service in 2020-21 involved a male alleged perpetrator. However, it is acknowledged that the statistics do not mean that

“men and boys cannot be the victims of domestic abuse”.

The cabinet secretary’s submission points out that the provisions in criminal law that are used to prosecute domestic abuse are gender neutral and apply equally to all perpetrators. The submission also highlights several funded services for male victims and notes that the 2021-22 programme for government included a commitment to establishing a national strategy on ending intimate and sexual violence against men and boys.

The petitioner suggests that the Scottish Government’s equally safe work, which describes women and girls as being higher risk, as well as the Police Scotland and COPFS guidance on domestic abuse, risk creating a bias against violence against men and boys.

Do members have any comments or suggestions?

Ruth Maguire: As the statistics in the cabinet secretary's submission highlight, the causes and consequences of violence are different for men and women, as are the approaches that we need to take to prevent and—as I hope, one day, we will do—eradicate that violence.

I suggest that we press the Scottish Government by writing to it to seek further details on the national strategy on ending intimate and sexual violence against men and boys, including a timescale for its publication. I think that it would also be helpful to write to Police Scotland and the Crown Office and Procurator Fiscal Service to seek their views on the petition. In addition, it would be helpful to hear from the services that are targeted at men and boys that are mentioned in our papers, such as the Respect men's advice line, ASSIST and Sacro's FearFree service.

The Convener: No other member has indicated that they wish to comment—unless Mr Sweeney is indicating that he would like to come in.

Paul Sweeney: I am all right, thank you, convener.

The Convener: It was just a loose hand—rather than a family pet or anything—that caught my attention.

We thank Mr Wright for his petition, which we intend to keep open. We will write to the various Government bodies and organisations that Ruth Maguire identified. Does the committee agree to our following that process?

Members *indicated agreement.*

Council Venues (Funding) (PE1912)

The Convener: PE1912, on funding for council venues, has been lodged by Wendy Dunsmore. It calls on the Scottish Parliament to urge the Scottish Government to provide councils with the necessary additional revenue to run essential services and venues.

It is worth noting that the SPICe briefing on the petition, the Scottish Government's submission and the petitioner's submission were all written before the Scottish Government budget 2022-23 was published, which happened on 9 December 2021. Key points from a separate SPICe briefing on local government finance that was produced following the budget's publication include the facts that, once additional revenue and capital grants are factored in, the total local government settlement increased by £603 million, or 5.1 per cent, between 2021-22 and 2022-23; and that there will be a real-terms increase in provisional revenue allocations for all local authorities, except Western Isles Council, Shetland Islands Council and Orkney Islands Council, which all experience small real-terms reductions.

In his submission, the Minister for Public Finance, Planning and Community Wealth highlights the 2021-22 settlement of £11.7 billion, stating that it provided “a cash increase” in local government spending. The petitioner's submission is a collective response to the minister from Unite, Unison and the GMB. Although they recognise that local authorities make decisions about service provision and delivery, they note that those decisions are not without

“unfair challenges caused by a real terms reduction of funding”.

The petitioner's submission also points out that, as much of the £11.7 billion settlement figure is ring fenced for Scottish Government commitments, it is therefore “not technically available” for local authority spending decisions.

I invite comments from colleagues.

Paul Sweeney: The issue of council finances is a long-running one. It has been a picture of long-term decline, certainly over the past decade—I think that the overall figure is that, on average, 10p in every £1 that a council in Scotland has to spend has been cut over that period. Bearing in mind that 80 per cent of a council's budget is set by the Scottish Government, the power in relation to council budget decisions lies largely with central Government. Only 20 per cent of a council's finances can be raised through local charges and the council tax. Therefore, local government's capacity to generate its own income is constrained.

Furthermore, as the SPICe report points out, there has been an increase in the level of ring fencing—that is, in the slice of a council's budget that has strings attached, which means that it cannot be used on a discretionary basis or has to be displaced from existing budget lines and used to deliver Scottish Government-mandated projects. In effect, that is a way of funding central Government priorities indirectly through stealth, by displacing existing budget demands on local government.

That compounds the financial pressure that councils face. I accept that the latest figures from SPICe require updating but, from what I can discern, the pressure on local government has not relented. That is indicated by the recent reports that every council leader in Scotland from across the parties has written to the First Minister to request an emergency meeting to discuss council financing. That indicates that, regardless of party affiliation, this is a major issue confronting local government. Through COSLA, the leaders of all 32 councils have sought an emergency meeting with the First Minister to discuss the issue.

The acuteness of the matter has not abated, so the concerns that have been raised are valid. It

would be worth while seeking information on the latest figures and impacts. We should also take a longer-term view of local government finance.

What I find problematic in the minister's response to the committee is the fact that absolute figures in isolation do not illustrate the problem. We have to consider the percentage position relative to previous years. Also, looking at the issue in cash terms in isolation is not necessarily helpful, when we have seen an inflationary spiral in the past year and significant pressures on wages are likely in the next financial year. All those things need to be properly unpacked and considered, rather than just throwing figures at us that sound impressive on the face of it but do not give the full context.

I am not entirely convinced by the response. On that basis, I think that there is merit in continuing the petition to gather further evidence.

The Convener: Thank you for that comprehensive contribution. As no other member wishes to come in, I think that we want to thank Wendy Dunsmore for her petition, which we are going to keep open. Mr Sweeney identified a series of stakeholders from whom we will seek views on the issues that are raised in the petition. Do members agree to proceed on that basis?

Members indicated agreement.

Secondary School Uniforms (PE1914)

The Convener: Our penultimate new petition is PE1914, lodged by Matthew Lewis Simpson, which calls on the Scottish Parliament to urge the Scottish Government to remove the requirement for school uniforms in secondary schools. The petitioner sets out several reasons why he believes that that should happen, including the fact that uniforms are uncomfortable and costly and that they interfere with students' ability to express their individuality.

The Scottish Government's submission makes it clear that

"there is no legislative requirement in place in Scotland which legally requires the wearing of school uniform",

and that, instead, school uniform policy is a matter for local authorities and individual schools. The Scottish Government states that it

"would not support a proposal to ban school uniforms at any school within Scotland."

The submission sets out a number of perceived advantages to wearing school uniform, which include reducing competition between pupils in respect of expensive clothing brands; reducing bullying; creating a positive image of a school in a local community; and improving school security by

allowing staff to easily identify anyone who does not belong to the school.

The Scottish Government acknowledges the petitioner's concerns about buying school uniforms and recognises that

"this can be one of the most significant ... costs for families"

and

"can be a source of anxiety for low income families."

The submission explains that the Scottish Government recently increased the amounts that are paid for school clothing grants.

The submission also states that the Scottish Government has

"committed to introducing statutory guidance on uniforms for schools and local authorities during the lifetime of this parliamentary session",

which will cover the affordability of school uniforms, the consideration of equalities issues when deciding school uniform policies and considerations for physical education classes. The Scottish Government concludes by highlighting a public consultation on proposed school uniform guidance, which is due to be launched in the new year.

Do members have any comments or suggestions for action?

David Torrance: I would like to keep the petition open. I know that the Scottish Government submission says that it would not ban outright the wearing of school uniforms across Scotland, but there would be merit in finding out when the Scottish Government will publish its school uniform consultation, so I would like to write to the Government to ask that. I would also like to write to other relevant stakeholders such as the Scottish Youth Parliament, the Children and Young People's Commissioner and the National Parent Forum of Scotland to find out their views on the petition.

11:30

Paul Sweeney: I think—possibly because of my ex-Army background—that school uniform is a fine thing and it builds school identity. I will not rehearse all the arguments about it, because I think that they have been had before. A wider consideration is the financial effect of school uniform and some of the financial pressures that are faced by families. There have been some interesting innovations in that regard, particularly in Glasgow, with Glasgow's Pre-Loved Uniform Service, which was set up by Donna Henderson. It is basically an exchange, because a lot of kids grow so fast that they outgrow clothing that is still perfectly usable. The service has been trying to reduce waste as well as addressing some issues

around financial exclusion by introducing clothing rails in schools around Glasgow so that people can exchange items of uniform and refurbish uniforms.

When we are thinking about the issue of uniforms, we might want to think about how they are provided to kids and look at ways in which we can make the process more sustainable and reduce the turnover of uniform items that go to waste. It would be worth considering taking evidence from Donna Henderson, because she has done a fantastic job in Glasgow.

The Convener: I take note of that. We may well come back to it.

Like you, I wore a school uniform—more than half a century ago now. I do not know whether it fell out of fashion, but my own experience was that there was an active facilitation of second-hand school uniforms at that time. In fact, there were even retail outlets that organised the sale and receipt of second-hand uniforms. You are absolutely right—very often, there is still a long shelf life left in a school uniform item, as it has only become available because the young person has grown out of it very quickly.

In the first instance, Mr Torrance recommends that we keep the petition open and that we write to the various agencies as he described. We will then hear what they have to say and consider the petition again on receipt of their submissions. Do members agree?

Members *indicated agreement.*

Rest and Be Thankful Project (PE1916)

The Convener: Our last new petition is PE1916, which requests a public inquiry into the management of the Rest and Be Thankful project and was lodged by Councillor Douglas Philand and Councillor Donald Kelly.

As promised, I am delighted to welcome back Rhoda Grant for the final petition this morning. I will come to her shortly.

The petition calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 Rest and Be Thankful project, which is to provide a permanent solution for the route.

Transport Scotland explains in its submission that, following a number of landslides across Scotland in 2004, a nationwide Scottish road network landslides study was carried out. The study concluded that the A83 Ardgartan to Rest and Be Thankful is one of the most highly ranked debris flow hazard sites in Scotland.

In 2012, Transport Scotland commissioned a study to identify and appraise potential options to minimise the effects of road closures. The final A83 route study, which was published in February 2013, explains that the decision was made to progress with the red option, as it was considered at that time to offer the best performance and the most cost-effective way of meeting the study's objectives. Those objectives included maintaining the existing alignment of the A83 with a range of landslide mitigation measures such as additional debris flow barriers at locations where the landslide hazard was considered highest; the improvement of hillside drainage adjacent to and under the road; and the introduction of vegetation and planting on the slope.

In its submission, Transport Scotland provided a range of data that shows the number of days on which the various stretches of road in and around the A83 were closed due to landslides. The data shows that the events that occurred in 2020 and 2021 were significantly larger in scale than any of the previous events.

Following that, several new measures were introduced to make it quicker, easier and safer to open the road should it be closed by a landslide. In 2020, a consultation exercise was carried out to consider 11 route corridor options to address issues at the Rest and Be Thankful route. More than 650 people provided feedback, and the Glen Croe corridor was chosen as the preferred route.

The Transport Scotland submission advises that “timescales for completion of a long term solution to the issues at the Rest and Be Thankful range from 7–10 years”.

In the interim, Transport Scotland advises that work is progressing

“to look at a medium term resilient route through Glen Croe”

and that

“that work will seek to develop a finalised proposal by Autumn”

this year. The submission states:

“Since the A83 Taskforce was set up in 2012, meetings have been held every 6 months”

and that “a substantial project update” is due

“at the next Taskforce meeting in early 2022”.

A project-specific web page has also been launched on the Transport Scotland website.

Against that background, I am happy to invite comments from Rhoda Grant.

Rhoda Grant: As you have said, convener, over the past 14 years, the Rest and Be Thankful has been closed on quite a number of occasions, and

it has cost over £87 million in efforts to keep it open and keep traffic safe.

You referred to the large landslide in August 2020, in which 10,000 tonnes of debris fell on the A83 and the old military road. The old military road, which sits in the valley below, is used as a temporary route when the A83 is closed. In that situation, the traffic could not use the A83 or the old military road, and there was a 60-mile additional journey over the A82 because of the closure. Another landslide occurred in September, only six days after the A83 reopened. That led to the A83 being open for less than 50 per cent of the time in the four months at the end of 2020.

It has been estimated that £5.5 million was lost to the local economy between August 2020 and March 2021. That does not take account of potential economic development that has gone elsewhere because of the uncertainty over the route. Depopulation is also a big issue in the area, and it will get worse because of that uncertainty.

As you said, convener, options were consulted on, and there is a preferred solution that follows a similar route. However, that requires quite a lot of work to examine rerouting and building a viaduct or tunnel. A medium-term solution through Glen Croe is also being discussed. There is real frustration locally about the length of time that that is taking and the money that it is costing.

We know that 100,000 tonnes of unstable material is risking lives and livelihoods in Argyll. Given the impact that was caused by 10,000 tonnes, we can imagine what 100,000 tonnes would do. Despite all the time that has passed, there is no clear indication of when a solution will be in place. We need a clear timetable for emergency measures and for medium and long-term solutions, and we need to know whether finance will be available to carry out that work. Hence the petitioners' call for a public inquiry.

The Convener: I remember standing there on a site investigation with the previous committee. You are absolutely right that the military road sits in the shadow of the principal route. It is hardly a wonderful alternative, but at least it was an alternative, although not when there was a significant landslide. The route in the valley opposite was regarded as being far too steep to be developed for heavy goods vehicles or other larger vehicles. It has been a significant on-going problem.

Alexander Stewart: I pay tribute to the MSPs who have worked tirelessly on the issue in the past and those who are working on it presently, because it is an enormous issue for the local area. As the convener indicated, the previous committee visited the site and saw it at first hand. Having been an MSP in the previous parliamentary

session, I am aware of how many times the issue has been discussed in the chamber through oral questions and of how the situation has progressed.

I look at where we are objectively, but I am not sure where we can go as a committee on the issue. A public inquiry would in some ways exacerbate the situation, because it would take time. There is already a huge amount of frustration in the community, and people want a solution to the problem. We have heard that proposals are coming forward that might cover that. They may not please everybody, but at this stage I do not know what else can be done to facilitate and ensure a solution, because everybody, including Transport Scotland and local members, has worked tirelessly. The council has participated and 600 people gave feedback, so there has been a big involvement from the community.

Could a public inquiry find a solution? I suggest that that might not be the most effective way forward. I have concerns about how we take forward the issue, so it would be useful to hear other members' opinions.

David Torrance: Like Alexander Stewart, I doubt that we could take forward an inquiry, because I do not think that the Government would agree to one. If we include the previous Public Petitions Committee, we have taken evidence on the issue over more than six years. The convener and I have been on site visits and seen how difficult the environment and terrain are. There is no easy fix and Transport Scotland has worked tirelessly and engaged with the local community to try to find solutions, but it is a difficult task to make the road stable and ensure that landslides do not continue in the area. Measures have been put in place to catch a lot of the debris that comes down. The old military road is an alternative.

Transport Scotland is trying to find solutions and work with the community. There is no place for the petition to go, so I am happy to close it under rule 15.7 of standing orders.

The Convener: It is a difficult situation. I understand the underpinning motivations of those who have lodged the petition, and I sense that they want the Citizen Participation and Public Petitions Committee to keep the issue alive in the mind of Parliament, notwithstanding the intractable issues that sit around it. The Scottish Government indicated that there would be a substantial A83 project update in early course. I note Mr Torrance's recommendation, but I wonder whether it is appropriate to find out when that update might be and what is said in relation to that, and to keep the petition open meanwhile.

We cannot keep the petition open for a further six years in the way that the previous committee

did with the earlier petition, because I am not sure what that would achieve. However, we are in a new parliamentary session and it would be useful for us to at least see what the position is and whether we can shed any further light on the situation. I sympathise with Mr Stewart's view that a public inquiry may not ultimately be a suitable way forward.

The suggestion of a public inquiry is the principal difference between the petition and, as David Torrance mentioned, the previous petition on which the committee heard extensive evidence over a number of years. Notwithstanding Mr Torrance's recommendation, I am minded to hold the petition open while we clarify when Transport Scotland will give its strategic update and hear what it has to say.

I indicate to the petitioners, who might be watching, that, on the basis of the submissions that we have heard and the engagement that is already in place, I do not know whether the committee is altogether persuaded by the public inquiry route.

Does that approach have the support of the committee?

Members *indicated agreement.*

11:45

The Convener: Before I close the meeting, I will come back to Mr Sweeney on an issue relating to PE1912, on funding for council venues. When you said that you wanted one of the stakeholders to be contacted on the points that you made, the clerks were not entirely clear which stakeholder you meant. Can you confirm who you want us to contact with the concerns that you highlighted?

Paul Sweeney: I think that I was referring to the 32 council leaders, who have written en masse to the Scottish Government in recent weeks to express their concern about the latest budget round. It would be helpful to understand their collective position.

The Convener: Thank you.

I thank Rhoda Grant for joining us and for her contribution. As she will have heard, we will keep PE1916 open for the time being and see what response we get. I understand that there are considerable issues, and she highlighted the considerable costs that have been associated with simply trying to make do in relation to the existing facility.

I thank everybody for their forbearance with the remote format and for their contributions, and I look forward to future meetings.

Having said that, I gather that David Torrance wishes to contribute further on the points that we have been discussing.

David Torrance: On PE1916, I was happy to agree with you about writing to the Scottish Government to seek clarification on the project update. However, the petition requests a public inquiry into the management of the Rest and Be Thankful project. Can we also ask the Scottish Government whether such an inquiry will go ahead, because we will then get a definitive answer for the petitioners?

The Convener: I am happy for us to do that. For the reasons that Mr Stewart articulated, I think that a public inquiry is unlikely—that is my expectation—because it might prolong the more detailed discussions that are required and might exacerbate things. However, we can do what Mr Torrance suggests. Nothing that we have said diminishes the importance of progressing a solution, because we have been wrestling with the issue for a very long time.

Again, I thank everybody for their contributions.

Meeting closed at 11:48.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba