



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 29 June 2022

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
12th Meeting 2022, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness and Nairn) (SNP)

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

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

Rhoda Grant (Highlands and Islands) (Lab)

Nicola Murray

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 29 June 2022

[The Convener opened the meeting at 09:32]

Continued Petitions

Unborn Victims of Violence (PE1887)

The Convener (Jackson Carlaw): Good morning. I welcome everyone to the 12th meeting—in 2022, for the avoidance of doubt—of the Citizen Participation and Public Petitions Committee.

Our first agenda item is consideration of continued petitions. The first of those is PE1887, which was lodged by Nicola Murray. The petition calls on the Scottish Parliament to urge the Scottish Government to create an unborn victims of violence act, creating a specific offence that enables courts to hand down longer sentences for perpetrators of domestic abuse that causes a miscarriage.

We are joined by Nicola Murray and her mother, Julie Ruzgar. I am delighted that you have come and are with us. The committee does not routinely hear from petitioners now because of the volume of petitions that we receive. However, we thought that it would be helpful in this particular instance to give Nicola Murray an opportunity to speak to the committee about why her petition is important. We will also be holding a round-table session on the petition. We had hoped that that might take place later today, but the availability of other parties who want to participate in the session is such that it will take place in our first meeting after the summer recess.

Today, we will hear evidence from Nicola Murray and then we will continue the petition, to allow us to have a round-table discussion at the beginning of September. We are grateful to Nicola and her mother for travelling to the Parliament. Before we move on to explore the issue further—obviously, we have considered it previously and have read the various submissions—the committee would like to give you a few moments to say anything that you might like to say, whether prepared or spontaneous, by way of an introduction.

Nicola Murray: First of all, thank you for having me here and allowing me to speak to you. Dr Mary Neal submitted evidence to the original Domestic Abuse (Scotland) Bill, which called for a similar

offence to be created. However, because that was not agreed to, I really wanted to bring forward the petition. Given my personal experience and that of the women I support through my support group, I felt that it was very important that that becomes part of our laws, because it is such an important thing.

It is life impacting not just for the victims but for their families. When I lost my pregnancies, I lost a child—I lost children—my children lost siblings and my parents lost grandchildren, so it impacts the entire family. Obviously, afterwards, it is deeply traumatising and emotional. It is not just that you have to deal with the loss itself; it is the circumstances of the loss and the fact that the perpetrator can get away so easily. It is often the case that they are not even charged at all. However, if they are, as you know from my written evidence, the sentencing is inappropriate, which is like rubbing salt in the wounds of the victims. It is almost like saying to them that what happened meant nothing. That can add further trauma to the victims and their families, because they feel like they have not received justice.

The justice system, unfortunately, fails on many levels when it comes to domestic violence. It is very important that Scotland, as a nation, can lead the way on that. We already have, in a way, with the Domestic Abuse (Scotland) Act 2018, which is brilliant in many ways, but there are aspects to it that could use tightening up. My proposal could perhaps even be dealt with as an amendment to that act, rather than having a stand-alone bill.

The Convener: You touched briefly on the criminal justice system. What was your experience of that?

Nicola Murray: It fails so much. When you go to the police, it is a lottery as to whether they will be knowledgeable about domestic violence, whether they will take the matter as seriously as it deserves to be taken or whether they will try to dissuade you from reporting it. Sometimes, you will be told that reporting an incident is a waste of time, which is wrong. If you go through with reporting, you might get a phone call telling you that the police have had the person in but that the Crown Office and Procurator Fiscal Service has said that there is not enough evidence to charge him, leaving you to think about the pages and pages of evidence that you gave.

If, by luck—it becomes a lottery—you get through to court, that is quite traumatic. Steps are taken to lessen the impact, but going to court is a traumatic process. You have to walk past him in the hallway to get to the special room, which is not great. Although you might have a screen, you will have to be in the same room as the person who has done this to you.

With the 2013 incident that I have referenced in my evidence, we were lucky in that respect, because it was when we were in the witness muster room that the fiscal came through and told me that he had changed his plea. However, I was not told that he had taken a plea deal to a lesser charge, which meant that he was ordered to pay me £300 compensation for my loss—that was his sentence. Still, to this day, it grates on me that that was his punishment. It just seemed deeply inappropriate, considering what had happened and the trauma that was caused. My children witnessed what happened to me. They were playing in the garden when it happened. My daughter, who was then eight, had to be a witness for the fiscal, which you can understand was very traumatic for her, even though, in the end, she did not have to testify, because he changed his plea. It just seems to me that the law does not recognise the impact of the abuse on the victim.

The Convener: Obviously, you were not involved in the discussion about the change of plea or anything like that.

Nicola Murray: No, not at all.

The Convener: Did you have a sense that they wanted simply to dispense with the issue, rather than redress the concern or the—

Nicola Murray: Yes, that is exactly how we felt. It was just a case of getting the matter off the books and getting on with the next case, rather than redressing what had happened and understanding the impact that it had had on the whole family.

The Convener: I have a final question, and then I will invite colleagues to speak. Has your experience and the petition that you have lodged led you to understand the experience of others as well?

Nicola Murray: Yes.

The Convener: What is your wider experience of others who have experienced a similar situation?

Nicola Murray: I run a support group called Brodie's Trust, and I have met hundreds of women. The women who come physically to the meet-up are not just in Perth; we provide Zoom and online support for women who are in other areas in Scotland and even not in this country—some are in America, Canada and Australia. We all seem to have pretty similar experiences when it comes to getting justice for what has happened to us. The justice systems all seem to be failing somehow.

I am not sure exactly how we can fix things. I think that it is more about listening to survivors and seeing where we can tweak things. The legislation is certainly in place through the Domestic Abuse

(Scotland) Act 2018, but sentencing guidelines just do not seem to be followed. A lot of times, I see offenders being told to go on the Caledonian system, that they have to do community service or that they have a paltry fine or a compensation order to pay that is around £400 or much less than that. In one case that I am aware of, he was ordered to pay £50 in compensation.

The Convener: In your case, you felt that the value of your lost child was quantified at £300, and that did not seem to you to represent a fair or just outcome.

Nicola Murray: Yes.

The Convener: Colleagues, can I have an indication of those who might like to speak? I will come to Paul Sweeney first.

Paul Sweeney (Glasgow) (Lab): It is harrowing to listen to your personal experience and to recognise how deficient the law in Scotland is on the matter. The committee has received a submission setting out the fact that the statutory provisions in other parts of the United Kingdom are much stronger in relation to the statutory offence of child destruction as an aggravating factor.

Nicola Murray: Yes, they are.

Paul Sweeney: Does that provide a good framework through which the law in Scotland could be brought up to the same level?

Nicola Murray: Yes. We need to be brought up to the same level as the rest of the UK. As you rightly state, we are the only nation in the whole of the UK that is deficient in this area. We lead the world in a lot of other areas—Scotland is a great country. We could do so much more to lead by example on this issue.

Paul Sweeney: I think that the Scottish Government's response did not address the primary aggravating factor of the death of an unborn child. It was concerned merely with the offence of domestic abuse, and there was no aggravating factor that could be defined in law. In some of the cases in Scotland in which that has happened, the sentences have been particularly light compared with those in other parts of the UK. Do you agree that that is an inadequate response from the Scottish Government?

Nicola Murray: Yes, I do.

Paul Sweeney: You mentioned the idea of an amendment rather than the need for a discrete, completely new act. Can you develop your thinking on that a bit more?

Nicola Murray: Perhaps we could amend the Domestic Abuse (Scotland) Act 2018 to strengthen that aspect.

Paul Sweeney: That is certainly worth considering.

I also want to offer a couple of ideas. The issue is a very good candidate for a member's bill—I am sure that the committee has noted that. It might be worth discussing that with the committee, and with your constituency and regional MSPs, who might be interested in the idea of sponsoring such a bill. MSPs have certainly been working in that field and it might be of interest to them. That is another potential mechanism by which to achieve the remedy.

I will rest on that, for now, convener.

09:45

Fergus Ewing (Inverness and Nairn) (SNP): Like Paul Sweeney, I found your account harrowing, and I am very sorry that the system appears to have let you down, not just in one way but in several ways. I just make that observation. Thank you very much for coming before us on an issue that is, sadly, so important for many women.

I will pursue the main issue, which is whether the law should be changed and, if so, how. Am I right in saying that you would like there to be a new criminal offence that specifically relates to circumstances in which violence or coercive action by a man—I think that it would be a man in almost every case—leads to the loss of an unborn child? Is that your primary objective in lodging the petition?

Nicola Murray: Yes, it is.

Fergus Ewing: I can understand that. As Mr Sweeney said, that could be done either by the Government or by an individual MSP.

However, I want to put to you an alternative that has been suggested, in a very helpful paper, by those advising us in the Scottish Parliament information centre. They suggest that, instead of creating a specific, brand new offence, it would be possible, under existing offences, for the charge against the assailant or the accused to specifically refer to the fact that the violence led to the loss of an unborn child. In other words, instead of creating a brand new offence, an alternative course of action could be to urge the Scottish Government and the justice system, including the Crown Office and Procurator Fiscal Service and the Lord Advocate, to require that such wording be specifically mentioned in the charge. Do you feel that that might be an acceptable alternative to the creation of a specific offence?

Nicola Murray: That could be an acceptable alternative, as long as there were mechanisms in place to ensure that the police, fiscals and sheriffs were doing their jobs in that respect.

Fergus Ewing: That is very helpful, because colleagues might wish to pursue that alternative option with the relevant authorities. In its submission, the Scottish Sentencing Council said that

“nothing ... precludes the loss of an unborn child caused by violent actions or coercive control from being libelled as part of an offence”,

so it says that that could be a route. However, I will ask the council, if I have the opportunity to do so, whether that has ever happened in practice.

Nicola Murray: To my knowledge, it has not happened.

Fergus Ewing: Indeed. I do not know the answer, but we will pursue that point to see whether we can get justice for you.

I want to ask you about another issue. You were faced with the ghastly situation of finding that the charge had been reduced, as I understand it, without any consultation. Of course, at the end of the day, the people in charge of the prosecutorial system are, rightly, independent. However, do you feel that there should be a requirement for prior communication with victims of these ghastly circumstances prior to any reduction in the gravity of the offence being agreed between the fiscal and the defence lawyer?

Nicola Murray: Absolutely. The victim of the crime is the most important person in the whole process. They should be consulted when consideration is given to the charge being dropped down or a lesser charge being given. Their input—their thoughts and feelings—should be considered.

Fergus Ewing: That is extremely helpful. I am keen to pursue those points with my colleagues. Thank you for speaking out so clearly today.

Nicola Murray: Thank you.

Alexander Stewart (Mid Scotland and Fife) (Con): I, too, commend you for your courage today in coming in and making the points that you have made.

You spoke about your difficulties when it came to reporting what had happened and dealing with the police, and you talked about the knock-on effects of that on you, as a victim. What developments would you like to see within Police Scotland in relation to how it manages such cases? The Domestic Abuse (Scotland) Act 2018 led to Police Scotland changing its priorities in relation to domestic abuse, but, given your circumstances, there is obviously still a gap, with things falling through the net. What should Police Scotland be looking at? What areas could be developed?

Nicola Murray: It boils down to one thing: better training. People need better training on the subject of domestic violence, which is often still greatly misunderstood by people who say that they know about it. The effects of coercive control are greatly misunderstood, especially by the police, in my experience.

Alexander Stewart: There might not be that understanding when people put forward their case to the police, and you have expressed the difficulties that you had when you went to court to try to move things forward. Were any support mechanisms provided by the police or by anybody else as you went through that process?

Nicola Murray: There was no support from the police; support came only from the victim information and advice office in the court.

Alexander Stewart: What would you say if you had the opportunity to develop such support, change the law or change the way in which the process is tackled?

Nicola Murray: If a particularly serious case is going forward, it is good to have a named liaison officer who can keep you up to date with what is happening and check in with you, because the process can be very disheartening. In my experience, during the wait to go to court, the perpetrator contacted me several times, which breached his bail conditions—he tried to coerce me into meeting him and not testifying. He was often arrested but, after a night in the cells, he was back out the next day to do exactly the same thing again and again.

There was one officer who was really good. He spoke to me on the phone and said, “Don’t feel guilty for one second. He knows what he’s doing, and you did the right thing in reporting it.” That helped to change my mindset at the time. It is important that the police support the victims of crime, too.

Alexander Stewart: You talked about the peer group that you have set up. Do you liaise with any of the authorities? Do you go to them, or do they come to you?

Nicola Murray: I try to speak to them, but they tend to be quite dismissive of me. A lot of the ladies who come to me are having difficulties in getting the police to take the matter seriously enough by taking a statement, or the police might not be keeping them up to date, or the police might have taken a statement but have then not bothered to charge the individual. It is about chasing up things on behalf of the ladies and even accompanying them to court. I saw my own scenario playing out again and again, so I thought that I needed to do something.

Alexander Stewart: You are right: if lessons have not been learned and the situation is not changing, something needs to be done. You are attempting to bridge that gap.

Nicola Murray: Yes.

Alexander Stewart: As I said, I commend you for all that you have done so far and for coming here today, because that gives us an opportunity to think about what progress can be made and what we can do.

You also talked about compensation and things of that nature.

Nicola Murray: I would have preferred my perpetrator to have gone to jail—which would have given us safety and the breathing space to heal after what he had done—instead of him being out and able to just carry on.

Alexander Stewart: You said that talking about a monetary sum in relation to your situation would belittle the whole process.

Nicola Murray: I do not think that any sum of money can compensate for such a loss.

Alexander Stewart: Exactly. Thank you.

The Convener: The Crown Office and Procurator Fiscal Service says that there have been six cases in which domestic abuse led to the loss of a child. You—a very strong person, if I may say so—obviously have a family and have come here this morning supported by your mother. However, I imagine that the circumstances for some of the other women must be very different, with the lack of a support network leaving them hugely exposed. In relation to some of the women with whom you are engaged, I wonder whether that lack of direction when their case is not taken seriously after being reported leaves them feeling exposed and at further risk.

Nicola Murray: It does.

The Convener: Do you feel that that is a very significant factor in the underreporting, or the non-pursuit, of such cases?

Nicola Murray: Absolutely. The way in which the system works puts a lot of women off reporting. They feel that what they say is not taken seriously. They feel that they are dismissed or, sometimes, even blamed. Quite a lot of police officers ask, “What did you do to make him do that?” That question should never be asked—never. They feel very let down and very vulnerable. After the loss of a child in any circumstances, people feel vulnerable and feel the need to be protected.

I am very lucky that I have such an amazing family. My mum has been a tremendous support. I really do not know what I would have done without

her. However, a lot of the women I engage with do not have family support, for whatever reason. They might have had to flee their homes and their support networks of friends. They feel very vulnerable, very let down and, at times, almost hopeless. We need to change that, and we have an opportunity to do that. We need to do whatever we can, whether it is through a member's bill, an amendment or an act.

Paul Sweeney: When I read the papers for today's meeting, I noticed that the Scottish Law Commission's current work programme includes two projects—one on homicide and one on aspects of family law. Both come close to the topic of the petition, but neither covers the actual issue that has been raised. Another avenue to explore could involve a meeting with the Scottish Law Commission. The committee might be able to facilitate such a meeting to discuss those projects and the potential interface with the particular issue and the deficiencies that you have highlighted today.

Nicola Murray: I would be happy with that.

The Convener: Thank you. Your testimony has been compelling. Once we come back in September, we will have a round-table meeting with various representative groups, so we will keep the petition open and seek to take forward the issues that are raised in it.

Colleagues, it occurs to me that, once we have heard a little more about the issue, the committee might well wish to suggest that it be the subject of a full chamber debate. In that way, the Government would be brought to the chamber to discuss with us the issues that it will have explored in the autumn. That might be another route for us to take.

I thank Nicola Murray and Julie Ruzgar very much for coming. I suspend the meeting.

09:58

Meeting suspended.

10:03

On resuming—

Prescription and Limitation (PE1860)

The Convener: The next continued petition is PE1860, lodged by Jennifer Morrison-Holdham. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Prescription and Limitation (Scotland) Act 1973 to allow retrospective claims to be made.

We last considered this petition on 18 May 2022 and we agreed to write to the Scottish Government. Following our previous

consideration, we have received a response from the Minister for Community Safety, which members will have noted in their papers. Do members have any comments or suggestions for action?

David Torrance (Kirkcaldy) (SNP): I would like to close the petition under rule 15.7 of standing orders on the basis that, while the Scottish Government has undertaken to keep this area of law under review, the existing legislation already allows the courts to override principal limitation time limits when it is persuaded that it is equitable to do so and the Scottish Government has no plans to collect and evaluate information on the use of judicial discretion under section 19A of the Prescription and Limitation (Scotland) Act 1973.

The Convener: Colleagues, are we so minded?

Members indicated agreement.

The Convener: We thank the petitioner for raising the petition, but we will close the petition under rule 15.7 for the reasons that David Torrance has suggested.

Onshore Wind Farms (Planning Decisions) (PE1864)

The Convener: Colleagues, we will now consider a number of continuing petitions that arise out of the evidence session that we held at our previous meeting. The first of those is PE1864, to increase the ability of communities to influence planning decisions for onshore wind farms. The petition was lodged by Aileen Jackson on behalf of Scotland Against Spin. It calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore wind farms by adopting English planning legislation for the determination of onshore wind farm developments, by empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process and by appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

As I said a moment ago, we last considered this on 15 June, when we also heard from the Minister for Public Finance, Planning and Community Wealth and his officials. At that meeting, we explored the need for the engagement with the UK Government in pursuing changes to the Electricity Act, which might enable decisions on onshore wind farm developments to be taken at a local authority level. We also heard about efforts to encourage earlier engagement with communities in the planning process, with a greater emphasis on collaboration, and about attempts to shift the dial away from conflict between communities and developers.

Since that meeting, we have received a new submission from the petitioner in which she shares reflections on the evidence that we heard. Therefore, do members have any comments or suggestions in relation to the petition?

David Torrance: I wonder whether the committee could write to the Minister for Public Finance, Planning and Community Wealth to follow up on the outstanding issues from the evidence session on 15 June 2022—that includes any recent discussions that the Scottish Government might have held with the UK Government regarding the issues raised in the petition—and to write to the planning advisory service regarding the training that it provides to staff and volunteers supporting communities engaging in the planning process. I would also like us to write to the Scottish Government’s planning and environmental appeals division to ask what training and guidance is provided to reporters specifically in relation to how witnesses are treated during public inquiries.

Paul Sweeney: It is interesting that there was an idea that issues in the petition have been conflated and that some issues were mixed up around devolved and reserved competences. I thought that it would be worth while trying to unpack that a bit. Certainly, I raised some questions around the interaction between Scottish ministers and UK Government ministers, particularly Alister Jack and Greg Hands. Is it worth inviting those ministers to offer a view regarding the Electricity Act 1989 and the provisions therein? I often think that, when we actually test some of these technical matters, they are often just devolved because people say, “That is probably better over there.”

The Convener: I am quite happy that we do that, because I agree with what you say about the issues that were raised; you are quite correct. We will incorporate that as well.

Are we content with those suggestions?

Members indicated agreement.

Wind Farms (Community Shared Ownership) (PE1885)

The Convener: The next petition, PE1885, was lodged by Karen Murphy. It calls on the Scottish Government to make community shared ownership a mandatory requirement to be offered as part of all proposals for wind farm development.

We considered this petition, too, on 15 June. During the evidence session, the committee raised the importance of community shared ownership as a method of raising funds at local level for people and their communities. The committee questioned whether the minister had engaged with the UK

Government—these are issues again that Paul Sweeney has just raised—to seek approval for amendments to the Electricity Act 1989 so that it can mandate community shared ownership. The minister indicated that such conversations had not taken place in relation to community energy. We have also had a recent submission from the petitioner reiterating her view that raising a land tax could be a route to mandate community shared ownership.

I am happy to suggest that we write to the Minister for Public Finance, Planning and Community Wealth to follow up on those outstanding issues and, again, to raise the issue of any recent discussions that the Scottish Government may have had with the UK Government in relation to the issues that are raised in the petition. I am happy to ask the minister what role he thinks that local place plans and early community engagement in the planning process can play. I am also happy that we ask the minister for his views on the petitioner’s suggestion that developers must offer and secure 15 per cent community shared ownership investment. Are there any further suggestions from the committee? I think Fergus Ewing wants to come in.

Fergus Ewing: I was not sure if you could hear me, convener. While agreeing to the courses of action that you have just outlined in relation to PE1885, given that energy is a policy issue that rests substantially with the Cabinet Secretary for Net Zero, Energy and Transport, we should also write to him as well. In writing to both ministers, we should ask whether the Scottish Government has any plans to provide additional funding to enable communities to pursue an interest in community ownership and, in particular, whether the Scottish National Investment Bank, which operates commercially but has a green mandate, could be requested to provide an element or a tranche of funding from which communities might be able to draw, as well as raising money from other sources, such as private banks and so on.

It occurred to me that, in order to pursue what the petitioner wants, those related aspects are also relevant and are perhaps ones that we could seek the Scottish Government’s views on with regard to whether it has an additional plan to enable community ownership of renewable energy projects to become far more prevalent than it is at the moment.

The Convener: I am happy to incorporate that as well. Are members content with that proposed action?

Members indicated agreement.

Community Participation Requests (Appeal Process) (PE1902)

The Convener: That brings us to PE1902, which was lodged by Maria Aitken on behalf of the Caithness Health Action Team. This is the petition that Rhoda Grant is joining us for. The petition calls on the Scottish Parliament to urge the Scottish Government to allow an appeal process for community participation requests under the Community Empowerment Act 2015. Despite me scurrying around in my notes, my notes now tell me that, as I said, Rhoda Grant is joining us for this petition.

Colleagues will remember that we previously considered the petition on 20 April 2022, when we had a roundtable discussion. We discovered that the Scottish Community Development Centre has been undertaking work on participation requests, and we agreed to write to it to request more information on that work programme, and specifically on how the working group will report its findings. The response indicates that a number of proposals have emerged, including models for local reviews, appeals and mediation. Its work is on-going, with the potential to deliver additional promotional work surrounding participation requests as well as supporting outcome improvement processes. That will include further community engagement in relation to reviews and appeals.

Rhoda Grant, would you like to contribute to our consideration of the petition at this point?

Rhoda Grant (Highlands and Islands) (Lab): Yes. I am heartened that this work is on-going, but I am disappointed that it has taken this long. CHAT fulfils the expectations of what constitutes a community body, so it should be involved in decision making and have that request agreed.

We probably have to wait and see what happens. I ask that you write to the Scottish Government and see what timeline it would be proposing to take action to put in place an appeal process. That is the problem. We know that CHAT should be accepted, but the trouble is that there is no appeals process when it is not accepted. Could you ask the Scottish Government when it hopes to be in a position to instigate an appeals process? Also, could you ask it to issue guidance or something in the interim so that we could get CHAT to where it should be? It has done a huge amount of work locally. It is trusted by its community and it would be helpful if it was around the table with NHS Highland. You have heard petitioners from the north here on other issues, and CHAT would be well able to represent their views with NHS Highland. If that happened, we might not be in the position where people feel that they can only petition this Parliament to try to get

some action. It might cut through some of the concerns that people have.

10:15

The Convener: Thank you. Colleagues, on this occasion, I am quite happy to write to the Scottish Government along the lines suggested by Rhoda Grant. Once we have done that and seen the response, we will be in a better position to decide what we can do further in relation to the petition. I certainly think that we should suggest to the petitioner that, in due course, after we have taken this element of the petition forward, she might want to monitor the work of this group and see whether a fresh petition is required at a later date.

In the first instance, however, we will write to the Scottish Government along the lines suggested. Thank you for that suggestion, Rhoda.

Parental Access to Children (Legal Aid) (PE1917)

The Convener: The last of our continued petitions this morning is PE1917, which was lodged by Amy Stevenson and calls on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child or children, regardless of income.

When we last considered the petition, on 18 May 2022, we agreed to write to the Scottish Government, seeking more information on the review of the legal aid system and on its plans for a provisional timetable for bringing forward the Legal Aid Reform (Scotland) Bill. Since then, we have received a response from the Scottish Government, which was included in our meeting papers for this morning. Do members have any suggestions about how we might respond accordingly?

Alexander Stewart: I propose that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government intends to introduce the Legal Aid Reform (Scotland) Bill during this Parliament. In closing the petition, we might wish to highlight to the petitioner that she can contact her local MSPs about pursuing amendments to the bill once it is introduced, to ensure that the issues that are raised in the petition are fully considered.

The Convener: Thank you, Mr Stewart. Does that meet with the general approval of the committee?

Members indicated agreement.

The Convener: We will close the petition and write, accordingly, to the petitioner with the suggestions that Mr Stewart has made.

New Petitions

Train Fares (PE1930)

10:17

The Convener: Item 2 is consideration of new petitions. The first is PE1930—1, 9, 3, 0: we are getting to my mother's age, now. It has been lodged by George Eckton and calls on the Scottish Parliament to urge the Scottish Government to ensure that a requirement of future rail contracts is that customers, as a matter of course, be given information on the cheapest possible fare, and to recognise the vital role of the existing ticket office estate in delivering the same.

Members will be aware that our predecessor committee considered a similar petition from Mr Eckton in the previous session. That petition was closed on the basis that the Scottish Government had committed to introducing an obligation on the operator to provide customers with clear and straightforward information on all fare options, including identification of the cheapest possible fare.

In his written submission accompanying the petition, Mr Eckton highlights that the previous commitment that was made by the Scottish Government is yet to be fulfilled. He has suggested that, because ScotRail is now in public ownership and is the property of the Scottish Government, it should be subject to the consumer duty. Mr Eckton has also suggested amending the price promise guarantee, to further assist passengers in accessing the lowest possible fare for their journey.

I wonder whether colleagues have, having balanced and considered the evidence, any suggestions for action or comments. Paul Sweeney looks like he is bursting to step forward with a suggestion, although I might have misread his signs.

Paul Sweeney: Certainly, when we look at alternative technologies that are available in other jurisdictions—particularly in London, where there is an automatic fare-capping system that was introduced five or six years ago—we see that there are solutions that could offer a remedy, particularly on intra-Scotland travel as opposed to travel to other parts of the UK. Perhaps it is worth inviting submissions from the likes of Transport for London about its fare-capping technology and how it has been rolled out. That could offer a basis for how a system could be delivered in Scotland.

The Convener: That seems to be an eminently sensible suggestion. Are there any other suggestions?

David Torrance: We should write to the Scottish Government to seek clarification on whether there are plans to extend the consumer duty to include ScotRail and other companies that are in public ownership. In writing to the Scottish Government, the committee may also wish to ask for a further update on the fares review—specifically, on the timeline for completing the review—and to ask what action is being taken to strengthen the commitment to a price promise guarantee.

The Convener: We have those recommendations. Are there any more?

Paul Sweeney: We could add to that correspondence to the Scottish Government a question to ascertain its view on the fare-capping “tap in, tap out” technology. I know that it has been promoted for buses in Scotland, but I have not heard much in relation to rail.

The Convener: We can do that, too. Thank you very much. We agree to those suggestions.

Gender-based Violence (Education) (PE1934)

The Convener: PE1934 is on developing an education resource on gender-based violence for all year groups in high school. It has been lodged by Craig Scoular on behalf of Greenfaulds high school rights and equalities committee. The petition calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop such an educational resource. The resource should educate on the causes of gender-based violence and ensure that young people leave school with the tools to help them to create a safer society for women.

Statistics on gender-based violence are included in the petition background information. The petitioner states that

“educating our children will end any existing cycles of gender-based violence and prevent any new ones from starting.”

The Scottish Government's response outlines existing resources and guidance that are relevant to the subject of the petition. They include learning about topics including, in primary school, gender-biased expectations, up to learning about sexual harassment and feminism in high school. It also states that the gender-based violence in schools working group will review existing resources, identify effective practice examples and develop new resources.

Based on the evidence that we have received on this important petition, do members have any comments or suggestions for action?

Alexander Stewart: I think that we need to communicate with the Cabinet Secretary for

Education and Skills to find out specifics about the area, and about the planned independent review on sexual harassment and gender-based violence and the practice that covers that, which is mentioned in the petition.

It is also important that we find out from the Scottish Government and Education Scotland how they monitor children and young people who are being consulted on the curriculum across Scotland, in line with the Scottish Government's best practice, and whether the Scottish Government currently monitors data in relation to sexual assault in schools.

Details on the membership are also important; we need to find out the membership of the gender-based violence in schools working group.

If we could require all that, it would give us a much better outlook and understanding of where the Scottish Government is with the process and how it is progressing it.

The Convener: Thank you. Do we have any other suggestions from colleagues?

Paul Sweeney: It would perhaps be worth writing to the Convention of Scottish Local Authorities and to the 32 local authority education services to ascertain what provision they make within schools. That could help to establish a pattern of activity.

The Convener: Shall we write to COSLA in the first instance?

Members indicated agreement.

Scottish Ministerial Code (Independent Committee) (PE1935)

The Convener: PE1935 is to urge the Scottish Government to create a committee outside the Parliament to judge whether ministers have broken the ministerial code. The petition has been lodged by Dillon Crawford.

The petitioner considers that a committee of non-MSPs would be able to act independently because they would not be affiliated to a party. The Scottish Government's submission details the process by which ministers are held to account. Ministers are bound by the Scottish ministerial code, and a group of independent advisers currently exists to provide the First Minister with advice on which to base judgments in relation to conduct.

I think that PE1935 is an interesting petition. It is obviously motivated by current events. I wonder whether, in the first instance, we might invite the Scottish Parliament information centre to do a little bit of further work on how the various Parliaments within the UK currently process and deal with such business. I do not know where the Scottish system

fits in with the systems in Northern Ireland, Wales or the rest of the UK, and I think that the petitioner and the public probably feel that there is a slight lack of transparency about how the arrangements have arisen. It would be useful for us at least to pull that work together and look at it as we consider the petition further.

Are colleagues content with that?

Members indicated agreement.

Cats (Compulsory Microchipping) (PE1938)

The Convener: That brings us to our final petition this morning, which is PE1938. It has been lodged by Carlie Power and calls on the Scottish Parliament to urge the Scottish Government to introduce mandatory microchipping of cats in Scotland and to assess the effectiveness of current microchip scanning processes. We are joined by the Parliament's most famous cat owner, Christine Grahame MSP. Welcome.

The Scottish Government has indicated that it is working alongside the other UK Administrations on animal welfare issues, including consideration of the microchipping of cats. It advises that officials are following Department for Environment, Food and Rural Affairs proposals in the area and will give full consideration to the recent consultation results and any proposed legislation.

The petitioner welcomes the Scottish Government's response and states that she is satisfied that the current approach will adequately address the issue of mandatory microchipping. She raises the issue of mandatory scanning and highlights that standards have been falling below best practice. The petitioner cites, as a potential reason for falling standards, a lack of understanding of and training in the use of scanning equipment, and she says that no official guidance on the issue is in place for councils.

The SPICe briefing that we have received highlights the UK Government's consultation, which addressed scanning. Generally, it found broad support for improvements to the process but raised positive and negative impacts that might arise from compulsory microchipping. I think that it is quite likely that the Scottish Government will, having indicated that it is looking closely at the consultation in relation to microchipping and scanning, be inclined to follow whatever final course the UK Government chooses on this issue.

Christine Grahame, is there anything that you would like to say in relation to the petition?

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Yes. I would like to add a bit, because there is a distinction to be made from dogs being microchipped, which

happens for a variety of reasons—it is compulsory and makes it easier to impose dog control notices and so on. Cats are a different kettle of fish. I do not know why I mention fish with cats, but there we are. The issues are welfare of cats and responsible ownership.

If I can, I will briefly tell you a very short story, convener. Many years ago, my son went out in the garden and found a cat in the pouring rain under the bushes. We had two cats of our own at the time, and we brought it in. We kept it safe overnight, but it was obvious that the cat was very ill. We took it to the vet, who said that it was a very old cat and that it had kidney failure and was dying. My son and I burst into tears, so the vet asked, “How long have you known the cat?” We said, “Twenty-four hours.” It did not matter.

The point of the story is that the owner would never have known what happened. Cats often disappear to die. My own cat did that; it went down into the garden and I found it later. They go away from the house.

From the point of view of an owner, if a cat is injured, killed on the road or just disappears to die quietly away from its normal place, which is natural for a cat, it is very upsetting for the cat owner to never know what happened.

It is the same when cats adopt another household, which has been known to happen. They just wander off and decide, “The food’s better here; I think I’ll stay.” Again, if they were microchipped, at least the owner would know where they had gone.

I am not obsessed with cats—let me make that plain—but I think that the issue is terribly important. I commend the various cat charities. If you get a rescue cat like Mr Smokey—who is very famous, of course—the Scottish Society for Prevention of Cruelty to Animals charges you to have the cat neutered, which they usually are not, and to have the cat microchipped. It is a welfare issue and it is about responsible ownership.

From the Government’s response, I see that the Scottish Animal Welfare Commission says in its July 2021 work plan that

“potential areas of work in the medium term”

are

“to consider welfare aspects of microchipping domestic cats, compulsory neutering of cats and outdoor cat controls”

and so on. It seems to me that that is a light touch in respect of potential areas to consider. I ask the committee to consider writing to the Scottish Animal Welfare Commission to see whether it proposes anything more solid. I appreciate the other matters that the convener raised, about scanning and so on.

10:30

As I understand it, there should be no cost to the public purse. If an animal is taken to the vets and it is not known whose it is, it could be scanned and the owner found. The main thing would be that owners would have to bring details for the microchip up to date if they were to move.

Finally, if you have a cat flap—I am not advertising any manufactured devices—that identifies microchips, your cat can get in and out of the house and no other cats can come in. Mr Smokey has that protection from any invaders: only he can get in and out using the cat flap, and I am sure that he is very happy with that.

There is a range of things that I would like to see being made compulsory. Every time you talk about cats, people smile at you, but many of us love the wee devils. Thank you.

The Convener: I am grateful to you for that, Christine. We have taken note of one or two areas that we might pursue. I am wondering what the consequences would be for us all if we could relocate to a house or street where the food was better. It might provoke a few controversies. *[Laughter.]*

Christine Grahame: Convener, I think that I will be in touch with Mrs Carlaw on that one.

The Convener: Mr Carlaw does all the cooking, so there might be a disastrous outcome. *[Laughter.]*

I am grateful for what Christine Grahame has said. Are there any suggestions from colleagues in addition to the one that we have heard from Christine Grahame?

David Torrance: I adopted a cat 11 years ago—or I should say that a cat adopted me. I should never have fed it tuna and chicken. I must confess to pinching somebody’s cat a long time ago.

I would also like to write to the Scottish Government, seeking its view on the additional evidence that has been provided by the petitioner and SPICe regarding cat microchips and compulsory scanning, if that is acceptable to the committee.

The Convener: Is that acceptable?

Members indicated agreement.

The Convener: Fergus, are you nodding your head in agreement? Yes—I think you are. In that case, that is what we will do. We will keep the petition open.

Christine Grahame: Could the committee get in touch with the Scottish Animal Welfare Commission to see whether it has a more specific

timetable? What is in your briefing suggests that it is rather casual in what it is saying just now.

The Convener: We will do that as well. Thank you very much.

That concludes the public part of our meeting. The next public meeting will take place on Wednesday 14 September 2022, with or without Mr Smokey as a guest. Thank you all.

10:32

Meeting continued in private until 10:35.

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

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