



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# **Citizen Participation and Public Petitions Committee**

**Wednesday 28 June 2023**

**Session 6**



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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**  
**11<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Jackson Carlaw (Eastwood) (Con)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

Foysof Choudhury (Lothian) (Lab)

Fergus Ewing (Inverness and Nairn) (SNP)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Monica Lennon (Central Scotland) (Lab)

Paul Sweeney (Glasgow) (Lab) (Committee Substitute)

Tess White (North East Scotland) (Con)

**CLERK TO THE COMMITTEE**

Andrew Mylne

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

## Citizen Participation and Public Petitions Committee

Wednesday 28 June 2023

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

### Continued Petitions

**The Convener (Jackson Carlaw):** Good morning, and welcome to the 11th meeting of the Citizen Participation and Public Petitions Committee in 2023.

We have received apologies from our colleague Fergus Ewing. As this is the committee's first meeting since the loss of their mother, we as a committee extend our condolences to both Fergus Ewing and his sister, Annabelle Ewing.

We have also received apologies from Foysoy Choudhury, and I am delighted to say that we have back with us our former colleague Paul Sweeney, who is here in a reserve capacity this morning.

We are also joined by our former colleague Tess White, who will be here later, and—making up a galaxy of our regulars—both Jackie Baillie and Monica Lennon. Welcome to both of you and to Paul.

Sadly, party leaders are the bane of committee conveners' lives, because they are forever removing our colleagues from the committee, and this is our last meeting with Alexander Stewart. I put on record our thanks to Alexander for all his work, particularly in relation to the committee inquiry that we have just done into deliberative democracy. I have had assurances that he will be available to participate in the debate when we bring that report to the Parliament in the autumn. Thank you, Alexander, for all that you have done on the committee.

### Ancient, Native and Semi-native Woodlands (Protection) (PE1812)

**The Convener:** Agenda item 1 is consideration of continued petitions. The first one is PE1812, which calls for the protection of Scotland's remaining ancient, native and semi-native woodlands and woodland floors. It was brought by Audrey Baird and Fiona Baker on behalf of Help Trees Help Us. It calls on us to encourage the Scottish Government to deliver world-leading legislation to give Scotland's remaining fragments of ancient, native and semi-native woodlands and woodland floors full legal protection. You can tell

that the petition has been with us for a while, because it wants that to happen before COP26—the 26th United Nations climate change conference of the parties—which was held in Glasgow in November 2021. That was the petition's original aim, but the issue remains one of concern, and that aim indicates how long the petition has been in progress.

As I have said, we welcome Jackie Baillie, who has been following our deliberations on the petition at its various stages. We last considered it on 9 November 2022, when we agreed that we would pull together a summary of the evidence that we had heard and send it to the Net Zero, Energy and Transport Committee and the Rural Affairs, Islands and Natural Environment Committee. Subsequently, we considered a draft letter to the Minister for Environment and Land Reform at our meeting on 7 December, at which we also agreed to hold off writing to the two subject committees until a response from the minister had been received, because the letter to the minister was, in effect, the summation of the issues that we wanted to take forward.

It has taken some time, but we have now received a response from the Cabinet Secretary for Rural Affairs, Land Reform and Islands, which has been included in our meeting papers for today. The cabinet secretary notes that a number of measures are already in place to protect ancient woodlands, including provisions contained in the fourth national planning framework—NPF4—and the control of woodland removal policy. The cabinet secretary goes on to restate the Government's commitment to restore Scotland's Atlantic rainforest and say that there is on-going work, in collaboration with NatureScot and Scottish Forestry, to determine the best approach to establishing a new national register of ancient woodlands. In response to our suggestion for an additional legislative protection, the cabinet secretary says that the forthcoming natural environment bill would be the route for safeguarding and managing ancient woodland within protected areas.

We have also received another submission from the petitioners, which reflects on their meeting with officials from Scottish Forestry. It highlights in particular the impact of invasive, non-native species on our woodlands—which we as a committee saw for ourselves on a site visit—and notes Scottish Forestry's view that

“financial constraints are acting against the restoration of Scotland's ancient woodland”.

The petitioners would like the Scottish Government to

“urgently re-evaluate the policy for commercial forestry species selection”

as a way of limiting and, if possible, reversing the spread of invasive species such as Sitka spruce.

Before I ask the committee to comment on where we might go given that we have received a response from the cabinet secretary, I wonder whether Jackie Baillie would like to contribute to our thinking.

**Jackie Baillie (Dumbarton) (Lab):** Thank you for the opportunity to contribute to your discussion about the petition. I also thank the petitioners Audrey Baird and Fiona Baker for their continued interest in this area.

I recall asking the then environment minister Màiri McAllan to go out and consider the issue. I understand that she has been too busy to do so. I welcome the fact that the committee has undertaken a visit and that the petitioners' latest submission centres around their visit from Scottish Forestry officers on location in Argyll in April, which showed first hand the destructive effects of non-native conifers on the ancient woodland.

That visit revealed that, despite the site at Glenbranter forest being described as a rare gem

"where native oakwoods cloak a series of spectacular waterfalls",

the gorge and the falls are now barely visible, and the ancient oaks are all close to death. Our Scottish historic landscape, which I know we all value, has been overrun by non-native conifers. According to the petitioners, Scottish Forestry officers admitted that they do not know the scale of the non-native conifer wilding problem and that they would be "quickly overwhelmed" if members of the public decided to report it to them.

The University of Stirling published a report recently that is helpful. It looked at the highest-altitude trees and discovered that a colossal 56 per cent of all trees that were recorded at the highest altitude are American Sitka spruce. That gives you an idea of the scale of the problem. It has taken only a few decades for that to happen.

We are allowing—or, if I may be so bold, the Government and the industry are allowing—conifers to self-seed out of plantations, creating new seed sources, which is further encouraging the takeover of our ancient woodlands.

There seems to be a disconnect between what the Scottish Government says in its letter and its sense of urgency on saving ancient woodlands, and its action to reverse its disappearance. It would be extremely useful if the Cabinet Secretary for Rural Affairs, Land Reform and Islands could provide timescales for when work on the new national register of ancient woodlands that is mentioned in her submission will to be undertaken and when it will be completed. It would also be helpful if, through the committee, she could outline

what plans the Scottish Government has to identify the scale of the non-native conifer wilding problem on ancient woodlands, and what action it intends to take.

We know from previous discussion that other countries, such as New Zealand, are working to remove non-native conifers where they have seeded in ancient woodlands and elsewhere. It would be good to know whether the Scottish Government has any plans to remove those non-native invasive species from sites such as Glenbranter forest.

The petitioners have also raised valid concerns about what they described as an apparent lack of concern from the cabinet secretary about current regulatory powers not protecting Scotland's woodland. In England, the Forestry Commission and Crown Prosecution Service pursued four successful prosecutions in 2022 alone, and in Wales, a defendant was convicted and fined £36,000 for illegal felling in October 2022. However, not one prosecution has occurred in Scotland.

The petitioners feel that there is no deterrent to the complete erasure of our natural historic identity if there are no prosecutions, so we need not just to see guidance and warm words but to see proper enforcement action. I would be enormously grateful if the committee would continue to press the Scottish Government on this important issue.

**The Convener:** Thank you, Jackie Baillie. I agree. In many respects, it seems ironic that we as a nation pride ourselves at times on the fact that we have resisted physical invasion for 1,000 years but it would appear that our natural habitat is the subject of a successful invasion by foreign species. At times, there seems to be lip-service acknowledgement of that but no concrete action. The statistic that you gave of 56 per cent of trees at the highest altitude being Sitka spruce is an example of that. Of course, we all saw that for ourselves.

I know that we have received warm words, but I wonder whether the committee feels, as Jackie Baillie does, that there is still room for us to pursue these issues.

**David Torrance (Kirkcaldy) (SNP):** As someone who has taken an interest in the petition, particularly because of my background in ancient woodlands, I would like to see it continue. I would like us to write to the cabinet secretary to find out when the register of ancient woodlands will be completed. If the committee agrees, I would also like us to write to the Scottish Government to highlight the petitioners' latest submission and seek an update on whether it expects the forthcoming natural environment bill to include further provisions to protect ancient woodlands.

**The Convener:** Jackie Baillie's testimony had a couple of specific suggestions that I think the committee would be happy to embrace.

Given the investment that we have made in the petition, it may end up being one that we consider to be suitable for a debate in the chamber at some point. A love of Scotland can extend very much into the natural habitat of our country, and the concern that the committee has felt has very much been given substance by what we have seen for ourselves.

Jackie Baillie said that Scottish Forestry could be overwhelmed and that the last thing that it is looking for is a sort of nature watch from the public. We are at the stage where non-native species are so prevalent that the battle could become a battle lost. Before it can be a battle won, it has to be a battle properly engaged in, and we are maybe not at that point.

Do we agree to keep the petition open and proceed on that basis?

**Members** *indicated agreement.*

### **Universal Free School Meals (PE1926)**

**The Convener:** The next petition is PE1926, on expanding universal free school meals for all nursery, primary and secondary schools. Monica Lennon joins us again for our consideration of this petition, which was lodged by Alison Dowling and calls on the Scottish Parliament to urge the Scottish Government to expand universal free school meals provision for all nursery, primary and secondary school pupils.

We last considered the petition at our meeting on 22 February, when we agreed to write to the Cabinet Secretary for Education and Skills. I am pleased to say that we have received a response from the new Cabinet Secretary for Education and Skills, Jenny Gilruth, which states that the Scottish Government remains

“focused on working with delivery partners to progress our free school meal expansion programme.”

The cabinet secretary notes that the Government is continuing to work with the Convention of Scottish Local Authorities and other key delivery partners on the next phase of expansion, and goes on to say that she will

“update the committee on anticipated timescales for the pilot in secondary schools once”

the Government's

“planning work has further progressed.”

Members may have noted that, in response to a question in the chamber on 18 May, the cabinet secretary said that she had not yet met officials to discuss proposals for the pilot in secondary

schools but was willing to engage with young people in the design of the pilot.

Before I ask colleagues to comment, I invite Monica Lennon to contribute to our thinking.

### **Monica Lennon (Central Scotland) (Lab):**

Thank you, convener. I am grateful to have the opportunity to be here and I am grateful to the petitioner, Alison Dowling, for bringing the matter to Parliament.

I think that the response from the cabinet secretary that you referenced was to one of my questions in the chamber, of which I have asked many. I do not doubt the Scottish Government's commitment to the policy, and I commend the Scottish Government for the implementation of universal free school meals so far. In many respects, we have led the United Kingdom. We have inspired other campaigners and we have probably prompted other Governments to follow in our footsteps. However, we are no longer leading the way, which is why I wanted to speak to the petition.

When I visit schools across Lanarkshire and Falkirk, in my region of Central Scotland, I have the pleasure and privilege of speaking to young people, teachers and school staff, and sometimes parents, when they are in the school. Some of the things that I have heard have shocked me to the core. This will probably not be news to colleagues, but it is important to get it on the record. When I am in schools and am speaking to teachers and their trade unions, they give me examples of hungry children eating pencils and rubbers in classrooms, and then going home and not having any food in their bellies until the next day.

09:45

We talk a lot in the Parliament about closing the poverty-related attainment gap. How can you learn and thrive when you are hungry and not getting the nutrition and nourishment that you need? I feel that there is a moral imperative not just to continue with the policy but to do so as a matter of urgency.

I am sitting here with lots of papers and dates of questions and updates. There has been a change in ministers, and the Cabinet Secretary for Education and Skills, Jenny Gilruth, who has a background in teaching, understands the issues, but I am afraid that I have to tell you that there has been no progress. In fact, we are about to go backwards.

Since September last year, when the Scottish Government said in the programme for government that it would pilot the policy in secondary schools as well as progressing it at pace in primary schools, I have asked it many times—and journalists have also asked—where

the pilot schemes will be and which schools and local authorities the Government is speaking to.

Eventually, I had to use a freedom of information request and, in the past few weeks, I have had all the responses back from every council—32 local authorities. I asked them whether any of their schools had had any contact from the Government, but not one had. We keep hearing that work is being done and there are discussions between the Government and the Convention of Scottish Local Authorities and partners, but that is not happening.

On Monday morning, I learned that the Government had approached COSLA and said that, due to budget pressures and other factors, it would not be able to deliver the scheme. In a report that I have seen—I probably should not have seen it—COSLA says and is telling its members that that could mean that full roll-out of universal school meals will be beyond this parliamentary session. I am here to tell you that children are eating pencils and rubbers, but the Government is willing to kick the issue down the road until the end of this parliamentary session or beyond. That is not acceptable by any measure. The good work that has been done up to primary 5 is due to the political will to make it happen.

I do not have much more of your time, but I want to say that I held a major event in Parliament in May with the Scottish Trades Union Congress women's committee, which has been leading the food for thought campaign. More than 100 people were there, mostly children and young people, and I believe that we need to hear their voices. They were very clear on what needs to happen, which is why I asked Jenny Gilruth about co-production—not because it is a buzzword to use but because if we bring children and young people into the decision-making process, they will tell us the solutions.

The Government has raised issues such as some schools being too small and some canteens not being big enough to have everyone in one lunch setting. That is fine; let us find some workarounds—for example, schools could have lunch time over two sittings, or they could work with partners, including businesses. Young people are learning about food waste and local food production. We are supposed to be a good food nation—surely we can find a way.

If the Parliament had approved my amendments to the Good Food Nation (Scotland) Bill, we would have locked the policy in. I pay tribute to colleagues in Parliament, including those in Scottish Labour, the Scottish Conservatives and the Scottish Liberal Democrats, for backing those amendments. I know that Scottish National Party and Green colleagues believe in the policy, too, and we have to deliver it.

I will finish with the words of a young person, because I think that that is appropriate. Colleagues will be aware that today a landmark report by the Trussell Trust on hunger in Scotland was published. One in six of our citizens is going hungry. There is not a typical person, but we know that some groups are affected more than others. Gemma is a young person from the charity Passion4Fusion, and she was at the food for thought event in May. She said:

“Studies have shown that eating together with friends, peers and family promotes good eating habits, happiness and the ability to converse.”

Gemma is right. We have to take the stigma away from free school meal provision.

Providing universal free school meals for all students is about more than just removing the costs and worry of school meal debt, which is accruing and building up every day. It is about removing the divide between students from different backgrounds and building a sense of community. That is why I support the petition.

I thank the committee for your on-going work. I hope that, collectively as a Parliament, we can find some solutions, because children cannot wait until the end of the parliamentary session; they can barely wait until the end of the day. I commend the petition to the committee.

**The Convener:** Thank you for that passionate exposition of the objectives of Alison Dowling's petition. I invite colleagues to discuss what our next steps might be.

**Alexander Stewart (Mid Scotland and Fife) (Con):** I thank Monica Lennon for her presentation, which outlined exactly where we are. There are still questions that need to be asked regarding where we go with this, because the Government has expressed an intention, which I believe is still there, but no progress is being made and things are dragging on. It is important that we continue to ask about the issue.

We should write to the Cabinet Secretary for Education and Skills again to seek clarity on the Scottish Government's pilot to roll out universal free school meals in secondary schools, including the timescale for developing the carrying-out of the pilot and the engagement that has taken place with young people in the design of that pilot. That, in itself, will be useful, and Monica Lennon has eloquently set out what information is required.

There is much more to do before we can determine whether the policy is progressing. There seems to be a logjam at the moment, so let us see whether we can manoeuvre around that to see where we can take it.

**Paul Sweeney (Glasgow) (Lab):** I agree with colleagues' recommendations so far. I add that, in

practice, the feasibility of the roll-out would depend largely on local authorities leading the logistics. It might be useful to get an understanding from COSLA about how ready the school estate is to adapt to such a change, should it be introduced, what sort of capital changes might be required and what existing contracts might need to be changed. It would also be useful to get an understanding of the opportunity for things such as developing community food networks, using the school as the anchor for a community food network and building resilience around the good food nation concept, which was recently passed into statute by this Parliament.

Rather than simply seeing the issue as a potential liability, I think that it presents us with huge opportunities. Trying to socialise those ideas with COSLA and local authorities would be helpful at this stage, if the committee thinks that there is potential in them.

**The Convener:** The cabinet secretary notes that the Government is continuing to work with COSLA, so it would not be unreasonable for us to get a view from COSLA about what it thinks that that engagement is producing. I would like to ask whether it has highlighted some of the issues that Paul Sweeney has just identified and whether it has had any response, or whether there are other issues that it feels might arise as a consequence. Do we agree to that approach?

*Members indicated agreement.*

**The Convener:** I thank Monica Lennon for her contribution.

### **Physical Education (Privacy) (PE1937)**

**The Convener:** The next petition, PE1937, lodged by Gillian Lamarra, concerns giving children the respect that they deserve by providing options for privacy when changing for PE. It calls on the Scottish Parliament to urge the Scottish Government to implement the option across all schools for primary school children to wear their PE kit to school on the days that they have PE. We last considered the petition on 8 March and, at that time, we agreed to write to the Scottish Government to ask what consideration has been given to reviewing and updating the learning estate strategy, because we felt that a lot of the issue depended on the estate itself.

We have received a response from the Cabinet Secretary for Education and Skills, stating that the Scottish Government does not have any plans to update the learning estate strategy but that, along with the Scottish Futures Trust, it remains committed to working closely with local authorities in relation to individual councils' school estates. Do members have any comments or suggestions in the light of that?

**David Torrance:** I thank the petitioner for lodging the petition, but I do not think that we can take it any further. I suggest that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government does not make policy decisions on school clothing-related matters at a national level, the Scottish Government does not currently have any plans to update the learning estate strategy and COSLA has previously indicated that local government considers the design and delivery of policy around wearing of PE kit and options for changing sites are issues that are dealt with most appropriately at school level.

**The Convener:** As no one has any other comments, are we content with Mr Torrance's suggestion?

*Members indicated agreement.*

**The Convener:** I thank the petitioner, but I think that we have exhausted our ability to take forward the issues in the petition. However, it is always open to the petitioner, in due course, to come back with another petition if it does not appear that the way in which the Scottish Government is trying to progress the aims of the petition through the conversations that it is having with individual local authorities is producing results.

### **Youth Violence (PE1947)**

**The Convener:** The next petition, PE1947, lodged by Alex O'Kane, calls on the Scottish Parliament to urge the Scottish Government to address the disturbing culture of youth violence in Scotland. We last considered the petition on 26 October, when we agreed to engage with communities and families that have been directly affected by the issues raised in the petition. The committee also agreed to write to the Scottish Violence Reduction Unit, whose written response states that the primary prevention of violence is the most effective and cost-efficient form of prevention. It highlights work by YouthLink Scotland, which found the social return on investment in youth services to be at least three to one, with a note that that work is a fundamental part of any form of violence prevention work. It points to a survey of young people in England and Wales that suggested that one in seven young people had experienced some form of violence, including threats, bullying and low-level violence.

Members will be aware that, last month, members of the committee met an Edinburgh-based youth group, 6VT, and visited Milton in Glasgow to meet the petitioner and families with direct experience of the issues that are raised in the petition. We were joined on that occasion by our parliamentary colleague Bob Doris. It was one of the most engaging, courageous, moving and disturbing exchanges that those of us present

have had with members of the public, who, along with their young people who had been the victims of violence, placed their faith in the hands of the committee and gave us visceral descriptions of the experiences that they had endured. I again thank all those who were prepared to do that. Obviously, and clearly, we uncovered a number of issues. Coincidentally, there was a debate in the chamber that same week, and I was able to make some general reference to the experiences that we had heard about on our visit.

This is an issue on which I feel that, given the faith that was placed in us, we are honour bound to take further action. Alexander Stewart, you were also with me on the visit. Would you like to add something?

**Alexander Stewart:** You have identified that the visit was very informative. The courage that those individuals and their families displayed was obvious, and the information that we received from them was harrowing, because they were, without question, traumatised by the whole process. They gave one another a level of support and, in both of those locations, we saw the community working to help people, and the support mechanisms that are there. However, I do not think that the support mechanisms in the organisations that were outside those groups of people were as good. That was a concern, as the individuals who were victims were under the impression that they were not necessarily being totally supported.

It was quite disturbing to hear that the perpetrators were able to wander around and do things back in the community while the victims were now feeling a little bit housebound or unable to go places and do things because of that. There is a real concern there.

We also heard about the social media side of things, with trauma being recreated as the event is sent out across the web, which exacerbates the situation for the young individuals who were traumatised by the violence, as they have to revisit it and deal with their trauma again.

Like others who visited those locations, I learned a lot. As I said, the courage of the families and the young individuals needs to be commended. There is still work to be done on the issue, because there is no question but that there are gaps. The petitioner is strong on what he wants to happen on their behalf, which we have capacity to look at as a committee. The petition crosses over into issues related to the police, education and violence, and areas within the Scottish Government need to realise that. There are also organisations such as the Scottish Youth Parliament that should have a say on all this. A lot more can be done.

10:00

**The Convener:** One thing that you touched on and that I found particularly chilling was the gratuitous and brutal violence by appointment. We heard about young people as young as 12 who played on the vulnerable among their peer group and solicited their attendance at a site where they had set up others to film the violence that they then perpetrated. They left unconscious two of the people who we met, only for the police, as we understood it, to feel powerless because of the current expectation that people under the age of 25 will not be pursued. That removed any sense of a need for anonymity among the people who did the filming, who actually thrived on the notoriety that they gained from their actions. The whole thing was thoroughly dispiriting.

When we were there, we thought that meeting members of the Scottish Youth Parliament would be a way forward. I understand that a member of the SYP participated in a round-table evidence session with another committee and, although this issue was not the focus of that committee's inquiry, they gave the impression that this is not an issue that the SYP has been pursuing or collecting information on. Nonetheless, as that is an opportunity that is open to us, we might, at some stage, want to meet a representative body of people who encompass all of Scotland and not necessarily just the areas that we have seen.

I wonder whether we might want to take further evidence from some of the organisations and public bodies that might be able to influence the process. That would involve evidence at a future committee meeting from researchers, Police Scotland—certainly—the Scottish Violence Reduction Unit, No Knives Better Lives and perhaps other youth representatives. Are there any other suggestions from committee members?

**Paul Sweeney:** I have some familiarity with the petition and, obviously, the community of Milton. I agree with all the suggested actions and the sentiments that have been expressed today. There are youth organisations in Glasgow that have demonstrated a positive track record of benefiting their communities. For example, St Paul's Youth Forum in Blackhill, which has achieved significant improvements relating to youth violent behaviour in that community. We might be able to learn from and scale that model in communities where there is a persistent issue with gratuitous youth violence.

The lack of enforcement and lack of engagement with the issue by the police is a deep concern, because it only emboldens the action that the convener has described, which is completely demoralising for a community that already feels alienated.

**The Convener:** That is very helpful. We were minded to try to hear more from some young people, so, if that group were willing to participate, that would be of value.

I thank the members of the 6VT youth group in Edinburgh who we saw. It is held in a location that is quite central in Edinburgh—just off the Grassmarket—but I had no idea that it was there until we visited it. As I recall, it is on the grounds of the site of the home of Scotland's first suffragette. It is definitely a safe haven where we saw young people growing in confidence, being able to draw on support and—I thought—maturing quickly as they worked together to tackle and combat the issues in their community. I commend them.

We might proceed on the basis that we hope to take evidence from various organisations that are relevant to the experience that we have had. We might come back to the Scottish Youth Parliament, or it might well be that Paul Sweeney's suggestion of a group that could participate in giving evidence would be useful. Perhaps the committee would be content to delegate to me a discussion with the clerks on whether we have a round-table discussion or a formal evidence discussion. We can perhaps consider the merits of those and proceed accordingly. Does that meet with the committee's approval?

**Members** *indicated agreement.*

**Paul Sweeney:** I have a supplementary point. I know that you visited Milton to discuss the issue first hand. Perhaps there is an issue with how schools engage with the problem. It might be useful to engage with the schools that have catchment areas in the relevant communities, to get an understanding of whether they have detected the problem and have measures in place to address it or whether they, similarly to the police, feel powerless to deal with it.

**The Convener:** I should qualify what I said earlier by pointing out that, although we met in Milton, some of the people whom we met had travelled from as far as Cupar in Fife to participate in the discussion. There was a local group that we had hoped to meet that day but, sadly, due to unforeseen circumstances, we were not able to meet. One of the things that I might reflect on with the clerks, if the committee is happy for me to do so, is who might be the most representative body of people that we can bring round the table.

**Paul Sweeney:** There might be a similar thing with teachers experiencing similar issues, which might be useful to understand.

**The Convener:** Yes. In fact, that came out of the discussion that we had. Some teachers were inured to it, but some still could not cope and did not know what best to do.

## Wheelchair Accessible Homes (PE1956)

**The Convener:** PE1956, which was lodged by Louise McGee, is on increasing the provision of wheelchair accessible homes. It calls on the Scottish Parliament to urge the Scottish Government to review the existing wheelchair accessible housing target guidance and to explore options for increasing the availability of wheelchair accessible housing in Scotland.

The petition was last considered at our meeting on 23 November 2022, when we agreed to write to the Scottish Government, COSLA and the Scottish Federation of Housing Associations, from which we have now received responses. However, as members will have noted, COSLA asked the Association of Local Authority Chief Housing Officers—it has a marvellous acronym, but we will just stick with that—to provide a response on its behalf.

In its response, the Scottish Government confirmed that it is currently undertaking a review of the adaptations system, which it expects to have completed by the spring of 2024.

The Scottish Federation of Housing Associations noted that the most recent Government statistic for the total number of wheelchair accessible homes developed for social rent was 0.3 per cent for the year 2020-21. The SFHA highlighted that progress on a review of adaptations, new building standards and plans for a new accessible homes standard has been slow.

The Association of Local Authority Chief Housing Officers agreed with the petitioner that the Scottish Government should review the existing wheelchair accessible housing target guidance. It provided information on the wheelchair accessible homes targets that have been set by various local authorities, and went on to say that there is currently no definition of a wheelchair accessible home, which it said is a measure that is needed in Scotland.

In the light of the representations that we sought and have now received, do members have any comments or suggestions?

**Alexander Stewart:** There is a lot more work to be done. It is quite evident that the numbers are stark for the accessible and adapted properties that are out there in the market for people who use wheelchairs or have mobility issues.

We should write to the Scottish Government, highlighting the stakeholder submissions that we have received and urging it to review the existing wheelchair accessible housing target guidance. It is important to ask whether it can consider national planning obligations on house builders and private developers for a minimum number of wheelchair accessible homes and whether it accepts the case

for a national definition of a wheelchair accessible home. We can ask questions on and look into those areas to attempt to unravel the issue.

There is obviously a massive gap in the market and those people are not being catered for as they perhaps should be by housing developers and organisations that look after housing processes.

**Paul Sweeney:** There are some major structural issues here. Most notably, in Glasgow, there is no common housing register across all the registered social landlords in the city, so having visibility of adapted housing is challenging and often involves making numerous duplicate applications to various housing associations. That has been a massive public policy failing since the stock transfer in Glasgow, and it has never been addressed in 20-odd years. That is one aggravating factor.

I would also highlight recent engagement that I have had with hospices in Scotland. There was a pretty harrowing exhibition at the University of Glasgow recently, which was called “Dying at the Margins” and which I think is due to come to the Parliament later this year. It presented case studies of people who could have lived out their final days at home but who, because of accessibility issues and lack of willingness of housing associations, councils and housing providers to make adaptations to housing, ended up in hospitals or hospices—often inappropriate settings where they did not want to spend their final days. That was pretty shocking. Often a pretty mercenary calculation was made that, if someone was going to be alive for only another few months, there was no point in paying the money to make adaptations.

There is an aspect of how palliative care is managed in the home, and the hospital at home concept, that merits consideration. The issue causes huge costs to the NHS as a result of delayed discharge. People who are terminally ill are in acute hospital wards, which are a highly medicalised environment and probably not appropriate for them. There are all sorts of aspects that introduce great costs that are not being dealt with. There is a bit of system failure in relation to ensuring that adaptations are efficiently and cheerfully carried out where needed.

**The Convener:** That is a very good point. I certainly have direct experience of constituents who were diagnosed as being at the end of life and had hoped to stay at home, but were given a date for adaptations that was, by some time, after the expected end of what life they had been given to understand lay ahead of them. That was doubly cruel. They were told, “Yes, it could be done, but not until you are no longer here.” In many ways, that was cruel and defeated the purpose completely.

Mr Stewart made specific suggestions. This is also an issue of delivery and whether there are underlying calculations and a proper appreciation of the overwhelming need that there is to support somebody at that particular moment, when they need it most. I wonder how we might pursue that further. Does Mr Sweeney have any suggestions?

**Paul Sweeney:** A number of hospices were involved in the production of that exhibition. It might be useful to solicit their views on what policy changes need to happen. That might open up a pathway to other stakeholders that are engaged in the policy area. Marie Curie would be an obvious first stop for those discussions, because it was certainly an anchor organisation in the production of that exhibition and it has highlighted to me this critical issue in the community.

**The Convener:** The exhibition was called “Dying in the Margins”.

**Paul Sweeney:** Yes. It was at the University of Glasgow, and I believe that it is due to be displayed at the Parliament.

**The Convener:** It would be helpful if we could track down the groups that were involved in that.

Are we agreed?

**Members** *indicated agreement.*

### **Scottish Public Service Ombudsman (PE1964)**

**The Convener:** The next petition, PE1964, was lodged by Accountability Scotland and calls on the Scottish Parliament to urge the Scottish Government to create an independent review of the Scottish Public Services Ombudsman, investigate complaints made against the SPSO, assess the quality of its work and decisions and establish whether the current legislation governing the SPSO is fit for purpose. The petition was last considered by us on 7 December, when we agreed to write to the SPSO, the Scottish Government and the Scottish Parliamentary Corporate Body, of which, I should commit to the record, I am a member.

The SPCB’s response details the financial and governance accountability structures that exist between the SPCB and the SPSO, noting that there have been no adverse external audit reports to date. The corporate body states that, although committees have a role, it would expect that committee scrutiny work focuses on how the SPSO is carrying out its functions at a high level and should not aim to review, direct or control specific decisions or actions, which are properly matters for the SPSO.

The SPCB acknowledges that there might be scope for a review by the Scottish Government on

how well the legislation is working and on any areas that could be improved but, given the independent role of the SPSO and the assurances that it has that the office is working well, it does not consider that there is a need to undertake an independent review into the quality of the SPSO's work or the decisions that it has taken or to investigate the complaints against it.

10:15

The SPSO's response to the committee details its approach to decision making, highlighting the option for complainants to request a review of the decisions that are made by it.

The Scottish Government's written submission states its view that an independent review on the terms that are suggested in the petition is not required and that it does not have the available resources that are required to undertake such a review.

The petitioner has responded to the written submissions, focusing on the question whether an independent review would interfere with the SPSO's independence. The petitioner argues that an independent investigation of the SPSO would strengthen it, because the nature of truly independent opinion would be outwith any influence of the ombudsman, the Parliament and Scottish ministers.

The petitioner claims that the SPSO is using its discretion to deny the majority of complainants a fair and impartial investigation. Their submission states:

"There is only one way to determine if the SPSO is protecting our human rights as it claims it is, that's an independent review of individual cases."

Do members have any comments or suggestions for action?

**David Torrance:** I wonder whether we could write to the Scottish Independent Advocacy Alliance, Citizens Advice Scotland, Patient Advice and Support Service and Shelter Scotland, seeking their views on the action that is called for in the petition.

**The Convener:** Does the committee agree to do that?

**Members** *indicated agreement.*

### **Sale of Raw Milk (PE1978)**

**The Convener:** PE1978, which was lodged by Cristina Rosique-Esplugas, calls on the Scottish Parliament to urge the Scottish Government to allow raw drinking milk to be sold in Scotland, bringing it in line with England, Wales and Northern Ireland, and to allow farmers the opportunity to sell unpasteurised drinking milk. We

last considered the petition on 18 January, when we agreed to write to the Food Standards Agency, Food Standards Scotland, the NFU Scotland and Dairy UK.

We wrote to those organisations, partly on the recommendation of Mr Sweeney, who was a member of the committee at the time, and of Mr Ewing, because we wanted to understand why there was a difference in policy. We have now received responses from the organisations, with Dairy UK agreeing with Food Standards Scotland's view that raw drinking milk has posed a significant risk to the public in the past. Dairy UK also believes that compulsory pasteurisation has helped to protect consumers in Scotland and should continue to be in place. NFU Scotland shares that view, believing that the risks of selling raw milk significantly outweigh the benefits.

Food Standards Scotland's response provides information on the decision that was taken in 2006 to retain the ban on the sale of raw cows' milk and to extend it to other species, which was based on widespread support from industry, enforcers and public health bodies. Food Standards Scotland highlights that, although raw drinking milk is available in other UK nations, bans and restrictions on the sale of those products are in place in several European Union nations, as well as in several states in the United States of America.

The Food Standards Agency has provided information on the restrictions that apply to the sale of raw cows' milk in England, Wales and Northern Ireland; it also shares details of the policy review that was conducted in 2018, which looked at the current controls and made recommendations for enhanced controls. That led to the industry guidance that was published in 2020, which reinforces the advice that raw drinking milk might contain harmful bacteria. The Food Standards Agency notes that it has regular productive meetings with the Raw Milk Producers Association.

The committee has also received a submission from the petitioner, which suggests that the information that was provided by Food Standards Scotland and others might not present a complete picture of the level of risk that is posed by unpasteurised milk products. The petitioner highlights information from a senior researcher at Utrecht University, which argues that inappropriate evidence has been used to affirm that raw milk is a high-risk food.

At the time, we very much sought views without an expectation that a change in policy would be likely. If we had hoped to understand why the policy in Scotland is different to that of the rest of the UK, I do not think that any of the responses that we have received identifies that. However,

they are all unequivocal in their determination that we have the right policy in place and that it should remain in place. It is to that point that the Scottish Government has responded.

I should also seek the committee's guidance in that we have received an unsolicited additional submission, and, under our new policy, we have to determine whether, by exception, to accept it. I thank the submission for the submission, but I do not know that it adds materially to the evidence that we have been considering, so I am inclined to suggest that we do not accept the additional submission on this occasion.

Mr Torrance, you look as though you are ready to offer a comment.

**David Torrance:** Given the submissions from Food Standards Scotland, Dairy UK and the NFUS, I suggest that we close the petition under rule 15.7 of standing orders.

**The Convener:** I feel that we are pushing a rock up a hill, given the answers that we have received.

Unless there is any view that we might pursue the matter further, I think that we have to thank the petitioner and say that, unfortunately, the representative bodies that advise the Government, from which the decisions would subsequently emanate, are not advocating a change. Therefore, I feel that we have to close the petition on that basis.

### **Courts (Transparency and Accountability) (PE1983)**

**The Convener:** Our next petition, PE1983, which was lodged by Daniel Osula, calls on the Scottish Parliament to urge the Scottish Government to improve the transparency and accountability of the Scottish legal system by ensuring that clear information is provided to members of the public about how their case will be considered and that information is made available to members of the public about the processes for making a complaint about court staff.

We last considered the petition on 8 March, when we agreed to write to the Scottish Courts and Tribunals Service to ask what steps it takes to ensure that procedural rules and practices of the courts and their complaints procedures are transparent and accessible to members of the public. The Scottish Courts and Tribunals Service has provided a submission that notes that, although every court case involves different parties, facts and circumstances, information on the common procedures and rules that are used in a broad range of cases is made available. That includes an overview on the SCTS website of the most commonly used court processes, with SCTS staff available to provide procedural advice to

people who are engaged in court or tribunal actions. It is, however, noted that staff

"must remain ... impartial in relation to the merits of each case"

and

"are unable to provide legal advice".

The response also provides information on the SCTS complaints procedure, which is based on the Scottish Public Service Ombudsman's model complaints handling procedure. The SCTS highlights that, as part of the steps that are taken to achieve customer service excellence accreditations, details including what service users should expect when accessing SCTS services are displayed on its website and in SCTS locations.

In the light of the responses that we have received, do members have any comments or suggestions for action?

**Alexander Stewart:** We have had an extensive response. I think that we should close the petition under rule 15.7 of standing orders. The Scottish Government considers both matters that are raised in the petition to be operational matters, which in itself creates issues. The SCTS provides an overview of the most commonly used court procedures and rules on its website, and staff provide assistance to people engaging in such actions. The SCTS has adopted the Scottish Public Service Ombudsman's model complaints handling procedure and provides general information on the procedures on its website.

In reality, the SCTS is already doing a number of things to try to manage the situation, and I do not believe that there is any further action that we can take with reference to the petition at this time.

**The Convener:** Are members content with that suggestion?

**Members indicated agreement.**

**The Convener:** For the reasons that Mr Stewart has outlined, we thank the petitioner, but we will close the petition.

### **A9 (Dualling) (PE1992)**

**The Convener:** Our next petition, PE1992, which was lodged by Laura Hansler, calls on the Scottish Parliament to urge the Scottish Government to deliver on the commitment that it made in 2011 and address safety concerns on the A9 by publishing a revised timetable and detailed plan for dualling each section, completing the dualling work by 2025 and creating a memorial to those who have lost their lives in road traffic incidents on the A4—sorry, I mean the A9. There might be problems with the A4, too, but we are concerned with the A9 on this occasion.

Members will recall that we previously considered the petition at our meeting on 14 June. At that meeting, we heard from the petitioner Laura Hansler; Grahame Barn, who is the chief executive of the Civil Engineering Contractors Association Scotland; and officials from Transport Scotland.

During those two evidence sessions, we heard how dualling the road and installing a central reservation could dramatically reduce the likelihood of head-on collisions on the A9, and we were provided with details of the road safety measures that are being put in place to reduce road traffic collisions and resulting road closures on the route.

We explored issues around the procurement process, including the impact that existing processes have had on the level of risk that is passed to contractors, and timescales for the completion of the project. We also discussed the petitioner's call for a national memorial for those who have lost their lives on the A9 and, significantly, identified that the petitioner was not calling for that to be on the A9 itself, which Transport Scotland felt would be vexatious. I think that the petitioner undertook to consider that further and come back to us in writing in due course.

At that meeting, we agreed to reflect on the evidence. We were joined by Edward Mountain in his capacity as reporter on behalf of the Net Zero, Energy and Transport Committee, but Mr Mountain is not with us this morning.

Do members have any thoughts or suggestions?

**David Torrance:** We could invite the Cabinet Secretary for Transport, Net Zero and Just Transition to give evidence to the committee at the earliest opportunity, after she or the Minister for Transport has provided a statement to the Parliament on the revised timetable for the dualling of the A9.

**The Convener:** Are there any other suggestions?

**Paul Sweeney:** The procurement side of the issue is of particular interest, given the recent failure to achieve success in the latest phase of the procedure. It seems that breaking it down into phases is an inefficient method of delivering the programme, and I wonder whether a continuous mobilisation for road construction approach is necessary. If it is about improving the route by dualling rather than constructing a new road, that would comply with our goals around climate change and so on.

It is about road safety on an existing route, but how the Government delivers the programme is

critical. There are other examples around the world. I had the opportunity to visit India recently, and I was on the world's highest metalled road, in the Himalayas. It was delivered by a state corporation called the Border Roads Organisation, which mobilises a national mission to deliver strategic road networks in India. That is just an example of how the Indian Government is delivering that mission as a continuous programme. It does not stop to procure each phase, which introduces huge stop-start inefficiencies. It knows what its national road network will look like and builds it over a continuous period.

I wonder whether we need to look at the fundamental sanity of the current approach. Railways have achieved significant efficiencies by having continuous rolling electrification. The teams do not stop between phases; they just run across the network, putting up the pylons and running the cables. A similar approach for the strategic road network and the trunk road network could be an interesting proposition.

**The Convener:** We touched on that a bit in our discussions last week. It is certainly an area that we would want to pursue with the cabinet secretary.

Mr Torrance's suggestion that we invite the cabinet secretary is different from our original suggestion, which was to invite the Minister for Transport. Nonetheless, we would do that after the statement has been delivered to the Parliament. Are there any other suggestions?

**Alexander Stewart:** It would be useful for us to write to Road Safety Scotland, IAM Road Smart, the RAC Foundation, the Road Safety Foundation and the road safety charity Brake to seek their views on how effective Transport Scotland's road safety improvement schemes and road safety campaigns are likely to be in reducing road casualties, and whether measures should be put in place during the period before dualling work is completed. They will all have views and opinions on that, and it would be useful for us to clarify those.

I was impressed by the presentation that we had from the petitioner and others, and this is a major issue that continues to receive a huge amount of publicity, almost weekly. There is much more that the committee can do to progress the aims of the petitioner and the community.

10:30

**The Convener:** I recall that, when we took evidence previously, Mr Torrance was somewhat aghast at the idea that the road might simply be closed for a period of time because, obviously, businesses have to survive. Perhaps we might

consider trying to find local residents, organisations and businesses from whom we could take evidence about the timescales, prioritisation and scheduling of the work, and about their views on the road safety work that has already been completed. We can also ask those communities whether they would welcome there being a memorial somewhere in the vicinity of the A9.

**Paul Sweeney:** Another thought occurred to me based on my experience of visiting India, which is that they have extremely intensive road safety signage—in some cases, it is quite witty, such as: “You might get ahead but don’t lose your head.” We found the signs quite amusing, and they certainly caught your attention—that is the important thing. You could not go 100m without seeing some sort of sign that would indicate the road safety risks. It might be worth looking at other jurisdictions where they have much more intensive signage to do with issues around road safety than we do. Perhaps it might be worth considering a short-term measure to intensify the road safety signage on the A9.

**The Convener:** We could add that to the list of issues that we can contact organisations about. Certainly, it seems that India is free of the pious and humourless guardians of social media that we have here, who I am sure would take a contrary view to yours.

We have mentioned quite a long list of people from whom we might want to take evidence, particularly the local businesses grouping. Is the committee content to delegate the responsibility to me, as convener, working with the clerks, to identify which local businesses and members of the community we could get in touch with?

**Members** *indicated agreement.*

### **Sexual Offence Cases (Trial Process and Evidence) (PE1994)**

**The Convener:** PE1994, which was lodged by Margaret Fagan, calls on the Scottish Parliament to urge the Scottish Government to undertake a review of the trial process and handling of witness evidence in sexual offence cases. We last considered the petition on 8 March, when we agreed to write to the Faculty of Advocates, the Law Society of Scotland, Rape Crisis, Victim Support Scotland and the Crown Office and Procurator Fiscal Service.

In that last letter, we sought information on the use of section 275 of the Criminal Procedure (Scotland) Act 1995, under which an accused person can apply to the court to lead evidence at trial that would otherwise be prohibited by section 274 of that act. We requested information on how many applications have been made under that

provision and what proportion of them have been granted—I think that we did that in response to that having been advanced as a way in which matters could be progressed.

The Crown Office and Procurator Fiscal Service’s response highlights that the provisions of sections 274 and 275 apply equally to the Crown Office and the defence. Indeed, it cites data that suggest that a substantial minority of applications are made by the Crown and that the majority of applications that are made by each side are granted. It should be noted, however, that the response provides limited information on the total number of applications, which is what we were seeking, and it suggests that the committee might wish to seek more robust data from the Scottish Courts and Tribunal Service. That is important, because we wanted to understand whether, if this was a route that was open, it was being properly accessed by those to whom it was apparently open.

We have also received responses from the Faculty of Advocates and Victim Support Scotland. The response from the Faculty of Advocates raises concerns about unpredictability and the narrowing of the interpretation of section 275, which might have negative implications for the balance between the rights of complainers and the rights of the accused. Meanwhile, the response that was provided by Victim Support Scotland strongly contests the petitioner’s view that law reforms have resulted in innocent people being wrongly convicted. It argues that that view does not align with the experiences of people affected by crime, nor does it reflect the conviction rates for sexual offences.

In the context of our deliberations, it is important to point out that the issues that are raised by the petition are within the scope of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which is currently at stage 1 of its parliamentary process.

Do members have any comments or suggestions for action in the light of that?

**David Torrance:** I suggest that the committee agree to close the petition under rule 15.7 of standing orders, on the basis that the issues raised by the petition are within the scope of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which is currently being considered by the Parliament. However, in closing the petition, the committee might write to the petitioner to highlight an opportunity to submit her views as part of a call for views on the proposals in the bill. The call for views is now open and closes on 8 September.

**The Convener:** As there are no further comments, are members content with that suggestion?

**Members indicated agreement.**

**The Convener:** I think that, in the light of the fact that we now have a legislative proposition progressing through Parliament, we should invite the petitioner to contribute to that, as suggested.

## New Petitions

### Perinatal Mental Health Support (PE2017)

10:36

**The Convener:** Item 2 is consideration of new petitions. As always, I say to petitioners who might be tuning in to watch our proceedings for the first time that, ahead of our consideration of each new petition, we invite preliminary views from the Scottish Government and the Scottish Parliament information centre, which is the Parliament's independent research service.

The first of our new petitions is PE2017, which was lodged by Margaret Reid and is on extending the period that specialist perinatal mental health support is made available beyond one year. I welcome Tess White—a former colleague of ours on this committee—who joins us for the consideration of the petition.

The petition calls on the Scottish Parliament to urge the Scottish Government to amend section 24 of the Mental Health (Care and Treatment) (Scotland) Act 2003 to extend maternal health support beyond one year, to introduce a family liaison function at adult mental health units across all health boards, to introduce specialised perinatal community teams that meet perinatal quality networks standard type 1 across all health boards, and to establish a mother and baby unit specifically in the north-east of Scotland.

The SPICe briefing highlights a short inquiry undertaken by the Health, Social Care and Sport Committee in 2021. One of that committee's recommendations—recommendation 26 in its report—was that perinatal mental health services should not be restricted to the one-year period after the birth of the child. In its written submission, the Scottish Government says that it is considering the two-year review of mental health law that was undertaken by Lord Scott, and it expects to provide an initial response by this summer.

The Health, Social Care and Sport Committee report also said that there is a strong and compelling case for the establishment of a new mother and baby unit serving the north of Scotland. The Scottish Government's written submission notes that it consulted on the best way to increase mother and baby unit capacity and says that it will produce a report on its options appraisal in late autumn 2023.

On meeting perinatal quality network standard type 1, the Scottish Government highlighted that it was invested in delivering new services in 11 health boards and expanding services in three. It also noted that the provision model recognised

that PQN standards are less easily suited to areas of low population and more rural areas.

Before asking colleagues how we might proceed, I ask Tess White to contribute to our thinking.

**Tess White (North East Scotland) (Con):** I am here to represent my constituent Maggie Reid, who has worked tirelessly over the past year to advocate for her sister. This is an emotional petition, and it deals with an issue that is of critical importance. I pay tribute to those two extraordinary women, and I hope that I can do justice to their voices.

Maggie's sister was diagnosed with postpartum psychosis after she had a baby girl, and she was initially treated at the mother and baby unit in the central belt, which was a long way for her to travel from the north-east. However, the treatment was successful and her condition improved. Unfortunately, she had a relapse and she could not be admitted to an MBU because her baby was too old and, instead, she was sectioned at the Carseview centre in NHS Tayside. Maggie shared with me that her sister was frightened, confused and very scared. It was a truly traumatic experience, and she was also separated from her baby at that time.

For many mothers with mental ill health, the 12-month mark is a precipice where the nature of support changes or falls away, but it should not be that way. As you have pointed out, convener, the Scottish Government committed to look at the parameters for perinatal mental health support two years ago, when the Health, Social Care and Sport Committee recommended that mental health support should not be restricted to the one-year period following the birth of a child. Since then, however, it feels like the Scottish Government has been dragging its feet. Recently, I went to the newly constructed maternity hospital in Aberdeen, and I found that there are no plans for any mother and baby units there. That issue needs to be considered now, while that hospital is being constructed. If it is not, we could just build in delays.

No health authority in the north-east is any closer to establishing a mother and baby unit, and research conducted by the Maternal Mental Health Alliance shows that women outside the central belt are missing out on the highest standard of specialist perinatal mental health services, as perinatal mental health services are concentrated in NHS Lothian and NHS Greater Glasgow and Clyde.

I thank the Citizen Participation and Public Petitions Committee for its consideration of PE2017, and I urge the committee to use all the available levers to ensure that women such as

Maggie's sister have the access to the treatment and support that they need. The issue must be addressed with urgency, so that no other women experience the trauma that Maggie's sister has experienced.

**The Convener:** Thank you. In the lifetime of this Parliament, as we have successfully sought to destigmatise issues of mental health, we have brought to light the inadequacies of some of the provision and policies that exist in various fields of life. It seems arbitrary to determine that, irrespective of the personal circumstance of the person concerned, when someone's child reaches the age of one, the ability of that person to be treated as they would have been when their child was not yet one disappears, with—as is the case in the petitioner's sister's circumstance—potentially harrowing consequences.

Do members have any suggestions for further action?

**Alexander Stewart:** I thank Tess White for her evidence, which has highlighted some areas of real concern. I think that we could further investigate some areas. I suggest that we write to the Scottish Government requesting an update on how it is progressing recommendation 26 of the Health, Social Care and Sport Committee's report, which Tess White spoke about. We should also ask whether the Scottish Government plans to amend section 24 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and request that its report and options appraisal to expand mother and baby unit capacity be shared with the committee when they are published in autumn 2023. I think that that would give us much more information about where we are and would help to progress the petition.

**The Convener:** In respect of that last recommendation, in the light of the evidence submitted by Tess White and given that the Scottish Government is considering the issue of establishing a mother and baby unit in the north-east, we could ask what consideration has been given to the incorporation of that unit into a hospital that is currently under design and construction, because that seems to afford an obvious opportunity. It would be interesting to know whether that is being considered and, if it is not being considered, why it is not being considered, and whether the Government believes that not considering it would delay significantly the ability to realise the ambition. Given the lead time to identify suitable premises, if there is an opportunity to do that in the shorter term, we should seize it rather than simply having an aspiration, which might take a long time to fulfil.

Do we agree with the suggestions?

**Members indicated agreement.**

### Holiday Let Accommodation (Rates Relief) (PE2019)

10:45

**The Convener:** Our next petition, PE2019, which was lodged by Alan McLeod, calls on the Scottish Parliament to urge the Scottish Government to prevent all owners of self-catering holiday accommodation from obtaining rates relief under the small business bonus scheme.

The Scottish Government highlighted that reforms to the scheme were announced in the Scottish budget, aiming to make it the most generous scheme in the UK. Those reforms took effect from 1 April this year and provide 100 per cent relief for properties with a cumulative rateable value of up to £12,000, and the upper rateable value for individual properties to qualify for relief was extended from £18,000 to £20,000.

A consultation on council tax for second and empty homes has been published. It seeks views on the current thresholds for properties to be classified as self-catering accommodation and liable for non-domestic rates. It invites comments on the non-domestic rates system for such properties.

Do members have any comments?

**David Torrance:** I suggest that we write to the Scottish Assessors Association, the Holiday Home Association and the Association of Scotland's Self-Caterers to seek their views on the action that is called for in the petition. We should also write to the Scottish Government to ask whether it will consider adding self-catering holiday accommodation to the list of properties that are unable to qualify for the small business bonus scheme, and whether it will consider any other legislative changes—such as changes to the definition of self-catering holiday accommodation and the 70-day rule—that could address the issue raised in the petition.

**The Convener:** I would be content if we did that on the basis that we would be asking the Scottish Government whether it will consider taking into account the petitioner's call for action in that regard—I would not want to give the impression that the committee had taken evidence that led us to advocate that course of action. With that qualification, does that meet with the agreement of the committee?

**Members indicated agreement.**

### Fertility Treatment (Single Women) (PE2020)

**The Convener:** The next petition, PE2020, which was lodged by Anne-Marie Morrison, calls

on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women as is offered to couples on the NHS for the chance to have a family.

The SPICe briefing explains that, currently, the eligibility criteria for NHS-funded fertility treatment in Scotland apply only to couples and do not mention the eligibility of single women. The eligibility criteria for NHS-funded fertility treatment in Scotland were last reviewed in 2016, based on recommendations from the national infertility group. The focus of NHS-funded treatment is on treating infertility as a medical condition. In contrast, other parts of the UK, such as England, have allowed single women to receive NHS-funded fertility treatment if they are infertile.

The Scottish Government's submission notes that access criteria for NHS in vitro fertilisation—IVF—treatment in Scotland are determined at a national level, and discussions regarding potential changes to those criteria are conducted by the national fertility group, which consists of experts from various organisations and considers clinical research, evidence and data in order to make recommendations to Scottish ministers.

The submission states that Public Health Scotland is working on collaborative modelling techniques to assess the capacity implications of expanding access to NHS IVF treatment for single individuals. That topic will be discussed at a future meeting of the group. However, specific timescales for the modelling and subsequent discussion are not yet available.

In the light of that interesting information, including information about comparators, do members have any suggestions for action?

**Alexander Stewart:** We could seek more information on fertility treatment for single women. I suggest that we write to the Fertility Network Scotland, the British Fertility Society and Fertility Scotland to seek their views on the action that the petition calls for. We also have the opportunity to write to the national fertility group to seek an update on the work to understand the capacity implications of any future expansion of access to NHS IVF treatment for single women, as you suggested in your opening remarks, convener.

**The Convener:** Given the changes that we have been advised have been applied elsewhere in the UK, it would be interesting to get not only an update on the capacity implications but the national fertility group's view on why other parts of the UK have expanded their capacity to offer the treatment and we, as yet, have not. I would be very keen to understand its position on that.

### St Kilda Sheep (PE2021)

**The Convener:** The next petition, PE2021, which was lodged by David Peter Buckland and Graham Charlesworth, calls on the Scottish Parliament to urge the Scottish Government to clarify the definition of protected animals that is contained in the Animal Health and Welfare (Scotland) Act 2006 and associated guidance, to ensure that the feral sheep on St Kilda are covered by that legislation and to enable interventions to reduce the risk of winter starvation and the consequential suffering of the sheep.

I apologise—I have quite a long introduction.

The petitioners have told us that confusion over whether the sheep on St Kilda are considered to be livestock or wild animals is contributing to the unnecessary suffering and deaths of large numbers of the sheep population on the archipelago.

The SPICe briefing provides a helpful history of the sheep population on St Kilda. Research suggests that feral sheep have been present on the island of Soay since the bronze age. The briefing notes that, in 1931, the archipelago was sold to the Marquess of Bute, who subsequently bequeathed it to the National Trust for Scotland in 1957. The petitioners suggest that that means that the trust has ownership of the sheep and, therefore, responsibility for managing them.

In response to the petition, the Scottish Government stated its position that the St Kilda sheep should be regarded in the same way as unowned and unmanaged populations of wild deer and other wild animals. The response also sets out the Government's view on how the definition of protected animals in the 2006 act applies to the St Kilda sheep. It notes that the definition applies only if and when sheep are gathered up for a particular procedure and that they are otherwise considered to be living in a wild state.

Guidance on the 2006 act allows for animals that live in the wild but whose behaviour, life cycle or physiology is altered by being under human control to be classed as protected animals. However, the Scottish Government's view is that the sheep on St Kilda are an exception to that general guidance on the basis that they have adapted to live on St Kilda over many generations, so they are not dependent on humans in the same way that more recently escaped or released domesticated animals would be.

In response to the Scottish Government's submission, the petitioners questioned whether the sheep are really "free to move anywhere" on such small islands, particularly as the population increases. The petitioners also highlighted the research of the historian Professor Andrew

Fleming, which shows that inhabitants of St Kilda combined fowling with sheep management, which suggests that the sheep were domesticated 10,000 years ago and have been feral only for less than 100 years, when the last inhabitants of St Kilda left.

We have also received a submission from Alasdair Allan MSP, which details the action that he has taken on the issue and further highlights the petitioners' concerns that the interpretation of St Kilda sheep as non-native animals means that researchers might have committed numerous offences during the St Kilda Soay sheep project's triannual capture and release of the sheep population. Dr Allan has suggested that the policy on St Kilda sheep does not reflect best practice for the management of other animals in Scotland, and he reflected that, if the Scottish Government's position is accepted, there might be a moral and a legal duty to manage the sheep population on St Kilda to avoid mass starvation events.

Members will note in our papers that requests to make submissions in relation to the petition have been received from the National Trust for Scotland, researchers from the St Kilda Soay sheep research project and OneKind, the animal welfare charity.

There is a lot to unpack in all of that. I apologise for the fairly detailed exposition, but that is what was required. Do members have any comments or suggestions? In the first instance, given that they have asked to contribute, we might wish to seek views from the organisations that I mentioned.

**David Torrance:** I agree that we should write to the National Trust for Scotland, the St Kilda Soay sheep research project and OneKind, and also to NatureScot, to seek their views on what the petition calls for.

**The Convener:** Do members agree with the suggested action?

**Members indicated agreement.**

### Safeguarding Guidance (Higher Education Institutions) (PE2022)

**The Convener:** That brings us to the last of our new petitions this morning, PE2022, lodged by Ellie Wilson, which calls on the Scottish Parliament to urge the Scottish Government to introduce national safeguarding guidance for dealing with cases of sexual misconduct in higher education institutions, including clearly defined measures to ensure campus safety when a convicted sex offender or someone awaiting trial for a serious sexual offence is enrolled at an institution.

In the background to the petition, Ellie Wilson explains that she was raped while studying at

university and that her attacker was charged and found guilty. However, while awaiting trial, Ellie's attacker began studying at another university and was, in her view, afforded the opportunity to have a normal student experience before being sent to prison. That, Ellie tells us, brought into sharp focus the lack of safeguarding measures that are in place at Scottish universities for dealing with such cases of sexual misconduct.

In response to the petition, the Scottish Government states that Scotland's colleges and universities should be places where students can live, study and research safe from gender-based violence. The Scottish Government has recognised the concerns that Ellie Wilson has raised and says that it is working in partnership with the higher education sector and gender-based violence experts to facilitate the adoption of a consistent approach to data collection and safeguarding that will help to protect students.

The response also notes that, last year, the petitioner met the former minister for higher and further education, and it makes reference to the working group that was established by the equally safe in colleges and universities core leadership group to review the collection and use of student data in relation to relevant unspent criminal convictions and extant criminal charges.

The petition raises a serious issue. Do members have any comments or suggestions?

**Alexander Stewart:** As you indicate, convener, this is a serious issue and one that we require to get more information on. We have the opportunity to write to a number of organisations, and I suggest that we write to EmilyTest, Victim Support Scotland, Universities Scotland, Scottish Women's Aid, Rape Crisis Scotland and the National Union of Students to seek their views on the action that is called for in the petition, including the suggestion that students who are awaiting trial for sexual offences should have access to online classes only and that anyone who is convicted of such an offence should face disciplinary action.

As I have said, this is a serious issue, and I think that getting up-to-date information from those organisations will provide the committee with a much more structured way to take the petition forward, which is important because I think that there is merit in it progressing.

**Paul Sweeney:** I agree with the proposed actions, and I have some familiarity with the petitioner's case from press coverage—I think that it has had quite a high profile in recent months.

I will make one additional point. The university in question—the University of Glasgow—is not affiliated to NUS Scotland, so it would be appropriate to also ask that university's student representative council to make a submission,

simply because the institution is not under the ambit of the NUS.

**The Convener:** Thank you. Do members agree to the suggested action?

**Members indicated agreement.**

**The Convener:** That concludes our consideration of new petitions, and that final flourish from Mr Stewart concludes his contribution to the work of the committee, which I again thank him for.

I wish our clerks and my colleagues on the committee a happy and restful summer. I look forward to seeing who we have on the committee when we return after the break, and we can all live in hope that we will be suitably refreshed when we meet again on 6 September.

*Meeting closed at 10:59.*



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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