



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Citizen Participation and Public Petitions Committee

Wednesday 21 February 2024

Session 6



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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**  
**3<sup>rd</sup> Meeting 2024, Session 6**

**CONVENER**

\*Jackson Carlaw (Eastwood) (Con)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

\*Foyso Choudhury (Lothian) (Lab)

\*Fergus Ewing (Inverness and Nairn) (SNP)

\*Maurice Golden (North East Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Emily Beever (No Knives, Better Lives)

Will Linden (Scottish Violence Reduction Unit)

Jonathan Watters (Police Scotland)

**CLERK TO THE COMMITTEE**

Jyoti Chandola

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 21 February 2024

[The Convener opened the meeting at 09:32]

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, and welcome to the third meeting in 2024 of the Citizen Participation and Public Petitions Committee.

Our first agenda item is simply to agree to take in private agenda item 4, which relates to evidence that we will hear this morning. Are members content to do so?

**Members indicated agreement.**

**The Convener:** I should also say that, at our previous meeting, we agreed to consider not just the evidence that we had heard on PE1979, which is on establishing an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding inquiries by public bodies, but the evidence that we took on the A9 dualling project, which we have been considering. Therefore, agenda items 5 and 6 will be taken in private, too. Are members content with that?

**Members indicated agreement.**

## Continued Petitions

### Youth Violence (PE1947)

09:32

**The Convener:** Agenda item 2 is consideration of continued petitions, the first of which is PE1947, which was lodged by Alex O’Kane, on addressing Scotland’s culture of youth violence. The petition calls on the Scottish Parliament to urge the Scottish Government to address the disturbing culture of youth violence in Scotland.

When we last considered this petition, we took evidence from Dr Fern Gillon and Dr Susan Batchelor, and the committee has had a meeting with an Edinburgh-based youth group, 6VT, which is just off the Grassmarket. We also visited Milton in Glasgow, where we met the petitioner with our parliamentary colleague Bob Doris in attendance. At that meeting, we heard from families—not necessarily from the Milton area; there were people from Fife present—who had had direct experience of the issues raised in the petition, and some of their evidence, which was given anonymously, was, for committee members, very harrowing to hear. However, we were extraordinarily impressed with the courage of the individuals and their families and the candour of their evidence, and I would like to thank all those who were prepared to meet us.

I am delighted to welcome our witnesses to the committee this morning: Emily Beever—*[Interruption.]* I have suddenly noticed that my notes were missing—they were on a different page. We have with us Emily Beever, senior development officer, No Knives, Better Lives and Will Linden, deputy head and head of analysis, Scottish Violence Reduction Unit, and I am also delighted to welcome Jonathan Watters, community policing inspector, Police Scotland. Welcome, all, and thank you for being present.

Our questions probably arise out of the different evidence sessions that we have held. I know that you are not a conglomerate, so if you have a particular view that you would like to express, just let me know that you want to come in and I will invite you to do so.

What does the available evidence tell us about the level of involvement of children and young people as perpetrators of violent behaviour? Obviously we have heard examples, but our academics did not think that it was a significant issue, particularly in relation to young people. If these perpetrators are there, are they teenagers, or younger or older than that? Secondly, is there some easily identified universal relevant factor that you can point to as the source of such behaviour,

or is it much more complicated than that and not something that can be summarised simplistically by saying that it is to do with, say, deprivation, family or whatever? I would be interested in knowing that.

Who would like to kick off? It is quite a general introductory question—a starter for three, perhaps.

**Will Linden (Scottish Violence Reduction Unit):** What we know about violence in Scotland and the young people involved in it—and this was repeated at the previous committee meeting at which this issue was discussed—is that most, if not the vast majority, of young people in Scotland are not involved in violence or criminality. They are an absolute credit to the country, their family and their communities.

However, we also know that some groups of young people are involved in violence; some have been assaulted and are victims themselves, while others have committed the violence. However, what they are involved in tends to vary by age group; the older the age group, the more violent the behaviour is likely to be, while, as we have seen through the behaviour in Scottish schools research report, younger age groups tend to be involved in low-level violence and antisocial behaviour.

The numbers are not terribly high, but each community is different. When we have looked at specific communities and areas, we have seen that people's experiences of violence change. Having been involved with the Scottish Violence Reduction Unit since the start and the days of John Carnochan and Karyn McCluskey, I have seen violence in Scotland changing and the levels coming down significantly. That has been driven mainly by young people's behaviour, which has changed over that period, with fewer involved in carrying weapons or in violence and gang violence.

That said, when you look at the instances of violence, things are not equal. Some communities and, indeed, some families experience violence a lot more, and that goes for groups of young people, too. We might talk about a reduction or changes in violence across the country, but the fact is that, for some people, communities and individuals, it does not feel that way. It actually feels very different, particularly if you are the mother of someone who has been assaulted, if you have been assaulted yourself or if you have lost someone to violence. Violence is horrific, and it tarnishes our communities and what we look at.

You have to look at the behaviours happening within age groups to know how to tackle them. We do need to think about the young people and how we prevent this sort of thing, and we are looking at the teenage group that was mentioned in the

context of some more serious violence, but the fact is that some of the most serious violence in the country is committed not by young people but by people over the age of 20. Indeed, since 2005, when I became involved in this work, we have seen that trajectory increase year after year in that age group involved in serious violence.

You cannot tackle violence through addressing youth culture alone; instead, we must tackle it across the country and look at all age groups. If we do not do that, we will not be setting the best example.

**The Convener:** Our academics suggested that the historical territorial gangland violence among young people is less of an issue than it once was and that the pattern of violence and the way in which it occurs are different.

**Will Linden:** The sort of territorial violence that was highly promoted or reported on in, for example, Glasgow in the mid-2000s has not disappeared or gone away, but it has been significantly reduced. I think that, at one point, we were reporting on 50, 60 or 70 gangs with 600 members. We are not seeing such numbers of young people being involved in that sort of thing, and we are not seeing the large territorial street fighting that we used to see in the parks on Friday and Saturday nights.

However, it still happens, and we are also seeing the influence of other factors such as social media, with the expansion of networks and in how people connect. The nature of territorialism has changed; it is not necessarily all about who your next-door neighbour might be. The idea of networks and social networks has broadened over that period, and that has affected our response, too.

**The Convener:** We will be looking in some detail at the influence of social media over the past 10 or 15 years, but I note that Emily Beever wants to come in.

**Emily Beever (No Knives, Better Lives):** We would echo what Will Linden has said: the majority of young people are not involved in violence. That is important, because one of the foundations of prevention is being reassured that the majority of young people are not carrying weapons and are not going to be involved in violence. A lot of the time, it all comes down to the fear factor; if a social norm or the feeling is created that violence is just around the corner and if the perception is that lots of young people are ready to jump in, it puts other young people on edge, and they might start taking measures like carrying weapons, because they think that they will keep them safe. We certainly want to avoid that, because it is not the case.

I do not know whether the committee has seen this, but the last time that the Scottish Government

did a deep dive into the carrying of weapons and the profile of individuals involved—those responsible for the weapons and those harmed by them—it found that, depending on the classification of weapons that were being carried, those involved were in their late 20s, say, 27 to 29.

As for your question whether there is any universal factor, the situation is, of course, more complex than that. There is no universal factor, but things such as poverty, the mental health crisis and the fracturing of relationships due to the Covid pandemic make violence more likely or set young people on a path that makes it harder for them and their peers to make positive decisions.

**Jonathan Watters (Police Scotland):** I agree with Emily Beever and Will Linden. The vast majority of young people who come into the city centre do so to enjoy its attractions. Quite often, there is not a lot for them to do in their local area, and often they do not have much money on them, which leads to an element of hanging about. However, that does not necessarily mean that they are doing anything wrong. There might be the perception among members of the public that they are, but more often than not, that is not the case.

As Emily Beever has said, there is certainly no universal factor here. Sometimes elements such as alcohol can be a factor in the way that children and young people present to us, but it is just one of many factors. According to our analysis and statistics, it is males in the 26 to 35 age group who are more likely to be involved in violence than young persons.

**The Convener:** The committee is particularly concerned about younger people. The victims of violence we met were 12 or 13 years old. One was the subject of violence on a school bus. One was a slightly withdrawn individual who was artificially befriended and more or less invited by appointment to be assaulted. We might have a chance to look at some of that in more detail later. The victims were girls and they were attacked by other girls. The committee heard about horrendously despicable acts involving people of a relatively young age, egged on by the peer group in attendance. Are those two examples uniquely awful or, in the pattern of trends, is there a trend of growth, however small, in youth violence in that age group?

**Emily Beever:** We have just done a piece of work on the specific issue of violence between girls because practitioners have been telling us that they feel it is becoming more frequent and perhaps more serious. The statistics do not show that because they do not record it in that way, so we went out to young people and spoke to them directly.

09:45

The majority of the young people we spoke to had violence woven throughout their lives. They had been responsible for violence but had also been harmed by violence—perhaps in the home or perhaps through social media—and they were saying that, where they were responsible for harm through acts of violence, it was as a result of all those other things. They were young people who were loyal to their friends, which also sometimes meant that they got involved in fights.

They felt that they did not have many trust in adults. They said explicitly that teachers do not care until there was a crisis point—until they were in a fight—so they really felt that they were not getting support. They were young people who were fiercely protective of their families. We found that families were a real trigger point for violence—for example, if someone had said something about someone's family—and also that some families condoned violence. There was a lot of pressure on these young people from all those different arenas, and that culminated in violence in some shape or form.

We are now exploring how to support young people, girls in particular, to develop those trusting relationships with adults, to make sure that they have that support in place and that they have support to navigate social media in a positive way. We put a lot of onus on young people to navigate social media. It is a complex place with lots of things that are acting against us, including all the persuasive design that is in there.

Young people also lacked any kind of hope or optimism for the future, so they felt that that was it, that was their lot for life and it was always going to be like that. Until we have a positive future for them, they will feel that there is nowhere else for them to go.

**Jonathan Watters:** Again, I agree with Emily Beever. The two examples that the convener gave are uniquely awful. Common assaults are quite frequent and low-level public nuisance is the top call involving young people that the police attend in Glasgow city centre, so in relation to young people we generally deal with crime at a very low level as opposed to those more serious matters.

**The Convener:** We will come back to that. Some colleagues will attest that I represent a relatively affluent area in that I am the MSP for the Eastwood constituency on the south side of Glasgow, which has some very high-income areas but it also has its own less fortunate areas. This is another theme that we might come back to but I have had examples of youth violence brought to my attention and I am struck by what seems at times the lack of parental responsibility in acknowledging that their children can in any way

be responsible for acts of youth violence. Those parents, therefore, support neither the teachers nor the school and have themselves become part of the harassing posse, if I can put it that way, of the individuals who have been the subject of the violence.

Of course, that is an emerging trend. Teachers, particularly those who have left the profession, have been saying to me for a very long time now that if they only had to deal with the children that would be fine, but they now find dealing with the parents almost impossible because they get very little support from them. That is a theme that I want to come back to, but I do not want to hog all the time, so I will hand over to David Torrance.

**David Torrance (Kirkcaldy) (SNP):** Good morning to the witnesses. I know that the media will be watching this, so, in your opinion, is the experience of violence among children and young people increasing? I just want to get your views on that on the record.

**Will Linden:** That is a very difficult question. Just now, the reporting of violence is not increasing. What we are seeing is maybe at a very low level, in terms of stuff that is coming through schools and so on. From the perspective of policing and recorded crime, we are not really seeing an increase, but that may be to do with recording issues.

What we are probably feeling on the ground, from listening to people, is that there is a feeling that violence is increasing. I am a bit concerned that that might cascade a few years down the line and that in 18 months or so we might start to see an increase in recorded crime and an increase in violence. Although we might not be seeing it just now, it does feel that way, but not at any catastrophic level—it does not feel as though it is going to go out of control. I still think that there is an opportunity—if we intervene, we can provide support and help and stop this from happening—but I am concerned.

**Jonathan Watters:** The data over the past five years shows that the number of incidents reported is quite stable. There was a spike just after Covid, throughout 2022. The first 11 months of 2022 were particularly bad, with youths coming into the city centre on the back of the lifting of Covid restrictions. That led to more reports, but since then the number of incidents has levelled out. There has been no real change over the past five years. There might be a perception that things have got worse, but certainly from my experience and from the statistics that I have, there has been no real change to the level of incidents.

**Emily Beever:** It is worth saying, in case the committee has not seen or looked at it in detail, that the latest version of the “Health Behaviour in

School-aged Children” report, which came out last June, paints a really bleak picture of what is going on for young people in Scotland. Not that many young people are very happy with their lives and not that many are confident. Lots of young people feel lonely. All those things make for a perfect storm in terms of situations where young people are just less able to make positive decisions. The results are quite drastic when we look at how those numbers have changed since 2018. It is definitely worth the committee looking at that report to get that perspective from young people who are telling us how their lives really are.

**David Torrance:** Going back to violence among young people, what part have social media sites such as Instagram, TikTok and so on played in relation to an increase in violence? I have seen some horrendous videos on some of the social media sites, where people are boasting about what they have done and they are quite proud about it. In Fife, there was a video about a school teacher being assaulted by a pupil and it went viral everywhere. How has the rise of social media played a part in violence among young people?

**Emily Beever:** I can talk to young people’s experience and what they have told us about how they use social media. Certainly, social media includes some enabling factors. For example, young people told us that very large group chats on Snapchat are often used to co-ordinate fights. Young people have said that, once they were added into one of those groups, they felt as though there was no way out and that they had to have a physical fight. They felt trapped. Even if they did not want to fight, they did not feel that there was a way out. That is one way that social media has contributed.

It is worth saying that this is not just confined to Scotland. Because of the spread of networks available to young people, some of the young people we spoke to were receiving harrowing threats, even death threats, from young people outside of Scotland who somehow had been added into these massive group chats or who somehow had got their number.

Young people also experience other types of violence through social media—not only violence in videos of young people fighting each other but serious animal cruelty, for example, as well as bullying or other types of harassment that are maybe not even aimed at young people. Young people said that there was an ever present sense of violence within social media.

**Will Linden:** Emily Beever raises some very good points. One problem with social media is the algorithms and how they attract people to watch videos and how things are shared, propagating things such as likes or streaks. That can give social media an addictive quality for young people.



Is social media a cause of violence? I am not so sure. I do not think that it helps. It is an accelerant—it can make things a lot worse. We need to take a serious look at how we address it and how we police it at a national level because there are real challenges with social media. Social media companies need to look seriously at what they are doing and how they are exposing young people to it.

We are also exposing adults to it. We need to remember that young people are, if you like, learning machines. They come into this world and learn from their community—from their parents and other adults—from the people around them. Young people's behaviour is sadly a reflection of some of our own behaviours so we need to address our attitude towards social media as well.

Young people's attitude to social media and their use of it differs vastly from our own. Adults use social media, the internet and technology for transactional behaviour—we use it to do things. For young people, the lines between the real world and social media can be blurred and they can merge. We need to look at some of the work that Emily Beever was talking about and listen to young people more about what would work and how we could address problems; we need to take the lead from them on what to do.

**The Convener:** I want to illustrate that point with the evidence from one of those young people from whom we heard. She was a 12-year-old girl who was vulnerable. She was befriended on social media and invited to meet the individual by whom she had been befriended. She found that, in fact, she had been invited to an appointment where there was a crowd of people. She was then physically assaulted. The incident was filmed. She was left unconscious. She was hospitalised. Her parents did not recognise her when they saw her in hospital. The video of the assault was posted, not anonymously but with the names of all those involved attached. They did that because, in their minds, if you are under 25 the procurator will not take forward any action against you. Therefore, they felt that they could do that with impunity. By thinking that way and by promoting that view, they are encouraging others to do the same.

I accept that, in that case, social media is a tool that is being used by people who are disposed towards that kind of violence, but it struck me that the more that there is a belief, rightly or wrongly, that that process as it was described is accurate, the more it will encourage more of the same, because the people perpetuating the violence felt empowered. However appalling it might be, they felt that it made them untouchable and gave them status within their peer group. That is an example of what you and David Torrance are talking about

that we heard about directly. It was very difficult not to be profoundly struck by it.

**Will Linden:** Yes. It is a telling point and I know the case that you are referring to.

If we go back to 2005, before most social media, there were instances of things such as happy slapping, in which people would be videoed being assaulted and it would be posted on things such as Myspace or the videos were shared. Now, because we have that speed, that alleged anonymity and a belief in a lack of consequences, it makes a significant difference in relation to people posting things. It can encourage other behaviours.

We also know that the ability to share videos through social media results in constant retraumatisation for the victim because it is constantly out there. It is hard to take down. Even if the social media companies take things down, they have already been shared across WhatsApp groups and so on. It is not like a violent incident of old, whereby you might have been assaulted but you may have been able to move on from it if it was not too traumatising. This is traumatising every day, not just for the victim but for the victim's family and friends as well. It is horrific.

Can we address it through sanctions? Perhaps. Behaviours have consequences but we have to understand what those consequences are and we have to understand what works best. We also have to support the victims and victims' families better. We are not terribly good at that. We need to think about things from the victims' perspective and support them. At the same time, we do not want to see this violence; we want to prevent it. I would not like to spend all our time dealing with victims' services and dealing with trying to stop offenders from offending again. I would rather prevent that violence from happening in the first place.

**The Convener:** One of the parents said that they were slightly aghast that the remedy was to put in place a series of actions to support the perpetrator of the violence, to try to take them out of the culture of violence, but that the victim of the violence had received virtually no remedial support whatsoever. David Torrance, sorry—I interrupted you.

**David Torrance:** That is okay, convener. Thank you.

This question is to Mr Watters. Some of the evidence that the committee has taken from families was about social media and threats of violence or violence on social media. They felt that the police had "become immune to it" and that there was no response from the police. Can you put on record what your position is?

10:00

**Jonathan Watters:** Yes, these videos are very concerning. It is very harrowing to hear the details of the incidents that you talk about. Having to live through an experience again and again because it is on social media compounds the experience for the victim and their family. I do not take away from that at all.

However, in my experience social media is not the main issue. It is the violence itself. For every instance we have a bespoke care package for each victim, particularly if they are young, in which we try to link in with the schools. We also look at whether incidents are related to gangs. We also try to link in with campus officers who work in the schools.

How successful the youth justice system can be is not very visible. There are three different levels of direct measures by the police. It may be surprising to learn that 75 per cent of children who are taken home and given a formal warning in a first instance do not offend again. Then we move to early effective intervention, which again is about diverting youths away from violence and offending. That has proved to be very effective. I can speak about Glasgow because I am the community inspector for Glasgow city centre. Early effective intervention works. It does not work in all instances, but it does on the whole. If the offences are of a very high level, the case will go to the procurator fiscal or the children's reporter.

We have a system in Glasgow called One Glasgow for young people who are repeatedly offending. We are intervening. We find that 93 per cent of those who are referred to One Glasgow get involved in that diversionary programme. It has been found to be very effective. Often, the effective measures are not visible to the public, which is unfortunate. A lot of good work is happening in the background.

**David Torrance:** I have one more question for you, Mr Watters. The families we spoke to did not feel that the police would respond to any threats to their children on social media. Can you elaborate on what Police Scotland would do if such threats were constantly being aimed at a child?

**Jonathan Watters:** We would have to look at it case by case. If there is a video or there are social media threats, there are provisions under the Communications Act 2003 that we should be using. We can prefer charges against those who are responsible. There is legislation available and we should be using it for those offences, but we would have to look at each individual case.

**Foyso Choudhury (Lothian) (Lab):** Good morning, panel. I have a couple of questions. I want to stick with social media first.

So many fake accounts have been opened. If an account has been opened in my name and I report that to the police, the response from the police is, "Sorry, we cannot do anything," but that fake account can put up loads of stuff. Recently, I have been getting quite a lot of complaints from ethnic minority people that fake accounts have been opened for young people but, when it has been reported to the police, the police have just walked away. Do you have anything to say about that? The police say that you have to write to the social media company. Do you think that social media companies are not taking responsibility, as it is quite easy to open an account in anybody's name without any background checks?

**Jonathan Watters:** A lot of the social media companies are based abroad, which makes it more difficult for Police Scotland to engage with them to try to get their co-operation. Some companies co-operate and we try to make things better for people reporting what you describe. If people think that their details have been used fraudulently to set up a fake account, they should report it to the police. I would encourage that.

**Foyso Choudhury:** Thank you.

I will ask about another thing. I have a lot of constituents, mostly from Leith, who have shops or education centres that have been targeted by youngsters—12, 13, 14-year-olds—kicking at the windows and the doors all the time. It is the same people. When the police have been called, they have said that the young people are under age and that they cannot do anything. If the shopkeepers or the business owners go out and talk to the kids, their parents will come and start jumping on them. What response should I give to my constituents who are going through that sort of trouble? Those things are happening more or less every single day in Leith—on Ocean Drive and so on. I constantly get emails from the shop owners.

**Will Linden:** That is a good point. This is about how we respond to problems at a local level. When we look at groups of young people coming together at areas around shops and transport hubs, and we perhaps find increasing antisocial behaviour, low-level violence and other crimes and issues that, as has been said, are just young people hanging around, we know that what works are things such as hotspot policing. Hotspot policing is incredibly effective, but hotspot policing is not just about policing and criminal justice. It involves identifying where some of the challenges are and how we can best deploy resources. That could be multiagency partnership resources, it could be youth workers, or it could be street workers, such as a hospital navigator or a street navigator, engaging with young people to find out what is happening, listen to why they are there and try to help them move along. We do not want

to see young people being criminalised and brought into the criminal justice system. Equally, we want to see people in the community being able to go about their daily business and not be scared and to be free from that sort of behaviour. We want shopkeepers to be able to continue with their daily business.

There has to be some way of addressing the problem. We have to be able to deploy some form of resources but, again, that might take some funding to allow us to think about what we want to do. It takes resources. It takes people resources to deal with people problems, and that is one of the issues that we face.

**Emily Beever:** It is worth emphasising what Will Linden said about talking to the young people involved and finding out what the drivers for violence are. Is it that there is nothing else for them to do and that they have found something to amuse them but it just so happens that that is inconvenient and unpleasant for the people who are experiencing it? What about moving money in youth work services upstream so that young people are not in a position to be making these choices in the first place? That is where we should be emphasising funding for preventative measures.

**Foyso Choudhury:** This is my last question. There has been an announcement about police stations closing. Local gurdwaras and mosques and communities feel more comfortable when they know that there is a police station nearby. Do you think that closing down police stations in the area will make people feel worried that there will be a lot of trouble? That is probably for Mr Watters to answer.

**Jonathan Watters:** I think that people are more interested in where the police officers are as opposed to the physical buildings. The Scottish Government has invested a lot in mobile devices so that officers can be in their areas and can work remotely using their devices. They do not have to return to a physical building to do things such as paperwork. With advancements in technology, the buildings themselves are less important. They might be symbols in the community in that people know where they are, but the police are just like every other public service and have budget constraints. Even if they are looking to save money on buildings, the police officers will still be in the communities. It will just be the buildings that might not be there any more.

**Fergus Ewing (Inverness and Nairn) (SNP):** Some years ago, from 2007 to 2011, I was community safety minister and, along with the Cabinet Secretary for Justice at that time, Kenny MacAskill, we worked very closely with John Carnochan and Karyn McCluskey. I was struck by their passion but also by their practical approach.

In talking about preventing youth violence, we have heard from Inspector Watters about diversionary activity. It seems that one of the key ways—Inspector Watters has confirmed it this morning—to take young people on to a different path of life and thinking and away from mindless violence is to provide diversionary activity. At that time, we introduced the idea of cashback, investing money that was taken from criminals—drugs money, for example, or other property seized—in diversionary activity. Is that still one of the main corrective approaches? If so, is it being supported sufficiently?

I am not just talking about taxpayers' money or resources, as people tend to call it, as if it were a type of mineral. It is not; it is money, but it is not just money. It is also a will and a purpose among Government agencies to get things done and not pass them to somebody else's desk. I do not know the answer to this question, but I want to hear from each of the witnesses. Are we doing enough? Should we do more and, if so, how do we go about that? What do we need to do more of or do better that could help to divert some of these young people away from some of the acts of mindless violence that we have heard about in what were extremely harrowing cases, as the convener has pointed out?

**Will Linden:** You raise some very good points about what we need to do. In the days when cashback was introduced, along with a number of other programmes that John Carnochan and Karyn McCluskey helped to pioneer, we were looking at the idea of primary and secondary prevention and how we stop the transition of young people into crime, how we change behaviours, how we stop people carrying knives and how we engage with them. It was incredibly successful. Some of the best evidence around that from an international perspective is in some of the diversions out there, such as social skills training, sports, mentoring and navigators, and the idea of supporting people in the community at that point in need.

We need to invest more. We need to invest more of our time and our effort and make decisions about what faces our young people today. If we are not making decisions about how young people are served by our communities, we could still be facing these problems in future and they will only accelerate.

Whose responsibility is it? It is everyone's responsibility. One of our mantras that go through what we do is that this is about leadership and not necessarily just political leadership. It is about leadership at all levels and not looking to the left and to the right and saying, "You need to do something." This is about us all doing something, whether it is political leaders, teachers, police

officers, family members, community members, brothers, sisters. We all have a choice to make about violence. We all have a choice to make about our children's futures and how we spend our money, how we spend our resources, how we spend our time. There may well be political decisions through budgets, but we have to make a decision about what we want for the future.

**Emily Beaver:** Cashback is a great example. The programme recently changed and shifted some of the money away from smaller grass-roots organisations. The longevity of funding across the third sector has to be a consideration. It takes a long time to build sustainable, meaningful relationships with young people. If you are working with one-year funding and then you do not get it renewed, the young people do not have stability. They cannot trust that process and then we see a lot of young people falling out of services and falling out of youth work provision because of funding cuts and the fact that the programme that they go to in the summer has been cut or whatever it might be.

We have provided the committee with some examples of current, on-going youth work activities. As Will Linden said, it takes a team. There is a great example of a partnership between Children in Need and McDonald's. Lots of McDonald's restaurants were facing antisocial behaviour and disruption from young people. Instead of being punitive and banning young people from McDonald's, the company is trying to talk them, welcome them in and do some employability and skills work with them. Young people now have part-time jobs in McDonald's. There are also detached youth workers present to support the young people who are there to have those trusting relationships. There are lots of different things going on and certainly more funding for youth work that can be embedded within our communities would be of benefit.

**Will Linden:** Backing up what Emily Beaver said, particularly around strategic funding, I think that something like cashback with three to five years' worth of funding for an organisation allows long-term planning and long-term development of workforces and services and training of youth workers and people who can interact and work well with the communities. It is difficult for the many third sector and community organisations that do the vast majority of that on-the-ground preventative work across Scotland to deal with year-to-year funding. If you have those sorts of troubles with funding and you do not know what the future will be, how can you make the planning decisions that you need to make to support your communities better? We need to look at how we fund in general, particularly for those smaller organisations, because those are the ones that make the real difference, especially in building

relationships with young people to help prepare them better for the future.

10:15

**Fergus Ewing:** Longer-term funding is needed, because year-to-year funding is the death knell of schemes given that, by definition, it takes longer than a year to do anything worth while, by and large.

I do not know whether Inspector Watters wants to answer the question about what the police role is or should be. What more could the police do, if anything, on diversionary activity?

**Jonathan Watters:** One project that we are doing in Glasgow city centre is called the common ground youth project. The police cannot provide that diversionary activity alone, so that project will be led by Barnardo's. It involves having youth workers in the city centre to try to engage with young people who are sometimes on the periphery of groups, and to signpost them to services in their communities. Sometimes only limited services are available, but there are more services back in the communities than in the heart of Glasgow or other cities. That is an important first step in trying to make things better. Of course, we could do more and, by working with partners, we can at least enhance our chances of success.

**Fergus Ewing:** I am sure that you do a lot of good work. As you say, sadly, much of it is invisible, which is a shame.

In the distant days when I had an executive function, we sometimes used the Army and Army facilities such as barracks as well as outdoor activity establishments to take youngsters from Glasgow who, as I think John Carnochan said, had been identified as about to go into serious crime. They had started on criminal activity and John's view was that, if things took their course, it was just a matter of time until they got involved in more criminality, went to Glenochil, ended up in Barlinnie and so on.

John's idea was to get them in a room and give them one of his typical talks, which I imagine would make most people's hair curl. However, he also wanted to take them out of their habitat and the place that they were happy with, which was maybe out in the schemes somewhere, and go somewhere entirely different such as the Cairngorms. The Army was very good at that, because that is what it does. It takes young men—they are mostly men, although there are women as well nowadays—and turns them into stronger and better team-playing people. That is what Army training is all about, and it is very good at that.

Maybe that sounds old-fashioned to some people, but I think that that strand—although it is

not the sole answer—would help young people, particularly boys in their teens, from becoming hardened criminals. The minute investment that is involved would repay itself in spades, by avoiding all the misery that such criminality would cause throughout their lifetimes, for other people and themselves.

Is that happening now, or has it been dropped?

**The Convener:** I was going to ask whether that was a reflection or a question, Mr Ewing, but we got to a question in the end.

**Emily Beever:** Such activities certainly still continue, with the Army and other providers. It is worth saying that some young people will thrive within the boundaries of the rigid Army setting, but others might not. A range of providers have that kind of system, which involves taking young people out of their norm and showing them something different. As I referenced at the start, some young people cannot see a different future for themselves—it can be hard to imagine. Just having that break and the opportunity to learn something different can be important.

Venture Scotland is one organisation that has lots of provision that involves teaching young people outdoor skills, doing outdoor activities and spending lots of time in nature. That has a health and wellbeing impact as well as an impact on antisocial behaviour and perhaps involvement in violence.

**Fergus Ewing:** Precisely. That was helpful.

**Will Linden:** Those programmes can be effective, but that is not just about the programme; it tends to take a lot of work, before and afterwards. It does not matter whether it is an Outward Bound adventure course or a week's residential course with the Army—although, as Emily Beever said, that might rile some young people—it is about the work that you do afterwards to support the person. Just taking a young person out of their scheme and away from their environment, their troubles and the trauma that they face daily for a week might give them a week's respite and reflection but, if you put them back into the same trauma, community, problems and so on, the gains can quickly be eroded.

We have found that we need to support young people when they come back, through things such as mentoring by adults and peers and people who can support them daily and look to challenge some of their behaviours as well as some of the circumstances that got them there in the first place. It is much more elongated than a one-week or even a one-month programme. It takes a significant amount of time and resources to deal with young people who have significant trauma and issues and to help to change that.

**Maurice Golden (North East Scotland) (Con):**

I am interested in the justice system response in the widest possible sense. I welcomed the comments from Mr Watters about the three tiers. I was interested in the statistic that he provided that, when the police take children home, 75 per cent do not reoffend, which is amazing.

However, I am interested in the more extreme end of the three-tier approach. What are the likely consequences of multiple assaults, particularly where an individual moves from the children's hearings system into the criminal justice system? Is the children's hearings system adequate? I know anecdotally from my experience in Dundee that individuals can sometimes rack up dozens of convictions, if you like, in that system and then have a big shock when they enter the criminal justice system. What are the likely steps in those cases, which I hope are the more extreme ones?

**Jonathan Watters:** The more extreme cases would be reported to the fiscal and there would be a children's hearing. It would then be down to a sheriff whether to put in statutory measures and whether the person needed compulsory care in the local authority. That is an extreme measure. We try to intervene and provide diversions before someone gets to that stage.

I am not sure about Dundee but, as I mentioned, in Glasgow we have the One Glasgow system, which involves people who repeatedly come to the attention of the police. Last year, 99 people entered that system and it was effective. It does not just look at the individual; it looks at the whole family, because quite often, as Will Linden said, you might remove a person for a short time from their environment but then they go back. We need to take a whole-family approach and think about what financial assistance we can provide and about employability and whether the young people have any hope for the future. We need to look at all of that, which is why schemes such as One Glasgow are effective.

On the tier system, early intervention is quite effective. When someone gets to the higher levels—to the procurator fiscal and the court system—what happens is almost outwith the control of the police. However, the police are involved before it gets to that level, and our role, along with our partners, is to try to prevent escalation.

**Emily Beever:** It is important that we ground this conversation in a children's rights-based approach, which is at the front of everybody's mind at the moment. We need to think about what a justice system for children would look like. We are talking about children. Even if they have been responsible for harm, we have to hold that uncomfortableness and have that difficult conversation. Yes, they need to be held

accountable, but they also need help to recover from whatever they are going through and with their reintegration into society. They are not lost causes that we need to ship off somewhere and hide away from everybody else.

In thinking about what child-friendly justice looks like, a good definition that we use and share with practitioners is that a good friend can tell you when you have done something wrong and they will help you to do better next time. That is what we need to have. We must help young people who are responsible for harm or for violence to do better next time. We have to see that they are not the sum of their behaviours. Even if those behaviours have been frequent, we must always have that hope and optimism for transformation and change and be with them in doing it.

The Edinburgh study of youth transitions and crime, which has followed young people throughout their lifetimes—they are now in their mid to late 30s—recommends maximising diversion from the criminal justice system. That system just does not work for young people; it does not set them on a better path. Given that the incorporation of the United Nations Convention on the Rights of the Child will come into force in the next few months, we have to keep all that in mind and think about what that looks like and how it could be a radical shift for our justice system for children.

**Maurice Golden:** You have articulated what the system should be. To pick up on some of Mr Watters's evidence, is there any evidence that putting a child into local authority care or a secure unit has beneficial outcomes for the individual? What is the panel's assessment of the effectiveness of the justice system response?

**Emily Beever:** I cannot comment on the totality of that, but certainly we work with young people who are in secure care and sometimes in the young offenders institution at Polmont. They are some of the nicest young people you have ever met, and those are always our easiest sessions. The young people there are much keener to engage than when we go into schools, for example, which is always striking. However, those young people are vulnerable. They are there because they are vulnerable for a whole load of reasons and potentially because they are a danger to others or themselves.

We often see the same young people in that system. To give one striking example, we went to one secure care unit and a young person said, "I met you a few months ago in the other secure care unit." They were still in that system. Another young person said, "I have to go to Polmont later. What's it like?" They had never been. Another young person said, "My whole family has been in prison." They had been in Barlinnie and so on.

That gives a sense of who those young people are, what that demographic is and the level of support that they need.

In secure care, there is quality support and people can build relationships with the staff. I cannot speak to the statistics of that, but certainly the young people who we have met need a lot of support to do better next time.

**Will Linden:** I will not comment on whether the justice system is effective or ineffective, as that is outside my expertise. However, it could be better. We could decide not to go down that silo route of just having a justice system response.

The examples that have been given of young people committing multiple crimes, including multiple acts of violence, hark back to a phrase that former Glasgow director of education Maureen McKenna once said to me, which was, "All behaviour is communication." What is a young person telling me about their life, why they keep committing crimes, why they keep getting involved in violence, why this is happening to them, and why it is not being stopped or why we are not doing something about it?

If the justice system is not currently able to work to transform and transition young people and let them have better outcomes, whatever that looks like for them, we need to think about what else is needed. How do we work across our systems, such as our mental health, social care and education systems? The problem is that we have all these systems and we expect young people to navigate them. We expect the young person to be part of a system rather than placing the young person at the centre and having the system navigate around them.

Would I say that the system is perfect? It absolutely is not, but it is probably the best that it can be at the moment. We just need to think about it differently.

**Maurice Golden:** Jonathan, do you want to comment?

**Jonathan Watters:** I am not sure whether having children in secure facilities is successful, as that is outwith my area of expertise.

10:30

**Maurice Golden:** That is fair enough.

My final question is about the role of schools in prevention. We have discussed the role of social media, but I imagine that a lot of the violence emanates from the school environment, even if it does not take place there. In your assessment, how effective are schools at intervening early and at working with the police to get community officers out? Anecdotally, I have heard that

primary schools, in particular, are very effective in combating social media abuse, for example. I am keen to hear your views on the role of schools and the education system.

**Will Linden:** Schools play an incredibly important role in that regard. There are many old phrases or adages on the subject: teachers can teach only what parents provide and what communities provide, and it takes a community to raise a child.

The idea of schools being solely responsible for addressing such behaviour is difficult. Schools are there to educate, train and prepare young people for their future in the widest possible sense. They do a great job, but it is a struggle for them just now. The issues with teachers complaining about behaviour and violence in schools have been well publicised. They probably need more help and support. We cannot keep expecting schools to fix some of our social problems. Wider issues are at play.

We need to support schools to address such behaviour. It goes back to the primary prevention and secondary prevention modelling. If we want to truly help, we need to help schools more. We need to provide resources so that there can be additional help for educational psychologists, mentoring, youth work and so on. We have good relationships with campus officers and the third sector. Schools need to be given as much help as possible if we want to prepare our young people for their best future. I do not know whether they have that help just now. That is a question for teaching unions and teachers to discuss.

**Emily Beaver:** There are some great examples of schools being innovative in using their resources and time to support young people, but the picture is quite mixed—there is not a consistent picture—because schools do not all have the same resources. For example, campus officers are not in every school. In areas such as Falkirk, there is a campus officer in every school, whereas areas such as Aberdeen do not have any.

If a school has the resources and can commit the time, it is able to develop positive relationships with young people. It all comes down to that. I am sure that we can all think of teachers who stood out and with whom we had a positive relationship. We need that for all young people. Teachers need to have the breathing space in the curriculum and in the school day to foster those relationships, but that can be challenging.

**The Convener:** I feel that I have a duty to the petitioner and to the witnesses from whom I heard to ask this question. They understand that the police operate within guidelines, issued by the Lord Advocate, that deal with the circumstances in

which alleged offences committed by children should be reported to the Crown Office and Procurator Fiscal Service. What impact do those guidelines have on police who have to deal with allegations of violence? Does more need to be done to explain to victims what action is and is not being taken?

The experience of those witnesses was not abstract; it was real. They were told by the police, “They are under 25. There’s nothing we can do. It’s not worth it. The procurator won’t act.” As a consequence, in both cases, the families felt unable to leave their homes, because they had come into contact with the perpetrators, who provoked them further, mocked them and made their lives difficult in their community because they felt that they were immune. Bizarrely, their parents seemed to be part of the posse of those abusing the victims. Gone are the days when some parents would have felt that they had a duty to act in respect of their children; they now seem to feel that they have to defend their children in front of the people who were abused.

What would you say to those people? They listened in some despair to our academic discussion at our previous evidence session, and they tried to relate that to their absolutely appalling experiences and the lack of any response.

**Will Linden:** My response is quite simple. We need to be more transparent with parents and families, who need help and support. They have been victimised and are traumatised daily. If we do not do that, are we fulfilling our public sector duty? I am not so sure.

I cannot comment on specific policing and COPFS procedures, but we must better look after victims and their families. It is, quite frankly, incomprehensible if we are not doing that. We are talking about people who have faced traumatic challenges in life—the victims are sons or daughters who have been assaulted or affected by violence—and it does not stop.

People reconnecting and continuing to provoke—you talked about parents supporting that—is not new. We saw that back in the 2000s in relation to gang members, with parents actively supporting violence. That is not new behaviour. Many parents cannot understand such behaviour, because they do not necessarily expect their children to be involved in it—perhaps there has to be some realism and a check on that.

We must address such behaviour, and we have to work from a victim perspective, not just from the perspective of tertiary prevention. From a victim perspective, there should be no victims. We should stop such behaviour in the first place; there should be no violence. We should not rest until every young person in Scotland feels safe from

violence and does not have to deal with the consequences. However, when violence happens and there are consequences, we should support victims as much as we can.

**Jonathan Watters:** I cannot comment on individual cases but, on the whole, we provide a robust police response. It does not matter whether the victim is young or old; we use the same investigation model. We take witness statements, review closed-circuit television and report the circumstances to the procurator fiscal or to the children's reporter. There is no difference in our approach.

Perhaps those of us in the police at low levels need to show leadership by cascading information to other officers and saying that we need to be more transparent with victims, as Will Linden said. Young people can still be arrested and taken into custody if that is in the interests not only of the young person but of the community. We have police powers at our disposal. As I said, on the whole, the youth justice processes are successful, but the disposals and the diversionary work that takes place are probably not visible to communities. From the beginning, we are trained to take a victim-centred approach. We should provide that to the public. In more cases than not, we do so, but sometimes the system is not perfect and people get let down.

**The Convener:** Mr Ewing has a final quick follow-up question.

**Fergus Ewing:** Out of fairness, I will follow suit and play devil's advocate. One mother provided quite harrowing evidence of an assault on her young girl. I will not mention names, but the mother said:

"Doing my homework afterwards, I learnt this girl had attacked no less than 20 children and was well known with the police and in fact I still continue to get videos or stories of attacks weekly."

I mention that because, over the years, I have quite often heard it said that the police knew well that an individual had been involved in many other crimes and had carried out many other assaults. I appreciate that that is just a general claim with no particular evidence behind it, but I mention that case because it is probably not an isolated experience. Many people, perhaps those living in areas of extreme poverty, find that a young hoodlum is causing endless mayhem but that nobody ever seems to do anything about it.

That is extremely unfair to the police. Even if the police do their job, there is the question of what happens when the case goes to the justice system. I am aware that some argue that not much happens.

Inspector Watters, what would you say to this mother whose daughter was attacked by another

female in a horrific way that left her almost unrecognisable as a result of her facial injuries? She is now scared to go out at all. Can the police or any other authorities do anything more to identify youngsters who plainly cause serious injury and harm to other young people in Scotland?

**Jonathan Watters:** It is difficult for me to comment on the case that you have described, because I do not know all the details. There is an escalation process. The system sometimes lets people down but, on the whole, it works, and the police have clear guidelines on what we should do.

The difficulty is that the persons committing the offences are young people themselves, so we need to take a public health approach. How can we divert them away from offending? We do not simply look at punishing the young people; we think about how we can divert them away from a life of crime.

It is difficult to answer your question, given the harrowing details, but, on the whole, a robust system is in place that serves the majority of the public. I do not think that that will bring much comfort to the victims who have been mentioned, but I encourage people to report such incidents.

**The Convener:** I have allowed the question session to run on a little bit, because it is an important subject. Would you like to volunteer any final comments before we conclude?

No one has any other comments. I am very grateful to the witnesses for their helpful, candid and forthright evidence.

I will suspend the meeting briefly.

10:43

*Meeting suspended.*

10:46

*On resuming—*

### **Onshore Wind Farms (Planning Decisions) (PE1864)**

**The Convener:** Our next continued petition is PE1864, lodged by Aileen Jackson on behalf of Scotland Against Spin, which 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, empowering local authorities to ensure local communities are given sufficient professional help to engage in the planning process and appointing an independent advocate to ensure that local



participants are not bullied and intimidated during public inquiries.

We last considered the petition as far back as 31 May 2023, when we agreed to write to the Minister for Local Government Empowerment and Planning to seek clarification on what the Scottish Government means by ensuring communities can have a “meaningful say” on planning applications.

The minister’s response refers to the definition of community set out in the national planning framework, and notes that, at the time of writing, a consultation was under way on

“effective community engagement in local development planning guidance.”

Members may be aware that the consultation closed on 13 September 2023.

The minister’s response goes on to highlight that the Government’s planning and environmental appeals division has agreed to consider a refresh of reporter training on handling inquiries to ensure that members of the public are able to give their views and to have those properly heard in a safe environment at inquiries.

We have received five submissions subsequently from the petitioner, the first of which comments on the response that we received from the minister and suggests that clearer definitions are required to make an effective assessment of the effectiveness of planning guidance. The petitioner has also restated their proposals for enabling communities to access professional help when engaging with the planning process, which they suggest could be financed through an increase in planning application fees.

The subsequent submissions from the petitioner draw our attention to the type of experience that community groups face when confronting or being confronted by a developer’s legal team during inquiries.

The petitioner highlights comments from the United Kingdom Government that

“decisions on onshore wind are best made by local representatives who know their areas.”

They also refer to the publication of a deal between the onshore wind industry and the Scottish Government with the industry and highlight a comment that was made in relation to that:

“A well-resourced and efficient planning system is needed ... to enable projects to go ahead where they have local support.”

We have received a range of submissions from the petitioner and a response from the Government. The consultation that it held has subsequently been published. Do members have

any comments or suggestions as to how we might proceed?

**David Torrance:** I wonder whether the committee would consider writing to the Scottish Government once again to ask when it expects to publish the outcomes of the consultation on effective community engagement and local development planning guidance; to seek an update on the work to explore the scope for planning authorities to determine more applications for onshore windfarm developments, including the impact that onshore wind sector deals for Scotland has had on that work; and to highlight the petitioner’s continuing concerns about the lack of professional support that is available to assist members of the public contributing to public inquiries.

**Fergus Ewing:** I support Mr Torrance’s recommendation. I will add something that is hot off the press and has arisen since the papers were provided to us for this meeting. Last Friday, in response to an inspired question, the Scottish Government noted that a new depopulation action plan has been published, which contains an apparent new approach to be taken to areas with chronic depopulation, notably parts of the remote Highlands—although one is not allowed to call remote areas remote any longer, apparently—and Islands. The plan says that the approach will be “local by default, national by agreement”,

which suggests to me that local decisions will prevail, unless I am missing something.

I raise that because I wonder whether the clerks, in drafting our letter, could draw the attention of the minister to the plan—a different minister is responsible for the plan—and ask if the new approach will influence the response regarding community engagement. On the face of it, at least for those areas suffering depopulation, which are the areas where many of the windfarms are proposed, that seems to me to be a new factor that the Scottish Government has brought in as, apparently, a new approach and a new policy.

I am sorry to go on at some length.

**The Convener:** That is a fair point and I am happy that we seek to accommodate that. That was not the suggestion that I had expected from Mr Torrance.

**David Torrance:** No, it was not. I was very tempted, convener. [*Laughter.*]

**The Convener:** Are we content, colleagues, to support Mr Torrance and Mr Ewing’s suggestions as to how we might proceed?

**Members indicated agreement.**

### Rest and Be Thankful Project (PE1916)

**The Convener:** PE1916, lodged by Councillors Douglas Philand and Donald Kelly, calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 Rest and Be Thankful project, which is due to provide a permanent solution for the route.

We last considered the petition on 17 May 2023, after which we wrote to the Minister for Transport. However, since our previous considerations, Transport Scotland has announced the preferred route for a long-term solution. The then minister, who is now Cabinet Secretary for Transport, provided details of the preferred route in her response. The response also notes that the proposed medium-term solution is a temporary solution that is intended to add resilience and operational benefits while the permanent solution is constructed.

We have also received a submission from the petitioner raising concerns about whether the preferred route option is the right choice, and how the solution will be funded, particularly if a new government has different spending priorities.

There will always be a view as to what the right choice would be. The important thing here is that we now have a preferred option for both temporary and long-term solutions. I wonder how we might take the matter forward. Do colleagues have any suggestions?

**David Torrance:** I was very tempted to suggest closing the petition under standing orders, but I would like the committee to write to the Cabinet Secretary for Transport seeking further detail on the delivery plan, funding and governance of the A83 Rest and Be Thankful programme, including information on work that is being undertaken to ensure the statutory processes and construction are completed without unnecessary delay.

**The Convener:** Do we agree to do that?

**Members indicated agreement.**

**The Convener:** We should ask for as candid a response as possible from the cabinet secretary, because we are aware that statements are being made in the chamber almost daily about the inability to deliver on major projects. We want to understand where the Rest and Be Thankful project sits within that framework.

### Home Reports (PE1957)

**The Convener:** PE1957, lodged by Catherine Donaghy, calls on the Parliament to urge the Scottish Government to ensure that surveyors are legally responsible for the accuracy of information provided in the single survey, and to increase the

liability on surveyors to pay repair bills when a home report fails to highlight existing faults in the condition of the property. At this point, I excuse Mr Choudhury from our proceedings.

We last considered the petition on 17 May 2023, when we agreed to write to the Scottish Government seeking further detail on its plans to review home reports. In its response, the Scottish Government has stated its position that delivering the ask of the petition would be inappropriate as the scope of the home report survey is outlined at the beginning of the report and that members of Royal Institution of Chartered Surveyors carrying out home report surveys are required to have in place a complaints handling procedure and professional indemnity insurance. The response goes on to note that the delayed 2020 review on home reports will now be progressed alongside the Government's work to update cross-tenure housing standards.

In light of that, how might we proceed?

**Fergus Ewing:** We might close the petition under rule 15.7 of standing orders on the basis that the Scottish Government's position on the ask of the petition remains unchanged, that the scope of the home report survey is set out at the beginning of the report and that members of the Royal Institution of Chartered Surveyors who carry out home reports must have a complaints handling procedure in place. They must offer independent third-party recourse to complaints, including alternative dispute resolution by the Property Ombudsman, and they must carry professional indemnity insurance. In light of all that, I wonder whether members consider that we can close the petition.

**The Convener:** Are members content with Mr Ewing's suggestion?

**Maurice Golden:** Yes, I am, in the context of the petition. However, the petitioner might want to consider looking at another issue in the same area—the effectiveness of home reports. In respect of the specific ask of the petition, I agree with Mr Ewing's points.

**The Convener:** Do we agree to close the petition?

**Members indicated agreement.**

**The Convener:** We thank the petitioner for lodging the petition. Given the reasons set out by Mr Ewing, we feel that we will have to close the petition at this point, but I hope the petitioner has also taken note of Mr Golden's comments.

### **Legal Aid (People with Disabilities) (PE2002)**

**The Convener:** PE2002, lodged by Grant White, calls on the Parliament to urge the Scottish Government to provide increased funding for legal aid in civil cases for people with disabilities.

We last considered the petition on 19 April 2023, when we agreed to write to the Law Society of Scotland and the Scottish Legal Aid Board. We have now received responses from SLAB and the Law Society.

SLAB highlights its recent research into the experience of users of civil legal assistance, noting that results were, apparently, positive overall. Responses to questions on finding and contacting solicitors did not reveal any significant differences in experience between those with and without a condition that limits their day-to-day activities. However, eight respondents reported feeling that their disability had made it difficult for them to access a solicitor. In its equality outcomes plan for 2023 to 2026, SLAB aims to improve the accessibility of information about legal aid and its services, with a focus on people with disabilities and other groups—which is an ask of the petition.

The Law Society of Scotland's response states that the number of firms that are providing civil legal aid has significantly declined—by 20 per cent—over the past decade, with a lack of a sustainable funding mechanism and fees not keeping pace with inflation being noted as contributing factors. Its submission states that a mechanism for periodic review, taking inflation into account, is required to address the impact of inflation on the legal aid system.

We have responses from SLAB, which appears to be amending practice to some extent, and from the Law Society. Do members have any suggestions for action?

**David Torrance:** I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders on the basis that: regulations to provide an uplift of 10.2 per cent to all legal fees were approved by Parliament in March 2023; £3 million has been announced to strengthen access to justice for deprived communities and vulnerable groups; and neither ministers nor SLAB can compel solicitors to provide advice or representation.

**The Convener:** I add that we note the additional measures that the SLAB is trying to implement to facilitate access. Are colleagues content to close the petition at this point?

**Members** *indicated agreement.*

**The Convener:** Again, we thank the petitioner for lodging the petition. There seems to be some

movement from the Scottish Legal Aid Board. Of course, it is open to any petitioner in the light of subsequent experience to bring a fresh petition if that does not make the hoped-for difference.

## New Petitions

### Recreational Drones (Use in Nature Reserves) (PE2050)

11:00

**The Convener:** Agenda item 3 is consideration of new petitions. As always, I say to people who might be joining us to hear their petition being considered for the first time that, ahead of our first consideration, we invite the Parliament's independent research body, SPICe—the Scottish Parliament information centre—and the Scottish Government to offer a preliminary view or to offer us any guidance. We take this action because, previously, that would be the first action that we as a committee agreed to take, which only delayed proper consideration of the petition.

Our first new petition is PE2050, which was lodged by Lee Watson on behalf of Ythan seal watch. This interesting petition calls on the Scottish Parliament to urge the Scottish Government to amend the current guidance on flying recreational drones on national nature reserves so that use is prohibited without a permit; that permits include a flight time, date and agreed flight path; that operation is in accordance with the drone code; and that advice on the legal status of the wildlife and habitats is provided.

The petitioner raises concerns that drones can be used both intentionally and unintentionally to cause disturbance to wildlife and can have a significant impact on the wellbeing of many species on national nature reserves, particularly on nesting birds and seal colonies.

Aviation matters—to which drones are subject—are reserved. As such, aviation legislation, including drone-specific legislation, is the responsibility of the UK Parliament. However, NatureScot has powers to make and enforce byelaws for national nature reserves under the Wildlife and Countryside Act 1981.

In 2018, NatureScot and the partnership for action against wildlife crime in Scotland—PAWS—raised concerns about wildlife disturbance by drones. The Scottish Government's response to the petition notes that existing law requires that licences are obtained where wildlife photography may disturb a protected species. The submission also states that the Scottish Government will ask PAWS to consider whether its guidance on drones and wildlife needs to be updated and republished.

Given the increasing prevalence of drones, and the potential consequences of that for wildlife—both well intentioned and ill intentioned—this is an interesting petition. What do colleagues think?

**David Torrance:** I wonder whether the committee would consider writing to NatureScot to ask for an updated view on concerns that it raised in 2018 about wildlife disturbance by drones; to ask how many complaints about drone use have been investigated since then and whether any of those were referred to Police Scotland; and to ask whether it would consider creating a byelaw prohibiting the use of drones on national nature reserves without a permit under the Wildlife and Countryside Act 1981.

I also wonder whether—this is probably key, convener—we could write to Police Scotland to ask whether there have been any prosecutions for wildlife crimes in Scotland related to drone use and, if so, how many, and how many police investigations into suspected wildlife crimes arising from drone use have taken place each year since 2018, and how many investigations have been reported to the Crown Office and Procurator Fiscal Service each year since 2018.

**Fergus Ewing:** I want to make one suggestion and to put one point on the record. The suggestion is that, because drones are fairly widely used for various purposes, many of them legitimate, we could also ask NatureScot—I accept Mr Torrance's recommendations—whether it would involve disproportionate costs to introduce such a licensing scheme. I am concerned that such a scheme may be difficult to operate in practice on grounds of cost, not least because NatureScot's budget is, apparently, to be slashed. Therefore, will it even be able to carry out the workload that it has? Frankly, I think that it might not be able to.

The point that I want to put on record, convener, is that these stories have another side. I have a constituent who was extremely concerned that drones were used, apparently at the insistence of a wealthy voluntary body—in fact, the wealthiest in Europe—with an interest in birds to carry out surveillance of locals who live near an area where that organisation felt that wildlife crime may be going on. The person felt that drones were being used to invade their privacy. I have raised the case with the Lord Advocate.

I make no judgment about the merits of that case or of any other—it is not for me to do that. However, it is for me to say that this story has two sides; it is not all one-sided. People in the countryside are quite concerned about the inappropriate use of drones by pressure groups with particular campaigning interests.

**The Convener:** I am grateful for all that. I wonder whether we might also write to the UK Government, since it is responsible for aviation. In this instance, I am quite interested to know its thoughts on a summarised version of the petition and the issues arising from it, and on whether there is a similar prevalence of drone use

elsewhere within the UK and whether that may lead it to think afresh about any regulation of drone use. Are we content with all that?

**Members indicated agreement.**

**The Convener:** Thank you very much. That was an interesting petition. We will keep it open and we will undertake the inquiries that we have just set out.

### **Children and Young People (Protection from Trauma) (PE2051)**

**The Convener:** PE2051, on improving the processes for protecting children and young people from traumatic incidents, was lodged by Dianne Youngson. The petition calls on the Scottish Parliament to urge the Scottish Government to establish a consistent and transparent reporting mechanism for incidents that affect the health of pupils in schools; to review and improve the existing guidelines for schools in dealing with at-risk pupils; to place in law the monitoring of reporting mechanisms, with ultimate responsibility being placed with the Scottish ministers and local authorities; and to reform the exclusions procedure to include consideration of whether exclusions may cause further harm.

On reporting and monitoring, the SPICe briefing notes that all schools and local authorities are expected to use the bullying and equalities module in the SEEMiS information system to record and monitor bullying incidents. However, Education Scotland's review found that the module is challenging to use and that national guidance is not being fully implemented, which leads to inconsistencies.

The submission from the Cabinet Secretary for Education and Skills highlights the getting it right for every child approach and, in particular, the role of a child's named person. She has also highlighted the counselling services that are in place throughout secondary schools, which are available for children who are 10 years old and over.

On exclusions, the 2017 national guidance is noted. That guidance states that exclusion should be used as a last resort and should be a proportionate response where there is no appropriate alternative, with the wellbeing of the individual being a key consideration.

Last year, the Scottish Government held a series of summits on relationships and behaviour in schools. The cabinet secretary provided an update on that work to Parliament in November and announced that a joint action plan will be developed to address the issues that had been raised. In that statement, the cabinet secretary also encouraged more accurate recording of all

incidents of inappropriate, abusive or violent behaviour in schools.

In view of the information that is before us, do members have any comments or suggestions for action?

**David Torrance:** Could the committee write to the Cabinet Secretary for Education and Skills to request a timeline for the development and publication of the joint action plan on relationships and behaviour in schools, and information about how the Scottish Government expects its call for accurate recording of incidents in schools to be achieved?

**The Convener:** Do colleagues agree to that approach?

**Members indicated agreement.**

**The Convener:** We will therefore keep the petition open and seek the information as set out by Mr Torrance.

### **Dog Boarding Kennels (Fire Safety) (PE2058)**

**The Convener:** PE2058, on requiring all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems, was lodged by Julie Loudon. The petition calls on the Scottish Parliament to urge the Scottish Government to improve fire safety in dog boarding kennels by mandating the installation of smoke detectors, smoke alarms and sprinkler systems.

The SPICe briefing explains that animal boarding establishments in Scotland must be licensed by local authorities under the Animal Boarding Establishments Act 1963. That act requires that, in determining whether to grant a licence, a local authority shall have regard to the need for securing that appropriate steps will be taken for the protection of the animals in case of fire or another emergency. Conditions set at a local authority level can include more detailed requirements. However, I very much doubt that sprinkler systems were too widely applied or even available in 1963.

The Scottish Government recently consulted on proposals to revoke the Animal Boarding Establishments Act 1963 and instead regulate animal boarding under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. Its response to the petition states that that approach is being considered and that it could provide a more cohesive and robust framework for ensuring the wellbeing of animals that are being cared for.

The issue and the petition are important.

**Maurice Golden:** I think that we should write to the Scottish Government to ask when its analysis

of the responses to its consultation on the licensing of activities involving animals will be published and whether it will give specific consideration to fire safety in the forthcoming animal boarding regulations. In that letter, it would be worth while highlighting rehoming centres, which are not boarding kennels but are similar facilities, with the caveat that the dogs in them do not have owners. Otherwise, they are essentially similar facilities and, I presume, the requirements would be the same.

I also wonder—I am relaxed about whether we should do this once we get a response to that letter—whether we should write to the Convention of Scottish Local Authorities about licensing requirements and whether local authorities would have the resources to check on the matter, as well as to the Scottish Fire and Rescue Service to find out how prevalent the issue is. It is clear that there is one case, but how often does that happen? For context, it is important to differentiate between rehoming centres and boarding kennels. That approach might provide us with an indication of how prevalent the activity is.

**The Convener:** Those suggestions seem to be very worth while.

**Fergus Ewing:** I support Mr Golden's suggestions, but will add one inquiry that should be made, although I am not quite sure of whom. Obviously, we have legislation on sprinklers in domestic flats—I think that that was introduced pre-Covid, around 2018. It has been drawn to my attention by a constituent of mine who is a builder or renovator of flats that, at that time, the estimated costs that were given for installing sprinklers were very modest. He told me that, for various practical reasons, those costs have risen astronomically such that, in his instance, they might even make the construction of flats unviable.

I thought that I would mention that because, if costs have risen several times—not just by £1,000 or £2,000, but by huge amounts—and we are to pursue the proposal, at an early stage we would need somewhere to get advice from about the costs to kennels and other establishments that Mr Golden mentioned. I thought that I should throw that in out of fairness and balance.

Just last week, I got a quite alarming letter from a constituent. We all want safety, but would a £100 smoke detector be as effective? That was his argument, rightly or wrongly. I voted to pass the sprinkler legislation, but it has turned out to be grossly more expensive than was estimated at the time.

**The Convener:** That is also a perfectly reasonable suggestion to make. We will take forward the petition, mindful of all the suggestions that colleagues have made.

I wonder who we should write to. What relevant dog agency might we take views from?

**Maurice Golden:** I do not know about boarding kennels. There is one at Happas, near Forfar. Edinburgh Cat and Dog Home deals with rehoming, and it might even have made an assessment. Dogs Trust has two places in Scotland.

**The Convener:** In view of Mr Ewing's comments, it might be worth our asking one or two relevant associations what they believe the consequence of the proposal would be and what existing fire safety measures they have in place, or about the regulations relating to all of that. There could be alternatives to sprinkler systems, and it might be worth while investigating those.

**Fergus Ewing:** I do not think that they are extremely profitable businesses.

**The Convener:** No. Okay. We can do that, too.

### Pedestrian Crossings (PE2059)

11:15

**The Convener:** PE2059, on ensuring that pedestrian crossings cannot be disabled without an equivalent safety measure being in place, was lodged by Lachlan McDowall. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation that requires that, during road works or at any other point where a pedestrian crossing is disabled or otherwise bypassed, measures to allow alternative pedestrian traffic flow are put in place, and any broken-down or otherwise disabled crossing is rectified or has an alternative in place within 24 hours of being reported. The petition was prompted by experience of a pedestrian crossing on a busy road outside a primary school being deactivated.

The SPICe briefing and the Scottish Government's response note that "Safety at Street Works and Road Works: A Code of Practice" requires anyone who is undertaking works that require a pedestrian crossing to be suspended to agree with the roads authority what, if any, alternative arrangements will be provided for users of the crossing prior to its suspension. It is also noted that those who are undertaking works are required to take specific consideration of the needs of pedestrians, particularly the needs of those with small children and pushchairs and those with reduced mobility. That includes visually impaired people and people who use wheelchairs or mobility scooters.

Do members have any suggestions?

**David Torrance:** Could the committee close the petition under rule 15.7 of the standing orders on

the basis that bodies that undertake road works are already required to consider the needs of pedestrians and must agree appropriate alternative provision with the roads authority before works take place, as set out in "Safety at Street Works and Road Works: A Code of Practice"?

**The Convener:** Do members agree to that approach?

**Members** *indicated agreement.*

**The Convener:** We will close the petition, but we can draw the petitioner's attention to the provisions that currently exist and to which there is recourse in the event of any pedestrian crossing being disabled.

That concludes the public part of our meeting. We will meet again on 6 March. We will now move into private session.

11:16

*Meeting continued in private until 11:45.*





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