



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 1 December 2021

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
8th Meeting 2021, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Bill Kidd (Glasgow Anniesland) (SNP)

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

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Marie McNair (Clydebank and Milngavie) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 1 December 2021

[The Convener opened the meeting at 10:01]

Interests

The Convener (Jackson Carlaw): Good morning and welcome to the eighth meeting in 2021 of the Citizen Participation and Public Petitions Committee. I have received apologies from our deputy convener, David Torrance, who is unwell. If you are watching, David, we wish you a speedy recovery, because we need you back. However, I am delighted to welcome in his place Marie McNair. As this is her first meeting as substitute, I have to ask whether she has any relevant interests to declare.

Marie McNair (Clydebank and Milngavie) (SNP): Thank you, convener. I declare that I am a councillor at West Dunbartonshire Council.

Continued Petitions

Lifeline Ferry Service (Campbeltown to Ardrossan) (PE1853)

10:01

The Convener: The next item is consideration of continued petitions. The first continued petition is PE1853, which has been lodged by Councillor Donald Kelly and Councillor Douglas Philand and calls on the Scottish Parliament to urge the Scottish Government to provide a lifeline all-year-round freight and passenger ferry service between Campbeltown and Ardrossan.

We last considered this petition at our meeting on 1 September, when we agreed to write to the Scottish Government. In the Scottish Government's initial submission to us, we were told that it was not operationally possible to extend the current operating period of the Ardrossan to Campbeltown service as there were no available vessels. It was noted that the Scottish Government has committed to securing two new ferries, which are currently under construction. Subject to a robust business case and funding, it might be possible to use one of the new vessels to provide a year-round Campbeltown service. The MV Sannox is due to be delivered between July and September of next year.

The petitioners themselves had also explored whether it would be possible to use an available vessel that was not currently part of the Caledonian MacBrayne fleet to provide the service. In its most recent submission to the committee, the Scottish Government suggested that suitable second-hand vessels were rare but that the recent purchase of—and I hope that I say this correctly—the MV Utne indicated a willingness on its part to consider this as an option. The Scottish Government also highlights the creation of the islands connectivity plan, which will be prepared as the successor to the 2013 to 2022 ferries plan.

The Government also states that determining the long-term future ferry requirements for Campbeltown will involve a community needs assessment, which will be carried out with communities and other stakeholders throughout 2022 for all Clyde and Hebrides ferry services and northern isles routes as part of the islands connectivity plan. It is expected that the plan will be published by the end of 2022.

Bearing in mind the subsequent submission from the Scottish Government, do members have any comments or suggestions?

Bill Kidd (Glasgow Anniesland) (SNP): Given what you have just outlined and the expected

delivery of a new vessel and consultation with communities next year, I suggest that we close the petition under rule 15.7 of standing orders.

The Convener: Does that meet with colleagues' approval?

Members indicated agreement.

The Convener: We will write to the petitioners to thank them for the petition, to detail the actions that have been outlined and to indicate that we will be closing the petition.

Taxi Trade (PE1856)

The Convener: PE1856, which has been lodged by Pat Rafferty on behalf of Unite the union, calls on the Scottish Parliament to urge the Scottish Government to protect the future of the taxi trade by providing financial support to taxi drivers; setting up a national stakeholder group with trade union driver representatives; and reviewing low-emission standards and implementation dates.

When we last considered the petition on 1 September, we agreed to write to the Scottish Government to raise concerns highlighted by the petitioner and to highlight his suggestions that funding be extended and incentive levels increased for drivers to upgrade their cabs; that there be greater clarity on exemptions to the low-emission zones and for taxi cabs to be considered exempt from LEZ charges in line with other forms of public transport; and that the Energy Savings Trust should increase the current £10,000 grant for liquefied petroleum gas retrofit by £2,500. We also sought further details of the national stakeholder group and the timescales associated with establishing it.

In response to the committee's most recent correspondence, the Scottish Government states that, in relation to increasing the grant offering to taxi drivers, funding and budget plans have already been set for the current fiscal year, and future funding rounds will be subject to the usual spending review process. The Scottish Government also provided further information about LEZ exemptions, noting that LEZ-compliant taxis are

"an important and valued part of the urban transport mix"

and stating that funding is available in the current fiscal year for operators wishing to take up the support on offer.

Finally, the committee might wish to note that the petitioner has been put in touch with the relevant officials at the Scottish Government to discuss engagement between Transport Scotland and the taxi sector.

In light of the Scottish Government's most recent submission and further contact from the petitioner, do members have any comments or suggestions for action?

Paul Sweeney (Glasgow) (Lab): Notwithstanding the Scottish Government's submission, I think that it would be appropriate to take further evidence directly from stakeholders in the sector, particularly taxi drivers. I understand from my casework that there are significant problems of lack of sufficient support and that that has led to the exit of a significant number of drivers from the sector, which, in turn, is having a substantial impact on the availability of taxis in Scotland's major cities and towns. On that basis, it would be worth conducting further investigation and seeking further submissions from relevant taxi owner associations and the relevant trade union branches.

Alexander Stewart (Mid Scotland and Fife) (Con): I agree with Paul Sweeney. There has been a mass exodus in some locations, with 20 to 30 per cent of the industry suffering through lack of resources. We have an opportunity to take some evidence and find out exactly what is happening on the ground, and that will help us assess how we progress with the petition.

The Convener: I think that I am right in saying that taxi drivers operate under licences from local authorities, so we could write to the Convention of Scottish Local Authorities for an audit of the number of licence holders prior to the pandemic and the current number. That would indicate the strength of licence holders on the ground, which I think would be helpful.

I take Paul Sweeney's point, so I think that we will take evidence on this matter. It would be quite nice to get some geographical representation; I do not know whether the taxi associations will be able to give us a steer on this matter, but it would be useful to hear from the wider country. I realise that we cannot hear from every local authority, as that would make things quite busy. We will write to people in the first instance, but I think that we will end up taking evidence directly.

Upland Falconry (PE1859)

The Convener: PE1859, which has been lodged by Barry Blyther, is about retaining falconers' rights to practise upland falconry in Scotland and calls on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

This is another petition that we previously considered at our meeting on 1 September. Members might wish to note that we have

received 18 submissions in connection with this petition, with two additional late submissions being shared with the committee only yesterday.

The Scottish Parliament information centre briefing accompanying the petition explains that, following the passage of the 2020 act, mountain hares are a protected species under the Wildlife and Countryside Act 1981 as amended. That means that it is illegal to intentionally or recklessly kill, injure or otherwise take a mountain hare at any time of year, apart from under specific circumstances where a licence can be obtained. That means that mountain hares can no longer be hunted in the course of falconry practices such as game hawking, where birds of prey are flown to hunt small mammals or other birds, unless it is for a licensable purpose such as forestry.

The petitioner references the Animal Health and Welfare (Scotland) Act 2006 and Scottish Society for Prevention of Cruelty to Animals and Royal Society for the Prevention of Cruelty to Animals guidance, and states that there is a legal obligation to allow freedoms to trained captive-bred birds of prey, including the freedom to express the natural behaviours of the species. The petitioner believes that the current legislation is taking that freedom away.

That is the area about which the committee is uncertain. How does one demonstrate the freedom to express natural behaviour? The Scottish Government states in its latest submission that it does not believe that the current licensing scheme for the control of mountain hares impacts

“on the ability of falconers to enable their birds to exhibit normal behaviour patterns”

because they can still be used to

“take mountain hares for other purposes where carried out under a licence granted by NatureScot”—

for example, preventing serious timber damage or natural habitat conservation—and legally hunt other species such as grouse and rabbits. The petitioner estimates the number of mountain hares taken through falconry each year at 1,000 and notes that that is less than 4 per cent of the average quoted numbers previously accounted for by shooting.

Other submissions that we received point out that birds of prey will not differentiate between species such as mountain hare and rabbits, and that falconers risk prosecution if their bird takes mountain hare. That is one of the questions that I cannot satisfactorily answer. How is a bird of prey to understand the difference between a mountain hare and a rabbit? This seems circular to me; where do members think we should go next? Does anyone wish to offer a view?

Bill Kidd: It may do no harm to raise the question of whether falcons and other birds of prey can differentiate—obviously, they cannot—between hunt species and ask what the petitioner’s response is to that question.

The Convener: That is reasonable. We could ask that question and raise the issue of the circumstances in which those falconers might be likely to face prosecution. It would be reasonable to try to understand that issue. It is not the principle that is the issue but the practice of asking the bird to differentiate. I do not know whether the response would be that the falconer should be able to differentiate, but a bird of prey in the air sighting prey on the ground is not necessarily under the control of the falconer—it is hunting.

Bill Kidd: To be honest, I do not know anything about falconry other than the broad outline, but the issue here is how falconers can maintain their work without causing damage to protected species. The falconers’ response to that would be interesting.

The Convener: I am happy to pursue that. I can see us taking evidence with a bird of prey in the room. That would add a bit of novelty to proceedings.

Cancer Blood Tests (PE1863)

10:15

The Convener: The next petition, PE1863, which was lodged by Michael Campbell, calls on the Scottish Parliament to urge the Scottish Government to provide mandatory annual cancer blood tests to people from the age of 55. When the petition was previously considered on 1 September, we agreed that we would write to various stakeholders to ask for their view on the petition. Those stakeholders included the United Kingdom National Screening Committee, which is the independent scientific advisory body that advises ministers on matters of population screening, including any proposal to consider a single blood test to detect cancers. The UK National Screening Committee’s submission notes that it

“has not looked at the evidence to screen for cancers using a single blood test.”

However, its call for topics to consider runs from September to December each year.

Cancer Research UK notes that there are currently no blood tests that can

“reliably detect the early signs of cancer in people without symptoms”,

and it suggests that a “lot more research” would be required before such a test could be used in cancer screening. Cancer Research UK also

provides information about a large screening trial on a single blood test, which it believes will be “crucial” in answering whether such a test can find cancer, whether it can do so at an earlier stage and whether it can avoid causing undue levels of harm. Cancer Research UK concludes:

“Regrettably we cannot endorse this petition, but we hope that it will not be too much longer before a general cancer blood test suitable for use in cancer screening becomes available.”

It looks as though the petitioner’s aims might be feasible at a later date, but we cannot find any advisory body that wishes to pursue the matter at the moment. On the basis that there is no such test at this time, I am minded to suggest to colleagues that we close the petition under rule 15.7. In doing so, we could say to the petitioner that there is an expectation and a hope that such a test might be possible in the not-too-distant future. We could also write to those in the national health service who are running the Galleri trial, to see what information they have for us to consider.

Wheelchair Users (Improvements to Bus Travel) (PE1866)

The Convener: The next petition, PE1866, which was lodged by Daryl Cooper, calls on the Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users are able to face frontwards when travelling on a bus. The petition was previously considered at our meeting on 8 September—I am pleased that we have moved on from our meeting on 1 September.

At that meeting, we decided to write to the Scottish Government to seek clarification on whether a requirement to provide forward-facing wheelchair-accessible spaces on buses could be addressed via non-legislative means. The Scottish Government had previously stated that the matter is reserved and, in its response, the Government reiterates that the Public Service Vehicles Accessibility Regulations 2000 are reserved legislation. The UK Government has committed to a review of the regulations by the end of 2023.

The Scottish Government notes that the provisions in the Transport (Scotland) Act 2019

“operate in such a way as to place the setting of any service standards for local bus services within the competence of local transport authorities”,

and that

“Whilst there is no provision for Ministers to intervene directly, we would expect local transport authorities and bus operators to work closely together to ensure that the required service standards meet the needs of local communities including people with disabilities.”

In the light of what we have heard, do members have any comments or suggestions for actions?

Paul Sweeney: I do not find the Scottish Government’s response remotely convincing. There are extensive means by which ministers in Scotland can exert influence on the bus sector to change its practices, given the significant level of public funding that the sector enjoys, which is vital to its operation.

Furthermore, it seems like a bit of a cop-out for the Government to say, on the one hand, that the regulations are reserved and, on the other, that the operating administration is dealt with by local councils. That is not convincing. The Government is basically trying to bat away the issue. More can be done, and more scrutiny is required.

My Glasgow region colleague Pam Duncan-Glancy has given testimony that she has had significant issues with access to buses in Glasgow. In particular, First Bus Glasgow has a policy that only one wheelchair user is permitted per bus. Her husband is also a wheelchair user, so they are regularly split up and have to take two different buses to get somewhere by public transport. That seems appalling, given that there is adequate space on buses for both wheelchairs. Apparently, the company does that in order to preserve space for a potential pram user.

Those things are problematic and need further investigation, so I am minded to invite our colleague to address the committee on this and potentially consider additional submissions.

Alexander Stewart: I agree with that. Although we were advised that a review will take place by 2023, there is a duty of care for transport authorities and bus operators to ensure that individuals are not discriminated against if they attempt to use transport in situations similar to the one that Paul Sweeney has just described. We should investigate other ways to take further evidence from individuals who have experienced that kind of situation, to see whether we can clarify the situation and put some pressure on.

The Convener: Yes, I am happy to do that. The Parliament has a proud record of support for wheelchair users. In my first parliamentary session, Trish Godman led on the subject of bespoke wheelchairs. At that stage, Scotland provided a very poor service, but the Scottish Government introduced significant additional funding, which has transformed the lives of many people. However, sometimes, we forget that those better, bespoke wheelchairs have to be able to be deployed in a practical way in order for the individual to get the additional access. Some things are out of sight and out of mind. We have previously heard about issues relating to taxi access for people with wheelchairs, but there is something here for us to hear about as well and I would welcome any evidence that our colleague Pam Duncan-Glancy might be able to give to the

committee. I suggest that we hold the petition open on the basis that we hear from her, and see whether that stimulates anything further that we might be able to do. Are we agreed?

Members indicated agreement.

Autistic Pupils (Qualified Teachers) (PE1870)

The Convener: The next continued petition is PE1870, which was lodged by Edward Fowler. It calls on the Scottish Parliament to urge the Scottish Government to introduce legislation that requires teachers of autistic pupils to be appropriately qualified, in order to improve educational outcomes. The petitioner states that he

“would like the education authority only to employ teachers with an appropriate autism qualification to teach pupils with autism.”

The petition was last considered at our meeting of 22 September. At that meeting, we decided to write to the Scottish Government to seek an update on progress that has been made against the “Additional Support for Learning Action Plan” and to write to key stakeholders to seek their views.

Since the petition was last considered, we have received a number of stakeholder submissions, which are summarised in the committee papers and make a number of suggestions for how teaching provision for children with autism could be improved.

Scottish Autism notes that

“There is currently a lack of alternatives for young people who cannot thrive in mainstream school”

and that

“inclusivity can only be achieved with a sound understanding of autism, comprehensive individual profiling, flexible teaching practice and low-stress environments.”

The National Autistic Society Scotland highlights a survey of over 1,400 parents, of whom 72 per cent suggested that

“staff having a better understanding of how their child’s autism affects them, including their communication needs, would have made a difference to their child.”

The Cabinet Secretary for Education and Skills has provided a written submission that notes many of the developments that have taken place—or are planned—in relation to the petition’s aims. That includes new content for initial teacher education on autism. Earlier this month, the cabinet secretary shared with the committee a copy of an updated “Additional Support for Learning Action Plan” and progress report, and noted that the action plan is next due to be updated in spring 2022.

Do members have any comments or suggestions for actions?

Marie McNair: I think that a lot more discussion of the petition is required. I did not see the views of the teaching unions in the documents, so I suggest that we invite the unions along to give evidence or ask them for written submissions.

The Convener: Thank you. As colleagues have no other suggestions, I think that we all agree with that. In the first instance, we will write to the teaching unions and get their parallel evidence in relation to the evidence that we already have and see where that takes us. It may well be that it leads to our agreeing to take further evidence on the petition at a forthcoming committee meeting.

Members indicated agreement.

Scottish Qualifications Authority (PE1875)

The Convener: The final continued petition is PE1875, which was lodged by Jordon Anderson and calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions of the Scottish Qualifications Authority during the academic years 2019-20 and 2020-2021.

We last considered the petition at our meeting on 22 September 2021, when we decided to write to the Scottish Government to clarify whether the remit of the public inquiry into Covid-19 will include consideration of the SQA’s actions. The Scottish Government has now responded. It states that there was public engagement earlier this year on a draft aims and principles paper for the inquiry. That will help to inform the terms of reference for the inquiry, which will be agreed between ministers and the inquiry’s chair, once they have been appointed. The Scottish Government concludes by saying that

“decisions about the scope of this Scottish public inquiry are yet to be taken”

and that

“this includes matters raised in this petition.”

It therefore makes sense to leave the petition open until we have some clarification of whether the inquiry will take into account SQA review as part of its work. We will keep it open on that basis.

Members indicated agreement.

New Petitions

Inheritance Law (Estranged Spouses) (PE1904)

10:26

The Convener: Agenda item 2 is consideration of new petitions. I make it clear to anybody who has lodged a petition and who may be looking in this morning that we have, as a course of practice, sought the Scottish Government's views on the petition and sometimes also considered a range of other submissions that have been sought or received. We therefore come to the discussion not blind but having had the opportunity to read some background material in relation to petitions that have been submitted.

PE1904, which was lodged by Christina Fisher, seeks to change Scots law to disqualify estranged spouses from making claims on an estate. It calls on the Scottish Parliament to urge the Scottish Government to define in law the difference between a legally married cohabiting couple and a legally married non-cohabiting couple for the purposes of ensuring that an estranged spouse cannot inherit their spouse's assets.

The SPICe briefing accompanying the petition sets out the current legal position in relation to inheritance law in Scotland. It notes that section 1 of the Succession (Scotland) Act 2016 sets out that, where a person has made a will, when that person gets divorced or their civil partnership is dissolved, any provision in a will benefiting their former spouse or civil partner ceases to apply. However, there is no equivalent statutory provision in section 1 covering the situation where the person is estranged from their spouse or civil partner, but there has been no divorce or dissolution of the civil partnership. There is also no provision covering where a person has made a will benefiting their cohabitant, but the cohabiting relationship later breaks down.

In its submission, the Scottish Government states that it has carried out consultation to keep the law of succession under review, with the most recent consultation analysis published in May 2020. It notes that

“while the law of succession affects everyone it can also divide opinion”,

and that

“there must be some degree of consensus on what reforms will deliver outcomes that are appropriate for the majority of people in Scotland.”

The petitioner's anomaly is actual. In light of that, what comments might colleagues wish to make?

Alexander Stewart: There is scope for us to ask the advice of organisations—possibly the Law Society of Scotland and the Family Law Association—that may be able to give us some views on the scope of what the petition is trying to engage with. As a first stage, it would be useful for us to clarify and take more evidence on the process.

The Convener: I would like to write to those organisations on the basis that it appears that the anomaly exists. We would be interested in their confirming that that is the case and what they see as the potential risk to justice arising from that. We could add the Faculty of Advocates and the Scottish Law Commission to the list of organisations that we will write to.

Are there any other comments?

Paul Sweeney: I agree with that. I do not know whether it is easy to define in law at what point estrangement takes place. I do not know whether that is clearly defined in legislation, so that might be the complexity that arises from the petition.

The Convener: Yes. Although the word “estrangement” sounds quite formal and technical, it is perhaps not legal. Therefore, it could mean different things to different people. It would be useful to obtain evidence on that.

Child Sexual Abuse Allegations (Religious Organisations) (PE1905)

10:30

The Convener: PE1905, on the response of religious organisations to allegations of child sexual abuse since 1950, has been lodged by Angela Rosina Cousins on behalf of UK XJWs Support. It calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.

The petitioner is a survivor of child sexual abuse who believes that she was failed by people in her church when she reported her abuse. She has provided further details of her experiences in a late submission, which has been shared with the committee. She calls for an investigation into the response of religious organisations that were informed about allegations of abuse against children who were not in care.

The petitioner argues that the scope of the current Scottish child abuse inquiry is too narrow, as it is able to investigate only the abuse of children in care. In contrast, the independent inquiry into child sexual abuse in England and Wales has powers to investigate abuse in religious

organisations generally and the inquiry recently published a report on the topic.

The Scottish Government states that there was extensive consultation and engagement with abuse survivors in relation to the Scottish child abuse inquiry's remit and acknowledges that

"there was not unanimity on the extent of the remit amongst survivors, and that some wished for the remit to be broadened."

In 2016, the Deputy First Minister addressed this issue directly, stating:

"If we set a remit that, in practice, would take many more years to conclude, we fail to respond to the survivors of in-care abuse who have taken us at our word, in Government and in Parliament, that we will learn from their experience and, by addressing the systematic failures that existed, ensure that it can never happen again."—[*Official Report*, 17 November 2016; c 41.]

The Scottish Government states that it has no plans to reconsider the remit of the Scottish child abuse inquiry.

Do members have any comments or suggestions for action?

Paul Sweeney: The petitioner's submission is harrowing and it would be good to invite her to give evidence orally to the committee if possible. That would be an appropriate first step.

Alexander Stewart: There is no doubt that there is scope to do work on the petition, because of the situation. As the Scottish child abuse inquiry has a narrow remit, to ensure that survivors do not feel they are not being listened to or that their experiences are not being acted upon, it would be useful for us to take some more evidence on the matter to clarify it. The last thing that we want is for survivors to feel that, under the circumstance that we have in Scotland, they are not being given parity with what is happening in other parts of the United Kingdom. There is currently a belief that that is the case. For that reason alone, we need to be open and up front about the matter.

Bill Kidd: I agree with my colleagues.

The Convener: We will invite the petitioner to give evidence. I wonder whether there is any information that we might obtain from the independent inquiry into child sexual abuse in England and Wales on how it has determined the scope of its inquiry and is going about exercising its powers, as well as what additional complications have arisen for it in the light of that. We could notify the Scottish Government that we are inviting the petitioner to give evidence and let it know when that takes place, so that it is aware, and we could indicate that we might be minded to invite the Deputy First Minister to give evidence subsequent to the petitioner.

Members indicated agreement.

The Convener: Marie, did you hope to come in as well?

Marie McNair: No, I am okay. I am in agreement with the rest of you.

The Convener: Thank you.

Funded Early Learning and Childcare (PE1907)

The Convener: The next petition is PE1907, which has been lodged by Claire Beats. It calls on the Scottish Parliament to urge the Scottish Government to provide funded early learning and childcare for all two-year-olds and remove eligibility criteria for access to services. The petitioner notes that

"availability of early learning and childcare funding for 2-year-old children depends on certain eligibility criteria, such as their parents being in receipt of benefits or being vulnerable."

As an early years practitioner, the petitioner suggests that

"lockdown babies",

in particular,

"have suffered from lack of play experiences, meeting peers, and opportunities that other children have always had."

She suggests that funded early learning and childcare for all two-year-olds

"will greatly increase their potential",

as well as helping parents who may be struggling financially as a result of the pandemic.

As with all new petitions, we sought the views of the Scottish Government. It suggested that current eligibility criteria for funded early learning and childcare is targeted towards those children who would benefit from it most. It also pointed out that local authorities have a discretionary power to offer funded places to a wider range of children, depending on individual need. The Scottish Government concluded by highlighting that, in this year's programme for government, it has committed to expanding an early learning offer to all one and two-year-olds, starting in this parliamentary session with those from low-income families.

Do colleagues have any comments or suggestions? Are we minded to write to stakeholders to understand their views? Early Years Scotland, the National Day Nurseries Association, Parenting Across Scotland and COSLA are the obvious ones that come to mind. Do we agree to write to them?

Members indicated agreement.

Fire and Smoke Alarms (PE1910)

The Convener: PE1910, which was lodged by Ian Nicol, calls on the Scottish Parliament to urge the Scottish Government to introduce an exemption for smaller houses from the requirement to have interlinked smoke and fire alarms fitted, which comes into force in just a few months' time, in February 2022.

The SPICe briefing that accompanies the petition explains that the Housing (Scotland) Act 2007 sets out a basic standard of house condition called the "tolerable standard", which will be amended in February 2022 to include ceiling-mounted and interlinked smoke and heat alarms. Carbon monoxide alarms are also included, where appropriate. The legislation does not provide for any exemptions from the requirements, although the guidance acknowledges that

"it may not be practical to fit fire and smoke alarms to this exact standard",

depending on the layout and design of the building.

The Scottish Government's rationale for the new requirements is that interlinked systems alert occupiers immediately to fire in their homes. It acknowledges that, during the daytime, an occupier in a small house would hear unlinked alarms. However, it notes that unlinked systems are not sufficient to ensure that an occupier would be woken quickly during the night. It explains that the new requirement will bring all homes to

"the same level of protection"

that is currently mandatory

"in new build homes throughout the UK and in private rented homes in Scotland."

The petitioner has responded to the Scottish Government's submission and notes a number of concerns, which are that the requirement is not mandatory throughout the UK and it is unclear what the consequences of non-compliance are; that there are shortcomings with battery-operated alarms; and that there are cost implications for home owners that may be particularly challenging for those on low incomes.

Has any of us not been woken in the middle of the night by a battery that has gone flat in such a device and found it almost impossible to disconnect? I think that the newer models are more efficient.

Do members have any comments?

Bill Kidd: I have seen what the Scottish Government has said that its intention is, how it is approaching the matter and to whom it has spoken about it. Even so, it would not do any harm for us to write to the Scottish Government to ask for a review of the effectiveness of the current financial

support that is offered to ensure that all occupiers have the capacity to meet the regulatory requirements and be kept safe. I think that there is still some confusion among the general public, and it would not do us any harm to do that.

The Convener: I have a small parallel concern, having spoken to elderly constituents, in particular, who have only just lately become aware of all this. They are slightly worried about the bona fides of people who might fit such devices. Previously, we have had concerns about the elderly being preyed on by some, and I would like to get an understanding from the Scottish Government of what security there is and whether it feels that appropriate advice on the matter has been given to all households. I know that that does not fall within the scope of the petition, but it is a related point of concern.

Thank you for your comments, Mr Kidd. Do members agree with the suggested action?

Members indicated agreement.

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

The Convener: Our final petition is PE1911, which has been lodged by Ann McNair. It calls on the Scottish Parliament to urge the Scottish Government to review the Human Tissue (Scotland) Act 2006 and relevant guidance to ensure that all post mortems can be carried out only with the permission of the next of kin; that brains are not routinely removed; and that tissues and samples are offered to next of kin as a matter of course.

I would like to start by immediately acknowledging the very difficult circumstances in which the petitioner brings us her petition and which have been detailed in the petition and the submission. The petitioner's child died suddenly and underwent a post mortem that was much more extensive in nature than the petitioner had originally thought it would be, and which involved the removal of tissue from her child. The petitioner was told that tissue samples

"belonged to no particular person"

and would be held as part of medical records.

The petitioner also notes that it took her 10 months to locate her child's tissue samples and that

"No-one seemed to know where these samples were being held".

She also says:

"I felt these tissue samples were still part of my child."

She highlights that practice in Scotland is different from that in the rest of the United Kingdom, where

tissue samples are automatically offered back to the family.

The Scottish Government's submission sets out the different types of post-mortem examinations that are carried out in Scotland and explains how tissue samples are collected and stored. The submission states:

"Tissue samples are a very small part of an organ"

and are "chemically treated" to

"produce a tissue block ... from which a very thin section can be cut by a biomedical scientist."

The Scottish Government also notes that, if a nearest relative requests the return of tissue blocks,

"any reasonable request will be treated sympathetically by the Procurator Fiscal."

However, if there are "suspicious circumstances", the procurator fiscal might need to retain tissue for further investigation.

The committee has also received a submission from the Scottish Council of Jewish Communities on the petition, which is summarised in members' papers.

Do members have any comments or observations?

Bill Kidd: This is not a throwaway comment, but I think that it is perfectly understandable that the relatives of a deceased person would want that person to be treated with as much dignity as possible.

On the back of what has already been stated, we should probably write to the Scottish Government to ask what consideration it has given or plans to give to the automatic return of tissue samples or to the seeking of authorisation for the retention of samples, in line with practice in other parts of the UK.

The Convener: It is that aspect of the petition that I think we would seek to explore, given that the legal position with regard to the procurator fiscal having to seek permissions and so on is not likely to proceed.

Alexander Stewart: There is real sympathy with the petitioner, and we need to take note of the harrowing nature of her experience and circumstances.

I acknowledge what you have said about the position of the procurator fiscal, convener, but I think that there is scope for us to ask the Royal College of Pathologists and others for guidance on where the request in the petition would sit.

Paul Sweeney: I am sympathetic to the petitioner's requests, which are clearly personally significant. I note the legislative change with

regard to organ donation, which has created an opt-out system, and I do not see why the same principle cannot apply to all forms of post mortems or physical interventions on the body. There could be a system of proactive consent, whereby the next of kin could express their desire that such things did not take place. That is what happens with organ donation, which people now have to opt out of, and we could have a look at how those two issues interact.

The Convener: Thank you. The clerks have noted those comments. Do members agree to keep the petition open and write as colleagues have suggested?

Members indicated agreement.

The Convener: That concludes our consideration of new and continued petitions. Our next meeting is on Wednesday 15 December, and I thank our guest or substitute colleague Marie McNair for attending.

Meeting closed at 10:46.

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