



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 28 February 2023

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
6th Meeting 2023, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Pam Duncan-Glancy (Glasgow) (Lab)

*Pam Gosal (West Scotland) (Con)

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*attended

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 28 February 2023

[The Convener opened the meeting at 10:02]

Petition

Makaton Sign Language (Legal System) (PE1787)

The Convener (Joe FitzPatrick): Welcome to the sixth meeting in 2023 of the Equalities, Human Rights and Civil Justice Committee in session 6. We have one public item on our agenda this morning: consideration of continued petition PE1787, on the use of Makaton sign language in the legal system. I refer members to paper 1.

Members will recall that we took evidence from the petitioner, Sandra Docherty, at our meeting on 13 December last year, after which we agreed that the clerks would write to Scottish Government officials for their initial thoughts on the evidence. The clerk's note summarises the Scottish Government's response, which is included as an annex to paper 1. It notes that the Scottish Government highlights a range of measures that enable the provision of communication support within the legal system and suggests that perhaps a wider range of support is needed than Makaton alone can provide.

Members will recall that, during the evidence session, we discussed whether there was any data on the numbers of Makaton users and support providers. The Scottish Government response points us towards the office of the public guardian in Scotland and the Mental Welfare Commission for Scotland, which might hold the relevant information. The clerk's note also provides us the option of writing to the Scottish Courts and Tribunals Service and Police Scotland, to establish whether they have any records on this area. The Scottish Government also draws attention to recommendation 5.1 of the recent report by the Scottish Mental Health Law Review, and offers to keep the committee updated in relation to its response to that recommendation.

I think that the response from the Scottish Government is relatively helpful. It is now for us to decide how we want to take the petition forward, or whether we want to close it.

Karen Adam, do you want to come in first?

Karen Adam (Banffshire and Buchan Coast) (SNP): Thank you, convener.

I am grateful to Sandra Docherty, the petitioner, for bringing the petition to the committee. She has done an exceptional amount of work to get it this far. I think that she has also widened the conversation around Makaton. The petition has made many people, specifically elected representatives, aware of the issue.

My only concern with regard to the petition is that I feel that its scope is so narrow that it could limit the potential for what the committee could do with regard to Makaton. I would like us to do a broader piece of work, and I am not quite sure that we can do that with the petition.

The Convener: I think that the committee could take the decision to broaden the scope of work that has been inspired by the petition.

Maggie Chapman (North East Scotland) (Green): I agree with the sentiment that Karen Adam just expressed. Because of the petition, we have been able to consider Makaton and some other issues that we might not have considered before.

Thinking specifically about the petition, I know that we can close it, keep it open or widen the work around it. My concern with closing it now, as it stands, is that I am not sure whether that closes the loop for the petitioner. We sent her the Scottish Government's response, but I would like to give her the opportunity to come back to us with any final comments.

I also think that there is something in that wider work that Karen talked about. The balance that we see in the papers between the issues of accessibility and judicial rigour is really important—the line is quite narrow, in some ways. I would like to see us explore, not only in the area of justice but in other areas, how we can bring Makaton much more into our understanding of accessible communication and the knock-on consequences for the public services that we rely on.

I would like us to keep the petition open for now in order to give Sandra Docherty an opportunity to come back to us, but I would also like us to say that we see the petition as kicking off a wider body of work. Then, in the coming weeks or months, or however long it takes, we can see how to take that forward.

The Convener: Okay. I call Fulton MacGregor.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I agree with what Karen Adam and Maggie Chapman have said. At this point, I think that, ultimately, we need to close the petition, but we need to keep Sandra Docherty involved in that loop and let her know exactly what we are

thinking about—that there is more work to be done. That would be ideal. It would give us time to develop what that work might look like, get feedback on that from Sandra and other stakeholders, and then progress it.

Like other colleagues, I want to put on record my thanks to Sandra. She came in front of the committee and was absolutely fantastic—her passion for this area was there for all to see. We need to put that on the record. She has done a really good thing by bringing the issue into the public domain and giving us the impetus to take it further and to make life better for people.

I am not overly comfortable with closing the petition today, but I think that we need to get to that point; we probably just need to do a wee bit more work to get there, though.

The Convener: Thanks, Fulton. I call Pam Duncan-Glancy.

Pam Duncan-Glancy (Glasgow) (Lab): I would also like to put on record my thanks to the petitioner for drawing this really important issue to the attention of not just this committee but other committees and, indeed, the Parliament.

I am particularly concerned about the issues that have been raised about people who have been victims of, or witnesses to, crime and who felt unable to present what they had seen or experienced because of a lack of support to communicate in the way that they needed. It is really important that we do a bit of extra work before we close the petition.

I am keen that we explore what the Scottish Courts and Tribunals Service is doing, what Police Scotland's understanding is and what local authorities are doing around the use of an appropriate adult in situations where a person needs support to communicate with the police.

Once we have established those lines of communication and enabled that work to continue, we will be in a position to say that we can close the petition. I feel that we need to do that little bit extra work and then we will get there.

Again, I would like to say thanks very much to the petitioner.

The Convener: Thank you. Do Rachael Hamilton or Pam Gosal have comments?

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): My fellow committee members have covered most of what I was going to cover. I thank the petitioner. I do not support closing the petition at this stage, and I support exploring other avenues that are wider than what the petitioner has set out.

Pam Gosal (West Scotland) (Con): I agree with Rachael and with everything else that has

been said. I put on record my thanks to the petitioner as well.

I do not know whether this has been mentioned, but I have made a note that we should write to the office of the public guardian or the Mental Health Welfare Commission for Scotland for information on the number of Makaton users and the level of demand for interpreters. We should also write to the Scottish Courts and Tribunals Service and Police Scotland to learn how many requests they have received for the provision of Makaton interpreters. We should do just a little bit more exploring, as everyone else has been saying, while we keep the petition open.

The Convener: That is good enough. I think that Karen Adam mentioned us perhaps linking in with the Education, Children and Young People Committee on that wider aspect. Makaton is an amazing tool for folk who have no other means of communication. I guess that there is a question whether the maximum number of people who could benefit from that means of communication are able to access Makaton in the first place.

The committee is unanimously of the view that we should keep the petition open for now but definitely widen our work in this area. We will write to the Mental Welfare Commission for Scotland, the Scottish Courts and Tribunals Service, Police Scotland, the Convention of Scottish Local Authorities and the office of the public guardian. We might also have a chat with our colleagues on the Education, Children and Young People Committee about what further work we can do. We will develop our work going forward, but for now we will keep the petition open.

Again, we thank Sandra Docherty very much for bringing this very specific area, as well as the wider area of Makaton in general, to the committee's attention.

10:12

Meeting continued in private until 11:04.

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