



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 8 November 2023

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

16th Meeting 2023, 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:

Cara Cooper (Scottish Government)

Natalie Don (Minister for Children, Young People and Keeping the Promise)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 8 November 2023

[The Convener opened the meeting at 09:34]

Continued Petitions

Looked-after Young People (Aftercare) (PE1958)

The Convener (Jackson Carlaw): Good morning, and welcome to the 16th meeting in 2023 of the Citizen Participation and Public Petitions Committee. Our first agenda item is consideration of continued petitions. The first of those is PE1958, on extending aftercare for previously looked-after young people and removing the continuing care age cap. The petition was lodged by Jasmin-Kasaya Pilling on behalf of Who Cares? Scotland, and I am delighted to see that Jasmin, who gave evidence at a previous meeting of the committee, is in the public gallery today.

The petition calls on the Scottish Parliament to urge the Scottish Government to extend aftercare provision in Scotland to previously looked-after young people who left care before their 16th birthday, on the basis of individual need; to extend continuing care throughout care-experienced people's lives, on the basis of individual need; and to ensure that care-experienced people are able to enjoy lifelong rights and achieve equality with non-care-experienced people. That includes ensuring that the United Nations Convention on the Rights of the Child and the findings of the Promise are fully implemented in Scotland.

We last considered the petition back in May. Following that session, I am delighted to welcome to the meeting Natalie Don, the Minister for Children, Young People and Keeping the Promise, and, from the Scottish Government, Sarah Corbett, the care experience policy manager, and Cara Cooper, the head of the unit for a good childhood. Thank you all for joining us. As I said, we also have the petitioner with us in the gallery.

Minister, I understand that you want to say a few words in opening, before we move to questions. I am delighted for you to do that. Over to you.

The Minister for Children, Young People and Keeping the Promise (Natalie Don): Thank you, convener, and good morning, all. I am grateful to the committee for inviting me to give evidence. I welcome the opportunity to discuss the proposals in PE1958 to extend aftercare for previously

looked-after young people and to remove the continuing care age cap.

I understand that the committee first discussed the petition on 31 May 2023 and that members listened in particular to the importance of ensuring that individuals are aware of their rights. The commencement of the incorporation of the United Nations Convention on the Rights of the Child into Scots law gives us all, across the chamber, a golden opportunity to continue to promote public awareness and understanding of the rights of the child and the entitlements of those leaving care to the right help and support.

Listening to the challenges that are experienced by our young people who move on from care must and will continue to inform our approach to reducing the variation in the support that they receive.

Two weeks ago, it was care experience week. Appropriately, given the focus of what the committee heard in its previous session on the petition and some of what we will no doubt discuss today, the theme for this year's events was lifelong rights for care-experienced people. The First Minister and I attended different events at which we met young people with lived experience and some practitioners who work alongside them. I have been really moved by many of the meetings and discussions that I have had so far with our care-experienced community. Equally, I have been wholly impressed with their passion and dedication to help to ensure that their experiences influence positive change for others.

During care experience week, the Scottish Throughcare and Aftercare Forum, which is known as STAF, launched its 100 days of listening consultation to understand what people with experience of care—and the workforce that supports them—need and want to happen for the Promise to be kept. I am pleased to say that my officials are working in close partnership with STAF to take forward that work. We are actively listening to people with lived experience to understand what it will take to remove the stigma and barriers that our care-experienced community face, so that they can achieve equality with their non-care-experienced peers.

In this year's programme for government, we committed to launching a public consultation on what the broad package of support for care-experienced young people should include to support them into adulthood. The consultation will be launched in spring 2024 and will build on what we hear through the 100 days of listening consultation.

I want to reassure the committee that we are determined to review and co-design the policies and supports for people with experience of care

alongside those with lived experience, so that we get it right for our young people and that they feel loved, cared for and respected and can flourish into independent adults.

We recognise the particular financial challenges that our care-experienced young people face when they move on to independent adult living, which is why, on 26 October, the First Minister announced our plans to consult on a care leaver payment of £2,000, to help young people transitioning from care to independent living.

I am acutely aware that our work across Government to keep the Promise requires a cohesive and co-ordinated approach across all our care, health, education and justice services, and I am extremely grateful to the carers, the workforce, the agencies and the stakeholders who work hard to provide the best environment for our children and young people in care. I also put on record my admiration and appreciation for the young people themselves, many of whom I have met during my time in this role, who continue to share their experiences of care and to champion the rights of people with care experience.

Finally, I welcome the committee's interest in the petition, and I will be happy to answer any questions that members may have.

The Convener: Thank you very much, minister.

We most recently considered the petition on 31 May, when we reflected on the evidence that we had taken in April from the petitioner and from Who Cares? Scotland, CELCIS, the Children and Young People's Commissioner Scotland and The Promise Scotland. That was a striking round-table session, which persuaded the committee of the fundamental decency and drive of Jasmin's petition.

I think that you have already answered this question but, to open the discussion, will you provide a clear assertion of where the extending of eligibility for continuing care and aftercare through legislation sits in the Government's priorities?

Natalie Don: As I said in my opening remarks, the care that people receive is inconsistent, and we need to work on that. It is important that we listen to what young people and care-experienced people need.

I want to make it clear that "aftercare" refers to the advice, guidance and assistance that are provided to care leavers, which can include, but are not restricted to, advice and guidance on or assistance with the securing of accommodation, education and employment opportunities and financial support. As I said, we understand that there are inconsistencies there. For example, when young people leave care before their 16th birthday, they do not always benefit from smooth

and well-supported transitions, which can leave them less well prepared for adulthood than their peers. It also means that they have no legal entitlement to the aftercare support that would have been available to them if they had left care after their 16th birthday.

The Promise makes it clear that lifelong advocacy is required to enable people with care experience to realise their rights, to thrive in life and to have a well-supported transition to adulthood. Throughout my time in this role, I have heard loud and clear that care experience stays with you for life. Therefore, such support needs to be available for people to tap into at key points in their life.

It is absolutely a priority for us to get it right for care-experienced people. As I have mentioned, we will take the learning from STAF's 100 days of listening and the consultation that we will embark on in 2024 as we look to further expand our work in this area.

The Convener: If Cara Cooper or Sarah Corbett wishes to come in, they should let me know. The minister may also invite them to come in.

I think that I follow what you are saying, minister. Through the listening exercise and the consultation, you are exploring ways in which the priority of extending eligibility for continuing care and aftercare could be realised or delivered. That may or may not be through legislation. Is that where we are at? Do you see there being a role for legislation or do you think that, through the work that you are doing, there might be another route to achieving the outcome?

Natalie Don: I might bring in officials on whether a legislative route would have to be used. I can see other options, given that we already expect such provision to be available for care-experienced people of a certain age. Our Promise bill, which we have agreed will go through Parliament in the current parliamentary session, will provide an opportunity for legislative changes.

We expect to introduce that towards the end of next year, giving plenty of time for a lot of different pieces of work that are going on, to see what would be included in the bill. However, on the specific question whether the route would have to be legislative or not, I will hand over to my officials.

09:45

Cara Cooper (Scottish Government): As the minister has explained, we are currently exploring what avenues we need to go down to improve the broadest package of support that we provide for our young people with experience of care.

On your question about legislation, and on our commitment to keep the Promise, we have the forthcoming Promise bill, which is slated for 2025 and through which we would be able to take forward any legislative changes that are required. There is the work, which the minister has already referenced, on our partnership with staff and the 100 days of listening, which is just one part of how we are engaging with all our stakeholders, and we are triangulating the voices of our young people with lived experience, the workforce that delivers that work and our partners.

The public consultation, which will be launched in spring, will be a broad-ranging consultation to ensure that we open up as widely as possible on what the current landscape looks like and what changes we need to make to effect transformational change and for us to keep the Promise. The Promise bill would be our most appropriate legislative vehicle. If we need to make legislative changes, if there is policy that needs to be updated or if we need a statutory footing, that is where we would consider that and take it forward.

David Torrance (Kirkcaldy) (SNP): Good morning, minister and panel members. Is the Scottish Government considering amending section 66 of the Children and Young People (Scotland) Act 2014 to remove the need for a young person to still be in care on their 16th birthday to access support and to remove the age limit of 26 for accessing aftercare?

Natalie Don: The aim of continuing care is to provide young people with a more graduated transition out of care, reducing the risk of multiple simultaneous disruptions occurring in their lives, while trying to maintain supportive relationships around them. I will make the distinction between that and aftercare, which refers to the advice, guidance and assistance that is provided to care leavers, as I alluded to in my answer to the previous question. As I said, we understand that there are inconsistencies.

The Promise has made it very clear that lifelong advocacy is required for people with care experience and, as I have said, we have heard loud and clear the calls from the care-experienced community.

I feel as though I am repeating myself, but I want to make it clear that we are determined to review and co-design the policies and supports and, if necessary, to legislate for people with experience of care, alongside those with lived experience and the practitioners who work with them. We will do so to ensure that we get it absolutely right for those people.

In response to your question, we would certainly consider amending the 2014 act, but that will be worked through once we have further information

from the 100 days of listening and the consultation. Those measures will be considered if we think that that is right for children and young people, but I emphasise that we are listening to the voices of the care experienced and the organisations that are leading that work.

David Torrance: Thank you. I will probably get the same answer for this question, as well. Will the Scottish Government consider amending regulations to increase eligibility for continued care beyond 21 years?

Natalie Don: In my previous answer, I made the distinction between continuing care and aftercare. That can certainly be considered. There might be difficulties with somebody being placed in their place of care past the age of 21, because they are getting into adulthood at that point. That certainly would be considered, but the focus at the moment is on providing aftercare and continuing support throughout the lives of care-experienced people.

The Convener: Maurice Golden has a question, which I think that I have heard two answers to already, so we will see if he can drill down and get the definitive one.

Maurice Golden (North East Scotland) (Con): To recap, there will be a consultation on a bill about the Promise by the end of 2024, with the bill to be introduced in 2025. Please clarify whether that is the case. If that is the case, what will the key themes of the consultation on that bill be?

Natalie Don: I may hand over to my officials to talk about the consultation, because we have not finished designing that yet. The bill itself will be based on the keeping the Promise implementation plan, which sets out a vision for delivering the Promise by 2030. There are 14 top-level actions within that plan and about 80 other recommendations, which cut across all parts of Government.

During my time in this role, there has been a much greater focus on managing the cross-portfolio work on the Promise. We are very aware that it cuts across various ministerial portfolios. There is a cabinet subcommittee on the Promise and there is real evidence of us working together to try to achieve our aims. The actions in the Promise implementation plan that aim to reduce poor outcomes focus on poverty, homelessness, poor health—which can often include poor mental health—offending, school exclusion, educational attainment and low employability.

As I said, there are many aspects to keeping the Promise. Many of those will be considered as part of the consultation and any that require legislative change will be included in the Promise bill.

Cara Cooper: To be clear, the consultation that we are discussing today is our PFG commitment

regarding the support that is available for young people who are transitioning out of care and into adulthood. It is closely linked to how we keep the Promise. I hope that that is a helpful clarification.

We are still in the process of designing that consultation. It will be informed by our on-going engagement with all stakeholders, particularly with our young people with experience of care and with the workforce. The consultation will look at the broadest package of support that is in place for young people with experience of care. We will look at the current policy and legislative landscapes and will really listen so that we can analyse what is or is not working well. We will look carefully at what tangible changes are needed to improve the consistency of care for our young people, as well as improving their life chances and outcomes.

We hear loud and clear that things are not working well. The Promise tells us that, as did the independent care review. This is about drilling down to a more granular level to effect real change.

Within that, it is likely that we will consider the definition of “care experienced”. Committee members may be aware that we currently have a legal definition of a “care leaver”, but we do not have a definition of “care experienced” that is used consistently across the country. We recognise the need to address that challenge. At the moment, the Promise uses what we call the University of St Andrews definition of “care experienced”. It is really important that we get that definition right and that it is universally understood and used, so that young people can realise their fullest rights and have the opportunity to access the right support, at the right time, to improve their life chances and outcomes.

The minister already touched on the on-going work that The Promise Scotland is doing on lifelong advocacy, which is very much the theme of the petition. From our perspective, that is about ensuring the right support at the right time for the right people, regardless of whether someone left care before their 16th birthday or whether they might need support beyond the age of 26—those are the rough parameters for continuing care and aftercare at the moment.

We will consider all those aspects in the consultation that will happen in the spring. It will also be informed by information that we obtain from our current live consultation on the care leaver payment, which the minister referred to in her opening remarks. The First Minister announced that payment during care experience week. It is a PFG commitment as well, and it is one part of the broadest package that we have in place to support young people as they leave care and move into independent adult living. That consultation is due to close in January, so we will

be able to use the information that we synthesise from there to inform and help us to design our later consultation.

As the minister has already said, we are absolutely committed to working alongside our young people, as well as the broadest range of our stakeholders, to ensure that we get the consultation questions right. It will not just be a case of my team designing a consultation that will then go out. It will go through rigorous conversations and robust dialogue with a range of stakeholders to ensure that we frame the questions in the right way for us to get the best possible sources of information to tell us how we should design the policy and improve the landscape.

Maurice Golden: Thank you. You have also answered my other question on updating definitions, which is helpful.

The minister mentioned educational attainment. Is she comfortable with current educational attendance?

Natalie Don: I do not have the relevant figures in front of me, but I know that a lot of good work to improve things is happening on the ground, through the Promise and other initiatives. I have been on several visits where there are virtual schools and different set-ups for learning to encourage or assist care-experienced people who might find it difficult to attend school, for whatever reason. I hope that that work will make an impact on the figures as we move forward, with the main aim being to improve the lives of care-experienced young people.

I will bring in my official to expand on the figures.

Cara Cooper: In the figures for 2021 we saw a narrowing of the gap in overall educational outcomes for our children and young people with experience of care, but we understand that more work needs to be done there.

As the minister mentioned, there are virtual school headteacher networks where we bring headteachers together to take a deeper look at challenges in relation to young people’s attendance and attainment at school. We also have initiatives in place such as the care-experienced children and young people fund, from which money goes directly to local authorities to help them to target resources where they feel that they will be best used and are most needed to support young people with experience of care. That covers young people right through until they are 26.

We recognise that although the gap in educational outcomes is closing, there is still work to do. We recognise, too, that good work is going

on to support care-experienced young people to remain in school and avoid exclusion where possible.

Maurice Golden: Thanks for that. It would be useful if you could share with the committee the data that you hold on that, ideally broken down by local authority, if that is possible.

Minister, are you confident that local authorities have both the facilities and the staffing resources to provide that enhanced care package?

Natalie Don: Absolutely. I have already referred to the visits that I have been on. Fantastic work is going on across our local authorities, who are best placed to understand what is needed in their areas. As I have already mentioned, the Promise covers many different aspects and policy areas. Local authorities have been very good at understanding what is needed in their areas and taking action accordingly. I have seen a lot of positive work on my visits, and our aim is to expand that work across the country. Obviously, capacity issues might affect that approach.

I appreciate that there has been an increase in the demand for, and the complexity of, the work that social work staff undertake and that currently there are recruitment and retention challenges there. Although local authorities are responsible for planning their workforces and ensuring that they have appropriate staff levels, we understand the issues that the sector faces, including that increase in demand. A number of actions are therefore being taken to improve matters.

10:00

A joint working group with the Convention of Scottish Local Authorities has been established to address the issues immediately affecting the workforce. Members will be aware of the proposals for a national care service and, within that, the establishment of a national social work agency that would support and invest in the profession. However, I appreciate that that will not help immediately; it is a longer-term approach.

We have set up that joint working group with COSLA. We also have a national approach to workforce planning, which we hope will help to achieve the optimal future workforce capacity. A short-life working group has been created to oversee the development of that work and to produce up-to-date data on social work vacancies and demand for services there. I hope that that will allow us to facilitate planning and resource allocation at national level to meet the expected increase in demand. A workforce improvement plan has also been developed to address acute recruitment and retention challenges, and it will include workforce planning and workforce vacancy data.

Throughout all those initiatives, we are working collaboratively with COSLA, social work departments and the various agencies involved in the sector, which is hugely valued and around which the Government has created its aims and priorities. We are absolutely switched on to those and are trying to improve matters.

Maurice Golden: Thank you, minister. It would be useful if that data on staff retention and recruitment, broken down by local authority, could be shared. I appreciate the measures that you are seeking to deploy.

Fergus Ewing (Inverness and Nairn) (SNP): Good morning, everyone. The petition was lodged on 6 September 2022, which is 14 months ago. Minister, at the moment we do not have any written response from you or your predecessor on the petitioner's specific asks. The petition seeks to extend aftercare provision in Scotland to previously looked-after children who left care before their 16th birthdays, and to extend continuing care throughout care-experienced people's lives according to their individual needs. The crux of the petition is that care should be based on need, not the arbitrary occurrence of people's dates of birth or their attaining a certain age.

If, as I understand it, your plan is to introduce the bill in 2024-25, it will not become law until 2025. It might not come into force until some time after that—typically, 2026 or later. That would mean that about four years will have elapsed between the petitioner making her plea to the Parliament, which it is our duty to interrogate, and the occurrence of any potential response. That obvious problem raises two questions. First, what can the Scottish Government do now to end the practice of young people being taken off compulsory supervision orders ahead of their 16th birthdays? Who Cares? Scotland has given us worrying examples of that problem happening in practice. With respect, although your good intentions are admirable and absolutely clear, I think that the petitioner wants concrete actions.

Natalie Don: I completely appreciate that. I have already talked about the discrepancies that the member has mentioned, and it is good that the petition is highlighting those and the need for further support. Again, it is not clear whether that would have to be done through a legislative route. If that is the case then, as the member has mentioned, that would happen at a later date. However, there could be opportunities to improve guidance on and change the structures around the issue prior to that. Again, that will be defined by the work that I have already mentioned on the consultation and on listening to stakeholders.

We are taking actions at the moment. We are updating guidance to simplify language and

improve the practice in continuing and aftercare services and provision. We are working closely with stakeholders, including young people with lived experience, providers and the workforce, to better understand the barriers and what might need to be done to remove them. The moving on change programme that I have referred to is actively seeking and facilitating opportunities to further take on board the views of people with experience of care. As much as I understand that you want us to move quickly, we need to get it right. We need to ensure that there is capacity and that it works for our children and young people.

I believe that that might answer your question, but I will bring in my officials in case there is anything that I have not touched on.

Cara Cooper: No, minister, I think that you have covered everything.

Our whole approach to improving outcomes for children and young people in Scotland is underpinned by the getting it right for every child approach, which places the child or young person at the centre of all decisions that are taken and made for that young person. On young people being taken off their compulsory supervision orders on their 16th birthday, our guidance is clear that, when young people are coming to that point, what is best for the child or young person should be placed at the centre when those conversations are being had, when care placements are being reviewed, when we are looking at how that young person will transfer into independent adult living and when we are considering how we support that young person as they grow and develop. We have very clear guidance in place that the child or young person should be at the heart of all those decisions.

Fergus Ewing: I do not think that anyone doubts the good intentions of the Scottish Government, but the trouble is that the question that I asked has not really been answered. The question is, what will be done now to deal with that anomaly? The answer that you gave, minister, was that you do not yet know clearly whether the change can be made without legislation. It seems to me that that is a yes or no question: either legislation is required to make that change or it is not. If it is not—you have suggested that that is something that you are considering—surely it is your duty to give us clarity on that specific question. If the answer is that you do not need to make changes to the law, the petitioners will say, “Get on with it; do it now.”

In response to Mr Golden, who quite rightly asked whether there is a capacity issue, your first answer was no, there is not. So, if there is the capacity in local authorities to provide the care, by not acting now we are allowing the anomaly to

remain in place for another three, four or five years.

I appreciate that you have not been in post for a particularly long period of time—things take time in Government, as I well remember—but, nonetheless, with respect, your predecessor and you have had 14 months to give an answer to this question. The lack of clarity on the specific question is unfortunate. I would be most grateful if we could get a specific reply in writing. As I said, if legislation is not required, the petitioners will say, “Get on with it; what is the problem?”

In effect, you have admitted that this is an anomaly—I think that “inconsistency” was the word that you used. It seems to me completely anomalous.

We have clear evidence that many young people do not know their rights, and they do not know that, by being taken off a CSO, they will lose their rights. How can they be expected to know that? They certainly do not know about the incorporation of the United Nations Convention on the Rights of the Child. Why would a 15-year-old have any knowledge of that? The idea that the fact that that was done in the Scottish Parliament makes a blind bit of a difference to young people knowing their rights seems to me to be completely fallacious.

It is our job to press for answers for the petitioner. You have had 14 months. We have not got anything in writing. We have not got clarity on that question. With respect, minister, if you are not able to give that clarity today, I would be most grateful if you could write to the committee as soon as possible to answer that simple question. To me, that then determines whether we might want to take the matter further in various ways, such as having a debate in the Scottish Parliament about it.

Natalie Don: There are a number of points to address in that. On the issue of young people not knowing their rights in this area, in my previous response, I referred to updating the guidance, the intention of which includes ensuring that it is more accessible for young people. With regard to young people being aware of their rights under the UNCRC in particular, I have visited a lot of schools, and that is something that is on the agenda. Children are talking about their rights and are aware of their rights. I do not want to generalise, and there might be schools or areas where that is not always the case, but I can say that the young people in the schools that I have visited are very switched on to the issue. That is facilitated by a number of fantastic youth groups and organisations that are working to promote those rights to young people.

Outwith the Government's support and aftercare provision, a number of advocacy schemes are currently in operation. There is a national helpline operated by Who Cares? Scotland, which is funded by the Scottish Government, and there is the national children's hearings advocacy scheme, which was enacted in November 2020. So, there are ways for care-experienced young people to access support. However, as I have said, what I have heard so far is that there are inconsistencies. We know that some sort of change will be required, and it is likely that that will be legislative change, but that will be decided by the consultation and the work that is under way just now. I am more than happy to write back to the committee with further information on that.

The Convener: Mr Torrance, is there anything that you would like to come back on?

David Torrance: I have one final question. What is the Scottish Government doing to ensure that the provisions of the Children and Young People (Scotland) Act 2014 are fully implemented in practice, as well as in law?

Natalie Don: Guidance for that is absolutely explicit with regard to our expectation that corporate parents should work collaboratively with young people to deliver the integrated support that is required. The emphasis of that legislation, the regulations and the guidance is on ensuring that the young person is supported to develop in all aspects of their life.

As I have said, the guidance is absolutely explicit that the principles of getting it right for every child should be at the core of that pathway assessment, including everyone working together in local areas and across Scotland to improve those outcomes for children.

The children's services planning strategic leads network—that is a very long title; I am surprised that I got it all out—is co-chaired with the Scottish Government. That is a national forum that promotes collaboration, shared learning and improvement activity at national and local level, between and across children's services planning partnerships, the Scottish Government and key stakeholders. That is all done with the aim of strengthening the development, delivery and accountability of the children's services planning partnerships, in line with the 2014 act.

On behalf of ministers, the Scottish Government undertakes a review of children's services plans every three years against criteria set out in statutory guidance. That is all to support improvements at local and national level. We then publish a report that summarises areas of strength and areas where development is needed. I think that the most recent report was published in July 2022.

Again, we believe that lived experience should be absolutely core to all of that, so we have involved care-experienced young people directly in co-designing and co-producing services, so that they support care leavers effectively.

A lot of work is under way, with scrutiny and regular checks to ensure that the act is being implemented in practice.

The Convener: Thank you, minister. We have listened carefully, and, in the comprehensive responses that you have given, a number of our questions have been answered without our having to put them, so that brings us to the end of our questions. Is there anything else that you feel that we might not have touched on that you want to add before we conclude?

Natalie Don: I do not think so. I would just thank you for the opportunity to come along. As I have said, the petition has done a really good job of highlighting some of the inconsistencies, and I look forward to working on that and working towards our shared goals.

The Convener: Thank you all for being with us this morning.

Are members content for us to reflect on the evidence and any further submissions that we get and consider them afresh at a subsequent meeting?

Members indicated agreement.

The Convener: We will suspend briefly to allow the witnesses to leave.

10:15

Meeting suspended.

10:16

On resuming—

Upland Falconry (PE1859)

The Convener: Our next continued petition is PE1859, which was lodged by Barry Blyther, who I see is with us in the public gallery—he is a faithful attendee when his petition is being considered.

The petition 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. We last considered this petition at our meeting on 18 January 2023.

As the committee will recall—well, some of our committee will not, as certain members have changed over time—we took evidence from the petitioner and the Minister for Energy and the

Environment. Following those evidence sessions, we had some questions for the minister, Police Scotland, the Crown Office and Procurator Fiscal Service and our friends from NatureScot. A summary of the issues raised, replies received and additional submissions from the petitioner has been provided by the Scottish Parliament information centre and is available in the meeting pack.

As I said, the petition asks for legislation to be changed to allow mountain hares to be hunted for the purposes of falconry, and we have received representations from the petitioner to reiterate that he is asking that falconers be exempt from any risk of prosecution for actively hunting mountain hares.

As members will see from the minister's—I think disappointing—response and recall from the evidence session that we held, the Government does not intend to make such a change. That is a disappointing position for us to be in at this stage. Do colleagues have any comments on the issues or suggestions for how we should respond and proceed?

David Torrance: Considering the responses that we have had from the Government, I suggest that we write to the Minister for Energy and the Environment to recommend that guidance is produced to clarify how falconers can practise in licensed activities; the areas in which there is not a high density of mountain hare; and what action to take if a bird accidentally takes a mountain hare.

I also suggest that we write to Police Scotland to ask how reports of mountain hare being taken in areas of low density will be recorded and how that information will be shared with NatureScot and falconers.

Further, I suggest that we write to NatureScot to ask how it will monitor reports from Police Scotland and whether it will work to produce maps for falconers to indicate which areas are considered suitable for birds of prey to fly within. If NatureScot intends to produce maps, we could ask how it intends to evaluate and update the information in the light of reports from Police Scotland.

The Convener: In the first instance, are colleagues content for us to proceed on those lines?

I think that Mr Ewing would like to make a further suggestion.

Fergus Ewing: I agree with David Torrance's suggestions. However, in light of the ministerial response, which, as you say, convener, is disappointing, we should seek to press the issue by seeking a parliamentary debate to pursue the petition's call, which is to urge the Parliament to

amend the 2020 act to allow mountain hares to be hunted for the purposes of falconry. A debate in Parliament would allow consideration of what, in many ways, is a very serious matter.

The Convener: The first reason why a debate would be useful is the circumstances whereby the ban came into force, which was through a stage 3 amendment on which the petitioner and his fellow falconers had no opportunity whatsoever to be heard. In fact, it seems that nobody thought of them at all, and they did not have the opportunity to state their case. The whole point of the Scottish Parliament is that everybody should be able to state their case in the legislative process at the first stage. Stage 3 is not supposed to be used for the purposes of introducing brand-new material, particularly not legal bans that can result in criminal convictions. Therefore, of itself, that point of principle deserves to be highlighted in Parliament.

However, turning briefly to the arguments on the substance, it seems to me that the effect on hares of allowing the continuance of falconry would be de minimis. NatureScot has admitted that the number of hares that would be affected is minuscule and completely irrelevant to the question of the size of the population. Moreover, I understand from the petitioner, who has kindly given us a great deal of his wisdom and experience, as others have, that it is only certain types of birds of prey—eagles and hawks, I think—that will go for hares. Others will not and cannot. However, eagles and hawks need to prey on hares. Alternative prey do not work, so that suggestion, which has been made by some, is completely irrelevant.

The last thing that I will say—this is really quite sad—is that the petitioner has highlighted that the eagle that he has is now self-harming, because it cannot behave naturally. It is not allowed to, and the petitioner does not want to break the law, as a law-abiding citizen. As a result, that bird is suffering—because of something that happened in Parliament on which his owner and his owner's peers had no opportunity even to state their case. The really disappointing thing in this is that the Scottish Government has not fessed up to that and said that a mistake was made. It has shrugged off all responsibility.

That is perhaps a bit of a rehearsal for the debate, convener, but it is heartfelt nonetheless and I hope that members might feel that a debate is needed. It would not need to be an extended debate—it would not need to be three hours long—but it would allow the matter to be ventilated. I think that there would be considerable interest among colleagues, because I recall from the debate that there was some disquiet among some of the older hands, if I may say so, that the

procedure that was followed for stage 3 of that bill was not appropriate.

The Convener: Thank you, Mr Ewing. I agree that there is broader interest in the matter in the Parliament. Indeed, there was considerable interest when Stanley the eagle visited the precincts of the Parliament.

I think that we were disappointed by the evidence that underpinned the decision that was made and the digging in that we heard during the round-table evidence session that we held. We had hoped that the logic and evidence that we had heard might lead the Government to take a different position, but that is not the case.

When we next approach the parliamentary authorities in relation to committee debating time, are colleagues minded to seek to have a debate on the issue in the chamber?

Members indicated agreement.

The Convener: We will therefore seek to do that and to highlight the issue more generally as a result. We will see what progress can be made in that way and take forward those actions. We had a well-informed debate on surgical mesh not long ago and then our committee debate on our report, but I expect us to have an opportunity for a debate in the chamber in the new year. Therefore, we will seek to have the issue of allowing mountain hares to be hunted for falconry purposes as one of possibly two short debates that we would take to the chamber on that occasion.

British Sign Language (National Qualification) (PE1867)

The Convener: PE1867, which was lodged by Scott Macmillan, calls on the Scottish Parliament to urge the Scottish Government to encourage the Scottish Qualifications Authority to establish a national qualification in British Sign Language—BSL—at Scottish credit and qualifications framework level 2. As with previous considerations of the petition, a BSL interpretation of our discussion will be available on the Parliament's BSL channel following today's meeting.

We last considered the petition on 8 March, when we agreed to write to the Scottish Government. We have received a response from the Cabinet Secretary for Education and Skills, which provides details of the engagement and consultation that have taken place to inform the development of the BSL national plan for 2023 to 2029.

Members will have noted in our papers that the Scottish Government consultation on the new BSL national plan ran over the summer and closed on 3 September 2023. Given the progress that we

have made and the responses that we have received, do colleagues have any suggestions?

David Torrance: Considering the responses that we have received and, as you mentioned, the progress that we have made, would the committee consider closing the petition under rule 15.7 of standing orders, on the basis that the uptake of BSL awards at SCQF level 3 to 6 is increasing; the number of primary schools providing BSL as an L3 language is also increasing; the Scottish Government does not believe that the steps that the petition seeks are required; and it has consulted on the British Sign Language national plan for 2023 to 2029?

The Convener: Colleagues, are we agreed?

Members indicated agreement.

The Convener: We thank the petitioner for lodging the petition and close it. It is open to the petitioner to come back to us again with a fresh petition if they feel that the actions that the Scottish Government is taking do not respond to, or fail to adequately address, the issues that have been raised.

Adult Disability Payment (People Undergoing Cancer Treatment) (PE1913)

The Convener: PE1913, which was lodged by Wendy Swain, calls on the Scottish Parliament to urge the Scottish Government to create a separate department within Social Security Scotland that will fast-track future adult disability payments—ADPs—for people with a cancer diagnosis while they are undergoing treatment.

We last considered the petition on 23 February and agreed to write to Social Security Scotland. The response from the agency reiterates that the Scottish Government provides a person-centred service and does not prioritise a single condition or type of disability above another. The response states that the Scottish Government does not support an additional fast-track procedure specifically for people with cancer and that there is a fast-track process for people with a terminal illness.

In response to questions about processing times, Social Security Scotland said that there are no targets, as no two applications are the same. However, it indicates that the majority of people will receive a decision within four months and that payments are then calculated from the date of the application.

I should have said that the Scottish Government believes that the fast-track process for people with a terminal illness would accommodate a significant number of those people with a cancer diagnosis.

Do colleagues have any suggestions in light of the Scottish Government's decision not to take action on the aim of the petition?

David Torrance: On the evidence before us, convener, we have no option but to close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has stated that it does not support an additional fast-track route specifically for people with cancer, because its approach will not prioritise any single condition over another.

Fergus Ewing: I support that. From the information that the clerks have provided to me this morning, my understanding is that the Scottish Government points out that, where an applicant for a disability benefit is suffering from a terminal illness, there is a process that allows that to be taken into account and the application to be fast-tracked.

I hope that it is of some comfort to the petitioner that, in fact, they are asking for something that the Scottish Government has assured us already exists, for those who, sadly, suffer from not only cancer but other terminal illnesses. The point that the petitioner has raised is valid and has already been recognised as valid, and a procedure has been put in place that has due sympathetic regard to people in that desperate situation.

10:30

The Convener: Yes, thank you. Again, I would say to the petitioner that it is something that they and we should keep an eye on. I am conscious that not all cancers are terminal illnesses and that, therefore, a number of people might be excluded who might nonetheless benefit from the payment at an earlier point in their treatment. That issue is something that can come back to us at a later date. However, given the Scottish Government's position, I am afraid that there is nothing further that the committee can do to take forward the aims of the petition. Are colleagues content to close the petition on that basis?

Members indicated agreement.

The Convener: We are content. I thank the petitioner very much for bringing the petition to us.

Sex Education in Schools (PE1918)

The Convener: PE1918, which was lodged by Kate Freedman, calls on the Scottish Parliament to urge the Scottish Government to reform sex education by updating guidance and implementing clear teaching rules, focusing on topics such as menstruation and related illnesses, puberty, LGBT sex including asexuality, fertility, pornography and other things that are deemed useful.

We last considered the petition at our meeting on 18 January this year, when we agreed to write to Education Scotland. The committee has now received a response to its request for information from Education Scotland. Education Scotland does not monitor or evaluate the implementation of relationships, sexual health and parenthood teaching resources, noting that it is for local authority officers and schools to monitor and evaluate learning and teaching through their internal policies. However, Education Scotland has delivered webinars for practitioners to guide them in using the website where the teaching resource is held.

In view of the response that we have received from Education Scotland in respect of the Scottish Government's position, do colleagues have any comments or suggestions?

David Torrance: In the light of the evidence that we have, we should consider closing the petition under rule 15.7 of standing orders, on the basis that the RSHP.scot resource, which can be used to support relationships, sexual health and parenthood lessons, was quality assured and peer reviewed by partners from educators, health professions and third sector organisations. It was informed by feedback over the 2018-19 academic year. It was tested in draft format with educators, parents and carers before the final content was published in September 2019. It was informed by more than 1,000 primary and secondary teachers and piloted in 38 schools in Scotland.

The Convener: Thank you for that, Mr Torrance. Do colleagues support that?

Members indicated agreement.

The Convener: We support it. Again, I thank the petitioner but, given the direction of Education Scotland, there is nothing more that the committee can do to take forward the aims of the petition. We thank the petitioner very much for bringing it to Parliament.

Gender-based Violence (Education) (PE1934)

The Convener: Our next petition, PE1934, which was lodged by Craig Schooler on behalf of Greenfield's high school rights and equalities committee, calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop an educational resource on gender-based violence for all year groups in high school. The resource should educate on the causes of gender-based violence and ensure that young people leave school with the tools to help them to create a safer society for women.

We last considered the petition on 22 February, when we agreed to write to COSLA, Rape Crisis Scotland and the Cabinet Secretary for Education and Skills. COSLA has provided information on the mentors in violence prevention—MVP—programme, noting that 31 local authorities are at the delivery stage, with the final local authority having planned to undertake professional learning earlier this year. Estimates from the national MVP team indicate that more than 6,000 sessions have been delivered, reaching more than 47,800 younger learners.

The Cabinet Secretary for Education and Skills has indicated that the gender-based violence in schools working group is expected to publish its national framework, which will help schools to tackle sexual harassment and gender-based violence. Additionally, the gender equality task force in education and learning is establishing what educational resources already exist that cover gender inequality.

Rape Crisis Scotland has highlighted on-going work to address gender-based violence, including its sexual violence prevention workshops in schools. The submission acknowledges the issues that the petitioner raises, and highlights that, although the Government cannot prescribe specific measures in the curriculum, there is a duty to ensure that educational outcomes are met and that the required systems and resources are in place to assure that.

Do members have any comments or suggestions?

David Torrance: I ask the committee to consider writing to the University of Glasgow, seeking further information about the evaluation of the equally safe at school strategy, as noted in Rape Crisis Scotland's submission, including details about the scope of the evaluation and its expected timescale for reporting. We could also write to the Cabinet Secretary for Education and Skills to ask for an update on the work of the gender equality task force in education and learning to establish what educational resources exist that cover gender inequality. The committee could also ask for an indication of what the task force's next steps will be when it completes its work.

The Convener: Are members content with those suggestions?

Members indicated agreement.

The Convener: As there does not appear to be any other suggestions, we will keep the petition open and return to it on receipt of responses to the points that Mr Torrance has proposed.

HPV Vaccination Programme (PE1939)

The Convener: The objective of our next petition, PE1939, is to amend the date of birth to allow wider accessibility to the human papillomavirus vaccination programme for boys. The petition, which was lodged by Suzanne Thornton, calls on the Scottish Parliament to urge the Scottish Government to demonstrate a commitment to health equality for young males born between 1 September 1997 and 1 September 2006 by allowing them to access HPV vaccination via the national health service.

The committee last considered the petition on 8 March, when we agreed to seek further clarification from the Scottish Government and the Joint Committee on Vaccination and Immunisation, which is often referred to as the JCVI.

The Scottish Government response notes that a one-dose schedule for the HPV vaccination programme was introduced at the beginning of this year, and that it intends to increase the number of people completing their vaccination schedule. The response also highlights that the policy for teenage immunisation programmes in Scotland is defined by academic year rather than by date of birth, the result of which is that any boy who was in secondary 1 for the 2019-20 academic year will be offered the HPV vaccination and will remain eligible for it up to his 25th birthday.

The JCVI response provides clarification on the advice that is set out in the green book guidance on "Immunisation against infectious disease", with HPV vaccination being routinely recommended for all boys and girls of 11 to 14 years of age, with the first and now single dose being offered to young people in S1 in Scotland. It is also noted that it is up to each of the devolved nations to decide how to operationalise the JCVI advice as given.

Do members have any comments or suggestions?

David Torrance: In light of the evidence that is before us, will the committee consider closing the petition under rule 15.7 of standing orders, on the basis that the JCVI has no plans to review the need for and value of an HPV vaccination catch-up programme for boys because of the indirect protection that is offered through herd immunity? The Scottish Government's policy is in line with JCVI advice, with the Government having opted to define eligibility for teenage vaccinations by academic year in Scotland rather than by date of birth.

The Convener: In essence, the response that we have received suggests that the particular cohort that was not vaccinated will receive general protection through herd immunity. Are our

colleagues content to proceed on the basis of Mr Torrance's suggestions?

Members indicated agreement.

The Convener: We will close the petition. We thank the petitioner very much for bringing the issue to us. Clearly, we are closing it on the basis of the response that we have received from the JCVI and the Scottish Government.

Abortion (Full Decriminalisation) (PE1969)

The Convener: The next petition, PE1969, which was lodged by Gemma Clark, calls on the Scottish Parliament to urge the Scottish Government to bring forward legislation to fully decriminalise abortion services in Scotland, and to make provisions to ensure that abortion services are available up to the 24th week of pregnancy across all parts of Scotland.

We previously considered the petition at our meeting on 22 February, when we agreed to seek the views of a number of stakeholder organisations. Following that discussion, we received responses from the Humanist Society Scotland, the Society for the Protection of Unborn Children, the British Pregnancy Advisory Service, the Catholic Bishops Conference of Scotland, Christian Action, Research and Education—CARE—the Free Church of Scotland, the British Medical Association and the petitioner. We have also received a submission from Monica Lennon MSP, who is unable to join us in person today, and an update from the Scottish Government, which highlights the commitment in this year's programme for government to review the law on abortion. Requests to provide written evidence have also been received from the Scottish Council on Human Bioethics and from the Evangelical Alliance.

Those in support of the petition suggest that abortion should be treated as a medical matter rather than a criminal matter and that decriminalisation would bring Scotland in line with international human rights standards. In contrast, those who have concerns about moves to decriminalise abortion argue that keeping abortion within criminal law is essential for women's safety, because there must be a way of prosecuting abusive partners who seek to pressure or coerce a woman into aborting a pregnancy. Some responses also argued that the majority of abortions are carried out not on medical grounds but because the pregnancy is unwanted and raised concerns that reforms could introduce the possibility of sex-selective terminations.

The Scottish Council on Human Bioethics and the Evangelical Alliance have asked to provide written evidence, but that depends on how the

committee wishes to respond to the petition. Do colleagues have any suggestions?

David Torrance: In light of the evidence that we have, the committee could close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has committed to reviewing the law on abortion to ensure that it is, first and foremost, a healthcare matter rather than one of criminal law, and that it intends to publish proposals for reform before the end of the current parliamentary session in 2026. If that approach is agreed, I would remind the petitioner that they are entitled to bring the petition back to the committee if the Scottish Government does not do that.

The Convener: I hope that the petitioner will also be in a position to submit their views to the consultation on any legislation.

Given that there will be a legislative consultation on the issue, that is probably a sensible suggestion. Are members minded to approve it?

Members indicated agreement

Abortion (Educational Resource) (PE1991)

The Convener: We come to the last of our continued petitions today, PE1991, which was also lodged by Gemma Clark. It calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop a health-focused and stigma-challenging educational resource on abortion and to make that available to all secondary schools in Scotland.

We last considered the petition on 22 February, when we agreed to write to stakeholder organisations. The Association of Directors of Education in Scotland, the General Teaching Council for Scotland, the Society for the Protection of Unborn Children, COSLA, the Scottish Catholic Education Service and the petitioner have submitted responses, copies which were circulated with our meeting papers.

I draw members' attention to the responses from COSLA and ADES, which note that materials linked to the ask of the petition are available and that work is already taking place in schools to deal with the issues that it raises. COSLA also states that the curriculum for excellence allows teachers, schools and local authorities to design a curriculum that fits their own context, the result of which is that there is no mechanism whereby all schools can be compelled to use any specific materials. Similarly, the response from the Scottish Catholic Education Service notes the availability of resources and advice for young people, and highlights the fact that schools are not the sole providers of education and that the close partnership between schools and the wider school community serves young people well in ensuring

that they have access to qualified expertise relating to health and to social, physical, spiritual and mental wellbeing.

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

David Torrance: In the light of the evidence that the committee has received, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders on the basis that education material that is linked to the ask of the petition already exists, including a relationship, sexual health and parenthood resource, which was developed by a partnership of local authorities and health boards, with advice from Education Scotland and the Scottish Government. Also, the flexibility that the curriculum for excellence affords means that there is no mechanism that could compel all schools to use any specific material.

10:45

The Convener: Are colleagues minded to support that proposal?

Members *indicated agreement.*

The Convener: I thank Gemma Clark for both of her petitions but, in view of the response that the committee has received, we feel that appropriate work has been taken forward and that there is no further role that the committee can usefully perform.

New Petitions

Student Loan Debt (Paramedics) (PE2036)

The Convener: Agenda item 2 is consideration of new petitions, the first of which is PE2036. I am happy to say to Rebecca Smith, who lodged the petition—as I say to all those who might be tuning in to hear consideration of their petition—that, ahead of the committee's first consideration of the petition, we seek the view of the Scottish Government and the Scottish Parliament information centre, SPICe, which is the Parliament's independent research service. The committee does that so that we can have an informed initial discussion, rather than postponing a discussion until we have sought that information.

The petition calls on the Scottish Parliament to urge the Scottish Government to write off student loan debts incurred by paramedic science students before the current bursary was introduced. The SPICe briefing notes that student loan repayment conditions are set out in the Repayment of Student Loans (Scotland) Regulations 2000 and the Education (Student Loans) (Repayment) Regulations 2009, as amended. The briefing explains that, under current legislation, student loan debt can be cancelled in the following situations only: 30 years after the loan holder became eligible to repay it, if the loan holder dies or if the loan holder becomes permanently unfit for work.

The Scottish Government's position is that students who commenced their paramedic science degree before the introduction of the bursary will still need to pay back any student loans that they have received. The response states that there are no plans to write-off previous student loans for that cohort of students. That seems to be a fairly clear direction. Do colleagues have any suggestions?

David Torrance: Thank you, convener—

The Convener: It seems a most unfortunate role—

David Torrance: Yes, a bit like Laurel and Hardy—

The Convener: —that has fallen to you this morning, Mr Torrance. I fear that you are going to suggest that we close the petition.

David Torrance: Given the Scottish Government's stance, yes. I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has no plans to write off previous student loans for those who commenced their paramedic science degree before the introduction of the bursary in 2021.

The Convener: It is a fairly clear direction from the Scottish Government that it is not going to write off that student debt, so are colleagues minded to close the petition?

Members *indicated agreement.*

The Convener: I thank Rebecca Smith for lodging the petition. She raised an important issue, but the Scottish Government's position is clear and, therefore, there is nothing further that the committee can usefully do to take forward the petition's aims.

College Funding (PE2044)

The Convener: The second and final new petition, PE2044, which was lodged by Gillian Geddes, calls on the Scottish Parliament to urge the Scottish Government to reinstate the £26 million that was pledged to colleges in the 2023-24 budget.

The clerk's note provides an overview of the Education, Children and Young People Committee's work on the issue as part of its pre-budget scrutiny. That committee raised further and higher education funding as a key theme in its pre-budget scrutiny letter and continued to pursue the issues in subsequent evidence sessions.

Last week, the committee issued its pre-budget scrutiny letter for the 2024-25 budget, which included college funding as one of its three main strands. In his response to the petition, the Minister for Higher and Further Education states:

"While I understand the disappointment on the need to take the £26 million saving, we have maintained the college sector's core teaching funding allocation".

His submission further states:

"the Scottish Government is committed to developing a new funding model for post-school education".

In the light of the minister's response, do members have any comments or suggestions for action?

David Torrance: In the light of the evidence before us, I wonder whether we could consider closing the petition under rule 15.7 of standing orders, particularly on the basis that the Education, Children and Young People's Committee has undertaken scrutiny on the issue recently and will continue to do so as part of its pre-budget scrutiny for 2024-25.

The Convener: Are members inclined to support the proposal?

Members *indicated agreement.*

The Convener: In view of the fact that, as part of its pre-budget scrutiny, one of our sister committees in Parliament is taking forward the issues that are contained in the petition, we will close it. However, I thank the petitioner very much

for drawing the issue to the attention of this committee and the Parliament.

That concludes our consideration of new petitions. The committee will next meet on 22 November.

Meeting closed at 10:50.

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