



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Citizen Participation and Public Petitions Committee

Wednesday 6 March 2024

Session 6



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Pàrlamaid na h-Alba

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**Wednesday 6 March 2024**

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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**

**4<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Jackson Carlaw (Eastwood) (Con)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

\*Foysoil Choudhury (Lothian) (Lab)

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

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alex Hogg (Scottish Gamekeepers Association)

Michael Marra (North East Scotland) (Lab)

**CLERK TO THE COMMITTEE**

Jyoti Chandola

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 6 March 2024

*[The Convener opened the meeting at 09:33]*

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning and welcome to the fourth meeting in 2024 of the Citizen Participation and Public Petitions Committee. Our first agenda item is a formal decision simply to agree to take in private agenda items 4 and 5. Item 4 relates to a request concerning an anonymous submission and item 5 is to consider the evidence that we are shortly to hear. Are colleagues content to take those items in private?

**Members indicated agreement.**

## Continued Petitions

### Legal Control of Generalist Predators (PE2035)

09:33

**The Convener:** Item 2 is the consideration of continued petitions, the first of which is PE2035, lodged by Alex Hogg, who joins us this morning at our request to give evidence on the petition, which we last considered at our meeting on 25 October 2023. The petition calls on the Scottish Government to officially recognise the legal control of abundant generalist predators as an act of conservation to help ground-nesting birds in Scotland. Mr Hogg is petitioning on behalf of the Scottish Gamekeepers Association and has indicated to the committee that he would like to make a short statement before we move to questions. Good morning, Mr Hogg. When you are settled and ready, over to you.

**Alex Hogg (Scottish Gamekeepers Association):** Good morning, everyone. Thank you for having me here today.

In my lifetime I have watched favourite species decline. Today, there are far more predators, far fewer wildlife managers and far fewer ground-nesting birds. Unless the remaining wildlife managers feel more supported, we will lose more of them and more birds in the remainder of my lifetime. Given the Government's written response to the petition, I feel a ministerial statement confirming support would be appropriate. That would send a signal to wildlife managers that their work in conservation is valued, that wildlife managers are recognised as contributing to nature recovery aims, and make it clear that the Scottish Government does believe, through both actions and words, that predator control can be fundamental to the conservation of species. I feel that that message has been lost.

The Scottish Government recently removed two key tools: snares and trained dogs. Foxes are proven to predate ground-nesting birds and the banning of fox snares will hasten the curlew's demise. Using foot packs of trained dogs to control foxes has been strictly licensed. No licences have been granted for conservation. Parliamentary researchers should cost out the public monies spent on habitat for ground-nesting birds compared to sums spent on predator control. The Parliament should also assess the outcomes for species. That would enlighten us on, first, where the Government's priorities are and, secondly, whether those priorities have achieved the right results. I do not believe that they have. I think that we can do both habitat and predator control in conservation and do better. Thank you.

**The Convener:** Thank you very much, Mr Hogg. That is very helpful. Thank you, too, for the submissions that you have lodged to the committee. I invite my colleague Fergus Ewing to lead the questioning.

**Fergus Ewing (Inverness and Nairn) (SNP):** Thank you, convener, and good morning to Alex Hogg. In the interests of transparency, I should say that Alex Hogg and I have known each other since he first gave evidence on Lord Watson's bill, which I believe was 25 years ago. We have since become friends, and I am also a supporter of the Scottish Gamekeepers Association, although I cannot remember whether I have paid my annual subscription. Having made a clean breast of it, as it were, I will move to questions.

First, Mr Hogg, why is predator control required as a species conservation tool? I think that the main point of your petition is to acknowledge that that is the case. Could you explain why predator control is required and talk us through the main methods used by gamekeepers and the role that gamekeepers, in particular, play in species conservation?

**Alex Hogg:** A typical week like this week, say, would see your curlews and lapwings just starting to show up back on the moor. We have spent the winter keeping on top of stoats, for instance, by using box traps. We are now spending our energies trying to control the fox with what tools we have left in the toolbox. That means sitting out for many hours, early and in the evenings, seven days a week, in all weathers, just trying to protect any ground-nesting birds because they are so vulnerable now to various species whose populations have gone through the roof: ravens, foxes, stoats and weasels, things like that. We have to control them otherwise we will have a desert.

Let me give you a picture. I was helping Bryan Burrows, who is on the South of Scotland Golden Eagle Project team. Yesterday, we drove down through Langholm, a 10,500 acre nature reserve that has been recently bought over, and we never saw one lapwing. We drove 20 miles south to Teesdale and we saw hundreds of lapwings, hundreds. This is what will happen. If we do not take care of things by controlling predators, we will end up with a desert.

**Fergus Ewing:** Can you confirm that there is predator control in Teesdale but not in Langholm?

**Alex Hogg:** Yes, absolutely.

**Fergus Ewing:** So, where there is no predator control, it becomes a species desert.

**Alex Hogg:** Yes, it really does. There is nothing there at all.

**Fergus Ewing:** What species are most at risk if there is an absence of the predator control that has historically been carried out?

**Alex Hogg:** Golden plover, lapwing, curlew, grouse—any ground-nesting species will be vulnerable.

**Fergus Ewing:** Is that because the predators regard the eggs as breakfast, lunch and tea?

**Alex Hogg:** Aye, and they cannae get up. Imagine a wee bird nesting in a tree or a hedge—it can get a wee bit safety. When it is on the ground, it is stuffed.

**Fergus Ewing:** That is very clear. Thank you.

The Scottish Government says that it recognises

“that predator control is a ... component of species conservation alongside other”

measures. In your opening statement, you called for the minister to confirm the Government's support and that it values the work that keepers do and that what you described assists with nature recovery. You have also asked for information about the cost of alternative proposed methods such as habitat control. No doubt we can pursue all those things; you have asked us to do that and I hope that we can.

Do you have anything specific in mind when you say that you want the committee to explore how predator control as an important component of species conservation could be officially recognised? Are you asking for a ministerial statement, a letter to the SGA, or perhaps evidence before this committee, where the minister may be given an opportunity to confirm all the matters that you have requested? Do you have something in mind that would embody official support?

**Alex Hogg:** We would love it if we got a ministerial statement. Imagine this: at the minute, there are massive grants for forestry, say—£8,000 per hectare, although that might be reduced a bit—but nothing for predator control. There are huge grants for agriculture. It would be nice for it to all be intertwined and recognised.

**Fergus Ewing:** I believe that there is an agriculture bill coming forward and that next year sometime perhaps the Government will come forward with specific proposals about how future financial support for the rural economy should be dealt with. Are you saying that you think that predator control, recognising its value for species conservation, should be a recipient of an element of that future funding?

**Alex Hogg:** Aye. Imagine a farmer being given a reward for a curlew nest fledging—perhaps £1,000 or £2,000 per nest. I think that as soon as

farmers heard that lapwings and curlews came within a predator control grant scheme, we would see an uprise in numbers; we really would.

**Fergus Ewing:** You think there should be an element of financial provision that would allow more predator control, which in turn would protect species at risk, such as lapwing, curlew, plover, capercaillie and so on.

**Alex Hogg:** Definitely. Curlew will go extinct. Curlew are nearly extinct in Wales. The situation is that serious.

**Fergus Ewing:** I have one final question. I am sure that other members of the committee wish to pursue other points, but I have a constituency interest here in relation to the capercaillie.

I think that Mr Hogg has stated that, despite the millions—tens of millions, I think; huge amounts of money—that has been expended with the aim of trying to protect the capercaillie population and see it not fall but grow, we have lost over 50 per cent of the remaining birds in five years. Is that right? Can you expand on that?

**Alex Hogg:** I think that the capercaillie will go extinct as well. The population is on knife-point if we do not act now. We have other problems, too. For instance, we cannot legally kill pine martens but we should maybe get a licence to move them live, and things like that. We have to work around the different areas where things are more protected. We have to try to pull all the stops out, Fergus, to save the capercaillie, and that is by predator control.

09:45

**Fergus Ewing:** Otherwise the caper is likely to become extinct. NatureScot has also said that it is likely to become extinct if current trends continue. Is that right?

**Alex Hogg:** Yes. It is very worrying.

**Fergus Ewing:** Despite tens of millions of pounds having been blown on this already. Has it been completely wasted? Is that the case?

**Alex Hogg:** Aye, they should have employed keepers from the start. The Royal Society for the Protection of Birds has been controlling stoats and weasels just off the mainland at the top of Scotland. I am trying to mind the island's name. There is a big control going there. They should probably have employed keepers, who would have done it better and far quicker.

**Fergus Ewing:** If they did employ keepers, we might have some chance of seeing species, including the caper, recover. Instead, we have had the great caper caper, as it were, with millions being blown. I will finish there.

**The Convener:** I represent an urban constituency and my life has all been urban. I enjoy the countryside, but I have never had to live in the countryside or depend on it directly. At least, I probably depend on it directly, but I have an indirect appreciation of how I depend on it. I have read a couple of books that were given to me that say that there has been, almost, an evisceration of certain bird populations. I have two or three questions and I would be interested to hear your reflections on them given what has been an occupation and a vocation for life for you.

First, why have legislators and urbanites become so sentimental about foxes and other predators in the sense that they do not wish to see them controlled in an effective manner but, instead, see them as things to be nourished and treasured? Meanwhile, the species to which you refer seem to have an almost anonymous profile in the minds of people who pursue those objectives.

**Alex Hogg:** I think that it all relates back to Walt Disney and things like that. We really could do with getting the kids on board. We have to try to change perceptions. On our charitable side, we go to teach in schools and colleges, but it is difficult. I spoke at a local school in Peebles recently. Maybe 1,000 kids came through that day, but only about 100 of them knew what a gamekeeper is. We are getting away from the real things in life.

**The Convener:** I think that you have broken new ground this morning, because I think that this is the first time that the Scottish Parliament has condemned Walt Disney. *[Laughter.]* I am sure that that is a headline in its own right. Are you saying that the Disney factor has created an artificial and slightly sentimental view of certain animals but not others?

**Alex Hogg:** Aye.

**The Convener:** The various birds that you mentioned have been ever-present species in our countryside. What would be the practical consequence, however regrettable, of losing those species from the Scottish countryside?

**Alex Hogg:** I just cannot imagine losing them. We must act now to save them. Can you imagine it? It must be in the biodiversity plans to prevent their loss. If we do not—well, I wouldnae like to think about it.

**The Convener:** You have lived all your life with the species being part of our natural habitat and you obviously have a passion for them. What characterises the appeal of the lapwing, the curlew and the capercaillie for you?

**Alex Hogg:** With the curlew, it is their call. You go out in the morning and try to protect them at the nest and you hear them calling. It would be so sad not to hear that call each spring. I just cannae

think that we should be facing their loss. We must act. It would be nice if the Government would recognise all the effort that we have put into saving these species.

**The Convener:** Fergus Ewing mentioned his association with you over 25 years. Have you seen a change in the centres of gravity in organisations such as NatureScot in the time that you have been engaging with them?

**Alex Hogg:** To be frank, NatureScot has been no help in the past 10 years. Years ago, I spoke to Robbie Kernahan, who works at NatureScot. I said, "Look, we have a big problem coming up with ravens. Can you please get your head round it?" However, nobody wanted to put their head above the parapet. Lately that has changed, maybe because biodiversity is going to collapse. NatureScot was at our annual general meeting and it seemed that it really wants to resolve the matter. Colin Galbraith was there and so were the chief executive and the licensing chap, Donald Fraser. It sounded as if they want to help—to get on board and get on the front foot.

It is important to get things moving more quickly because, otherwise, we are going to run out of time. One way that we can do that is by recognising certain zones. When I went to Teesdale yesterday, I saw hundreds of lapwings and curlews, and I could immediately see that that was due to the gamekeepers' efforts. That could be a zone. We could zone areas where curlew and lapwing numbers are strong, and NatureScot could come in and say, "Let's protect them even more." It could give us licences and get on the front foot. At the moment, it is very difficult to get licences. Let us try to beat this.

**Maurice Golden (North East Scotland) (Con):** At the Net Zero, Energy and Transport Committee yesterday, we heard that the Scottish Government had used Wikipedia as a source to explain policy in relation to the environmental court. We might say that that was Mickey Mouse policy making. Do you have confidence in the research by the Scottish Government and NatureScot and their understanding of the importance of evidence-based policy setting?

**Alex Hogg:** They are very choosy with some of the science. White hares are a perfect example. There are thousands of them on capercaillie ground, but the Scottish Government protected them. We had all the science, but the Scottish Government would not listen to it. Everything was on our side, but nobody took any notice. They said, "Let's protect the white hare." There are no white hares in the Abernethy RSPB reserve. Some of the science is believed, but some of it is disbelieved.

**Maurice Golden:** That is helpful. NatureScot has reviewed capercaillie conservation and it has said that lethal predator control is not its primary recommendation for a range of reasons, including that

"widespread removal of a suite of species is not compatible with the overall biodiversity goals as set out in Scottish Biodiversity Strategy."

What are your thoughts on that? How can we protect biodiversity? What might be the primary methods of doing that?

**Alex Hogg:** I read that report. When I saw the word "widespread", I thought that that is where zoning comes into its own. If we focus on saving the capercaillie in zones, all the tools in the box could be used there. That would not be "widespread".

**The Convener:** You said that you were in Teesdale yesterday. I have visited Teesdale and I seem to recollect that it is renowned for its waterfalls. Am I in the right place?

**Alex Hogg:** Yes.

**The Convener:** People in Teesdale will be aware of what is happening in Scotland in comparison. What observations have they made about the impact that see in Scotland? What concerns do they have as a consequence?

**Alex Hogg:** We have had to jump through so many hoops with the grouse moor licensing that people are just frustrated. We almost feel like second-class citizens in Scotland—especially the keepers, who have been bashed and battered. We have jumped through all the hoops and done all the snaring training and firearms training. We have done everything, but we are still getting bashed. We would just like recognition that we are valuable in the biodiversity crisis.

**Fergus Ewing:** I have a question on zoning. It is always good to have specific recommendations from witnesses rather than generalised commentary. I will take capercaillie as an example. There has traditionally been a capercaillie population in Strathspey. How big would the zones be? Can you expand on how the extent of the zoning would be assessed? Would it be helpful if local gamekeepers were part of the process and they helped to identify which areas should be subject to the measure and controlled? Should there be a requirement that gamekeepers are consulted so that we get the right areas zoned?

**Alex Hogg:** You know Ewan Archer up at the estate. If you spoke to him, you would quickly find out which area was needed. It is really important to have the local keeper on board.



**Fergus Ewing:** He is head gamekeeper at the Seafield estate.

**Alex Hogg:** Yes.

**Fergus Ewing:** Gamekeepers could not only carry out the control but also be key advisers, given the work that they do on the ground. Am I right to say that only they have that knowledge as those who criticise predator control, unlike you, tend not to work in the countryside? Keepers would not only do the work but be instrumental in guiding the policy and shaping which areas need to be zoned in order to protect the songbirds, capercaillie and other species that are at risk, which might otherwise become extinct.

**Alex Hogg:** It would be fantastic if we got that recognition.

**The Convener:** Is there anything further that you would like to say to us, Mr Hogg?

**Alex Hogg:** Members of the committee might want to get their heads round what happened at Otterburn. The Game and Wildlife Conservation Trust carried out a 10-year experiment at Otterburn, just over the border, and you can see the plots where it removed predator control. That important science shows that, without us, biodiversity and birds such as curlews and lapwings will be lost.

**The Convener:** Thank you for taking the trouble to come in and join us. On behalf of the committee, I thank you for your service to the countryside and the species that inhabit it. Your passion is evident from your petition and we are all grateful for that.

I will suspend the meeting briefly.

09:58

*Meeting suspended.*

09:59

*On resuming—*

### **Detainees in Custody (Access to Medication) (PE1900)**

**The Convener:** Our next continued petition is PE1900, on access to prescribed medication for detainees in police custody. The petition, which was lodged by Kevin John Lawson, calls on the Scottish Parliament to urge the Scottish Government to ensure that all detainees in police custody can access their prescribed medication, including methadone, in line with existing relevant operational procedures and guidance.

Colleagues will remember that this is an important petition that we last considered at our meeting on 31 May 2023. Members will recall that

concerns were raised about NHS Grampian and an inspection of police custody units in NHS Lanarkshire. The then Minister for Drugs and Alcohol Policy committed to conducting a rapid review of each health board to ascertain the extent of issues relating to controlled drug licences across Scotland.

We have since received an update on the outcome of that review, which revealed that Grampian, Lanarkshire, Western Isles, Dumfries and Galloway, Orkney and Shetland national health service boards did not have controlled drug licences. NHS Western Isles and NHS Dumfries and Galloway confirmed that they have existing practices to prescribe medication that do not require a controlled drug licence. NHS Grampian was striving to submit an application by the end of May 2023. NHS Highland submitted an application and was awaiting a Home Office inspection. NHS Lanarkshire was in the process of seeking a licence, as the custody suites in Motherwell and Coatbridge did not have a licence.

NHS Orkney and NHS Shetland have planned a review of the supply of medications in custody facilities, which will help to inform whether they require a licence. That review was due to conclude six months from the time of writing. The response also revealed that NHS Orkney and NHS Shetland could not confirm that they had written policies and effective practices in place to ensure that every detainee has access to their prescribed medication. NHS Western Isles stated that it would create a pathway for prescribing controlled drugs to patients in custody.

We understand from the clerks that an update on each health board has been shared directly with the petitioner—not very recently, but more recently than the update that the committee received—and the petitioner has since provided us with a further written submission. Colleagues will recall that the petition led to an admission by the Scottish Government that we could not demonstrate that prisoners in detention were receiving the medication to which they were entitled and that this had led to a tragic outcome in one case.

Do members have any comments or suggestions for action?

**David Torrance (Kirkcaldy) (SNP):** I wonder whether the committee would consider writing to the Minister for Drugs and Alcohol Policy to ask for an update on the work of relevant health boards in obtaining controlled drug licences and on implementing written policies on access to prescribed medication. We could also ask how the minister intends to monitor the progress of work by NHS Grampian, NHS Highland, NHS Lanarkshire, NHS Orkney and NHS Shetland.

**The Convener:** I think that I am right in saying that the update that the petitioner received was in his capacity as a constituent of a minister. It would be useful—essential, in fact—for the committee to have as up to date a position as possible on the petition, which we have identified as important.

Are we agreed on Mr Torrance's recommendation?

**Members** *indicated agreement.*

### Youth Violence (PE1947)

**The Convener:** PE1947, which was lodged by Alex O'Kane, calls on the Scottish Parliament to urge the Scottish Government to address the disturbing culture of youth violence in Scotland. We last considered the petition at our meeting on 21 February 2024.

To date, the committee has gathered a range of evidence on the petition from youth group 6VT, the petitioner, families with direct experience of youth violence, and the academics Dr Gillon and Dr Batchelor. At the most recent evidence session, we heard from Police Scotland, No Knives, Better Lives and the Scottish Violence Reduction Unit. I thank all those who have contributed to date.

Those who have contributed to previous sessions have been watching our round-table and evidence sessions, and we have received a further submission from the petitioner challenging the evidence that he heard from the academics that violence is stable and low. The petitioner's submission points to issues with reporting and states his view that it is

"more difficult than ever to report a crime".

We have had an opportunity to reflect on the evidence that we heard. I am sure that we want to keep the petition open and pursue the issues. Do colleagues have any comments or suggestions as to what we might do?

**David Torrance:** Please bear with me, convener, because my response will be quite lengthy.

**The Convener:** Mr Choudhury, do you also have some suggestions?

**Foyso Choudhury (Lothian) (Lab):** Yes.

**The Convener:** I will let Mr Torrance go first. Then you could perhaps add anything that you think would also be relevant.

**David Torrance:** I wonder whether the committee would consider writing to the Minister for Victims and Community Safety seeking clear information on what a whole-system approach to youth offending looks like in practice when addressing repeated incidences of violence perpetrated by a young person.

We could ask for that to include details of the varying pathways for responding to repeat perpetrators and what investigation, charging, sentencing, rehabilitation and diversion look like in those pathways; how a history of violent behaviour is considered when addressing youth offending; and how policies and processes across the mental health, education, social care and justice systems work together to put perpetrators on a positive path while protecting victims in their communities.

We could also ask for reflections on whether the minister recognises the challenges to reporting that the petitioner has noted; an indication of whether she recognises the petitioner's concern that recorded crime statistics may reflect low reporting rates rather than giving an accurate picture of levels of youth violence; information on what victims can expect by way of transparent communications and trauma informed support at each stage of the process; and, finally, information on what the Scottish Government is doing to address young people using social media to threaten violence or encourage participation in violence.

**The Convener:** That was comprehensive. Do you have anything to add, Mr Choudhury?

**Foyso Choudhury:** Yes—it is on Mr Torrance's last point. At our previous session, Police Scotland said that a lot of social media companies are based abroad, which makes it difficult for Police Scotland to engage with them. Can the Scottish Government do anything or ask questions if there is something that it wants to get involved with?

**The Convener:** There is merit in seeking an opinion from the Scottish Government on the impact that social media is having in this area, what the Government feels it can do and, if it does not feel that it can do anything, where responsibility for that lies or what would need to change to allow the Government to act more decisively. I agree with Mr Choudhury's suggestion on that basis.

**Fergus Ewing:** I am rereading the evidence from Will Linden of the Scottish Violence Reduction Unit and Emily Beever of No Knives, Better Lives, at column 15 in the *Official Report* of our 21 February session.

Will Linden and Emily Beever both referred to the value of schemes such as cashback for communities and schemes provided by grass-roots organisations. Emily Beever said that the cashback programme has recently changed and shifted money away from some of the smaller grass-roots organisations and that there is uncertainty about the longevity of funding across the third sector generally—funding is from year to year rather than longer. Will Linden echoed and

supported Emily Beever, stressing the difficulty for third-sector and community organisations. I know that this is a difficult area. It is not always clear who is ultimately responsible for ensuring the survival of such schemes.

Along with the evidence that Mr Torrance has quite rightly sought, can we ask the Minister for Victims and Community Safety to set out what is being done to ensure that the work of those voluntary and third-sector organisations is better funded on a long-term basis and valued? From my recollection of my time in that ministerial role—admittedly, it was a considerable time ago—much of the work that those organisations do helps to turn around young people who otherwise are on the cusp of more serious offending.

**The Convener:** I am looking over that evidence again, and you are right that it was a central point of the discussion. Your suggestion would be helpful.

Colleagues, are we agreed on the various suggestions that have come from the committee?

**Members indicated agreement.**

**The Convener:** We will keep the petition open and move forward on that basis.

### **Patients with Autonomic Dysfunction (Specialist Services) (PE1952)**

**The Convener:** PE1952, which was lodged by Jane Clarke, calls on the Scottish Parliament to urge the Scottish Government to instruct Scotland's NHS to form specialist services, training resources and a clinical pathway for the diagnosis and treatment of patients exhibiting symptoms of autonomic nervous system dysfunction, or dysautonomia. We last considered the petition at our meeting on 17 May 2023.

A recent submission from the Minister for Public Health and Women's Health highlights the results of a questionnaire to a sample of general practices, which included questions on the clinical guideline "Managing the long-term effects of COVID-19". The survey found that 60 per cent of responding practices were aware of the guideline and 25 per cent were aware of the implementation support note. The content of the implementation support note is being reviewed and updated.

The University of Leeds has been contracted to support the initial evaluation of long Covid services in Scotland. That work will provide an analysis of demand and capacity and of longer-term outcomes for patients, and will compare differences in service models where possible.

The petitioner has stressed that the petition concerns all patients with dysautonomia and not just those with long Covid. She notes that there

are no specialist autonomic clinics in Scotland and that cardiology consultants have told PoTS UK that they do not have the expertise to manage patients with dysautonomia. The petitioner welcomes the training resources that are available to healthcare professionals but would like to make it clear that those are not a suitable substitution for specialist services.

Do members have any comments or suggestions for action?

**David Torrance:** The committee should consider writing to the Scottish Government to ask whether it will work to create specialist autonomic clinics in Scotland and, if not, how it can be confident that the expertise in local and regional clinical services is sufficient to treat those with autonomic dysfunction.

**The Convener:** If there no other suggestions, are we content to proceed on that basis?

**Members indicated agreement.**

### **A82 Upgrade (PE1967)**

**The Convener:** PE1967, on protecting Loch Lomond's Atlantic oakwood shoreline by implementing the high road option for the A82 upgrade between Tarbet and Inverarnan, was lodged by John Urquhart on behalf of Helensburgh and District Access Trust and the Friends of Loch Lomond and The Trossachs. The petition calls on the Scottish Parliament to urge the Scottish Government to reconsider the process for selecting the preferred option for the planned upgrade of the A82 between Tarbet and Inverarnan, and to replace the design manual for roads and bridges-based assessment with the more comprehensive Scottish transport appraisal guidance.

When we last considered this petition at our meeting on 17 May 2023, we agreed to write to the Minister for Transport, and we also looked at the suggestion made by Jackie Baillie, who joined us at that time, with regard to options for a site visit. We have received a response from the then minister and now Cabinet Secretary for Transport, which refers to previous submissions setting out the development and assessment of the A82 Tarbet to Inverarnan scheme, and the Scottish Government's view that the STAG-compliant assessment has already been completed. The minister states that the Government is not willing to carry out a reappraisal of its preferred route option, as that would repeat work already carried out and would likely lead to considerable delay and additional costs. The minister also notes that Transport Scotland has considered the alternative option put forward by the petitioner, with the Government not considering it as a viable alternative to its preferred option.

The petitioner has commented that the minister's response does not add anything new to the evidence that we have gathered so far, and notes that both route options pose considerable engineering and environmental issues, with the Scottish Government's preferred option requiring the extension of viaducts affecting the tree line and wildlife along the banks of Loch Lomond. However, the petitioner does welcome the minister's assurance that stakeholders will have an opportunity to make formal comment or objection during the statutory consultation period and offers once again to facilitate a visit to the site. The committee has also received a submission from Stuart Corder in support of the petition, which shares concerns about the likely impact of the low road option on local tourist businesses.

I am not certain that a site visit would assist us, given the fairly strong direction that we have received from the Scottish Government. Do colleagues have any comments or suggestions?

10:15

**Foysoyl Choudhury:** I suggest that we write to the Cabinet Secretary for Transport, seeking further details on the anticipated timetable for progressing the draft road orders and statutory consultation. I would also suggest that Transport Scotland be invited to give evidence on why the STAG appraisal has not been carried out.

**The Convener:** In the first instance, I would write quite specifically to Transport Scotland on that issue instead of bringing it before the committee. I do not think that we necessarily want to schedule an evidence session on such a narrowly defined point, but I think that we could ask the organisation the question quite directly. There seems to be a difference of view on what has taken place, and I would quite like something that was a bit more definitive.

**Fergus Ewing:** I respectfully agree that I do not think that a site visit is required or that we should take oral evidence from Transport Scotland. However, there appears to be a slight conflict in the evidence on exactly what analysis Transport Scotland has carried out on the apparent high road option. My impression on rereading the correspondence and submissions is that Transport Scotland has carried out some analytical work on the option and has concluded that it is not practical. I think that clarification of that in a letter would be very useful.

I would also like Transport Scotland to confirm how much a STAG report would cost, how long it would take and whether it thinks that it might delay the project further. Despite the objections that the petitioners have very sincerely set out, the fact is that a far greater number of people on the west

coast—in Oban and Fort William—use this route as their link with the world and the Tarbet to Inverarnan stretch is arguably the worst section of an A-road in Scotland. There are routinely accidents, delays, damage to wing mirrors and so on, and I think that many people feel anxious about driving that section, as I did for many years when I represented Lochaber. A huge number of people want the A82 to become a proper road, so, while respecting the petitioner's wishes, I think that it is useful to put that on the record out of a sense of balance.

**The Convener:** Are we content to proceed on that basis?

**Members indicated agreement.**

**The Convener:** Mr Ewing, you are showing your age when you talk about wing mirrors—it is more likely to be door mirrors these days. It has been some time since wing mirrors were legal on modern vehicles. Nonetheless, I understood your point.

### **Child Protection (Public Bodies) (PE1979)**

**The Convener:** PE1979, on the establishment of an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding inquiries by public bodies, has been lodged by Neil McLennan, Christine Scott, Alison Dickie and Bill Cook. I think that I see at least some of the petitioners in the gallery this morning.

The petition calls on the Scottish Parliament to urge the Scottish Government to launch an independent inquiry to examine concerns that allegations about child protection, child abuse, safeguarding, and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council Scotland as well as concerns about gaps in the Scottish child abuse inquiry; and to establish an independent national whistleblowing officer for education and children's services in Scotland to handle such inquiries in the future.

We last considered the petition a month ago on 7 February, when we held a round-table discussion with the petitioners—Bill Cook, Alison Dickie and Neil McLennan—and the whistleblower, Brendan Barnett. Three were present, and one was online. During that round table, we heard about a need to robustly investigate and resolve safeguarding allegations before undertaking policy reviews, and about the failure of public bodies to follow national guidance due to its non-statutory status and an inconsistent approach to information gathering and sharing between relevant agencies.

We also heard about concerns that allegations are not fully investigated at the time, with inquiries taking place many years after the event; the impact of that on confidence in local authorities and public bodies; how the role of the Children and Young People's Commissioner in Scotland could be strengthened; and how the creation of a national whistleblowing officer for education and children's services could provide a route for individuals to access guidance, support and a structured procedure when raising concerns. Following the evidence session, we have received a new submission from the petitioners, requesting a private evidence session to further explore issues that they felt constrained from detailing more fully in a public setting.

There are two key asks of this petition, the first of which is the call for an independent investigation of unresolved allegations about child protection. The petitioners have given us a flavour of those outstanding allegations and the challenges experienced in resolving them through the existing process. However, it might well be that the committee does not offer the appropriate forum for taking forward detailed consideration of that particular ask. The petition also calls for the creation of an independent whistleblowing officer for education and children's services, with the petitioners indicating in their most recent submission that they will provide further follow-up information on the accountability and resourcing issues that we discussed.

Having had the opportunity to reflect on the evidence that we heard last month from the petitioners, do members have any comments or suggestions for immediate action that we might consider taking? Members might be aware that there was also a late submission, which you will have received with your papers for today's meeting.

**David Torrance:** I wonder whether the committee might consider writing to the Minister for Children, Young People and Keeping the Promise to recommend that she meet the petitioners to discuss their concerns about unresolved allegations relating to child safeguarding and to ask her what consideration the Scottish Government has given to the suggestion of the Children and Young People's Commissioner Scotland to develop a new principle for individual professionals and agencies responsible for child protection issues.

The committee could also consider writing to the Scottish Public Services Ombudsman to seek information on the effectiveness of an independent national whistleblowing officer for NHS services and its views on whether a similar approach should be adopted for education and children's services.

**The Convener:** Do other colleagues have any suggestions following the evidence that we heard?

**Fergus Ewing:** I think that the witnesses from whom we heard—Mr Cook, Mr Barnett and Alison Dickie—indicated that one of the problems with public inquiries is that they take such a long time and that part of the rationale for having the proposed whistleblowing service that they advocate is that things can happen at the time, not after the kids concerned become adults when, frankly, the events will have long drifted out of the memory of those involved. Could we in writing to the children's commissioner draw that specific point to the commissioner's attention? After all, it does seem to be a gap. We could draw it to the minister's attention, too, because if the point is not granted and dealt with, I do not think that we will have made much progress with this petition.

I just wanted to make the point, convener, because it was made in the evidence that we heard.

**The Convener:** Mr Ewing, I recall that you drew particular attention to the issue in our questioning. Indeed, I think that you cited the Edinburgh academy case, suggesting that it would be useful to incorporate that, too.

If there are no other suggestions from members, do we agree to keep the petition open and pursue with the minister and the ombudsman these particular issues?

**Members indicated agreement.**

### **Universities (Fair Access) (PE2009)**

**The Convener:** Our next petition is PE2009, on ensuring fair access to Scottish universities for all residents in Scotland and the United Kingdom, which was lodged by Caroline Gordon. The petition calls on the Scottish Parliament to urge the Scottish Government to ensure fair access to Scottish universities for residents in Scotland and the UK by reviewing university business models and Scottish Government funding arrangements. We last considered the petition at our meeting on 17 May last year, when we agreed to write to Universities Scotland, the Scottish Government, the Commissioner for Fair Access and individual universities in Scotland.

While Glasgow Caledonian University states that its aim is to be allocated more funded places, it notes that growth would be focused on increasing and widening participation in Scotland. Edinburgh Napier University accepts that the funding arrangements mean that the approach could be described as an upper cap on the overall number of places. However, it states that it does not recognise the scenario that is presented in the petition, in which all places for Scottish-domiciled

students on a degree programme are filled by students from a widening participation background.

The response from the Commissioner for Fair Access notes that he intends to review funding arrangements but has not found evidence to substantiate the petitioner's concerns that funding arrangements block access for Scottish-domiciled students or that such arrangements lead to students pursuing higher education elsewhere in the UK. Universities Scotland's submission recognises that, for some courses, demand will be so high that suitable applicants are unable to achieve their first choice. However, the submission also notes that the data indicates that applicants are not missing out on accessing Scottish universities on funding. It highlights that public investment in each Scottish undergraduate has fallen by 27 per cent in real terms since 2014 and that spending per student should be the focus rather than increased places.

Robert Gordon University, Universities Scotland and Edinburgh Napier University state that there is not an issue of too few funded places, with some highlighting the need for increased funding allocation per student. On that point, Robert Gordon University's submission points out that the Scottish Funding Council reduced the number of non-controlled funding places by 1,000 in the 2023-24 academic year in response to underrecruitment of students across the sector.

The petitioner's written submission requests that the committee seek data from each university on a number of points relating to the number of applicants from different backgrounds who are being accepted into specific courses across Scotland.

We were joined at the previous hearing of the petition by our colleague Michael Marra, who is with us again this morning. Before the committee considers what action we might further take, I would be interested to hear again from Mr Marra.

**Michael Marra (North East Scotland) (Lab):** I thank the committee and the clerks for the support that they have given me in pursuing this petition. I have to say that the evidence that has been supplied, particularly by the individual universities, has added to the understanding of the issue in specific contexts. The work that the committee has undertaken so far is greatly appreciated. I hope that there is further work that can be done to open this up and I will set out some of that if I can.

I have reflected on the submissions that have come back from the various consultees and, as I say, I think that the individual universities' context is useful. I would say that, in their submissions, both the Commissioner for Fair Access and Universities Scotland reference data but do not

provide it. I have found some of that data difficult to find, particularly in relation to the assertion by the Commissioner for Fair Access on the question of whether too many Scottish-domiciled students are having to pursue higher education at personal financial cost elsewhere in the UK. He believes that there is no evidence of that and references data but does not provide the data. It would be useful for my constituent and for the general discussion of the policy if he were to do that. I would appreciate it if the committee might consider asking him to provide that data, as well asking Universities Scotland to provide the data that it references in its submission.

It is fair to say that I do not believe that the general issue of the funding model that is imposed on universities in Scotland will be resolved by the petition. I think that that is a political decision and the submissions set out some of the general issues around it, such as the 27 per cent decrease in funding per student, which I know will be deeply concerning to many people.

The issue is what other data we can obtain that can help applicants to better inform the decisions that they might make. That is particularly pertinent in the coming year. A significant budget cut of £28.5 million is being made to higher education institutions, which may further decrease the number of Scottish-domiciled students who can gain access. It makes the competition ever tighter. It is key and the relevance of this has increased since the budget process has come through. I hope that the committee would take that into consideration as well.

I support my constituent's view on this. Universities should be publishing more data about the make-up of the students on courses, whether it be international students or Scottish-domiciled students. There is one reason for that in particular. A Scottish student applying to universities has five options when they fill in their Universities and Colleges Admission Service form; that has been the case for a very long time, certainly since I applied to university in the mid-1990s. What we have heard in the evidence so far is that, on some courses, the person making that application had zero chance of accessing that course, on the basis of the evidence from the previous years. Some of those cases are very isolated, and the universities are keen to express that point; it is a rare occurrence in their view. I think that there is a solid case for that information to be published proactively to best inform applicants as to whether they are using one of their five bullets—the five chances that they have—properly. Do they have a real chance of gaining access to the course that they want at the institution they want, or do they not? To me, that is an element of fair access.

10:30

Perhaps that is something on which the committee might consider asking for the views of Universities Scotland, the Scottish Government and the Commissioner for Fair Access. That is not to say that the committee should endorse that position, but it might be something that could be explored. I think that having that information makes it a fairer system all over for everyone concerned, whether it be Scottish-domiciled students, international students or widening access students, so that they can best understand where they should engage with the process and how they will be supported in what they do. Opening up the data so that there is greater transparency is probably the next logical step on the petition. If the committee was of a view to support that, that would be most welcome.

**The Convener:** Thank you, Mr Marra. I think that that is a telling point. I certainly have constituents for whom it would be useful to have a more informed understanding of where they might reasonably make their five applications with an expectation of success based on some data that verified that. I would think that a very useful thing for us to seek to bring into the light of public scrutiny.

Are colleagues content to pursue the further advancing of data as Mr Marra has suggested?

**Members indicated agreement.**

**The Convener:** Thank you very much. We will keep the petition open and seek to make progress on that basis. No doubt we will see you again when we next consider it, if we are fortunate enough to receive the information that we have requested. Thank you.

### **Hormone Replacement Therapy (Blood Tests) (PE2012)**

**The Convener:** PE2012, on removing the need for follicle stimulating hormone blood tests before prescribing hormone replacement therapy, was lodged by Angela Hamilton. The petition calls on the Parliament to urge the Government to remove the need for FSH blood tests in women aged 40 to 45 who are experiencing menopause symptoms before HRT can be prescribed to relieve their symptoms and replenish hormone levels. It was last considered on 31 May last year, when we agreed to write to the Royal College of Obstetricians and Gynaecologists and NHS Education for Scotland.

The Royal College for Obstetricians and Gynaecologists refers to expert advice from the British Menopause Society that, in accordance with National Institute for Health and Care Excellence guidelines, follicle stimulating hormone blood tests should be considered but not required

to diagnose perimenopause and menopause in women aged 40 to 45. NHS Education for Scotland has confirmed that the online learning package on menopause and mental welfare is being researched and written, and it expects the resource to be available to general practitioners and primary care practitioners by the end of this month.

We have also received a submission from the petitioner, which shares the experience of a patient seeking menopause treatment and support who felt forced to seek private medical care and faced further difficulties with follow-up care when their treatment was passed to their GP.

A number of organisations have responded, advancing some of the issues that are raised in the petition. Do colleagues have any suggestions or comments for action?

**David Torrance:** Would the committee consider closing the petition under rule 15.7 of standing orders as NICE guidelines state that, for women aged 40 to 45, HRT can be offered without the need for blood tests when other menopausal symptoms are present? There is now a specialist menopause service in every mainland NHS health board with a buddy system in place for islands health boards. Also, NHS Education for Scotland has been commissioned to create an online learning package on menopause and menstrual health, with resources expected to be available for free to GPs and medical practitioners by the end of March 2024.

**Maurice Golden:** I respect what the member says but, particularly given the make-up of this committee, I wonder whether we should keep the petition open and write to the British Menopause Society seeking its views on the issues that are raised by the petition, including whether it has engaged with NHS Education for Scotland in the development of the online learning package that is being provided to GPs and medical practitioners in Scotland.

**Foyso Choudhury:** I think that we should write to the British Menopause Society seeking its advice.

**The Convener:** Mr Ewing, do you have a view?

**Fergus Ewing:** Well, I did wonder if there was much more we can do, for the reasons that Mr Torrance said, but if members want to write to the society, there is perhaps no harm in that.

**The Convener:** I think that Mr Golden was pointing out that we are a very masculine committee, which perhaps might mean that we are not giving due consideration, as others might, to some of the issues that are being raised here.

**David Torrance:** Convener, I will withdraw my recommendation.

**The Convener:** I understand the reasons that Mr Torrance gave but, at the same time, I think that Mr Golden makes a perfectly reasonable point. We will keep the petition open and write, as suggested, in relation to the issues in the petition. It occurred to me when I was updating colleagues that we can also just check with NHS Education for Scotland that the resource does materialise by the end of March. By the time we next consider the petition, we will know whether that package was properly introduced, which I think is a reasonable additional step.

### **Scottish Qualifications Authority Examinations (Appeals) (PE2014)**

**The Convener:** PE2014, on reverting to the appeals system that was used in 2022 for Scottish Qualifications Authority exams, was lodged by Elliott Hepburn on behalf of Moffat academy students. It calls on the Parliament to urge the Scottish Government to implement a revised SQA appeals process that takes into account evidence of the pupil's academic performance throughout the year, particularly prelim results. We last considered the petition on 31 May last year. The SQA's written response explains that, from 2014 to 2021, the appeals system mirrored the 2023 system in that it did not consider alternative evidence. It highlights that the appeals system in 2023 was developed following an extensive evaluation of the approach that was taken in 2022.

Separate from that, an examination of exceptional circumstances consideration service is available to pupils who are unable to sit exams or whose performance is affected by personal circumstance. Evidence suggested that the 2022 appeals service, which considered alternative evidence as part of the appeals process, was not fair to all learners and increased the assessment burden. The Cabinet Secretary for Education and Skills has indicated that the SQA has evaluated the 2023 arrangements and was expected to confirm the arrangements for 2024 before the end of last month.

Obviously, matters have moved on and I imagine that people are more concerned now with the appeals process that will apply in the year in which we are now considering exams. I do not know whether that was confirmed at the end of February. I am unaware of that fact, but I wonder whether colleagues have any suggestions in relation to the petition that is before us.

**David Torrance:** Would the committee consider closing the petition under rule 15.7 of standing orders, as the SQA described the appeal process that operated in 2022 as an emergency response for a single year and based its approach for 2023 on the outcome of a full review of the 2022 approach? Also, the use of alternative evidence

and appeals raised issues of equitable access, fairness for absent candidates and the volume of work that the service generated for the wider system. Responsibility for the appeals process rests with the SQA, which operates independently from ministers.

**The Convener:** Colleagues, given that the request of the petition related to a year now past, are members content to close the petition as suggested by Mr Torrance?

**Members indicated agreement.**

**The Convener:** We thank the petitioners. Obviously, it is open to anyone to raise a fresh petition in relation to arrangements in a separate academic year, but we look to the statement that was expected from the Scottish Government in relation to arrangements for 2024.



## New Petitions

### Hire of Public Land (Ministerial Intervention) (PE2056)

10:38

**The Convener:** Item 3 is the consideration of new petitions. For those who might be joining our proceedings online this morning, having heard that a petition that they had submitted was to be considered, I note that, in advance of so doing, we ask the Scottish Government for comment and the Scottish Parliament's independent research unit, the Scottish Parliament information centre, for a briefing on the petition. We do that because, historically, in previous sessions, if we did not do so, that was the first thing that the committee recommended that we do, which often led to an extended delay in our consideration of the issues raised.

The first of the new petitions is PE2056, which was lodged by Stephen Gauld. It calls on the Parliament to urge the Scottish Government to introduce legislation that provides ministers with the power to call in and, potentially, override council decisions on the hire of public land for large-scale events. Mr Gauld tells us that, over a number of years, his business has tried to hire public land for large-scale events but that the requests have been refused by local authorities. He suggests that his is not the only business that has been impacted.

As the SPICe briefing notes, although the Parliament has legislative competence to enact primary and secondary legislation that impacts local authorities, it is generally up to local authorities to determine how they use their land and property. The Minister for Local Government Empowerment and Planning advises that it is not a matter for the Scottish Government to intervene on and refers to the Verity house agreement, which includes a commitment for local and national government to respect each other's democratic mandates.

We have received a response from the petitioner, Mr Gauld, commenting on the minister's response, emphasising the call for a change in the law and noting that the Verity house agreement is not legally binding. Do colleagues have any comments or suggestions for action? Mr Ewing, are you thinking of contributing here?

**Fergus Ewing:** I was thinking that the specific action that the petitioner seeks from us is not one that can readily be accommodated. Nonetheless, general questions are raised about the circumstances in which an events body that seeks to hire land gets a blank refusal from local

authorities. Why is that? What is the rationale behind it? More information, therefore, would be useful. I appreciate that we do not wish to trespass on the Verity house agreement and local authorities' responsibilities, but I think that reasonable questions have been asked by the petitioner. I would be reluctant at this fairly early stage to close the petition without at least doing justice to the petitioner by trying to pursue the queries.

Therefore, we should write to the Convention of Scottish Local Authorities, the Association for Public Service Excellence and EventScotland—the VisitScotland directorate that supports Scotland's events industry—seeking their views on the petition and the action that it calls for, including any guidance that they provide to local authorities about developing policies for the hire of public land. In addition to that, it would be useful to see whether there are any private sector tourism bodies that could assist us in providing useful information—I am not quite sure from whom we might obtain that, but possibly the Scottish Tourism Alliance.

We all want events to be displayed on public land. Local authorities are under a lot of pressure in various ways with funding and so on, but the petitioner raises a reasonable question. Therefore, I would be reluctant to just close down the petition without making some effort to get closer to understanding whether there is a problem with reasonable requests routinely being turned down peremptorily by local authorities.

**David Torrance:** Perhaps we could consider writing to the Showmen's Guild of Great Britain to see what difficulties it has had, because it is probably the organisation that hires land from local authorities more than anybody else in Scotland.

**The Convener:** Part of me wonders whether some local authorities—perhaps smaller local authorities, which are in locations where such permissions might be being sought—feel that their own resource is such that it is easier to say no than it is to say yes, because saying yes involves them in the administration of certain matters for which they feel that they currently do not have the capacity to take forward. That might be, in part, what underpins their views. I would be interested to know whether COSLA felt that there was any substance to that consideration.

Therefore, with the various suggestions that have been made, we will keep the petition open. Although we accept some of the evidence that we have received, and the comment from the Scottish Government, there are issues here that it would be useful for us to explore.

### Rape Charges (Under-16s) (PE2064)

**The Convener:** The second of our new petitions, on which colleagues will note that they have a late submission on the table before them, is PE2064, which has been lodged by Julie Mitchell. The petition calls on the Scottish Parliament to urge the Scottish Government to ensure that under-16s who are charged with rape are treated as adults in the criminal justice system. The SPICe briefing explains that certain offences for children over the age of 12 and under the age of 16 must be jointly reported by the police to the children's reporter and the procurator fiscal. Rape is considered to be an offence that requires joint reporting, and the procurator fiscal decides whether prosecution will proceed in the adult justice system.

10:45

Regarding the sex offenders register, where a case proceeds in the adult criminal justice system and results in a conviction for rape, the notification requirements apply regardless of age. However, the length of the notification period is reduced for those under the age of 18. The Lord Advocate is reviewing diversion from prosecution as it relates to sexual offences, to consider whether it is being used appropriately. The Scottish Government's response to the petition notes that its policy position is to keep children out of the criminal justice system wherever possible and appropriate. However, it recognises

"the need to strike a balance between supporting children who come into conflict with the law and ensuring that our communities are safe and that victims are supported."

Do members have any comments or suggestions for action?

**David Torrance:** Perhaps the committee would like to write to the Lord Advocate seeking an update on the review of diversion from prosecution for sexual offences and make reference to issues raised in this petition as part of any letter to the Minister for Community Safety on PE1947.

**The Convener:** Are we content to take forward Mr Torrance's recommendation and to combine that with the issues that are raised in PE1947?

**Fergus Ewing:** Although I support Mr Torrance's recommendation, I note that we might, in addition, when writing to the Lord Advocate, seek from her such data evidence as is available, without going into names, of cases that have arisen over the past few years. Legislation was passed in this area fairly recently, I think.

There is no doubt whatever that it is an area of huge public concern, for the reasons that the petitioner sets out in their supplementary submission.

As well as the review of diversion, which I think was instructed last July so might not yet have been completed, it would be useful to find out how many cases there have been of rape by under-16s, how serious the situation is, how many instances there have been each year and any further information about that. That would help to provide a bit more background. It is plain that any case can have tragic consequences for the victim, which is what the petitioner has emphasised in the supplementary submission.

**The Convener:** That is reasonable. I will try to find wording that would allow us to establish that. We will keep the petition open and pursue as recommended the issues that are raised.

### Pedestrian Safety (PE2065)

**The Convener:** PE2065, which was lodged by Shauna Rafferty, calls on the Parliament to urge the Government to improve and prioritise safety for pedestrians by widening pavements and reducing street clutter; introducing a mechanism to report pavement parking; and improving visibility of pedestrian crossings. The SPICe briefing notes that responsibility for the maintenance, management and development of most of Scotland's streets, including footways and crossings, rests with councils.

Transport Scotland's response to the petition points to "Scotland's Road Safety Framework to 2030", which created targets for key priority groups, including pedestrians. Investments are highlighted in the submission, including funds for new and improved pavements, safer junctions, improved place design and projects for casualty and risk reduction. Transport Scotland is working closely with local authorities to assist them in preparing for the enforcement of the pavement parking ban. Do members have any comments or suggestions?

**David Torrance:** Would the committee consider writing to Transport Scotland to ask how Scotland's active travel vision to 2030, the national transport strategy and the road safety improvement fund will work to directly address street clutter, and to ask whether it has considered a national approach to improving the visibility of pedestrian crossings? Perhaps the committee could also consider writing to COSLA to seek information about the capacity of local authorities to widen pavements, reduce street clutter, improve the visibility of pedestrian crossings, enforce the pavement parking ban and implement safe system measures through the road safety improvement fund, and ask how it intends to share best practice on measures to improve pedestrian safety across local authorities.

**Fergus Ewing:** I support that, but in doing so I am aware from my own constituency that the pavement parking ban has caused practical issues for residents in residential areas where the street is narrow and there are usually cars on each side of the road and where, if there is some abuttal of the pavement, unless a car can mount the pavement to an extent, it becomes impossible for people to have a car. That in turn means that some people are effectively isolated, particularly elderly people, those with impaired mobility and those with disability. It is an issue that has been raised with me, and it has quite severe consequences.

The safety of pedestrians is very important, but there is another side to it. In taking up Mr Torrance's suggestion, could we ask whether that aspect has been considered and whether local authorities in other parts of Scotland have received complaints such as those that have been raised with me? If not, perhaps some further work might need to be done, because I suspect that the issue will come back, and we will probably receive a petition on the topic before too much longer.

**The Convener:** That has been my experience with constituents, as well, although the parking ban has not yet been enforced in my constituency, despite the excited interventions of Mr Greer, who is continually invoking the local authority to proceed. There are a number of streets where the application of the law means that emergency service vehicles are not able to access the street, which is a clear issue that could have been foreseen.

The other issue that makes this all the more difficult is the continual increase in the size of motor vehicles. I think, Mr Ewing, of the cars with wing mirrors in which you and I passed our driving test, and I think back, as a Ford dealer in those days, to the Ford Capri, the Ford Cortina, the Ford Escort and the Ford Fiesta—they would occupy half the space of a modern vehicle, both in length and width. It is not a surprise that, when vehicles park in the streets, there is no road left in the middle for anybody to drive through. Vehicles have certainly got a lot bigger—unnecessarily so, in my view—with a consequent impact on the road network and infrastructure that has to support them.

Having got that out of my system, we will proceed. Mr Choudhury, were you trying to come in? Do you drive a particularly big vehicle?

**Foyso Choudhury:** No, I do not—not one with those big mirrors. If you watch the old cowboy movies, you can see the big wing mirrors sticking out.

**The Convener:** Some people are even driving camper vans these days.

**Foyso Choudhury:** That is one thing that I have been asking you guys to organise for me, but I have not been in a camper van yet.

I have a constituent who wrote to me on the pavement parking issue that we were talking about earlier. Some local authorities have already banned parking on pavements, and there have been a lot of issues. Is there any data on the councils that have banned pavement parking? If so, can we request it?

**The Convener:** I suspect that there is no data yet, because it is very early. However, Mr Ewing is probably correct to suggest that we might anticipate a petition at some point in relation to the unintended—or, in some cases, intended—consequences of the legislation that has been imposed.

**Foyso Choudhury:** I would be very happy if we could organise a camper van. [*Laughter.*]

### Child Welfare Reports (PE2069)

**The Convener:** PE2069 is the final new petition today. The petition, which was lodged by Nicole MacDonald, calls on the Parliament to urge the Scottish Government to ensure the accuracy of evidence gathered by child welfare reporters by introducing a requirement that statements that are provided as part of their report are signed as a true account.

Ms MacDonald raises concerns that, where child welfare reports contain inaccurate or misleading information, individuals rely on their solicitor to challenge inaccuracies and, if the solicitor does not, there is the potential for the court to be misled when making its decision. The SPICe briefing highlights the Scottish Government's 2016 guide to the child welfare report, which notes that the reporter should only ask for information that is relevant to the remit that the court sets. However, as the briefing also notes, if someone does not agree with something in the report, their solicitor should raise that with the court. It notes that the Children (Scotland) Act 2020 provides for a system of statutory regulation of child welfare reporters, although the detail of the regulatory regime is still to be determined, having been delayed, in the minister's words, "by budgetary pressure".

The Minister for Victims and Community Safety tells us that a working group on child welfare reports will be set up to inform any changes to current practice and the long-term policy on child welfare reporters. Although a previous working group rejected the suggestion that interviews with child welfare reporters should be recorded, the minister will ask the new working group to consider that point and make recommendations.

It is an interesting series of issues with interesting comments in response. Do members have any comments or suggestions for action?

**David Torrance:** Perhaps the committee would consider closing the petition under rule 15.7 of standing orders on the basis that the Scottish Government is setting up a working group on child welfare reports to inform any changes to current practice and longer-term policy on child welfare reporters. However—this is key—we will ask the working group to consider the petitioner's ask in relation to the recording of interviews.

**The Convener:** We might also request that the group engages with the petitioner, if possible. Are colleagues content to close the petition on that basis?

**Members** *indicated agreement.*

**The Convener:** Thank you. That concludes the public aspect of our business. We look forward to those who follow our proceedings joining us again on 20 March.

10:56

*Meeting continued in private until 11:01.*

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