



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 12 June 2024

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
11th Meeting 2024, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foysool Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kirsty Darwent (Redress Scotland)

Monica Lennon (Central Scotland) (Lab)

Joanna McCreadie (Redress Scotland)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 12 June 2024

[The Convener opened the meeting at 09:31]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 11th meeting in 2024 of the Citizen Participation and Public Petitions Committee.

Our colleague Fergus Ewing will join us shortly. He is at a breakfast meeting in the Parliament and will come along to proceedings as soon as that has concluded.

The first item on our agenda is, as always, the technical one, which is simply for colleagues to agree that we will take in private agenda item 4, which is consideration of evidence that we will hear. Are members content to take item 4 in private?

Members *indicated agreement.*

Continued Petitions

Redress Scheme (Fornethy House Residential School) (PE1933)

09:31

The Convener: The second item on our agenda is consideration of continued petitions. We have spent a considerable amount of time discussing and taking evidence on the first of them. PE1933, which was lodged by Iris Tinto on behalf of the Fornethy Survivors Group, is on allowing Fornethy survivors to access Scotland's redress scheme. Some of the survivors who have been following the petition as it has made its way through the Scottish Parliament are with us in the public gallery this morning, and I welcome them.

The petition calls on the Scottish Parliament to urge the Scottish Government to widen access to Scotland's redress scheme to allow Fornethy survivors to seek redress. We last considered the petition at our meeting on 17 April 2024, when we agreed to write to the Law Society of Scotland, Thompsons Solicitors and John Swinney, who was at that point a back-bench MSP. Members will recall that, when we wrote to him in his back-bench capacity, we asked him to comment on submissions that he had made previously as Deputy First Minister. Of course, he has now replied to our request in his capacity as First Minister—which is my way of saying that the reply is not as candid as it might have been in different circumstances.

As well as the response from the First Minister, we have received responses from the organisations that we wrote to, as well as from our petitioner. All those responses are set out in our papers for today. Members might wish to draw on the content of those submissions during today's meeting.

At that previous consideration, we also agreed to invite Redress Scotland to give evidence. I am pleased to welcome to this morning's meeting Joanna McCreddie, who is the chief executive of Redress Scotland, and Kirsty Darwent, who is the chair of Redress Scotland. I do not know whether our witnesses wish to say anything before we go to questions. Have you prepared opening remarks, or are you happy just to answer members' questions? You may do whatever suits you.

Kirsty Darwent (Redress Scotland): I think that it would be helpful if I made a few opening comments.

I thank the committee for inviting us along today, so that we can tell you a little more about the

Redress Scotland scheme and let you understand better our position within that overall scheme.

I will start by mentioning the Fornethy survivors and clearly stating that abuse of children is abhorrent and wrong in all circumstances. I recognise that a single incident of abuse over a short period can have a lifelong impact. I want it to be clearly noted that that is the position not just of Redress Scotland, but of Joanna McCreadie and me personally.

It might be helpful to say that, as an organisation, we apply the legislation as it is, and the legislation guidance in all its forms, in our panel decision making. Those panels take great care in considering all the information that is submitted to us. We treat all survivors with compassion, dignity and respect, and we consider each application on its facts as they stand.

I am very happy to answer any further questions.

The Convener: Thank you very much. One of the reasons why we thought it would be useful to have you along is that we have kept hearing these two words, “Redress Scotland”, throughout the process, without having any particular understanding of the organisation. Also, I have felt at times that people have said, possibly unfairly to you, “That’s nothing to do with us. That’s for Redress Scotland”, and we have not been clear about where authority actually lies. It has also been suggested that you have no discretion to act, but at other times it has been suggested almost that you have all the discretion that you would care for to act.

In the first instance, I would like to understand what your role is and what the Scottish Government’s role is. What is the distinction between the two and where are the respective authorities in all that? You now have a chance to make plain what your role and the Scottish Government’s role actually are.

Kirsty Darwent: Thank you. I think that it would be helpful to outline that. The redress scheme is complex in its set-up, which means that sometimes it is difficult to understand where the individual responsibilities lie.

The redress scheme was set up by Scottish ministers. The redress division, which is within the Scottish Government, receives applications from survivors. Caseworkers gather together the information to support the survivor and, when the survivor is content that the information has been gathered together, they send it to Redress Scotland.

Redress Scotland is independent of Government: we sit separate from it, and we are constituted of independent panel members who

are selected because of their skills and experience. They have backgrounds including social work, law and clinical psychology, and there are some former police officers. They are able to make independent decisions on each application that we receive from a survivor. We do that with dignity, compassion and respect for the survivors, and we consider each and every individual application very carefully at a panel hearing to make our decision.

That decision is made on the basis of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, the associated regulations, which are particularly significant in the case of Fornethy survivors, and the statutory guidance, which was agreed by Parliament. We have to apply that legislation in our decision making. Within that decision making, there is some discretion, but it is limited in scope. We would be happy to take you through that decision-making process, if that would be helpful, so that we can tell you when discretion can be used.

We would first consider eligibility under the provisions that are outlined in the act, then eligibility on the basis of the regulations, which is particularly relevant because of the exclusion of people who have been in short-term care. We would apply the guidance after that; we would use it to decide whether, for example, we could make a decision without supporting information.

Once we have made a decision, we write a letter to the survivor allocating an award of redress and we send that information back to the Scottish Government, which carries out further work to pay the redress and send information back out.

We are the middle bit of a larger and more complex process; in effect, we are the decision makers. We apply the legislation in an independent way.

The Convener: Okay. At this point, I welcome Fergus Ewing, who has joined us. I explained earlier why you would be a little bit late to join us. It is good to see you now.

Fergus Ewing (Inverness and Nairn) (SNP): I apologise.

The Convener: No—that is fine.

Fergus Ewing: You pointed to the different skill sets that there are on the panel. Do you decide collectively? Is there a small quorum of people who are available in respect of particular cases, or is there a round-table discussion among the panel? How many people are on the panel?

Kirsty Darwent: Our panel members—we have 38 at the moment—are appointed by Scottish ministers through the public appointments process. We are involved in that process; our

deputy chair—from our sponsor unit—was involved in the interviews in the most recent round.

Ministers appoint on the basis of criteria that include skills. The appropriate skills can be found in a number of different backgrounds. Because we are looking for independent decision makers, quite often members have legal, social work, psychology and police backgrounds. Panel members are individually allocated from that pool to panel hearing days. We typically hear three or four individual applications in one day.

The panels are constituted of two or three panel members, who are chosen because of their differences: for example, we might have a lawyer, a clinical psychologist and a social worker, or two lawyers and a police officer. Different compositions are put in place, and the panel comes together to consider an application in detail.

We receive the information several days, or even weeks, beforehand and we undertake careful individual consideration before panel members come together to spend time very carefully thinking about what decision they will make on the basis of all the information that has been submitted.

The Convener: If an application bounces about a bit, would the same core panel consider it?

Kirsty Darwent: Applications would not normally bounce about.

The Convener: So the application normally comes in, and that is it.

Kirsty Darwent: We are very thoughtful of the facts that some information in applications is incredibly sensitive, and that survivors might never have spoken about it before. We therefore use absolute confidentiality and the minimum number of people would see that information.

The Convener: Given what you have just articulated, I am trying to understand why the First Minister would publicly pronounce that individuals were not eligible. As you have described the process, the application comes to Redress Scotland and you make the decision. Should that more appropriately have been understood to be a decision of Redress Scotland and not, as it appeared from the way that the matter has unfolded, a determination of the First Minister, which was left to appear as being of a higher standard than any consideration that you might have given?

Kirsty Darwent: There is no blanket rule to say that Fornethy survivors cannot apply to the redress scheme and be considered within Redress Scotland. There are circumstances in which that could be possible.

The primary challenge around eligibility and the potential for Fornethy survivors to get an award are the eligibility requirements. Under the 2021 act, there are four criteria that need to be met for someone to be considered for redress—they must, for example, have been a child who experienced abuse in a residential or other care setting before 2004.

There is, however, regulation that was approved by Parliament that specifically excludes those who were in short-term care and cases where it was considered that parents had made arrangements for short-term holiday respite care. Eligibility is the primary challenge for Fornethy survivors who wish to receive redress. Redress Scotland has to apply the 2021 act and the regulations; otherwise we can be challenged in our independent decision making—

The Convener: By whom?

Kirsty Darwent: We could be challenged by Scottish ministers. We have to follow the 2021 act. It is clearly laid down in the act that we need to follow the rules that are laid down by Parliament. If, for example, we made a decision that was not based on the act, we could be considered to have made a material error, and the decision could be sent back to us for reconsideration and, potentially, judicial review.

The Convener: Here we have, slightly, the nub. I will allow other colleagues to come in after this.

You have identified a number of criteria, the last one of which appeared to be that there could be discretion of consideration in respect of parents not having given proper consent. We have been unable to understand why, given that these survivors were sent to Fornethy without true consent from their parents, the criteria did not allow for their applications to be considered.

However—this is the bit that we are finding tricky—the Scottish Government has said, “That’s your decision, not ours,” which almost suggests that it would not have held you to account if you had come to a decision that you wanted to give consideration to Fornethy survivors. If consideration cannot be given, we seem to be circling round, but not quite landing on, who would validate that.

Given that the survivors were sent to Fornethy without demonstrable parental consent, why is that criterion not sufficient to allow them to be considered to be within the scheme’s scope?

09:45

Kirsty Darwent: Joanna, do you want to come in on that?

Joanna McCreadie (Redress Scotland): It might be helpful to think through how decisions are made and what panel members work through. Each application is considered on the basis of the individual facts and circumstances in that application. It is for the survivor who is making the application to set out within it the abuse that happened to them and the circumstances, and to give as much information as they can. The panel members then look at that and take into account everything that they have been told in that application. If that includes information about the circumstances whereby the applicant came to be in that placement, whatever type of placement it was, panel members will take that into account, particularly when they are looking at eligibility. They work through all aspects of eligibility, then use the assessment framework to assess the application, if it is for an individually assessed application.

That means that it is open to a survivor of abuse to make the choice to apply to the scheme. As far as we at Redress Scotland are concerned, there is not a blanket statement on any particular group of survivors or on any particular set of circumstances. We look at every application and make a decision for that individual on the basis of their experience in care and what happened there.

The Convener: Okay. I will let David Torrance pursue that point.

David Torrance (Kirkcaldy) (SNP): I will ask about something that was mentioned earlier. Will you explain what evidence the Fornethy survivors must show to Redress Scotland to establish that the exclusion for short-term respite or holiday care does not apply to their cases?

Kirsty Darwent: That is a difficult question to answer. Each individual application would be considered on the basis of all the information that was supplied, so it would be difficult to give a tick-box answer about what information you would need to have in order to demonstrate that.

Joanna McCreadie made a point about people providing an explanation of the circumstances in which they experienced short-term care. The panel members could consider that and make an independent decision on the information that was sent.

Joanna McCreadie: I will add a bit to that. Panel members work from the presumption of truth. They start with a presumption that every applicant has been as honest and as accurate as they are capable of being in their application. That is a really important principle of the scheme and of the legislation. They then work on the balance of probabilities—that is, whether something is more likely to have happened than not—and with whatever supporting information is available.

We see a range of different supporting information in applications. That is highly dependent on the individual circumstances that the person has experienced. You will appreciate that it has been very challenging and difficult for many survivors to find information about what happened to them, the care settings that they were in and what happened in those care settings.

Records can be missing or limited. Provision is made for that in the statutory guidance, and panel members can assess what information the survivor has been able to provide and look at the efforts that have been made to obtain that. Many survivors go to considerable effort to try to work out what has happened to the records. At that point, the panel members can use their discretion to make a determination on the application, on eligibility and on whether any redress is to be made.

David Torrance: I will come in on the point about statutory guidance and documentation to show that the individual was at Fornethy or any other establishment. What would they have to show to say that they were there, if there were no legal documents to show that they were?

Joanna McCreadie: In those circumstances, a survivor would explain in their application the efforts they have made to try to get that information. They might show evidence of subject access requests, a letter they have written or the responses they have had from different organisations, and they would then be able to say that they have made every effort but they have not been able to locate records. In those circumstances, the panel members would apply the presumption of truth, look at the balance of probabilities, read the survivor's statement of abuse and reach a determination on the eligibility of that applicant.

David Torrance: Can you explain how the balance of truth and probabilities is applied? I know that some of the survivors are here today. How would you go through that process?

Joanna McCreadie: Redress Scotland has designed a process for the way in which the panels run. That is important, because that is where we bake in the presumption of truth and the balance of probabilities, and we work from our values of dignity, compassion and respect.

Every application is considered on its individual merits. Panel members do not reach across into other applications or experiences. The process is absolutely focused on that individual. Panel members will talk about trying to keep the survivor in the room, so they are really thinking about that person. They start the panel with a statement about the values of dignity, respect and compassion and talk about how they will be

applied in the particular case. They remind each other of the balance of probabilities and the presumption of truth, and they use those as touchstones as they go through the process of determining the application.

They work through the different aspects of eligibility that they have to consider. They lean into whether they have to use their discretion and apply those principles, depending on the application. They then work through the four categories of abuse, using the assessment framework to individually assess the application.

The process is continuous through all that discussion and the determination of the application. It is not a check-in at the end of a panel sitting, and the panel members are not just filling in a bit of a form in advance. It is something that they do in practice throughout the session and they apply the process on an individual basis through the application.

Redress Scotland has a quality assurance and improvement framework in place and, as part of that, a small number of us within the team and the non-executives observe the panels working to quality assure and check that the process that I have just described is actually happening in practice. I can give an absolute assurance that it is what happens in practice, and it is very much the focus of panel members because of the quality assurance work that we have done around it.

David Torrance: Thank you. I have no further questions, convener.

The Convener: I do not want to lose sight of the issue of consent. The research that Dr Fossey put together came to the view that there was no evidence of parental consent—at least, no documented evidence. Have you come to the conclusion that there is such evidence?

Kirsty Darwent: I am not sure that we can answer that, because we would not necessarily have access to that information. Could you ask your question again in a different way, so that we can understand?

The Convener: One of the criteria that you identified was the issue of parental consent. In the absence of anything to demonstrate that there was parental consent—and in her report, Dr Fossey demonstrates that there does not appear to be—there is no evidence that parental consent was given. How do you determine that parental consent was given, in order not to apply the criterion of parental consent as being a legitimate reason for consideration?

Kirsty Darwent: We would understand each individual application on the basis of the information that was given to us. We have read the reports and keep ourselves abreast of

developments and changes in the area, so we are aware of that document but, much as we might be aware, it would be for the panel to consider the information that was supplied by the applicant—the survivor—on the presumption of truth. If we are hearing from someone that “That is what happened,” then that is the information that we would understand, and we would consider making a decision using our values and the balance of probabilities.

The presumption of truth is very important for us. Although it is a rebuttable presumption, if an individual survivor tells us something, that is the basis on which we act. Any applicant coming to us would be considered on that basis.

The Convener: That is why I am genuinely confused. If there is a presumption of truth and no evidence to suggest that there was parental consent, and they are saying that there was no parental consent, then why are they not believed, since that criterion would have made them eligible?

Kirsty Darwent: We absolutely would want to believe applicants who came to us. If a Forneith survivor, or any other survivor, comes to us and has information that means that we can make a decision based on the legislation, we will do so. The regulations make it more difficult, because of the specific exclusion, but both aspects of that regulation need to be met for there to be a denial.

Fergus Ewing: How many cases have been turned down by Redress Scotland, and why?

Kirsty Darwent: Only 4 per cent of the applications that we have received in the past two and a half years have been denied. Although we make those decisions with sadness, it is a very low proportion. I could not tell you the reasons why. We do not collate that information, because of the nature of the work that we do.

Fergus Ewing: We want to try to find out the facts, so it would be helpful—if you are not prevented from telling us—if you could write to us, without naming names, to explain for what reason the 4 per cent were turned down. I am pleased to hear that it is a small number.

I want to focus on material that we have received from the Law Society of Scotland and from Thompsons Solicitors. The problems arise from the guidance—perhaps from the act itself—and the exceptions from eligibility. The Law Society has put it quite clearly that

“It is unfortunate”

—that is a sort of lawyerly euphemism; in my opinion, it is a bloody disgrace—

“for this particular group that access to the Scheme is based on who decided to place the child into care, in the

short or longer term, and does not take into account whether the abuse took place at an emanation of the state”.

That question of whether the placement was voluntary or involuntary seems to me to be completely irrelevant. Would you not agree? If a child was placed in the care of the state, in loco parentis, and that child was abused, the intention of the person who put the child there does not really matter, surely. I do not want to put you on the spot, but, as a human being, would you not agree with the proposition that that criterion is just insupportable?

Kirsty Darwent: I might well have a personal position on that.

Fergus Ewing: What is it?

Kirsty Darwent: As the chair of Redress Scotland, it would be inappropriate for me to express a personal view. A human view would be that I absolutely understand your proposition that the individual survivor had no say in who put them in and might not even know what the circumstances were, given that they were a child at the time. In our decision making, we must decide on the basis of the information that is supplied and in relevance to the legislation.

Fergus Ewing: I am pleased that you have been candid. I understand that Redress Scotland is a creature of statute, which governs how you behave, so it is not a personal criticism at all.

That really gets to the nub of it, as far as I can see, convener. Whereas we have had evidence from Professor McAdie that, in some cases, parents did not have any choice about whether their children were placed in the school, it seems to me that that should be irrelevant. If a child is abused at the hands of an institution that is effectively in loco parentis and under control of the state, the state must compensate. Since the witnesses agree with that, it seems to me that the case for recommending that the guidance be altered in accordance with advice from the Law Society and Thompsons Solicitors is a no-brainer, so I do not think that there is a need for me to ask any more questions.

10:00

Foysoil Choudhury (Lothian) (Lab): Good morning. I seek clarification on one point concerning cases being refused or not heard. Do you have a list of the evidence that can be accepted?

Kirsty Darwent: The supporting information that we can consider is laid out in legislation—Joanna McCreadie mentioned some of the things that are on that list. The information that we would consider is broad and expansive. It could be a formal record, or it might be something that is less

formal than that, because we are aware that large numbers of survivors have difficulty getting supporting information about the circumstances around their being in care and how those processes took place.

Joanna McCreadie: The application that the survivor makes is very much their application: they finalise it and write their own statement of abuse, which can be in any form that suits them—for example, they can record a film of themselves talking as their statement of abuse and send that as part of their application. It is open for any survivor who applies to the scheme to put together their application in the way that they see fit and proper and that works for them. That is an important point.

What that means for us at Redress Scotland is that we will accept whatever information we are sent as part of that survivor’s application. The panel members will read every line and go through every page that they are supplied with, whether that is 50 pages or 1,500 pages—that is actually the range that we see in applications.

On supporting information, where a survivor is applying for an individually assessed payment, they also have to provide information to support their statement of abuse and what happened to them. What constitutes that information is very open. The things that we tend to see, which are also listed in the statutory guidance, are statements from family and friends, and information from people who were in the same institution at the same time, medical professionals and people in the helping professions. Again, panel members have some discretion in respect of what they take into account, so the process is open with regard to what applicants decide that they want to include, and we take a very open, value-based view on that.

Part of the reason for our approach is that we accept that it is difficult for survivors to get that kind of information. Regular records of what happened at the time were not kept. We have to recognise that, and there has to be an openness with regard to what can be realistically provided, and an acceptance that that has to be looked at and weighed with everything else in the application.

Foysoil Choudhury: My colleagues touched on that issue. My final question is this: does Redress Scotland agree with the former Deputy First Minister that the Fornethy survivors would not meet the evidential requirement, even if the scheme was extended?

Kirsty Darwent: Our view is that there is a wide range of information that could be sent to help to meet the evidential requirements. We also have the ability to use discretion, because there is a

recognition that it can be incredibly difficult to get information in the form of records, because of their historical nature and because of poor record keeping. That discretion can be used, for example, if survivors have gone to extensive efforts, made subject access requests and tried to find other information to support their application.

The guidance on evidentiary requirements is quite broad, so there is some flexibility for independent decision makers. According to the legislation, discretion can be used only in exceptional circumstances. We would keep that in mind, but we can use discretion.

The Convener: If you watch one of those television dramas that reconstruct some great injustice that took place decades ago, it usually involves somebody going to a warehouse in the middle of nowhere and turning on a light bulb, and there are a whole lot of boxes that have fallen apart, containing paper records that belong to a bygone era. Is poor record keeping and evidence availability an issue in all claims of an historical nature that come before you? When the digital age arrived, a lot of people just put away everything that was historical. It was a long time before anybody thought that maybe we should be transcribing such records in a format that would make them available in the future. Is that a commonplace occurrence?

Kirsty Darwent: It might be worth saying that the case workers in the redress division in the Scottish Government would support a survivor to try to get hold of the information that they wanted to put in their application. That would take place through subject access requests, contacting councils and so on. Because of the requirement that as few people as possible see individual applications, I do not see that information. Joanna McCreadie might be able to tell you more.

Joanna McCreadie: There is wide variation. Some people are able to make a subject access request and retrieve extensive care records; some people are able to retrieve very little. In some circumstances, there is perhaps just a line saying that somebody has been admitted to a particular institution. In other cases, records are simply not available in the present day. The range is wide. Panel members have developed a lot of skill and experience in working with that range, and they will work with what is in front of them as much as they can.

Record keeping has progressed considerably over the decades. The record keeping that is being carried out now by local authorities and voluntary organisations is of a very different standard from what it was 20, 40, 60 or 80 years ago. We recognise that in the way that we work at Redress Scotland, and we recognise the

difficulties facing survivors, particularly when we go further back in time.

Maurice Golden (North East Scotland) (Con): Dignity, respect and compassion appear to be severely lacking in this case. The committee is trying to determine why, who is ultimately responsible and whether we can put right what once went wrong through the redress scheme. I am interested in the system for assessing individual cases. I am a bit confused about some aspects that you have mentioned. For example, you have spoken about exceptional circumstances, about people in the same institution at a similar time acting as corroboration and about ultimately applying the presumption of truth and looking at the balance of probabilities. Does the system allow for such cross corroboration, particularly where no records exist? By contrast, in the standard system, there is an individual case and there are no similar cases. I accept everything that you have said, but it seems as if, in this particular case, either there should be a slightly different system or some of the flexibilities that have been mentioned should be brought in. I am unclear about that.

Kirsty Darwent: Those flexibilities absolutely would be brought in, and they are brought in. We use discretion and, first and foremost, we use the principle of truth. We use our values in all aspects of our decision making and in the organisation more widely. That is fundamental to what we do.

Joanna McCreadie: When panel members make decisions, they look at the facts and circumstances of that individual case and work through the eligibility requirements. If it is for an individually assessed payment rather than a fixed payment, they will work through the assessment framework to assess the correct level. In doing that, panel members can consider whatever is presented to them by the survivor, including in relation to supporting information or records that are not available. They do that based on the facts and circumstances of each case.

In their statement of abuse, a survivor is able to set out why they were in care, what happened and any other information that they think is relevant for the panel members to consider. That leaves it open for the survivor to put together the application that they believe is correct for them and best represents their experience, which can then be considered fully by the panel members.

I will pick up on your point about corroboration. It is important to emphasise that the redress scheme is not litigation. It does not have the same parameters as civil or criminal action. In fact, it is specifically designed to provide a very different alternative to those actions.

Panel members are not looking for corroboration in the sense that it might be meant in other settings. They are looking for supporting information that helps them reach the right decision for that particular application, which means that they will accept a wide range of supporting information. That could be from a spouse of a survivor, where the survivor has told them about what happened to them but the spouse did not witness it. Panel members would accept that as supporting information for an individually assessed application. They then have the ability to take a wide view, based on our values and on the presumption of truth.

Maurice Golden: I want to be clear on the issue of panel assessments of individual cases. In the case of Fornethy—although this could also apply to other cases—a number of individuals are coming forward, and, due to the constraints of the guidance or the act, panel members feel that they cannot provide redress in those cases. However, on the basis of humanity and doing what is right, they think that something should be done.

Is there a process for flagging to the Scottish Government and the Scottish ministers that there is a problem and that Redress Scotland would like to resolve the issue but that you cannot do so? Are conversations taking place on that to ensure that victims get the justice and redress that they deserve?

Kirsty Darwent: It is difficult for us as an independent organisation that makes decisions to recommend a change in legislation to Government. We apply the legislation and the regulations in the most compassionate and humane way that we possibly can, and our panel members make the individual decisions. It is rare for us to deny a redress payment, and we give feedback to the Scottish Government through our sponsor unit, but I am not sure that it is our formal place to make recommendations on legislation. That feels more appropriate for a committee such as this.

Maurice Golden: I do not think that it is for Redress Scotland to rewrite the rules or make recommendations, but I think that it is your role to flag concerns in this case or in others. It is up to the civil service and the Scottish ministers to say, “These are the recommendations and they are based on that,” or, “We don’t think that”. However, unless there is a feedback loop, how will Scottish ministers know that there are potential issues or flaws in the legislation or the guidance?

Joanna McCreadie: When a determination is made on an application, the panel writes a letter in which it sets out its decision, the reasons for it and a reflection of the abuse that the individual experienced. Whether it is a deny decision or an award-redress decision, all that is contained in the

letter, which is then sent to the Scottish Government. The Government sees and handles those letters as part of its case management and gets information through those means.

10:15

We also produce an annual report and accounts, in which we report on our work. We talk about what we have done throughout the year and highlight particular areas of work. In our first annual report, which was published late last year, we tried to provide information that is useful and helpful for survivors, as well as for other people who have an interest in our work.

We have the ability to make recommendations in the annual report, but that would be within the parameters that we have as an independent public body. As Kirsty Darwent said, that makes it difficult for us to take a position and say that the legislation and regulation should be changed.

Maurice Golden: I have a final question. The Deputy First Minister suggested in evidence to the committee that a precedent could be set in the case of Fornethy survivors that might lead to a number of other cases. I want to get on the record from Redress Scotland that it does not matter to you, as an independent body, whether a precedent is set in an individual case, even if that would mean that hundreds or, heaven forbid, thousands of more cases would then be set against that bar. In each individual case, if there is wrongdoing, it needs to be redressed. I would like to get confirmation of that from you, if you can give it.

Kirsty Darwent: Yes, we absolutely would hear each individual case. We would not use the term “precedent” in our decision making at all—it is about the individual application and the individual survivor. Increases in applications have happened and continue to happen. In the past few months, the number of applications to use has increased by more than a third. It is not unusual for us to experience an uplift in the number of applications. Inevitably, that presents challenges to the organisation’s capacity to make decisions, and survivors might need to wait longer for decisions.

If there were to be a further increase, we would report back to our sponsor unit and the minister to explain and report on the length of time that people are waiting. We would request more capacity and more funding to enable us to consider the applications in what we consider to be a reasonable length of time. There would be implications for the scheme if we received many more applications, and we would need to feed back on that so that funding decisions could be made.

Maurice Golden: Thank you.

The Convener: I have two quick final questions. Given the attendant publicity that is associated with the scandal at Fornethy, and given your independent status, has the Scottish Government endeavoured to engage with you directly on the issues that have arisen in relation to Fornethy? You have talked about what I would call formal reporting mechanisms. Is that the chain of communication that has existed, or has any other communication taken place as a consequence of the attendant concern and publicity that are attached to Fornethy?

Kirsty Darwent: I have not had any formal conversations with the Scottish ministers or our sponsor unit about Fornethy survivors.

Joanna McCreadie: There are discussions at operational level about all aspects of the scheme, but those tend to be on the basis of sharing information with each other. As you will have seen from the legislation, there is a responsibility for both of us to collaborate, so the discussion is more in line with that rather than anything else.

The Convener: Notwithstanding everything that we have heard, I will try to encapsulate the issue in my mind. If I was a Fornethy survivor and I believed that the circumstances that had placed me there were not freely determined by my parents, is that the basis for me to make a claim?

Kirsty Darwent: Each individual survivor needs to make that decision for themselves. The process of applying for redress, putting the information in a form and sending it in can be difficult and traumatising, so it would need to be each individual survivor's decision. However, if a Fornethy survivor or any other survivor wanted to apply for redress and believed that they were potentially eligible—you have given an example of where that might be the case—we would consider their application with great care, treat it with our values of dignity, compassion and respect, allocate a panel, hear the case and make a decision on that basis.

The Convener: I will just say in conclusion that your empathy with the position that people find themselves in is apparent from the evidence that you have given. I am very grateful to you for everything that you have volunteered to us. As Mr Ewing said, and as you have almost said, the responsibility maybe lies with the committee to be much more directional with the Scottish Government in our findings on these matters. However, I am grateful to you for everything that you have volunteered this morning.

Is there anything further that you would like to say that you feel has not emerged during our conversation?

Kirsty Darwent: No, I do not think so.

The Convener: In that case, thank you both very much. We agreed to consider the evidence that we have heard later. In the meantime, I suspend the meeting briefly to allow everyone to settle.

10:21

Meeting suspended.

10:23

On resuming—

Body Cameras (National Health Service) (PE1877)

The Convener: We proceed with our consideration of continuing petitions. The next petition is PE1877, which has been lodged by Alex Wallace and calls on the Scottish Parliament to urge the Scottish Government to provide body cameras for all front-line national health service staff and paramedics in Scotland.

When we previously considered the petition, we agreed to write to the Scottish Ambulance Service to request information about the outcome of its evaluation of a trial of body cameras. The Scottish Ambulance Service's response explains that a plan was being developed to trial body camera equipment; however, it did not progress to a live trial because of staff concerns. The submission states that

"The full purchase and roll out of equipment ... would likely attract a capital cost in excess of £1,500,000 and a recurring revenue cost of around £400,000".

As a result of the cost and staff concerns, the work on body cameras has been "paused" by the Scottish Ambulance Service. In the light of that, what action do members feel that we might consider taking?

Fergus Ewing: On the face of it, there is a case for closing the petition, but I wanted to check something that occurred to me when I was reading the papers. I hear what the Scottish Ambulance Service has said, which is that its staff are reluctant to support having body cameras, because they do not want them. I can understand that but, rather than just taking that response as a given, I wonder whether we have had a response from the petitioner on that. Recent history is littered with examples of parliamentarians and ministers accepting statements willy-nilly that have been made by leaders of public bodies, such as the Post Office, without testing those statements.

If we have not heard from Mr Wallace, I wonder whether it might be expedient to ask whether he is in agreement with the Scottish Ambulance Service. If he is, I would think that that would be the end of the issue. I do not think that finance

would be such a telling issue if cameras were effective in stopping assaults. Those amounts of money would be insignificant if body cameras could stop a death or an attack, or they could minimise the consequences of an attack.

The Convener: Mr Wallace has not responded. He is aware of the submissions that we have received and has had the opportunity to make a further submission, but has chosen not to. I am slightly reluctant to establish a precedent that, if a petitioner does not come back in response to evidence that the committee has heard, we will actively solicit a further response. I do not think that that is our normal practice.

Fergus Ewing: If the clerks are saying that he has seen the submission from the Scottish Ambulance Service, he will have had the opportunity to respond.

The Convener: That is the case.

Fergus Ewing: If that is the case, then I think that my point has been answered, because if he is dissatisfied, he has had the opportunity to speak.

The Convener: That is correct. In that case, are you moving, under rule 15.7 of standing orders, that we close the petition?

Fergus Ewing: Yes.

The Convener: We will close the petition on the basis that the Scottish Ambulance Service has paused its work due to the reluctance of its staff to support the roll-out. We place a greater premium on that than on the financial implications that were identified. To satisfy Mr Ewing, if the petitioner felt that the situation warranted the pause being re-examined, it would be open to him to submit a further petition at that time.

Community Participation Requests (Appeal Process) (PE1902)

The Convener: PE1902, which has been lodged by Maria Aitken on behalf of the Caithness Health Action Team, calls on the Scottish Parliament to urge the Scottish Government to allow an appeal process for community participation requests under the Community Empowerment (Scotland) Act 2015. We last considered the petition at our meeting on 4 October 2023, although it is very vivid in my mind.

Although we would not ordinarily intervene in an individual case that prompted a petition, our parliamentary colleague Edward Mountain suggested that we pursue the issue directly. We have now received a response from NHS Highland, which is available in the meeting papers. In the light of that response, do members have any comments or suggestions for action?

David Torrance: In the light of the evidence, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Community Development Centre is currently working on proposals for the participation request appeals process as part of the Scottish Government's review of the Community Empowerment (Scotland) Act 2015. NHS Highland has explained its decision to the Caithness Health Action Team and is open to a community participation request resubmission or continued and formal engagement. In closing the petition, the committee could add that, if a petitioner is not satisfied with the outcome of the Scottish Government's review, a further petition could be lodged in a year's time.

The Convener: Thank you. Are colleagues content to support Mr Torrance's suggestion?

Members indicated agreement.

The Convener: We will close petition on that basis. I thank Maria Aitken for having raised the issue with the Parliament.

People with Dementia (Council Tax Discounts) (PE1976)

The Convener: PE1976, which has been lodged by Derek James Brown, calls on the Scottish Parliament to urge the Scottish Government to require council tax discounts for dementia to be backdated to the date on which a person was certified as being severely mentally impaired, when they then go on to qualify for a relevant benefit.

We discussed the petition last autumn, on 20 September, and we agreed to write to the Scottish Government. The response states that a draft severe mental impairment application form was presented to the Convention of Scottish Local Authorities in an effort to encourage

"all 32 local authorities to adopt a common approach to administering a disregard for persons suffering from Severe Mental Impairment."

Officials are now continuing to engage with COSLA on that issue.

Alzheimer Scotland's submission states its view that the requirement for applicants to be eligible for a qualifying benefit is "unfair and unnecessary", and it advocates for the Scottish Government to remedy the issue. Do members have any suggestions about how we might proceed on the petition?

10:30

David Torrance: Would the committee consider writing to ask the Scottish Government whether it has explored the possibility of removing the

requirement for an individual to be eligible for a qualifying benefit in order to receive a council tax exemption on the basis of severe mental impairment?

The Convener: This is a petition that attracted our attention when we first heard it. Are agreed on the proposed follow-up action?

Members *indicated agreement.*

Safeguarding Guidance (Higher Education Institutions) (PE2022)

10:30

The Convener: The next petition is PE2022, which was lodged by Ellie Wilson. It calls on the Scottish Parliament to urge the Scottish Government to introduce national safeguarding guidance for dealing with cases of sexual misconduct in higher education institutions, including clearly defined measures to ensure campus safety when a convicted sex offender or someone awaiting trial for a serious sexual offence is enrolled in that institution.

It is almost a year—June last—since we considered the petition, when we agreed to write to EmilyTest, Victim Support Scotland, Universities Scotland, Scottish Women's Aid, Rape Crisis Scotland, the National Union of Students Scotland and the University of Glasgow student representative council. The committee has received responses in support of the petition from Rape Crisis Scotland, EmilyTest, Victim Support Scotland and Scottish Women's Aid. Many of the responses note the importance of having sector-wide guidance in place to ensure that a consistent approach to protecting students is taken by all universities and colleges in Scotland.

We have also received a submission from Universities Scotland that details the work that is under way to develop and deliver a consistent nationwide approach to data collection on convictions and criminal charges for students. Its response highlights the importance of education as a tool for rehabilitation, and notes the intention to keep data collection separate from the admissions process so as not to deter applications from people who pose no threat to other students.

Again, this is an interesting petition, and a considerable number of submissions have been offered to help us in our evaluation. It seems that work is currently under way.

Foysoil Choudhury: We should write to the Minister for Higher and Further Education to highlight the evidence that the committee has gathered and to seek an update on the Government's progress towards developing a

consistent approach to data collection and safeguarding that will help to protect students.

David Torrance: I am not saying that we cannot write to the minister but, in the light of the evidence that the committee has received, I would like to close the petition under rule 15.7 of standing orders, on the basis that work is under way to develop a consistent nationwide approach to collection of data relating to relevant criminal convictions and criminal charges from students, with Universities Scotland working closely with stakeholders in the Scottish Government's equally safe in colleges and universities core leadership group to progress the work.

In closing the petition, the committee may wish to write to the Education, Children and Young People's Committee to highlight the petition and to ask that the evidence that has been gathered is taken into consideration as part of its work on the equally safe strategy.

The Convener: Right. That is a bit different. Do you think that we could combine those two proposals in some way? In closing the petition, might it be possible to take forward Mr Choudhury's recommendation that we write to the Minister for Higher and Further Education to draw his attention to the evidence that we have received and encourage the Government in the work that it is doing? Would that satisfy Mr Choudhury?

Foysoil Choudhury: Yes, it should, but should we not wait until Universities Scotland has updated us in October 2024?

The Convener: I draw members' attention to the fact that we have been provided with a late submission from Universities Scotland, in which it confirms that it is taking forward that work. Therefore, we have a clear steer that the aims of the petition are probably now being realised through the action that is being taken. I forgot that we had that submission. Does that satisfy your requirement, Mr Choudhury?

Foysoil Choudhury: Yes, it does, although we should still write—

The Convener: Do members agree to combine Mr Choudhury's suggestion that we write to ministers with the proposal that we close the petition? Does that meet the committee's approval?

Members *indicated agreement.*

The Convener: Thank you very much.

Injured Soldiers and Veterans (PE2032)

The Convener: Petition PE2032, which was lodged by James Brebner, calls on the Scottish Parliament to urge the Scottish Government to improve the support that public bodies provide to

injured soldiers and veterans in Scotland through the following series of actions: ensuring that there are clear patient pathways for their injuries to be treated by appropriate consultants; establishing a veterans trauma network similar to that which operates in England and Wales; ensuring that all correspondence from veterans to the Scottish Government that raises concerns or makes complaints about their treatment is acknowledged and responded to; and reviewing and seeking an update to the way in which the Scottish Public Services Ombudsman handles complaints from veterans about the health service.

We last considered the petition on 4 October, when we agreed to write to the Scottish Government and the Scottish Parliament cross-party group on the armed forces and veterans community. As some members of the committee are members of that group, I will make a joint declaration on behalf of all members of the committee who might be in that position. I am, and I think that Mr Golden is. That is now out there.

We also agreed to write to the armed forces personnel and veterans health joint group, Veterans Scotland, the Soldiers, Sailors, Airmen and Families Association—SSAFA, the armed forces charity—and the Scottish Public Services Ombudsman.

In its response, the cross-party group, supported by Mr Golden, has highlighted the fact that the first ask of the petition has been delivered through the veterans welfare and defence transition service, while the establishment of a veterans trauma network similar to that which operates in England and Wales is also being progressed, and the Scottish veterans treatment pathway is expected to be introduced during the course of this year.

In line with the information that has been provided to the cross-party group, the armed forces personnel and veterans health joint group has confirmed that it has engaged extensively with NHS England on the matter and it anticipates that the treatment pathway will be delivered in 2024.

We have also received a response from the Scottish Public Services Ombudsman that notes that complainants are not required to disclose their veteran status. As that is the case, the low number of complaints from self-declared veterans is not enough for the SPSO to draw out any themes or conclusions about which services veterans might engage with. The ombudsman supports efforts to improve how complaints to or about public bodies are responded to across the board and notes that the SPSO has recently updated its own guidance on vulnerability.

The committee has also received a response from the Scottish Government, in which it stated

that, during 2023, 75 per cent of the items that were classified as ministerial correspondence were responded to within 20 working days, and that efforts are under way to increase the proportion of correspondence that is responded to within that timeframe.

It is clear from what the cross-party group and the other organisations that have responded have said that work to deliver significant aspects of the aims of the petition is under way and they will, we hope, be delivered during this year. In light of that, do colleagues have any suggestions?

David Torrance: Given the progress that has been made on the aims of the petition, I suggest that we close the petition under rule 15.7 of standing orders, on the basis that it has been confirmed that a Scottish veterans treatment pathway that will closely replicate NHS England's veterans trauma network is expected to be introduced in 2024, and that the SPSO supports the view that it is useful for public bodies to review response times to identify general improvements for the benefit of everyone who engages with them, with the SPSO having recently updated its guidance on vulnerability.

In closing the petition, perhaps we can write to the Minister for Veterans to seek an update on the timescale for introducing a Scottish veterans treatment pathway.

The Convener: Yes, I think that we probably can. In closing the petition, we will tell the minister that the committee expects everything to be on schedule, and that that is the basis on which we have chosen to close the petition.

New Petitions

Dangerous Dogs (Breed-specific Regulations) (PE2083)

10:39

The Convener: That brings us to item 3 on the agenda, which is consideration of new petitions. Just for the record, because there may be people who are joining us here or are watching online to hear their petition considered for the first time, I will explain that, ahead of the committee's first consideration of a petition, we take two initial actions: we ask the Scottish Government for an initial view and we invite the Scottish Parliament's independent research body, the Scottish Parliament information centre, to comment on the aims of the petition.

You may ask why we do that. We do that because, previously, those were the two things that we would agree to do the first time we discussed the petition, and it simply delayed the petition's progress. We consider a petition with members having received early indications from the Scottish Government and the Parliament's independent research body.

As I have said previously, SPICe does tremendous work on behalf of the committee, given the enormously broad range of petitions that we hear.

Petition PE2083 is on reviewing the rules to ensure that no dog becomes more dangerous as a result of breed-specific regulations. The petition has been lodged by Katrina Gordon, and it calls on the Scottish Parliament to urge the Scottish Government to review the Dangerous Dogs (Designated Types) (Scotland) Order 2024 and ensure that breed-specific regulations do not restrict responsible dog owners from undertaking exercise and training routines that support the dog's welfare and reduce the risk of their dog becoming dangerous.

The petitioner tells us that an XL bully dog requires two hours of outdoor exercise a day, including being able to run off its lead, in order for the dog to be well adjusted and remain under its owner's control. It is the petitioner's view that recently introduced rules requiring XL bully dogs to be on a lead and muzzled while in public spaces risks making those dogs more dangerous.

The SPICe briefing draws our attention to the Minister for Agriculture and Connectivity's announcement during the stage 1 debate on the Welfare of Dogs (Scotland) Bill, of the Government's intention to hold a responsible dog ownership and control summit later this month. The briefing also notes that one of the criticisms of

the new restrictions is that they do nothing to address the issue of dog attacks that take place in private spaces—a point that Christine Grahame MSP raised during the Criminal Justice Committee's consideration of the Dangerous Dogs (Designated Types) (Scotland) Order 2024 and the motion to annul the order.

The Scottish Government's response to the petition states that it

"understands the concerns expressed by dog owners about the impact that the new controls may have on their dogs."

It goes on to say:

"There is however a balance to be struck between protecting animal welfare and protecting public safety."

It is the Government's view that allowing an owner

"to exercise their dog in a public place while off lead and without a muzzle would be counterproductive to the aim"

of the regulations

"and would create too great a risk to the public."

We have also received two further submissions from the petitioner, sharing her own experience and wider research on the negative impacts that the restrictions have on the welfare of dogs and, indeed, their owners, potentially making the dogs more dangerous. She notes again that the rules may have the unintended consequence of increasing the number of dog attacks in people's homes and gardens. The petitioner has repeated her call for the rules to be repealed.

Obviously, this is an issue that is very much in the public eye. It is also an issue around which there is some court action, which means that we are unable to discuss any specific individual cases. However, are there any suggestions about how we might proceed?

Maurice Golden: There is quite a lot in this that would be helpful to follow up with the Scottish Government. It is important that the committee notes that there is no such breed as an XL bully. It is the characteristics and type that have been subject to restrictions. We could follow up on the verification of those characteristics and the capacity of vets and other professionals to do that. It is important to ask the Scottish Government, for example, what training it is providing for owners to progress their dog to wearing a muzzle, which is one of the restrictions.

In addition to that, we should seek further details on the planned summit on responsible dog ownership and control, and ask specifically whether that will include owners of XL bully type dogs and provide the opportunity to consider the impact of the regulations on those owners, and what other measures might be put in place by the Scottish Government to ensure more responsible ownership and, ultimately, the welfare of dogs.

10:45

The Convener: Thank you for those suggestions, Mr Golden. I know that you have previously concerned yourself with animal welfare issues relating to dogs—in particular, I seem to recall you speaking about electric-shock dog collars.

Are colleagues content to keep the petition open and to make the inquiries suggested by Mr Golden?

Members indicated agreement.

Cervical Cancer (Testing) (PE2088)

The Convener: That brings us to PE2088, our next new petition, which calls on the Scottish Parliament to urge the Scottish Government to help eliminate cervical cancer for women and those with a cervix in Scotland by introducing at-home human papillomavirus self-sampling to enhance the smear test programme, helping to increase the uptake and accessibility of smear testing. The petition was lodged by Emma Keyes, and I believe that she and supporters of the petition are present in the public gallery.

We are also joined by one of our faithful attendees from among our MSP colleagues, Monica Lennon. Good morning, Monica. I will invite you to address the committee in a moment.

As referenced in the SPICe briefing, the Public Health Scotland cancer incidence report notes that the drop in early detection of cervical cancers in 2020 is most likely due to the pause in screening services during the pandemic. The briefing also highlights that women from deprived backgrounds are less likely to participate in screening, and notes that self-testing is seen as a way of getting around some of the barriers to smear testing, and that self-testing has been trialled in some areas of England and in Dumfries and Galloway.

In response to the petition, the Scottish Government states that it relies on advice from the United Kingdom National Screening Committee. Although that committee recognises the potential benefits of self-sampling, it has previously concluded that there is insufficient evidence to recommend implementation. The Scottish Government notes that studies that are under way to gather further evidence are expected to conclude shortly, if they have not already done so.

The Scottish Government acknowledges the potential of self-sampling to increase uptake levels and reduce barriers to cervical screening. As such, a working group has been convened to assess potential models and understand any changes to the screening programme that might be required to support an initial roll-out of self-testing, following

emerging evidence from global studies, including the one that took place in Dumfries and Galloway.

Monica Lennon, I welcome any comments that you might want to share with the committee.

Monica Lennon (Central Scotland) (Lab): It is always a pleasure to attend the Citizen Participation and Public Petitions Committee, and I am pleased that I can speak today in support of the petition by Emma Keyes. A lot of work has gone into getting the petition to this point, and I am grateful to SPICe for its excellent briefing, which sets out that self-sampling is already common in countries such as the Netherlands and Australia, so, in addition to the work that is being done in England and elsewhere in the UK, we have international experience to learn from.

It is important to take a moment to remember why we are here and why the petition is necessary. We know that hundreds of people in Scotland are diagnosed with cervical cancer every year and that, sadly, many of those diagnosed lose their lives. Figures from Jo's Cervical Cancer Trust show that around 95 people died of the disease in 2023. I take this opportunity to pay tribute to the trust and note that, sadly, the charity has recently had to wind down for reasons that we will not go into today. I know that colleagues know how much it has done to raise awareness of the symptoms as well as of the treatments and the potential that we have to prevent the disease. That is a message of hope today.

The World Health Organization has called for countries to come together to eliminate the disease, and, last year, I was pleased to hear NHS England pledge to eliminate cervical cancer by 2040. Setting out how that could be done, the NHS England chief executive, Amanda Pritchard, outlined how the health service can help to achieve the goal of elimination by making it as easy as possible for people to get the life-saving HPV vaccination and by increasing cervical cancer screening uptake.

That is an important step, because we know that HPV causes up to 99 per cent of cervical cancers. An approach that involves vaccination plus screening plus self-sampling gives us an array of tools that we can use. In England, self-sampling is being trialled to determine whether it should be part of a national screening programme, and the message that campaigners want to send is that, if you get that invitation or opportunity to have that screening, you should take it without delay, as it could save your life. We also know that, for women and people with a cervix who do not take up that offer of screening, the opportunity can be missed, because cervical cancer often has no symptoms in its early stages.

Self-sampling has been identified as a factor that could support the realisation of the World Health Organization's cervical cancer elimination goals.

As ever, there is always a human story behind petitions, and I pay tribute to my constituent, Emma Keyes, who is sitting behind me in the gallery today. Emma is a young mum from Uddingston in Lanarkshire, and she experienced a shock cervical cancer diagnosis at the age of 29. That would have been debilitating and shocking for many people, but Emma has chosen to use her experience to raise awareness, help women and save lives.

Emma's message is that cervical cancer is preventable. She has become a bit of an icon online and is known on social media as Mrs Smear. We politicians sometimes think that we are the best message carriers, but Emma can speak to an audience in our community whose attention we cannot always get. She has got not only women talking, but partners, employers, friends, neighbours and families. Such communication is really important, because there are many barriers.

However, the petition is about much more than raising awareness; it is about making sure that our healthcare systems are fit for purpose and that we eliminate barriers to healthcare. The HPV self-sampling trial in Dumfries and Galloway went very well. I know that one of the MSPs in that region, Emma—I have blanked on her name. Emma Harper! I apologise to her—that will now be on the record, so I will say it again: Emma Harper. I know that, as a result of her background in nursing, she was passionate about the subject.

Emma Keyes and I have met two different public health and women's health ministers, and I thank Maree Todd and Jenny Minto for those meetings. It is really good that the Scottish Government is looking to take advice from the UK National Screening Committee, which was mentioned earlier. However, we also need to work at pace on this. Again, we should look at the experience not just in the UK but around the world.

The pilot scheme that has been mentioned was really important. I know that the pandemic set back a number of initiatives. The convener talked about the year during the pandemic when the number of cases being diagnosed went down because of a lack of screening.

This committee has a strong record on championing women's health. That is best evidenced in the committee's role in advancing truth and justice for mesh-injured women. We now have a real opportunity in Parliament to pick up the challenge that has been set by the World Health Organization and to show that Scotland has the necessary expertise and knowledge to do

so, and we must not sit back and wait to get the wheels in motion.

I will end by reiterating my support for Emma Keyes's petition and her campaign. I know that Emma, who is a cervical cancer survivor, at one point feared that she would not live to see her three children grow up. Thankfully, due to our amazing NHS and Emma's tenacity, she is here to fight and to show others that, even with a dark diagnosis, there is hope. Emma has taught us that we can prevent and eliminate cervical cancer if we use all the tools that are available to us, and that is what the petition is about.

I thank the committee for looking at the petition, and I hope that we can discuss it again in the future.

The Convener: I thank Monica Lennon for her contribution to the aims of the petition. You gave a heartfelt tribute on behalf of your constituent, who is the petitioner. You are quite right that over the years, the committee has been fortunate in the number of courageous people who have come forward to lodge a petition on the back of their experience. The committee has been able to give additional voice to the aims of those petitions, profile them and take them forward. Of the long list, you alluded to Elaine Holmes and Olive McIlroy on transvaginal mesh, but we should also acknowledge Amanda Kopel, who was successful in lobbying for changes to legislation in support of those who are diagnosed early with dementia, and our former colleague Elaine Smith, who was proactive on issues relating to women's health and took those issues forward with the committee.

The petitioner is in the excellent company of women who have been at the forefront of ensuring that we are able to advance issues that have resulted in a material change in the way that the Scottish Government and Scottish public life approaches them. In light of that, we should write to the United Kingdom National Screening Committee to seek an update on its work to gather further evidence on the benefits of HPV self-sampling, including work to assess and validate a test for HPV self-sampling in the UK. Are there any other suggestions from colleagues?

David Torrance: I wonder whether we could write to the Scottish Government to seek an update on the working group that has been established to assess potential models and understand any required changes to the screening programme to support the initial roll-out of HPV self-sampling. Monica Lennon has highlighted that that is really important, and my better half just lost a cousin at the age of 39 last Friday to the illness, so I know how important it is to get sampling done and to get tested.

The Convener: Thank you very much to the petitioner and to Monica Lennon. Are members content with the suggested action, and for the petition to be held open and for the committee to advance its aims?

Foyso Choudhury: Can we also try to find out what the barriers are that prevent women from various communities taking up cervical screening? Is there a way that we can ask for that data?

The Convener: We will incorporate that into the request of the Scottish Government and see whether it can give further insight into the best body to ask for that information. With the addition of Mr Choudhury's suggestion that we seek to establish what barriers people face, are members content to proceed as suggested?

Members indicated agreement.

National Parks (PE2089)

The Convener: PE2089, which has been much anticipated by members of the committee, has been lodged by Deborah Carmichael on behalf of the Lochaber National Park—NO More group. The petition calls on the Scottish Parliament to urge the Scottish Government to suspend any action to create further national parks in Scotland; to instruct an independent review on the operation of the current national parks, including an assessment of the economic impacts on businesses and industries within the two parks including, but not exclusive to, farming, forestry, crofting and angling; and to conduct a consultation with representatives of rural businesses and community councils in order to help to frame the remit of the said independent review.

In responding to the petition, the Scottish Government noted that the appraisal phase for the new national park has concluded and that a report is due imminently this summer. It adds that it has consulted local communities throughout the process and that further consultation will take place when the new national park process moves on to its reporter phase. It also points to evidence that existing national parks support thriving local economies, help to manage millions of visitors and protect the natural environment for the benefit of current and future generations. That includes 25 projects across the Cairngorms national park and the £450 million that was generated in the local economy in 2022 through visitor and tourism businesses in the Loch Lomond and the Trossachs national park.

In response, the petitioner raised concerns that the Scottish Government appears not to have acknowledged the

“widespread and well-documented problems associated with the existing two national parks”,

and reiterates her call for an independent review of national parks to take place before a new park is created, especially given that no review has been conducted in the 21 years since the current national parks were created. The petitioner states that, in the current national park areas, landowners and farmers are increasingly concerned about overregulation and the needs of those who look after the land being dismissed.

Do colleagues have any comments?

11:00

Fergus Ewing: I declare that I live in the Cairngorms national park and I used to live in the Loch Lomond and the Trossachs national park. Back in 2006, I supported a petition relating to the creation of a marine national park when it came before the Public Petitions Committee. I have also been working with the petitioners on this issue generally. I just wanted to put that on the record.

The key ask is that before you create new bodies, you should, logically, have an independent review of how the existing bodies are performing. That is a fairly strong argument. That review should be independent and should be conducted after careful thought has been given to the remit. A number of people should be consulted about that. I make no bones about it. That is logical and desirable, and it should take place.

As far as I can see from my reading of the Scottish Government's response, which is two pages long, there is no response whatever to that argument. I find that quite shocking. I am bound to reflect that this is not the first time that that has happened. The permanent secretary should be asked to have a look at Scottish Government responses before they come to the committee, because they are surely quite insulting. The main thesis that I have outlined is simply not addressed at all.

The only bit that I could find that remotely approached the issue was the last paragraph, which says:

“An overview of the performance of the ... National Park Authorities ... is provided annually through their published Annual Report”.

That is their own document. Yes, the annual report is a statement about what has been done during the year, but it is by no means independent, and nor can it ever be professed as such. Therefore, the reply is utterly irrelevant. Irrespective of the fact that I have a clear position on the matter, I think that, as a committee, we should be concerned about receiving irrelevant documents from the Scottish Government instead of reasoned arguments about why it thinks that something is not appropriate.

There are lots of other points that I could make, but I will make just one substantial point. Paragraph 9 of the petitioners' response of 4 June points to a recent online opinion poll that was conducted in Aviemore by the community forum. I think that 444 votes were cast on the basis that the park was not working well, and 10 local residents—a paltry 3 per cent—felt that the park was performing well. I am quite fond of referenda, and I would quite like to get 96 per cent in a referendum. That result shows that the Scottish Government's presentation that all is well in the garden, and that all the good things result from the national park and not from people's hard-working efforts, is just not the case at all. I thought that I would mention that for the sake of balance, because there is none in the Scottish Government's response.

The options for action that I would advocate to committee members are threefold. First, I would like to write to the Scottish Government to draw attention to the remarks that have been made.

The Convener: How strongly would you like that to be worded, Mr Ewing?

Fergus Ewing: I have strong views, but I accept that this is a committee and that other members may have different views.

The Convener: I take your point that the Scottish Government did not really address the issues of the petition in its initial response. I also take your point about drawing attention to the Scottish Government's own homework as evidence of anything. It would be surprising if the Scottish Government came back and said that it did not think that it had been doing a good job or that the whole thing was not a stunning success—that does not tend to be what Government reports on its own homework do. Therefore, there is nothing particularly independent in the character of that.

Should the committee be quite strong in the recommendation that the Scottish Government should respond seriously to the issue that the petitioner has raised and that an independent voice should be appointed to conduct a review of the petition?

Fergus Ewing: Yes. I think that that would be in the Government's interests because, if an independent review was conducted and it came back with a positive outcome, people like me would be bound to act on the basis of evidence. I do not think that that would occur but, if it did, as a result of a genuinely independent review, that would strengthen the Government's position to argue for more national parks.

A complete absence of an independent review seems to represent a gap, and a lack of logic in creating a new body, in particular when it costs a

lot of money. People in Lochaber have said that they want the new Belford hospital—they do not want a new national park.

The two suggestions that are before us should be taken up. As you suggested, convener, we should write in strong terms to the Scottish Government to ask whether, after 21 years of national parks, it will arrange for an independent review in the terms that the petitioner has set out.

The second question is one of consent, and how the Scottish Government will verify evidence that is provided to it in new national park proposals, in particular with regard to the levels of local support and community engagement. The petitioner argues that there is strong opposition in Lochaber and elsewhere. The NFU Scotland has come out against further national parks; it is somewhat unusual for the NFU to be so clear, and that is significant. Opinion polls have been taken among farmers in places that were candidates for the creation of new national parks. For example, on Skye, in a meeting of more than 100 farmers and crofters, every single one of them was against a national park.

We should also hear evidence from the petitioners so that they can describe the situation in their own words. Deborah Carmichael and Ian McKinnon are friends of mine; I think that they, along with one other, have a very strong case, and it is right that they be heard. I fear that, whatever we say, the Government seems to be hell-bent on the process, no matter what. We therefore need to give a voice to people whose voice has been ignored thus far, to the extent that, in the response that we have had from the Government, their arguments have been completely ignored.

I am sorry to go on at such length to colleagues—I seek your discretion, convener, because of the obvious interest that I have in the matter.

The Convener: I also note that 78 per cent of land managers in Perth and Kinross were against a national park. At present, the issue that probably has most traction in the minds of many people is that of the Flamingo Land park, which is being proposed within the national park in that area. Something like 94,000 people have objected. People then wonder just exactly what the basis of a national park is. I suppose that it is open to the committee, through our interrogation of other witnesses beyond even the petitioners, to potentially establish an independent assessment of how these matters are progressing.

Are colleagues content to write to the Scottish Government in the first instance, on the basis that Mr Ewing has suggested?

Members indicated agreement.

The Convener: We will keep the petition open; I thank the petitioners for raising the issue. We will proceed as I set out in the first instance, and I expect that we might potentially take further evidence on the issue later in the year.

Digital Display Boards (Legislation) (PE2090)

The Convener: PE2090, lodged by Stephen Henson, is on updating the legislation on granting permission for digital display boards.

I see that some people are leaving the room—gather that they were attending especially to hear consideration of the petition on national parks. I thank them for being with us this morning.

PE2090 calls on the Scottish Parliament to urge the Scottish Government to update the Town and Country Planning (Control of Advertisements) (Scotland) (Regulations) 1984 to require application for express consent to advertise using a digital display, including where a site has been upgraded from a traditional paper-based display.

The SPICe briefing that we received notes that large digital display boards are very likely to fall into the “express consent” category of planning regulations, which means that permission must be obtained before they can be installed. It also notes that many local authorities already set limits on where digital advertising displays can be located.

In responding to the petition, the Scottish Government details the requirements for notification of a planning application for digital advertising, including the statutory requirement for a planning authority to notify in writing any neighbours whose property is within 20m of the site of the application. Therefore, the Scottish Government considers that the existing provisions are appropriate and that there is no requirement to amend them at this time.

We have also received a submission from the petitioner, which notes that many of the notification requirements mean that members of the public must be proactive, for example by checking online planning portals for submissions of new applications.

Do members have any comments or suggestions for action?

David Torrance: Given that it is a new petition, perhaps the committee could consider writing to Heads of Planning Scotland to seek its views on the action that is called for in the petition and information on the number of applications that are submitted for digital display boards, including on what proportion of applications are granted and what proportion are rejected, and to the Royal Town Planning Institute and Outsmart, which is the membership body for the outdoor advertising

industry, to seek their views on the action that is called for in the petition.

The Convener: Do members have any other thoughts?

I quite like digital display boards. I have a few in my constituency. They tended to replace roller display boards, where the picture changed, or ones with slats that used to turn. Now, it is all modern tech.

We will keep the petition open, and we will seek to find out the views of the bodies concerned on digital display boards. It is perfectly possible that they could be located in much more intrusive locations, which could be of consequence to people locally.

Child and Adolescent Mental Health Services (High Schools) (PE2091)

The Convener: Our final petition for consideration this morning is PE2091, which has been lodged by Kirsty Solman on behalf of Stand with Kyle Now. It calls on the Scottish Parliament to urge the Scottish Government to provide funding to enable a CAMHS worker and a school nurse to be placed in our secondary schools. The petitioner believes that access to a CAMHS worker and nurse would allow children who are struggling with their mental health to be identified early and would make it possible for any referrals to be completed correctly and efficiently.

The SPICe briefing notes that school counselling services for children aged 10 and over are available in all local authorities, although the delivery varies across local authorities, with some providing authority-wide services rather than allocating practitioners to particular schools or areas.

A 2023 report by the Children and Young People’s Commissioner Scotland identified further barriers to accessing school counselling services and recommended that all local authorities should have clear waiting time targets and that compliance with those targets should be part of the Scottish Government’s evaluation of the services.

In its response to the petition, the Scottish Government highlights that all primary and secondary schools in Scotland are able to access the support of school nurse services, and that the school nurse role has changed over time and now includes a focus on emotional health and wellbeing. School nurses can support the mental health of children and make referrals to CAMHS, where appropriate.

This is a new petition. If we wish to keep the petition open and to seek further information, do

colleagues have any suggestions about action that we might take or who we might contact?

David Torrance: Perhaps the committee could consider writing to the Scottish Government to ask how it evaluates the provision of counselling in secondary schools and how CAMHS referrals are monitored in secondary schools to ensure that they are completed correctly and effectively, and to highlight the Children and Young People's Commissioner Scotland's 2023 report on counselling in schools and ask what consideration it has given to the recommendations, especially the recommendation about establishing clear waiting time targets.

The Convener: Perhaps we could also seek a bit more information on the assertion that all primary and secondary schools in Scotland can access school nurse services. I would like us to quantify what the level of that resource is across Scotland and to what extent it is being accessed, as it would be useful to have an understanding of that.

Are colleagues content with the suggestions that have been made?

Members *indicated agreement.*

The Convener: Thank you very much. That concludes the public part of our meeting. We will meet again on the second-last day of the parliamentary term—Wednesday 26 June.

11:14

Meeting continued in private until 11:23.

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