



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 26 May 2015

Session 4

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**PUBLIC PETITIONS COMMITTEE**

**11<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*John Pentland (Motherwell and Wishaw) (Lab)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

\*Jackson Carlaw (West Scotland) (Con)

\*Kenny MacAskill (Edinburgh Eastern) (SNP)

\*Angus MacDonald (Falkirk East) (SNP)

Hanzala Malik (Glasgow) (Lab)

\*John Wilson (Central Scotland) (Ind)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Professor Colin Bean (Scottish Natural Heritage)

Alex Fergusson (Galloway and West Dumfries) (Con)

Doreen Goldie (Avonbridge and Standburn Community Council)

Jo Hirst (Avonbridge and Standburn Community Council)

Dr Scot Mathieson (Scottish Environment Protection Agency)

James Treasurer

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Public Petitions Committee

Tuesday 26 May 2015

*[The Convener opened the meeting at 10:01]*

### Continued Petition

#### American Signal Crayfish (Trapping) (PE1558)

**The Convener (John Pentland):** Good morning and welcome to the 11th meeting in 2015 of the Public Petitions Committee. I remind everyone to switch off their mobile phones and other electronic devices, as they interfere with the sound system.

We have received no apologies from members.

Agenda item 1 is consideration of a continued petition, PE1558, by John Thom, on behalf of the RNBCC Crayfish Committee, Ken-Dee catchment, on the American signal crayfish. As previously agreed, the committee will today take evidence from the Scottish Environment Protection Agency and Scottish Natural Heritage. I welcome Dr Scot Mathieson, from SEPA, and Professor Colin Bean, from SNH. I also welcome Alex Fergusson MSP, who has a constituency interest in the petition.

I invite Professor Bean to make a short opening statement, after which we will move to questions.

**Professor Colin Bean (Scottish Natural Heritage):** I thank the committee for inviting Scot Mathieson and me to talk to you today. This will be a joint opening statement on behalf of SNH and SEPA.

Invasive non-native species—or INNS, as I will refer to them from now on—are considered to be the second most important reason for biodiversity loss globally, after habitat loss and fragmentation. They are extremely damaging to our environment, economy and health and cost Scotland as much as £250 million annually.

Crayfish are highly invasive. As you have heard, they have been introduced to a number of bodies of water. Where they have been introduced, they have the potential to have adverse impacts on the aquatic ecology of many of our freshwater habitats.

To put this in context, the Convention on Biological Diversity placed an emphasis on INNS prevention measures, on the basis that that is better than the cure. Once INNS become established, their control or eradication can be technically challenging. It can be very expensive and, in some cases, it is not even possible.

Prevention is the least environmentally damaging option. With adequate resources, it can be applied to a greater or lesser extent across the whole spectrum of invasive species threats. That principle is repeated and given the greatest priority in the Convention on Biological Diversity's Aichi targets, the European Union biodiversity strategy and the 2020 challenge for Scotland's biodiversity.

EU regulation 1143/2014, on INNS, introduces a statutory requirement on member states to ban the keeping, transportation and sale of species of EU concern. Signal crayfish are a species that is being considered for listing in that regard, with priority being given to species that have yet to arrive and those that are at an early stage of their invasion.

The habitats directive and the water framework directive also require action to prevent the deterioration of vulnerable habitats and species. Scotland is renowned for the quality of its rivers and has international responsibility for its freshwater pearl mussel, lamprey and Atlantic salmon. The spread of signal crayfish has the potential to have adverse impacts on those interests, and that could affect our ability to meet the requirements of those directives.

The top priority with regard to signal crayfish is to prevent their spread to other catchments. The distribution of signal crayfish is quite limited. In 2010, it was estimated that 174km of river length was infested with signal crayfish; that is 0.1 per cent of the river length in Scotland. They are, of course, present in some of our lochs and ponds, Loch Ken being the reason that we are here today. Signal crayfish are, in most instances, unable to move between catchments. They are not great movers in their own right. They tend not to move between catchments without the help of humans and it is vital to prevent a deliberate or accidental movement between catchments.

SNH and Marine Scotland have considered several applications in the past for licences to trap signal crayfish in Loch Ken. SNH as the licensing authority assesses all licence applications objectively. We have to weigh the benefits of trapping against the risk of encouraging further spread. If we allow a commercial crayfish fishery to develop in Scotland, there is a high risk of encouraging the deliberate introduction of crayfish to other catchments. That is supported by evidence from elsewhere, where giving a commercial value to non-native crayfish has resulted in further introductions to previously uninvaded areas in a number of countries. Studies in Sweden and Spain have demonstrated that the establishment of crayfish fisheries has led to their increased dispersal to new areas, often to develop a new fishery in other waters.

The policy position of the Great Britain non-native species programme board, of which the Scottish Government is a member, is that there should be a presumption against the commercial exploitation of invasive non-native species. The only circumstances in which regulatory authorities should permit their commercial exploitation are where INNS are widely established and commercial exploitation is unlikely to jeopardise the potential for future management prospects. In other words, it should not make the situation worse. Any proposal that creates a market incentive for people to introduce signal crayfish elsewhere in Scotland has the potential to make the situation worse.

Trapping is regularly proposed as a solution to the crayfish problem, most often by individuals who wish to exploit populations in Loch Ken or elsewhere in Scotland, either for personal consumption or for sale. It is widely accepted, however, that trapping does not remove all life stages of crayfish and is not effective as a method of eradication. Although high-intensity trapping may reduce the numbers of large crayfish—particularly male crayfish—in some areas, the resulting compensatory growth in production of wild crayfish can mean that the benefits are lost.

Where trapping is licensed in the United Kingdom, both the Environment Agency and the Centre for Environment, Fisheries and Aquaculture Science admit that there are weaknesses in their licensing systems. The blanket ban on keeping live crayfish in Scotland is clearer and more enforceable than the postcode map of go and no-go areas in England, which allows live crayfish to be shipped into no-go areas for the catering trade. That situation led to the tabling in 2013 of cross-party early day motion 659, which called on the Government

“to give urgent consideration to emulating Scottish biosecurity control measures in England and Wales, to review the 2004 Crayfish Byelaws and to ban the live transport and sale of all alien crayfish species in England and Wales.”

Prevention is a top priority in tackling the spread of signal crayfish between river catchments. The check, clean, dry campaign is a GB-wide biosecurity campaign to raise the awareness of water sports enthusiasts about the risks of non-native species introductions. Those three simple hygiene steps have been shown to significantly reduce the risk of spreading invasive plants and animals between catchments on damp equipment.

SEPA has been working with a range of national water sports and fishing groups to promote the check, clean, dry campaign across Scotland. Since 2012, more than 380 fixed signs have been installed at key locations. More than 8,000 leaflets and posters have been distributed and many

partners now feature check, clean, dry on their websites and include biosecurity in their training programmes.

SEPA has also just produced a biosecurity pack for event organisers, which is endorsed by a range of water sports users. Both SNH and SEPA recognise the impact that the negative press about crayfish in Loch Ken has had on businesses that rely on visiting anglers. This year, we will begin a survey of angling catches with a view to assessing the future viability of that fishery in Loch Ken. One of the project's aims will be to promote the opportunities that the area has to offer visiting anglers.

Together with the Forestry Commission, Dumfries and Galloway Council, SNH and SEPA are promoting alternative green tourism activities in the area. Dumfries and Galloway Council has gathered ideas for ways to promote the landscape and the natural heritage of the River Dee catchment and is due to submit a funding bid to the Heritage Lottery Fund this week.

Nature-based tourism is worth £1.4 billion a year to Scotland's economy and it supports 39,000 full-time equivalent jobs. Field sports, including angling, contribute around a tenth of that total, or £136 million per annum. Local initiatives such as the Galloway kite trail, 7stanes and dark skies are already attracting new visitors to the area.

As a licensing authority, SNH is open to discussing any proposals for the control of signal crayfish in Loch Ken. However, they must address the risks of encouraging their spread elsewhere. The top priority is to manage the threat and prevent the spread of signal crayfish in Scotland.

**The Convener:** Thank you for your statement. The Rural Affairs, Climate Change and Environment Committee recently completed some work on biodiversity. Following that work, the committee sent a letter to the Minister for Environment, Climate Change and Land Reform, in which it said:

“we are aware that not only are American signal crayfish highly destructive to local ecosystems but their invasive nature means this may become a national issue if effective and urgent steps are not taken.”

Do you agree with the RACCE Committee on that?

**Professor Bean:** There are two ways of answering that, the first of which is to put the situation into context. In our opening statement, I mentioned that 174km of waterways are infested by signal crayfish. That is equivalent to 0.1 per cent of all the waterways in Scotland. The problem in Scotland is very small when we compare it with that in other parts of the UK. I have some other contextual data. In England, 11,246km out of

46,939km of waterways are infested. That is a real problem.

Secondly, the real issue in Scotland is the prevention of the further spread of these animals. Signal crayfish have relatively poor powers of dispersal, although you might have heard that they can get out of the water and walk for miles to infest new catchments, rivers and lochs. That is simply not true. They can move out of water and live on land for a short period of time, but they cannot move far. They have very limited powers of dispersal.

The animals appear where they do, which is as far south as Loch Ken and as far north as the River Nairn, because people have moved them there. Signal crayfish have no clear natural invasion pathway. The key issue is the prevention of the introduction of new populations.

Once signal crayfish have been introduced into a body of water, it is almost impossible to remove them. In very small water bodies, such as ponds, we have been able to eradicate them by using biocides. Scotland is a leader in the UK and Europe when it comes to the number of attempts we have made to eradicate crayfish from our waters. Once they have been introduced into rivers or large lochs, such as Loch Ken, the prospect of eradication is nil. The clear driver is to prevent the animals from being introduced in the first place. Although they are incredibly damaging where they occur, the real trick is to ensure that they do not get there in the first place. The real problem, then, is how we manage people rather than managing the animal.

**The Convener:** You gave the statistic that 174km of waterways in Scotland are infested by these invasive fish. How long has it taken to get to that point?

10:15

**Professor Bean:** Crayfish were first recorded in Scotland in 1995. Ironically, that was in the Dee system, in Kirkcudbrightshire, where Loch Ken is situated. They had undoubtedly been there for some time before that. By the time that people notice that crayfish are present, they will already have been there for some time and will be established. At a conservative estimate, I would say that they have probably been in the Dee-Ken system since the 1980s. However, in 2015 there are crayfish in 174km, or 0.1 per cent, of our waterways, so we are not talking about an animal that will spread at a rate of knots throughout Scotland. Many parts of Scotland are not particularly suitable for crayfish anyway, but that gives you an idea of how quickly the animals spread and a bit of context about how fast they have been moving.

We generally pick up on a new population every year, usually in a place that is far removed from the next possible source of infestation. For example, we found out last week that a signal crayfish population had been introduced to a small pond in the middle of Coatbridge, the Tarry pond. Such findings occasionally come up. There is no population of crayfish near there and they could not have moved there under their own steam. That population probably came from somewhere on the Clyde. The upper Clyde, like the Dee system, is infested with the animals too.

**Angus MacDonald (Falkirk East) (SNP):** I want to pick up on a point that was made about the situation in England. It seems that there is a worse problem in England, but I am curious as to whether any attempt has been made down there to commercially trap American signal crayfish.

**Professor Bean:** There is a well-established commercial fishery for crayfish in England. In fact, that is where the Scottish populations will have come from. Crayfish were introduced into England and Wales in the late 1970s and early 1980s and their introduction was encouraged by the Ministry of Agriculture, Fisheries and Food at the time as part of a diversification programme. Unfortunately, crayfish are the Steve McQueen of the invertebrate world and they promptly escaped. They are pretty good at burrowing out of things so, of course, new feral populations were established in the wild.

There is a well-established crayfish industry in England, which is managed by different means. As I mentioned, there are go and no-go areas there. There is a postcode system—the areas were set in 1996 and have not moved since then—and people are allowed to exploit crayfish for personal consumption in certain postcode areas. However, there are several gaps in the legislation. Colleagues from the Centre for Environment, Fisheries and Aquaculture Science have said that the Import of Live Fish (England and Wales) Act 1980—the legislation that is used to control crayfish exploitation in England—has slowed down the spread but has not stopped it.

There is clearly an incentive for people who exploit that resource to maintain and increase their fishing opportunities. If you look at the websites for many crayfish companies, you will see that they actively look for new water bodies to exploit. Those are the same people who wish to exploit Loch Ken.

**David Torrance (Kirkcaldy) (SNP):** Can the witnesses update the committee on the actions that have been taken as a result of the meeting that was held by Paul Wheelhouse in July last year? Specifically, what is being done to restore confidence in Loch Ken as a coarse fishing destination?

**Dr Scot Mathieson (Scottish Environment Protection Agency):** Thank you for the opportunity to address the committee. Several key points came out of the minister's meeting on 31 July.

There was a proposal to take forward further work on the fishery in Loch Ken and its status, a proposal to do further work on the population in Dalbeattie with a view to introducing measures to control or address the problem there, and a suggestion on the promotion of biosecurity. There was a further suggestion that the minister would take away the need to do further work to promote tourism and other activities in the area. I can cover progress on the first three matters, but I have not been involved with the minister's commitment to tourism.

The survey to assess the status of freshwater fish was really intended to assess the viability of the loch as a fishery and was an opportunity to see whether the suggestions that the fishery was no longer viable were supported by evidence. We now have in place a project proposal for a survey of coarse fish that will use the angler surveys and a potential fishing event. That will allow us to gather data and promote angling and biosecurity to the community there. Funding for that project has been secured from SEPA and SNH, and the work will take place over the summer.

On the back of the minister's meeting, a Heritage Lottery Fund bid has been developed, which is being led by Dumfries and Galloway Council. I believe that the bid is to be submitted at the end of this week. Funding for that project would start in 2017, and the fishery survey is interim preparatory work towards that. It was proposed that, if the bid was successful, it would help to fund the setting up of a group to promote angling in Loch Ken and the catchment, to review the existing Loch Ken management plan and to produce a fishery management plan that would be informed by the citizen data that we hope to start to collect this year.

SEPA and Scottish Water have been working closely to assess the feasibility of options and to produce an action plan for Dalbeattie reservoir, which should be completed within the next month, with a view to putting in place initial measures in the summer of 2015. From speaking to local colleagues, we know that there is discussion of the potential for eradication. The potential exists to isolate the reservoir and treat the population to remove it—as Colin Bean has outlined, that is a feasible option in smaller water bodies. There is the potential for installing what was described to me as a chain mail mesh net across the reservoir with a view to preventing escapes into the river, and that option is being considered.

The Galloway Fisheries Trust has continued surveying in the area around Dalbeattie reservoir to inform the decision process. The most recent survey that it undertook was in the late autumn of 2014, and it did not find any evidence of crayfish in the burn downstream of the reservoir, so it looks as though they are still contained in the reservoir, and there is the potential to do something to treat that.

The check, clean, dry campaign, which Colin Bean has outlined, is the key GB approach to the promotion of biosecurity, and SEPA and SNH have been working with a range of national water sports and fishing groups to promote that biosecurity campaign across Scotland. As, I think, Colin Bean said, since November 2012 we have arranged for 380 signs to be placed at key locations such as boat entry points, and 8,000 leaflets and posters have been distributed. The partners that have been involved include the Rivers and Fisheries Trusts of Scotland, the Scottish Federation for Coarse Angling, the Scottish Anglers National Association, the Scottish Canoe Association, the Royal Yachting Association—with the green blue programme—and Triathlon Scotland.

In the Dumfries and Galloway area, we have worked with a number of those partners and the three fishery trusts—the Nith Catchment Fishery Trust, the River Annan Trust and the Galloway Fisheries Trust—to produce a biosecurity information pack for event organisers. That is ready to launch, and we hope to launch it at an event on Loch Ken to promote the guidance in the area.

There is a lot of additional local work on INNS, and specifically on crayfish. I have a long list of that and would be happy to provide the details in a written response, if that would be helpful.

**The Convener:** That would be helpful, Dr Mathieson.

**Angus MacDonald:** The check, clean, dry campaign is promoted by both your organisations. However, the petitioner claims that it is not working or that it

“will not work in its present form”

because

“canoes boats and other small watercraft in the Ken Dee Catchment have no facilities to carry out such a task at the end of the day no one is there to enforce it and a 16 inch by 20 inch sign every 8 miles is not going to inform the public.”

What impact has the campaign had to date, especially given the petitioner's view that it will not work in its current form?

**Dr Mathieson:** I am not aware that any monitoring for effectiveness has been put in place yet. However, we are at an early stage in



launching the campaign locally, and an effective promotion campaign requires monitoring. If it would be helpful, I could work with local colleagues to identify what they propose to do to monitor effectiveness. I can certainly attest to the efforts that they have been putting in to spread the message locally, which have been targeted both at user groups and more generally to promote awareness in the local community.

**Angus MacDonald:** It would be good if you could feed back any information.

**Dr Mathieson:** I will certainly do that.

**Angus MacDonald:** Thank you.

**The Convener:** I have a number of questions on the check, clean, dry campaign. Is there any evidence that the spread in Scotland is anything other than accidental?

**Professor Bean:** The spread of crayfish?

**The Convener:** Yes.

**Professor Bean:** Yes. One fishery in the eastern part of the country, not too far away from here, introduced crayfish as a management tool to deal with mortalities, or "morts". Crayfish can help to prevent disease in a fishery, as dead fish fall to the bottom of the pond and the crayfish remove them. That is one example of deliberate introduction.

Another example of deliberate introduction involved a garden pond in the Tay system. In that situation, we would try to remove crayfish with biocide. There was another deliberate introduction, for consumption, in a series of ponds in the North Esk catchment. The case went to court but was thrown out on a technicality.

There was a deliberate introduction in the quarry pond in Ballachulish, and one can only assume that the introduction of crayfish to the Tarry pond in Coatbridge, which I described earlier, was also deliberate.

I think that those introductions were all deliberate and not accidental at all.

**The Convener:** What happens when introductions are found to be deliberate?

**Professor Bean:** It is very difficult. You can imagine how difficult it is to apprehend someone who is carrying crayfish around. You have to be there at the time—the person needs only a couple of crayfish and a bucket, and they can throw them in. Unless the police are there at the point of introduction, there is very little that they can do about it.

As you can imagine, in many water systems, once these things are in, they are in. The chances of removing them are slim to non-existent on most

occasions, unless you can manipulate the pond in some way by draining it and removing the individual animals.

Once crayfish have been introduced, they may take many years to become established and, unfortunately, you may not come across them until the population is established. A lot of the records come from anglers, who see them on the bank or in shallow waters.

The potential for accidental introductions is relatively slim. On balance, I think that these things have been introduced deliberately.

**The Convener:** On a scale of 1 to 10, which method—accidental or deliberate introduction—do you consider would cause the greatest degree of infestation?

**Professor Bean:** I would say that 9.9 out of 10 cases would involve deliberate introduction and the other 0.1 would involve accidental introduction.

**The Convener:** What are you doing to prevent deliberate introduction from happening?

**Professor Bean:** The key is awareness. We have run several workshops and training events for staff from RAFTS, SEPA, SNH and the police to highlight the dangers of introducing these things.

There is a lot of signage and leafletting about signal crayfish. At the end of the day, the key is to promote awareness to prevent these things from being deliberately introduced. We are trying to educate people about the dangers of transporting the animals and about the fact that, once they have been introduced, they will in all likelihood be there in the long term.

10:30

**The Convener:** Would deliberate introduction be responsible in the same number of cases in England or abroad—would it account for about 9.9 out of 10 cases?

**Professor Bean:** I cannot speak for what happens south of the border, as the situation is very different there.

**The Convener:** I ask that because, surely, if the introductions there are more accidental than deliberate, they must be doing something to prevent deliberate introductions. Could you find out more about that and get back to the committee?

**Professor Bean:** I will certainly take that away with me.

**Dr Mathieson:** I will add a little detail to Colin Bean's response about awareness raising and so on. Dumfries and Galloway is ahead of other parts of Scotland in having a regional invasive non-

native species working group, which has been working since 2010. Other parts of Scotland might want to follow that model in due course, as we start to think about how to tackle the range of invasive non-native species. Some of the work specifically on signal crayfish has focused on targeting information that people need to know about the legal status of crayfish and fishing.

After the minister's meeting at the CatStrand in Dumfries and Galloway in July last year, a "frequently asked questions" leaflet was produced by SEPA and SNH to clarify the legal situation. That leaflet was sent to all the people who attended the meeting at the CatStrand and was then distributed widely through community newsletters in the Loch Ken area and so on. On top of that, SEPA has been working with Police Scotland to translate the signal crayfish posters into a number of languages, because people with a cultural interest in eating signal crayfish may come here from eastern European countries, for example. We are trying to create something that is useful for those sections of the population who are traditionally more interested in crayfish, and in languages that they can understand more clearly.

**Kenny MacAskill (Edinburgh Eastern) (SNP):** What evidence from Scotland or anywhere around the world suggests that issuing licences for trapping would incentivise people to move crayfish into new areas?

**Professor Bean:** There is evidence from Sweden and Spain, where the establishment of new licensed fisheries led to the establishment of new unlicensed populations.

**Kenny MacAskill:** Was that related to people deliberately moving in for commercial gain?

**Professor Bean:** Absolutely. There would be no incentive to move signal crayfish from existing fisheries to other water bodies unless someone planned to exploit them.

**Kenny MacAskill:** What about the suggestion that SEPA and SNH could support trapping on a not-for-profit basis if operators worked closely with the organisations—perhaps if the market incentive was taken out of trapping?

**Professor Bean:** That would be similar to the situation in England, where there is a licensed fishery, yet crayfish are still found in new areas. The English situation suggests that, even when areas are tightly controlled, new populations continue to appear.

Let us suppose that a licensed fishery were to be established at Loch Ken. Other populations relatively close to that also contain signal crayfish, so would there be calls to establish a fishery in those as well? The upper Clyde has a particularly bad problem with signal crayfish. It is in the central

belt and within touching distance of two of the biggest conurbations in the country. I feel that such an approach would be incredibly difficult to control.

**The Convener:** If you believe that licensing is not the answer, what will you do to help eradicate the problem?

**Professor Bean:** That is the key point—once the crayfish are in, we cannot eradicate them. Our first objective must be to prevent the animals from being moved elsewhere. By creating a market for them, we would create the conditions that exacerbated or accelerated the spread of the animals to new areas.

I mentioned the biocide eradication treatment that we have, largely, pioneered in Scotland. We have looked at a range of techniques for the eradication or control of crayfish. We thought that eradication might be a possibility when they first arrived. We were younger and naive then—we thought that techniques such as hand removal, electrofishing and trapping might offer the prospect of eradication, but they clearly do not.

That is not to say that eradication is an impossibility through further developments. We are working with people in other parts of the UK on strategies that we could expand into Scotland. Examples are the use of poisoned baits and the targeting and removal of animals in life stages when they might be more vulnerable, such as when they are moulting or carrying eggs and young.

We are always on the lookout for new techniques—indeed, we are at the forefront of doing so. A number of PhD programmes are looking at the crayfish issue. We are looking at new ways to identify rapidly where the animals can be found. We are using state-of-the-art techniques, such as environmental DNA, to forewarn us of where the animals are, so that we can move in and take action as quickly as we possibly can—even when they are not visible to river users, anglers or whoever—and target the populations before they become fully established.

It would be a mistake to think that we are doing nothing in Scotland, which was a view that one submission to the committee expressed. A lot of work is going on in Scotland, in our sister agencies in England and in Europe. There is no slacking in our endeavours to deal with the issue. We are not putting up our hands and saying that we will forget about it and let everything slide.

**Jackson Carlaw (West Scotland) (Con):** Good morning. There seem to be two aspects to the discussion. One is a quite interesting discussion about the containment of signal crayfish; the other is about the petition. We have had an extended

discussion about the first part, and little discussion about the second part.

I did not know anything about the issue before the petitioner brought the matter to us. That is typical in the committee—all manner of subjects come to us, and we have to do our best to read through all the paperwork. However, I am bound to conclude that there has been an awful lot of prevarication and that our strategy appears to rely on signage, leaflets and posters, with lots of talk about everything else that is happening, including the work, the discussions and the like.

I am interested to know your prognosis for the strategy that we are employing. Do you expect that, 10 years from now, American signal crayfish will have colonised more waterways in Scotland?

**Professor Bean:** The likelihood is that they will have done so. The cause of that will be human movement.

**Jackson Carlaw:** You said that the licensing schemes in Sweden and Spain have led to the introduction of the crayfish into other waterways. Were licences granted for the additional waterways into which the crayfish population was unofficially extended?

**Professor Bean:** I do not have that information in front of me, unfortunately.

**Jackson Carlaw:** You do not know whether the granting of licences led to an expansion of the population, which led to further licences to allow the crayfish to be commercially exploited.

**Professor Bean:** I know that the granting of licences led to the expansion of new populations, which created an issue.

**Jackson Carlaw:** I am sorry, but I say with respect that you do not know that. You said that, without a licensing regime in this country, you would expect the population to extend as a consequence of casual introduction.

In Sweden and Spain, where there are commercial licences, the populations have expanded. You attest that that is because licences were granted. However, you cannot tell me that licences were subsequently granted for the commercial exploitation of those additional populations; if they were not, there would have been no commercial advantage to the expansion. That is correct, is it not?

**Professor Bean:** On the basis of the information that I have in front of me, yes.

**Jackson Carlaw:** Thank you.

I return to the petition, because I thought that you skated quickly over what Mr MacAskill asked about. The petitioner asks why a licence for the trapping and sale of crayfish on a not-for-profit

basis from Loch Ken, which is now deeply infested, is unsupportable when there would be no commercial exploitation and all the proceeds that were raised would be used for future scientific research and teaching, for examining the very problems that you are trying to contain and for the local community's benefit. That could be done on a not-for-profit basis with no exploitation for commercial gain.

I understand that we do not want crayfish to spread but, given that you cannot attest that there is any evidence in Sweden and Spain that there was commercial gain as a result of licences being granted, where is the evidence that says that a not-for-profit scheme is not an alternative that is worth considering?

**Professor Bean:** We did not say that we would not consider it.

**Jackson Carlaw:** You did. You said to Mr MacAskill, who asked the question, that you have ruled it out.

**Professor Bean:** No. We have had a number of licence applications for Loch Ken. For the most recent licence application, which was in March 2013, we said what we have continually said, which is that we would be happy to look at any application that was scientifically based and could provide good evidence and monitoring that showed that the crayfish population could be controlled. That is what we have said.

**Jackson Carlaw:** That is not what the petitioner is saying; he says that the proposal could fund scientific research, which seems to be rather meagre.

**Professor Bean:** I do not accept that the scientific research is meagre.

**Jackson Carlaw:** How much is being spent?

**Professor Bean:** I think that it is all very—

**Jackson Carlaw:** I am asking a question: how much is currently being spent?

**Professor Bean:** I do not have that figure to hand.

**Jackson Carlaw:** How can you tell me then that it is not meagre?

**Professor Bean:** Because I know the projects that are on-going and I know the—

**Jackson Carlaw:** Perhaps you could itemise them for the committee and let us know how much is currently being spent.

Rightly or wrongly, there seems to be a collective received wisdom in this case—I sometimes come across the same thing elsewhere—that has a momentum all of its own. I wholly support not wanting the crayfish

populations to expand, but I am not entirely clear why in a place such as Loch Ken, which is infested with crayfish, the not-for-profit solution that might fund additional research and harvest the crayfish population would inevitably lead to licensing elsewhere. However, even if it did so in the Clyde, what would be wrong with a not-for-profit harvesting operation in the Clyde that also raised funds that were exclusively deployed on future scientific research and teaching? I see a distinction between that and the commercial exploitation for profit that seems to be an incentive, although not one that we can demonstrate has operated internationally.

**Professor Bean:** I go back to the situation in our country—we can look at England and Wales, where crayfish trapping has been licensed.

**Jackson Carlaw:** On what basis is it licensed?

**Professor Bean:** In terms of the exploitation of crayfish for personal consumption, for sale—

**Jackson Carlaw:** But not for not-for-profit purposes.

**Professor Bean:** No—for sale. Crayfish from England and Wales is sold and exported to the continent.

**Jackson Carlaw:** That is my point—that is commercial exploitation.

**Professor Bean:** Absolutely.

**Jackson Carlaw:** I am drawing a distinction between that and not-for-profit exploitation, where no profit could be generated.

**Professor Bean:** Who would carry out the not-for-profit work? The petition mentions 50 trappers and 130 full-time-equivalent jobs or whatever, but no business case is associated with that—frankly, it is just a finger in the air. What would the income—

**Jackson Carlaw:** Surely it is a finger in the air in desperation, because absolutely nothing of any consequence has been attempted that has been successful.

**Professor Bean:** In Loch Ken?

**Jackson Carlaw:** In Loch Ken.

**Professor Bean:** That is because the chances of eradicating crayfish in Loch Ken are zero—absolutely zero.

**Jackson Carlaw:** Until there was experimental trapping, there was not even any understanding of the population itself. Is that correct?

**Professor Bean:** That is absolutely true, but we knew that there was a substantial population.

**Jackson Carlaw:** How do we know that trapping has had no effect on the overall population?

**Professor Bean:** We know from work elsewhere that trapping does not—

**Jackson Carlaw:** How do we know?

10:45

**Professor Bean:** There is evidence from elsewhere that trapping does not result in the eradication of the populations.

**Jackson Carlaw:** Mr Ribbens of the Galloway Fisheries Trust said:

“The initial five month research has indicated that a heavy trapping programme may be able to have a significant impact on the present crayfish population.”

**Professor Bean:** It can have an impact without eradication.

**Jackson Carlaw:** I did not say eradication.

**Professor Bean:** As the catchable stock is removed, that leaves things such as predation pressure and competition pressure and we get what is called compensatory growth. That means that the population is not reduced; there is the same biomass of animals, but more of them.

**Jackson Carlaw:** That just sounds like a theory, not a fact.

**Professor Bean:** It is not a theory; it has been demonstrated for other species such as pike in pike eradication programmes.

**The Convener:** Would part of the licence regime not be that whoever the trapper was would have to catch X, Y or Z per year, so the numbers would diminish? Is that not a form of managing crayfish?

**Professor Bean:** That goes back to my earlier point about monitoring. How would the fishery be managed? Remember that it is a fishery in perpetuity. A massive dent would probably be made in the numbers of catchable-size—largely adult—animals, but we would be left with a population of smaller animals, which grow much faster and will still be reproducing. We would end up with a reduction in the catchable component but the same problem and the same damage, which, it has been said, has denuded Loch Ken of all its biodiversity, although that statement has never been substantiated.

We do not know what the impact on fisheries would be, which is one reason why we are about to kick off the fisheries project. The websites of many of the hotels around Loch Ken contain plenty of photographs of people with large bags of fish. Fish are not missing from Loch Ken.

Undoubtedly crayfish will have had an impact, but the scale of that impact is not clear. We will probably never know, because crayfish have been in there for so long. What baseline might be used? To say that throwing a bunch of crayfish traps in would solve the problem is frankly not true.

**The Convener:** It seems to me that you say that it is very unlikely that we will ever eradicate crayfish and, at the same time, you do not want to put in place anything to manage crayfish.

**John Wilson (Central Scotland) (Ind):** To follow on from Jackson Carlaw, I will ask about licensing. There seems to be a confusion between commercial licensing of crayfish fisheries and the fact that no one can catch or lift a signal crayfish out of the water without fear of prosecution if they get caught. I understand that the petition asks for a licence to be granted to allow people to remove signal crayfish from the water and trap them not on a commercial basis but on the basis of hindering population growth of signal crayfish. What would be the problem with issuing a licence for the trapping of crayfish to allow people to try to eradicate them from a watercourse?

**Professor Bean:** Quite a lot of illegal crayfish fishing goes on in Scotland, including some in Loch Ken. We have never closed the door to trapping to alleviate pressures on, for example, areas of Loch Ken during a fishing event, which we have discussed with Jamie Ribbens.

Any proposal to trap on a large scale in Loch Ken has to form part of a rational management programme. That is not an unreasonable stance to take. We would not support some gung-ho invitation to crayfish trappers around the UK and elsewhere to come and exploit the situation in an unmanaged way—in a way that could end up causing more damage to Scotland plc by creating a market that might accelerate the spread to new areas.

**John Wilson:** I do not think that the petitioner is looking to get trappers from elsewhere in the UK to come to that stretch of water. They are trying to protect the water and get a licence to trap the signal crayfish that are there.

You referred to a rational management programme. Can SEPA and SNH sit down with the individuals concerned—you claim that you have done that—to work out a rational management programme and help to limit the spread and growth of the signal crayfish population?

**Professor Bean:** You will not have seen this, but I have with me a letter from us to Mr Thom, which we sent following a meeting with him on 4 March 2013. We said:

“We discussed other licensing options and SNH intimated that it would be able to license a non-commercial project with a clear management aim and which is

supported by a clear scientific methodology. Such applications would also require a sound monitoring and evaluation element, as well as being fully biosecure. A less robust proposal runs considerable risk of expending considerable time and resource with little or no benefit to any party. Unfortunately we know from bitter experience and considerable cost that intensive trapping of crayfish simply does not work as a means of crayfish control.”

Towards the end of the letter, we said:

“I hope that you find the information above useful. We would be happy to reconsider any application supported by a robust plan that takes into account the issues raised in this letter. As we discussed at our meeting, once you have developed a plan and have the personnel (and any funding required) in place we would be happy to discuss this further with you.”

It does not sound from that as if we have been unreasonable to Mr Thom.

**John Wilson:** Jackson Carlaw tried to press you on how much money was being spent on academic research in this area. Would it not be possible to work with the local individuals who want to eradicate signal crayfish, and bring in that academic support? You disputed Mr Carlaw’s assertion that very little money was being spent on academic research. Would there be an issue with SNH and SEPA providing support to allow the local community to carry out the monitoring programme in conjunction with you and with the academics who you claim are currently involved in monitoring signal crayfish in Scotland?

**Professor Bean:** The PhDs to whom I referred are all working on separate and particular issues of crayfish biology. Some of them have worked on Loch Ken in the past—Zara Gladman, for example, as the minister knows.

As for directing research moneys towards Loch Ken specifically or crayfish in general, SNH included signal crayfish as a species in the species action framework, which ran from 2007 to 2012. We put a lot of resource into the management and science of signal crayfish.

On the question of providing support for the science element of any management proposal for Loch Ken, I would say that we would of course be able to provide the scientific support or advice required.

**John Wilson:** It sounds hopeful that you will be able to work with the local community to provide scientific support to allow such a programme to be carried out.

I want to widen out the discussion, because there is another issue that I am rather concerned about. You mentioned the fact that 174km of waterways are infested with signal crayfish, which you said was 0.1 per cent of the waterways in Scotland. You compared that with the situation in England and Wales.

You went on to talk about the Tarry pond in Coatbridge, where you said that signal crayfish were deliberately introduced. What enforcement powers do SNH and SEPA have in relation to people who are found to be breaching the invasive non-native species legislation?

**Professor Bean:** That is clearly set out in the Wildlife and Countryside Act 1981, which was strengthened by the Wildlife and Natural Environment (Scotland) Act 2011. I cannot remember what the monetary or custodial penalties are, but it is illegal to introduce any animal in any place outwith its natural range. I do not think that anyone would argue that signal crayfish, which originated in North America, are within their natural range in Scotland, the UK or Europe.

**John Wilson:** You mentioned that the police caught the people who introduced signal crayfish in the Tarry pond. Is it the police who carry out the enforcement action, or is it SNH or SEPA?

**Professor Bean:** It is the police.

**John Wilson:** So the police would need to catch someone who was attempting to introduce signal crayfish, or someone who was trapping them.

**Professor Bean:** Absolutely.

**John Wilson:** Could you remind us how the incident involving signal crayfish at the Tarry pond was brought to your attention?

**Professor Bean:** It was brought to my attention by the local fisheries trust.

**John Wilson:** The local fisheries trust monitors a number of ponds and waterways in the North Lanarkshire area.

**Professor Bean:** The Clyde River Foundation, which is the fisheries trust that I am talking about, is putting together a strategic plan for invasive non-native species removal for SNH. As part of that work, it has been looking at records that are held by local rangers and local councils. When it came to our attention that it was possible that signal crayfish might have been introduced in the Tarry pond, the foundation investigated and found signal crayfish there.

**John Wilson:** I assume that a member of the public went to the foundation and informed it that they suspected that there were signal crayfish in the pond.

**Professor Bean:** I suspect that a member of the public probably went to the local countryside ranger and that the matter was brought to the foundation's attention through the ranger.

**John Wilson:** My concern is that incidents such as the one at the Tarry pond could be replicated

100 times throughout Scotland, with individual trusts' attention only being drawn to them by members of the public.

You say that 174km of waterways are contaminated, and we know that Loch Ken is contaminated. However, we do not know what the full scale of contamination by signal crayfish in Scotland might be. Therefore, what you have told us about the areas that are infested with signal crayfish might just be the tip of the iceberg.

You said that you knew that the upper Clyde was heavily infested with signal crayfish. The upper Clyde flows into the Clyde and runs through the Clyde valley. How do we curtail the spread of signal crayfish along the Clyde and, potentially, every watercourse that feeds off or flows into the Clyde?

**Professor Bean:** I think that you are right—there are probably more populations than we know about.

As far as the Clyde is concerned, there is no prospect of removing crayfish from the Clyde; in fact, there seems to be no real prospect of halting their spread. That is an extremely difficult thing to do, particularly when animals move downstream rather than upstream.

11:00

We installed a crayfish barrier—the first of its type—at the head of the Clyde at Clydes Burn, precisely to prevent signal crayfish from moving from the head of the Clyde into the river Annan system. Having said that crayfish have poor powers of dispersal, I point out that the logic behind that approach was that the upper reaches of the Clyde and the Annan are connected via a system of field drains. It is not as if the crayfish have to walk across land.

However, the sad fact is that these animals will move downstream. They have done so since they were first found in the area in the late 1990s. Treating smaller ponds with biocide to eradicate crayfish is certainly a possibility, but the idea of using biocide in a river, particularly one the size of the Clyde, is simply a non-starter.

**John Wilson:** The other issue for me is the protection of our indigenous species in the waterways. I know that salmon have been coming back up the Clyde, but I imagine that signal crayfish predation in the upper Clyde could cause those fish to be eradicated and therefore bring an end to the salmon population in the Clyde.

There are a number of other protected species. For example, you have mentioned Coatbridge, and I note that, according to Scottish Wildlife Trust, the third largest population of great crested newts sits just outside the town. If signal crayfish

were to get into those watercourses and ponds, it could lead to the great crested newt being eradicated in that area. What are SNH and SEPA doing to protect those species if, as you have suggested, very little can be done to eradicate signal crayfish?

**Professor Bean:** It is very difficult to identify specific actions to protect those areas other than to prevent the introduction of signal crayfish. I have to say that I am not an expert on great crested newts, but I would imagine that if crayfish got into the systems in the areas that you have highlighted, such as Gartcosh, the impact on the newts would be devastating. The SWT and others monitor those areas very regularly, and I would hope that, if crayfish were to enter those systems, we would have quite a start on them and would be able to act very quickly.

**John Wilson:** I have no further questions, convener.

**The Convener:** I call Alex Fergusson.

**Alex Fergusson (Galloway and West Dumfries) (Con):** As I am very aware of the time, convener, I will be as brief as I can be. I have a considerable local vested interest in the petition, because I live about 200 yards from the top of Loch Ken and this has been a growing issue ever since I moved to that part of the world in 1998.

Perhaps I can put a bit of local perspective on the issue. In his introduction, Professor Bean rightly said that Scotland is renowned for the quality of its rivers. I absolutely accept that, but for many years Loch Ken was also renowned for the quality of its coarse fishing. I have to say that I laugh a little bit when I hear about initiatives to promote the opportunities for angling at Loch Ken, because for many years Loch Ken promoted itself. You have only to look at the guest books and reservation records of the hotels that have been mentioned to see that fishermen have voted with their feet and no longer come to Loch Ken in anything like the numbers that they did. That is not because the fish are not there to catch, but because whenever their bait gets within a few inches off the bottom of the loch, where it needs to be to catch the fish, it gets taken by the signal crayfish. The crayfish are so numerous that you can barely coarse fish in Loch Ken; as I have said, the hotels' reservation records will back that up. What has happened is that a huge hole has been created in the local economy by the almost uncontrollable spread of this invasive species.

Despite everything that we have heard about on-going work to look at it, the problem, from the local perspective, is frankly one of complacency. Yes, there are leaflets and notice boards extolling the virtues of people cleaning their equipment before they leave the area, even if they have been

doing something other than fishing. That has been going on for some years. However, despite what we have heard—I am not really questioning any of what we have heard—the fact is that the spread continues, as has been admitted.

I think that all the measures that we have heard about and which are being taken—including the erection of the barrier at the head of the Clyde, which cost, at around £50,000, a significant amount of preventative money—are simply delaying the inevitable. I believe that that has been admitted.

It was said earlier crayfish are not good movers. There are a lot of people who would dispute that and who believe that they can move up to 2 miles by night.

I am aware of the time. I know that the committee's consideration of the issue will be on-going. It would be helpful if, when the witnesses write back to the committee, they could identify the number of times a biocidal solution has been used. Of course, I appreciate that there is a scale issue, and that in a body of water the size of Loch Ken that approach will almost certainly not be effective.

I have one further question, by way of wrapping up my contribution. When does an invasive species become an indigenous species? It seems to me that an invasive species is one that ought to be capable of being eradicated, and that, if it cannot be eradicated, we should then consider it to be an indigenous species. Once we consider something to be an indigenous species, we can look at it in a different way.

The solution to the problem has to involve trapping, although not necessarily in a commercial way. It has been admitted that we cannot eradicate the crayfish, but we can surely manage them in a way that we are not doing at the moment. I think that that has to involve trapping and, as I said, if we accept that the species is no longer invasive but has become indigenous, I also think that we can approach the issue in a different way.

Much has been made of the fact that the problem in Scotland is very small compared with that in the rest of the UK. That suggests to me that we could have a much greater focus on it and should be better able to come up with a solution to it, because the issue is much easier to identify in the various locations where it arises. It also seems to me that, if research is going on into the issue, it would be hugely logical to bring it together in a place such as Loch Ken, which is where the largest population of crayfish is. If we did that, at least local people could see that the complacency that I referred to earlier is not the reality.

**The Convener:** SEPA and SNH are publicly funded. Where on your priority list does the removal of this indigenous species lie?

**Professor Bean:** The priorities of SNH are set by the Government in our grant-in-aid letter.

Invasive species, including non-native species, are a major cause of biodiversity loss. There are plenty of examples of situations in which radical action is taken in relation to not only species that are not native to Scotland or the UK but species that are native to Scotland but which have been introduced to parts of Scotland where they are not native, as was the case with hedgehogs in the Western Isles. A tremendous amount of resource has been expended on the issue of invasive species. You ask where the issue falls on our list of priorities. I would say that, frankly, everything is a priority these days. However, I would also say that we spend a significant amount of resource in this area.

**The Convener:** I should have said “invasive” rather than “indigenous” when I asked my question. I apologise for that.

I ask the committee to decide what action to take on the petition. Members have before them a note by the clerks suggesting a possible course of action.

**Jackson Carlaw:** I would very much like to reflect on everything that I have heard today and on the one or two bits of further information that we will get as a result of today’s discussion; then, at a subsequent meeting, we can discuss the action that we should recommend.

**The Convener:** Do members agree with that suggestion?

**Members indicated agreement.**

**The Convener:** I thank Dr Mathieson and Professor Bean for their evidence.

I suspend the meeting for a couple of minutes.

11:10

*Meeting suspended.*

11:11

*On resuming—*

## New Petitions

### Sewage Sludge (PE1563)

**The Convener:** The next item is consideration of two new petitions. The committee will hear from the petitioners in each case. The first new petition is PE1563, by Doreen Goldie on behalf of Avonbridge and Standburn community council, on sewage sludge spreading. Members have a note by the clerk and a briefing from the Scottish Parliament information centre. I am aware that, since the committee papers were issued, a motion in the name of Margaret Mitchell and an amendment in the name of Angus MacDonald have been lodged.

I welcome the petitioner, Doreen Goldie, to the meeting. She is accompanied by her colleague from the community council, Jo Hirst. I invite Ms Goldie to speak to her petition for no more than five minutes and to explain what her petition seeks, after which we will move to questions.

**Doreen Goldie (Avonbridge and Standburn Community Council):** Thank you for allowing us to discuss our petition. We are seeking a great improvement in the overall management and effective treatment, storage and, ultimately, safe disposal of sewage sludge. We are suggesting that the process be entirely contained and controlled by a responsible and accountable body. At present, we feel that the system is failing.

Our reason for making this request has come about because of our first-hand experience over the past six years of continually raising the issue through our involvement with the community councils and of receiving feedback from local residents raising their concerns and making complaints that, in our opinion, are justifiable.

We find that the existing practices have particular failings. There are noxious odours that last for days, and longer in some instances, from the spreading or stockpiling of sewage sludge, and there are risks to human and animal health as a result of spreading that material. There is an environmental and biological impact from long-term use, where it is not adequately monitored, and contamination of watercourses and soils. Traffic movements are uncontrolled and there is spillage of the material on public carriageways. There is improper storage, and there are flaws in mobile licences and a lack of planning.

We look to the Scottish Government to adopt a comprehensive approach across Scotland to the treatment of sewage sludge, to end the current inconsistencies and to ensure that a controlled and uniform protection is in place for all inhabitants of Scotland. We appreciate that the issue of sewage sludge is an ever-increasing



problem, due to the continuing population growth, but we believe that there is currently better practice elsewhere in the United Kingdom and in Europe that should be adopted so that wet spreading is avoided.

If the practice continues as it is, in a short space of time we could render some of our agricultural land chemically contaminated and, in turn, destroy some of our ecosystems. We are of the opinion that the Scottish Government should adopt best practice as it is used satisfactorily elsewhere, and should invest in achieving a suitable and useful end product that, when properly treated and managed, has recognised beneficial uses.

11:15

**The Convener:** I understand that, since submitting your petition, community representatives have met Scottish Government representatives. Is that correct and, if so, how confident are you that your concerns are being taken forward?

**Doreen Goldie:** We have attended a number of meetings with SEPA, Scottish Water and Margaret Mitchell. We are fairly confident that our concerns are now being recognised, although it has taken a considerable amount of time to get to the stage that we are now at.

**Jo Hirst (Avonbridge and Standburn Community Council):** We met Scottish Water and SEPA on 17 March and they accepted that there are inconsistencies in current legislation and gaps between the organisations. The problems that we have highlighted are a result of those inconsistencies and the gaps between those who have the authority to deal with problems, who may not have the necessary powers in legislation. We have been suffering because of the lack of powers to manage the problem.

**Doreen Goldie:** After we gave information to Scottish Water, it stopped supplying the main contractor with the wet material immediately. We understand that it is now supplying the material in dry pellet form, but the contractor is still obtaining the wet material from other unrecognised sources that are not monitored.

**Angus MacDonald:** I certainly appreciate having the opportunity to contribute as the local member for the Upper Braes area. As members have heard from Doreen Goldie and Jo Hirst, the issue has been on-going for six years, and it has caused significant inconvenience to many of my constituents in the Upper Braes area, which has been frustrating for everyone involved.

It is worth noting that we are in this position thanks to an EU directive from a few years ago that banned the dumping of sewage sludge at sea.

Whether or not you agree with that directive, it has left us in the position that we are now in.

As Ms Goldie and Jo Hirst are aware, my constituency office staff and I have been working on the issue for some time. As recently as a week ago yesterday, I met senior officials from Scottish Water to discuss the situation. I am pleased to say that Scottish Water, SEPA and the Scottish Government have taken note of the inconvenience and the impact that the spreading of sludge has had on the local community. For example, as we have just heard, Scottish Water confirmed to me that sewage sludge has been directed away from the Falkirk district and no sludge has gone to Jawcraig, for example, for three to four months. Scottish Water has stopped tankers delivering there.

However, a further problem came to light during my meeting with Scottish Water, which the petition does not cover. It seems that food waste is being transported to a lagoon at the Jawcraig site and 60 lorries a day are passing through. It is not sewage that is arriving daily; it is food waste. I have asked SEPA to investigate that further and I will pick up on the point that further investigation is required.

Coming back to the issue at hand, I agree with the petitioners that we must look for alternative methods of disposal, such as those that are adopted in other northern European countries. For example, I believe that in Sweden, only 14 per cent of sewage is spread on land, and the Netherlands incinerates the majority of its sewage. The percentage escapes me, but it is pretty high and significantly higher than in other countries in northern Europe—I think that it is about 80 percent.

I have been lobbying behind the scenes for an increase in capacity for sewage incineration. I raised the issue in the chamber as recently as 22 April, and I hope that it will be covered in the sewage sludge review, which I am told is due to be released in mid to late summer.

The petitioners have had a number of meetings with the Scottish Government. Have you made a formal submission to the sewage sludge review, or has the Government just taken notes from those meetings?

**Jo Hirst:** We have had only one meeting, with two representatives of the Scottish Government. One was employed directly by the Scottish Government and the other was employed by SEPA but was on secondment with the Government for a year. We went up to the SEPA offices in Stirling on 17 March.

We have indicated that we would like a public meeting with the Government, as well as further meetings, and that we would like to be involved in the review. As yet, we have heard nothing else from the Government.

**Angus MacDonald:** There is still an opportunity for you to feed into the review, which opened on 6 March.

**Jo Hirst:** We would like the opportunity to do that.

**Doreen Goldie:** I recall emailing Angus MacDonald's office to ask for an invitation to take part in the review process. We would obviously be interested in taking part. The process seems to have been quite slow in getting to the review stage. I hope that you will take into account the fact that we are new to the process; we have learned on the hop how to respond over the past few years.

**Angus MacDonald:** I have found that, unfortunately, everything is a slow process when it comes to making changes to procedures or legislation. You have done some research yourselves on alternatives—for example, large-scale anaerobic digestion or incineration. Would that be part of your submission?

**Doreen Goldie:** We could certainly supply that information. There are a number of easily available sources of background information on alternative methods of disposal.

We recognise that there are beneficial uses for the material. Our problem is that the contractor who is carrying out the work is not being monitored adequately, although it would not matter if there was a different contractor—what is in place at the moment is not working. Scottish Water, SEPA and the planning department are all involved, and there is a breakdown in communication where each area picks up the thread from the next. There is no consistency with regard to the end product. Because of those failings and because the process is not being adequately monitored, the system is being exploited to the detriment of the soil, given the contamination that we believe is going on. We keep on coming back to the point about the lack of monitoring, and that is what needs to be tackled.

**Jo Hirst:** When we spoke to SEPA, it highlighted that it has only four offices dealing with the whole of Scotland and that it does not have the resources to sample or monitor. SEPA therefore relies on its three main contractors throughout Scotland to do their own self-monitoring. The contractors do their own sampling, submit the samples for chemical analysis and then send the results to SEPA. That system is open to abuse. There are no records of where the samples are taken from or when they are taken, and there is no

management of the process. The contractors' monitoring therefore cannot be relied on because the samples are not independently tested.

We would like all sewage to be treated at source to the same level throughout Scotland. Whatever product is decided on should be distributed directly by the one body that treats the sewage. It may be most sensible for that body to be Scottish Water, but that is not for us to dictate.

From our research, we can see that the transportation of the material across vast tracts of land by various different contractors and subcontractors is having a huge detrimental impact. It impacts on our transport system, and in various other ways.

**Angus MacDonald:** That is all fair comment. I know that I am localising the issue, convener—

**Jo Hirst:** The problem is not just local to Falkirk.

**Angus MacDonald:** No—absolutely not.

**Jo Hirst:** We have now combined with nine different community councils in our area, including Torwood and Larbert, and areas of Stirling and Lanarkshire. Those are the areas that we are aware also have a problem.

We are volunteers and we do the work in our own time. We do not have a vast array of resources. We know from our discussions with SEPA to date that it is experiencing issues nationwide—for example, in the Highlands and Islands, the north-east and Dumfries.

**Angus MacDonald:** Following my meeting with Scottish Water a week ago yesterday, I note that it is seriously considering taking the management of sewage in-house, which is certainly good news. With regard to enforcement action, we will shortly be seeing the benefits of the Regulatory Reform (Scotland) Act 2014 that was recently passed by Parliament. For instance, SEPA will have greater enforcement powers, including fines, that it has never had before. That will help to concentrate the minds of some of the operators whose practices deserve further scrutiny, if that is the best way to put it.

**David Torrance:** The petitioners mentioned dry pellet use earlier. As someone who comes from a place that is surrounded by farms where sludge is used, I appreciate where you are coming from. The smell can be horrendous at times. Has dry pellet use made a huge difference?

**Doreen Goldie:** At present the benefit is not so apparent, because there have still been stockpiles of wet sewage sludge that have had to be removed quickly. The problem is that the sludge is, in some instances, not immediately dug in as it should be under the regulations. The contractors and the farmers have been allowed to stockpile

the waste, so it is sitting on the surface open to the elements for weeks or months on end.

Coming back to the point about dry pellets, I cannot say that there has been any noticeable difference in some of the areas, because material is still coming in from sources other than Scottish Water. It is hard to tell.

**Jo Hirst:** We are not aware that any dry pellets have been spread in the area to date. We are aware of wet stockpiles and the wet slurry that is still being spread.

**John Wilson:** You mentioned that you had been in touch with a number of community councils. I live in the central belt, and there is dumping of human waste in one particular area near where I live. An internationally known business is frightened to report one of the landowners next door because of the impact that it might have on business if people realised what was being dumped next door. There is clearly an issue with the way in which the waste is being disposed of.

At your meeting with the Scottish Government official and the SEPA representative, was there any mention of consulting community councils throughout Scotland as part of the review? I am a bit concerned that the review sounds as if it is an internal review rather than a public consultation. A review should, in my view, include asking community councils throughout Scotland, and other bodies, to submit any concerns or issues that they face almost daily as a result of the dumping of sewage sludge.

11:30

**Doreen Goldie:** That has been a concern of ours. We have asked on more than one occasion for community councils and members of the public, who have shown great interest and who have had to endure this for a number of years, to be included in the review process. It is through them that we have been given all this information and can now present this petition to those who can make the changes. If this odour had been emanating from the centre of Edinburgh, I guarantee that it would not have been going on for six years.

**Jo Hirst:** Our understanding is that it is currently a closed review and not open to consultation with community councils throughout Scotland. We raised that point in our meeting on 17 March, and it is something that we have requested. We persisted with the issue with Margaret Mitchell, and asked her to raise it on our behalf. It was also raised in a meeting that was held in Slamannan last August with Angus MacDonald. We requested that we be allowed to make representation, and

that other community councils be invited to do the same.

**John Wilson:** Thank you.

**The Convener:** As there are no further questions, I ask the committee what it wishes to do with the petition. What action would we like to take?

**David Torrance:** Could we invite Scottish Water and SEPA to give evidence?

**Angus MacDonald:** I think that that would be helpful. I do not know whether it can be done before the summer recess, but it would be helpful if it could be done before the review is completed.

**John Wilson:** May I suggest that we write to the Scottish Government? Although it is useful to write to SEPA and Scottish Water, they are acting under instruction from the Scottish Government. I would like to ask the Government why the decision was taken to have this as a closed review that is not open for public consultation. Any review of this nature must take on board the concerns of communities throughout Scotland. If this is a closed review, its findings will not truly reflect the experiences of communities, particularly in central Scotland but also much more widely, given the impact of the disposal of this material. Consider the guidance on how we can dispose of this material. There is hardly an area in Scotland that has not been affected by heavy rainfall, yet one condition is that we are not supposed to put this material on saturated ground. Clearly that is happening.

I request that we write to the Scottish Government to ask why a decision was taken to hold this as a closed review. Any review should include a full public consultation, and time should be taken to consider the responses from the public on this issue, particularly community councils.

**The Convener:** A couple of action points were raised there. We will see whether a meeting with Scottish Water and SEPA is possible before the summer recess. John Wilson suggested that we write to the Scottish Government to ask that a public consultation be part of this review, and we could also ask it to consider the issues that have been raised by the petitioner today. Do colleagues agree with that?

**Members** *indicated agreement.*

**The Convener:** I thank Ms Hirst and Ms Goldie for their attendance today.

11:33

*Meeting suspended.*

11:34

*On resuming—*

### **Loch Ness and the Great Glen (PE1564)**

**The Convener:** The second new petition is PE1564 by James Treasurer, on behalf of friends of the Great Glen, on saving Loch Ness and the Great Glen. Members have a note by the clerk and a SPICe briefing. I welcome the petitioner, James Treasurer, and invite him to explain what his petition seeks in no more than five minutes, after which we will move to questions.

**James Treasurer:** Good morning, and thank you for the opportunity to speak to the committee. I give everyone greetings from the Great Glen, which I left this morning and which, obviously, is a stunning scenic area of international importance.

I represent a conservation and heritage group called the friends of the Great Glen, which is concerned with the protection of what are amazingly beautiful landscapes. We recognise that the Great Glen and Loch Ness are part of the world's most beautiful and scenic landscape. I do not think that members need any introduction to Loch Ness, which is probably the most famous loch in the world. I should say that, in limnological terms, it is a lake, which makes it—arguably—the most famous lake in the world. It is part of the Great Glen, which extends for 60 miles; the glen itself is known in Gaelic as Gleann Albainn or “glen of Scotland”, so it has always had a special significance for the Scottish nation. It is also of great international significance; with more than 1 million visitors per annum, 200,000 of whom come from overseas, it is the premier tourist destination in the Highlands and extremely important to the local economy.

We are concerned about the multitude of wind farm developments that have been planned or are in the pipeline for the Great Glen and Loch Ness areas. There are more than 500 turbines in the planning process for these areas—and those are not our figures; they come from the Scottish Natural Heritage website and from Highland Council. There should therefore be no dispute over the actual number of turbines that are planned.

The distressing thing is not the wind turbines themselves, but the fact that, because they will be in remote locations, hundreds of miles of pylons will be required to connect them to the national grid, and hundreds of miles of access roads and the substations will need to be built. In fact, there will be a big industrial complex for about 30 miles on each side of the Great Glen. We are extremely concerned about the issue. We are also extremely concerned about whether the protection in the planning system is adequate to protect the area.

Our evidence is that, given the scale of development, it is not; indeed, we think that the scale of development is disproportionate to the size of the area.

What are we asking for? We are looking for some form of protection, given our view that the current planning system, in local government and national terms, does not protect areas that are indisputably of international scenic importance. We are talking about the second largest tourist destination in Scotland.

We have suggested two forms of protection that could be put in place. The first is for Scottish Natural Heritage to designate the area as a national scenic area, of which there are 40 in Scotland at the moment. The second is for the area to be classified as a world heritage site, a suitable case for which would obviously have to be taken to the United Nations Educational, Scientific and Cultural Organization with support from the Scottish Parliament and the Scottish Government. The second route would be for discussion and would probably be a longer-term objective, but we would nevertheless contend that this is an incredibly beautiful area. In geological terms, the Great Glen fault could qualify as a world heritage site; in cultural terms, the Caledonian canal, which is an engineering masterpiece, could qualify as such, too.

As I have said, our concern is with the level of development. If the Scottish Government, together with the Highland Council, does not act in the next year or two, it will be too late to save the Great Glen as we know it. I do not know whether members can recall seeing it, but four weeks ago, a television programme called “Secret Britain”—I know that there is nothing much that is secret about Loch Ness—contained a fantastic aerial shot down the Great Glen, showing Loch Lochy and Loch Oich right up to Loch Ness. The landscape, which is absolutely outstanding, speaks for itself, and that is what we want to conserve and preserve for the Scottish nation.

**The Convener:** Thank you, Mr Treasurer.

You are calling for the area to be designated as a national scenic area. Have you approached the Scottish Government with that request? If so, what response did you get?

**James Treasurer:** I approached Scottish Natural Heritage about the conservation of the area and the planning applications, and it said that it had a statutory role to play, but I have not approached the Scottish Government directly on the matter.

I have suggested the national scenic area approach as one of two possible routes; there could be more. Maybe members feel that there are other routes and ways to tackle the issue, but the

suggestion is that the area could become a national scenic area. Our contention is that national scenic areas get national protection. However, this is an international scenic area that is known globally. Like the Forth bridge and Edinburgh castle, it is part of brand Scotland. It really sells Scotland internationally.

**The Convener:** I note that the comments on your petition were almost exclusively about wind farms rather than the designation of a national scenic area and an application for world heritage status. Does that reflect people's motivation for supporting your petition?

**James Treasurer:** The petition has received quite a lot of comments—there have been more than 500. I admit that two or three of those are quite colourful; I like to be more objective about these things. However, a lot of people were obviously very passionate in their comments.

I realise that some people made political statements in their comments, but we are not making a political statement. We are saying that it is not just an emotional matter; the area is part of Scotland's economy and its image. We have to preserve the Great Glen and Loch Ness as they are.

**John Wilson:** I understand about the wind turbine developments, but will you expand on what you mean by the reference in the petition to supporting

“the restoration of sites damaged by wind turbines”?

If the national scenic area designation or world heritage status that you seek was obtained, would you wish those turbines to be removed?

**James Treasurer:** I realise that some of the applications are in process, and obviously developments have been built. As a country, we should perhaps look at things differently. We look at landscapes for which planning permission for specific developments has been given, but perhaps those developments have not been put in their correct location—I would hate to use the term “mutilated the Scottish landscape”. I would very much put the emphasis on an ethical point of view and ask the developer whether they would be willing initially to remove turbines in particularly dominant landscapes. For example, some turbines can be seen for 28 miles. That is a large radius. Basically, we should ask the developers whether we can remove particular turbines.

That is why I gave the committee the photograph from the A82 in the second part of my written evidence. That particular development, which is 4 miles south of Fort Augustus, can be seen from the A82. That is a main tourist route, and every single tourist who goes up it can see that development. Perhaps the turbines in such

developments should be removed; perhaps as a country we should be thinking of removing some developments.

**John Wilson:** I thank Mr Treasurer for that response.

**The Convener:** Do you believe that turbine developments harm tourism in the area? If so, what evidence do you have to support that?

**James Treasurer:** I make it clear that, as I said, it is not just about turbines, because there will be hundreds of miles of pylons. Members probably saw the article in *The Sunday Times* 10 days ago, which said that energy structures can now be seen from 46 per cent of Scotland.

Obviously, the tourism economy is the major part of the economy of the Highlands. A recent survey that the Scottish Government sponsored indicated that 20 per cent of tourists would be adversely impacted by the issue, and would not visit the area. That includes those from countries such as Canada, the United States, Belgium and France, which are averse to wind farms. Therefore, a certain sector of the tourism economy would be damaged, and there would be very large impacts on the tourism industry. Obviously, we are quite concerned about that.

It is difficult to gauge the impact on the Great Glen and Loch Ness, because not all the developments have been built yet. Only two wind farms have been built, but once 500 turbines have been built in the area, the tourists who are passing through will be able to see them from every hill point. Undoubtedly, there will be an impact on tourism. Is it common sense to put such developments in the number 1 tourist destination in the Highlands? It is totally inappropriate.

11:45

**Kenny MacAskill:** I concur fully that it is a bonny area and that we must cherish it. My limited understanding is that Gleann Albainn is where the Scots tribes went when they came across from Ireland—they landed in Argyll and walked through the Great Glen.

Do you accept that that topography has probably changed greatly since then, given the removal of the Caledonian forest? Things do not always remain static, even though the vista can be beautiful.

**James Treasurer:** I agree that the landscape can change, but people come to Scotland to see a natural landscape—a wild landscape. Our interpretation of what a landscape is can vary and our understanding of beauty is qualitative. However, everyone here understands what beauty is. If you were to ask 100 people what natural beauty is, 99 of them would say—and you would

possibly agree—that the landscape in the area is of outstanding natural beauty. People do not want to see an area that is industrial or artificial; they are looking for a wild, natural landscape.

**The Convener:** Did you say that the Scottish Government had produced a report with evidence saying that turbines were a distraction for tourists?

**James Treasurer:** No, I did not say that; it was a questionnaire from some years ago, but I do not think that it asked the right question. You would have to ask tourists visiting the area, once the 500 turbines were there, what they thought about it.

The questionnaire looked at the impact of wind farms on tourism. It encapsulated the view of 20 per cent of respondents that they would not come to the area, because of the disadvantage of seeing wind turbines. Many people go there to walk the Great Glen way, to kayak up Loch Ness and to see the hills and the landscape from Loch Ness. As I say, they are looking for a natural landscape.

**The Convener:** As there are no further questions, I suggest that the committee seeks written views from, for example, Highland Council, Scottish Natural Heritage, Scottish Renewables, the John Muir Trust and the Scottish Government. Do members agree to do that?

**Members indicated agreement.**

**David Torrance:** When we write to Highland Council, can we ask whether its planning policy takes into account the cumulative effect of the number of wind turbines in the area? When I was a councillor in Fife, the council refused planning applications for wind turbines on that basis.

**The Convener:** Do members agree to ask that question?

**Members indicated agreement.**

**The Convener:** I thank Mr Treasurer for his presentation.

11:48

*Meeting suspended.*

11:50

*On resuming—*

## Continued Petitions

### Youth Football (PE1319)

**The Convener:** Agenda item 3 is the consideration of seven continued petitions. The first is PE1319, by William Smith and Scott Robertson, on improving youth football in Scotland. Members have the clerk's note and a submission from Scotland's Commissioner for Children and Young People.

Although I was not on the committee for the previous considerations of this petition, I am aware of the issues, and I thank the commissioner for his report. Clearly, there are serious and fundamental concerns to address, and I very much hope that the committee will pursue them vigorously. I invite contributions from members.

**David Torrance:** I ask that we revisit the petition after the members' business debate on the topic and that we bring the commissioner in to report on his findings.

**Kenny MacAskill:** As there is an issue to address, it would be worth hearing from the commissioner. From my limited experience of the issue, it is not simply about releasing the young person from the contract, but about the period for which they can or should be retained. In the Netherlands, if a youngster is signed at an elite level, the club is obliged to keep, not discard them.

Hearing from the commissioner and, indeed, hearing about the wider debate would address matters. The issue goes slightly wider than the ability to get out of a contract and the reward, if there is one, to a youth football club. A professional club has an obligation to any youngster that it takes on.

**The Convener:** I would probably agree. The petition asks the serious question whether it is appropriate for professional clubs to enter into a contract with children under 16. I am quite happy to bring in the commissioner and perhaps, at a later date, the Scottish Football Association.

**Angus MacDonald:** I agree that there is a strong argument for inviting the commissioner to address the committee.

I do not think that the members' business debate that David Torrance mentioned will have any impact on the timescale of our discussions, given that it is happening next week. In view of the committee's schedule, that should not cause a problem, but it would be good to see whether any further information comes to light during the debate before we hear from the commissioner.

**The Convener:** As there are no other comments, do we agree to invite the commissioner before us and, after that, offer the SFA an invitation to attend a meeting?

**Members** *indicated agreement.*

### **Alzheimer's and Dementia Awareness (PE1480)**

**The Convener:** The next petition is PE1480, by Amanda Kopel, on behalf of the Frank Kopel Alzheimer's awareness campaign, on Alzheimer's and dementia awareness. Members have the clerk's note, and I invite comments from members.

**Jackson Carlaw:** I am very disappointed with regard to where we have managed to get with the petition—it has found itself rather stuck. We have heard from the Cabinet Secretary for Health and Wellbeing—I cannot fully recall, but I think that we might have heard from the current cabinet secretary and her predecessor—and I have read the latest letter, which seems to have been drafted incredibly carefully so that matters are not progressed one way or the other.

It is coming up to two years since the petition was submitted, and Mr Kopel has since died. We have established that the number of people under the age of 65 affected by this issue is relatively small, and there also seems to be widespread sympathy around the matter. Ultimately, if the Scottish Government is not going to act, I would just as soon know that as not. I do not think that our best interests are served by having the matter in a permanent state of limbo.

I do not know whether what we are looking for is best achieved by inviting the cabinet secretary back to establish what is happening or by sending the cabinet secretary a very direct letter, saying that this is all fine and well but asking whether she expects the timetable to resolve itself in early course, and when she expects to come to a firm view about whether the care will be provided. If it is not to be provided, it is better for us to know that and to move forward on that basis.

I am interested to know what other members think, but that is what I want to know from the cabinet secretary. However, I do not know whether I need the cabinet secretary to come here if she is prepared to tell me what I need to know in writing.

**Kenny MacAskill:** Jackson Carlaw makes a fair point: a letter would probably be better. Although evidence-taking sessions are important, we should not use them if the answer is going to be a simple and straightforward yes or no. Given where we are in the electoral and political calendar, the best thing that we can do is to try to get a commitment or otherwise. It might be that the proposal is simply not affordable, but, instead of an evidence-

taking session with the cabinet secretary, I would veer towards sending a direct letter, saying that we really need to know this information and, if her position is that she does not know yet, asking when she will know. After all, we might want to bring her in to discuss more important matters—and, in saying that, I am not denigrating this particular issue. I am just pointing out that we might need to bring the cabinet secretary in for a longer evidence-taking session on another topic, and in this case, we might simply need to ask her a number of direct questions. On that basis, I am more for sending a direct letter.

**The Convener:** I am not sure whether we can be any more direct than the previous letter that we wrote to the cabinet secretary, in which we put the very points that have been raised today. I think that everybody agrees that the progress on the petition has been really slow.

The last time the cabinet secretary was here, she advised us that she had met representatives of the Convention of Scottish Local Authorities to discuss the matter, but that meeting has never really taken place. I suggest, therefore, that we get the cabinet secretary back in and put those direct questions to her. She might say that, for whatever reason, the Government is not going to take the matter forward, but we need to know.

**Jackson Carlaw:** I disagree, but fair enough.

**The Convener:** Do colleagues agree?

**Members** *indicated agreement.*

**Kenny MacAskill:** I am comfortable with that, convener.

### **Group B Streptococcus in Pregnancy (PE1505)**

**The Convener:** The next petition is PE1505, by Jackie Watt, on awareness of streptococcus B in pregnancy and among infants. Members have a note by the clerk and the submissions.

**Jackson Carlaw:** Although this petition was interesting, I think that we can move to close it, given that the Government has given an undertaking to consult the petitioner on the drafting of the new booklet, which will offer advice. That helpful resolution of the issues involved allows us to bring the petition to a close.

**The Convener:** Do members agree with Jackson Carlaw?

**Members** *indicated agreement.*

### **Private Schools (Charitable Status) (PE1531)**

**The Convener:** The next petition is PE1531, by Ashley Husband Powton, on removing charitable

status from private schools. Members have a note by the clerk and submissions.

**John Wilson:** Having carefully read the responses that we have received and having examined the issues that have been raised, particularly by the Office of the Scottish Charity Regulator, I have to say that the difficulty that I have is with the term “independent schools”. OSCR has rightly said that “independent schools” include special needs schools that are established with charitable status and refers to Donaldson’s school, the Royal Blind school and Capability Scotland schools. I know that those in the independent sector in Scotland do not like the term “private education”, preferring to use the term “independent”.

The aim is to get to a point where we can examine the matter clearly and be able to make a distinction between the special needs provision as described by OSCR and what is provided by the other parts of the independent schooling sector. Given OSCR’s comments, I am minded to suggest that we write to the Scottish Government to ask whether it would consider reviewing the Charities and Trustee Investment (Scotland) Act 2005 with a view to providing a better definition of “charitable” in the context both of special educational needs and of private education in Scotland. That would allow us to get a clear steer from OSCR on its definition of what constitutes charitable status education provision in Scotland. There are independent schools that are delivering what I would describe as charitable aims and objectives by meeting special educational needs, while other schools have been lumped in with them and therefore get the special provisions that are afforded to schools with charitable status.

12:00

**Jackson Carlaw:** I continue to find the petitioner’s submissions unhelpful and not terribly well phrased or sympathetic.

I am not altogether sure whether the distinction that Mr Wilson seeks to make is not understood by the Government and by OSCR. I have no particular objection to the question being put, but I feel that we are going round the houses on this, given that the Scottish Government has said that it has no particular interest in reviewing the legislation or its terms of reference and no intention of doing so. Therefore, as far as I can see, there is no political will to make progress on the petitioner’s aims. Although I am happy for the question that Mr Wilson suggested to be put, I think that that should be done with a view, ultimately, to our closing the petition, as there seems to be no prospect of the Scottish Government acting on it.

**Angus MacDonald:** When the petitioner appeared before the committee, there was some discussion of the possibility of extending charitable status to state schools, including those attended by children with additional support needs. Can that suggestion be included in the letter to the Scottish Government, given that the committee has previously discussed it?

**The Convener:** We could add that to our letter. Do members agree to the proposed course of action?

*Members indicated agreement.*

### **Residential Care (Severely Learning-disabled People) (PE1545)**

**The Convener:** The next petition is PE1545, by Ann Maxwell on behalf of the Muir Maxwell Trust, on residential care provision for the severely learning disabled. Members have a note by the clerk and the submissions.

If members have no comments, I suggest that we write to the Scottish Government, the chief social work adviser and Professor Sally-Ann Cooper to seek further information and views. Are we agreed?

*Members indicated agreement.*

### **Restraint and Seclusion in Schools (National Guidance) (PE1548)**

**The Convener:** The next petition is PE1548, by Beth Morrison, on national guidance on restraint and seclusion in schools. Again, members have a note by the clerk and the submissions, and I invite contributions from members.

**Kenny MacAskill:** I think that there is an issue here and we should ask the Government to respond to the concerns that have been raised. We should also ask the General Teaching Council for Scotland about guidance on and criteria for the treatment of severely disabled children in school. Whether we are talking about the use of restraint by the police or the use of restraint on children in school, we are in a new world and we must try to get things right. To that end, it would be appropriate for us to get an understanding of where we are and to look towards improving the guidance and guidelines.

**John Wilson:** I was rather concerned about some of the language in the Educational Institute of Scotland’s submission. It was useful to get it, but it was based on a policy decision taken at the 2005 EIS annual general meeting. The reference to “violent situations” does not accurately reflect the point that petitioner is trying to raise, because the issue is about how restraint is used by teaching staff and other members of staff in an educational setting.



The paragraph on violent situations is right to mention risk assessments, which is something that the petitioner has raised. Not every child who might be vulnerable in a school setting is having a risk assessment carried out, and it has been noted that appropriate use of alternative methods, including restraint, might be required for some children. The EIS also points out that there is an issue about self-harm, which is why the child might need to be restrained. However, the issue that the petitioner has raised is about the restraint methods that are being used, how restraint is being carried out and who is training not just the teaching staff, but all staff in an educational setting, including janitorial, cleaning and catering staff, who should also be aware of a vulnerable child's needs.

I am keen to raise the petition with the GTCS, as has been suggested, but also to flag it up again with the Scottish Government, given that some of the issues that have been highlighted are about the cost of providing training and the need to train individuals in a school setting. It is normally the headteacher who receives that training, but given that headteachers are not always in the school setting when action is required, it would be useful to get some clear indication from the Scottish Government as to what advice or guidance is being given to local authorities on advising headteachers and other staff in a school setting on appropriate methods of restraint when required.

I would reinforce that with a risk assessment that would have to be notified and carried out prior to such action being taken, but it would be worth while to write to the Scottish Government on this, as there are clearly some issues about the methods of restraint that are being used. Although the EIS has quite rightly made it clear that teaching staff might face disciplinary or legal action if they use inappropriate restraint methods that lead to the child being harmed, it is clearly an issue of concern that we do not have a common approach throughout the education service on the methods of restraint that are appropriate when such restraint is required.

**Jackson Carlaw:** I note that the petition has received public support from Dame Esther Rantzen, as I believe she is now styled. I hope that I have got that right—the protocol police, who are many and legion within the Conservative Party, will correct me if I am wrong.

I also note that the petitioners are hugely encouraged by the quality and depth of the varied responses that we have received. If we write again to the Scottish Government, it would be of benefit to the colour of its future response to mention some of the issues that have been raised, so I would also like that information to go to the Scottish Government.

**The Convener:** Do members agree to write to the General Teaching Council for Scotland and the Scottish Government with the points that have been raised by John Wilson and Jackson Carlaw?

**Members indicated agreement.**

### **Child Abuse (Mandatory Reporting) (PE1551)**

**The Convener:** The final petition is PE1551, by Scott Pattinson, on mandatory reporting of child abuse. Members have a note by the clerk and copies of submissions, and I invite questions and contributions from members.

**Kenny MacAskill:** This is a deeply complex issue. Although we need to push the Scottish Government for a response to our letter of 18 March, we must also ensure that the Government and, indeed, we get it right. There are concerns about actions and possible reactions—in other words, unintended consequences—but we must try to make some progress here. There is an underlying issue to address and we need to chase the Government for an update.

**The Convener:** There have been several follow-ups, but it has been more than two months since the committee wrote to the Scottish Government on this matter and we have yet to receive its reply. This is a very important matter that deserves a response. As with our discussion of the last petition, I draw members' attention to the submissions that we have already received. There have been suggestions for a full public consultation, further debate and further research. Do members agree to invite the Scottish Government to comment on those suggestions in addition to responding to our original request for its views?

**Members indicated agreement.**

## Annual Report

12:11

**The Convener:** The final agenda item is consideration of the committee's draft annual report for the parliamentary year from 11 May 2014 to 10 May 2015. All committee annual reports follow a standard format, as agreed by the Conveners Group. Members are invited to note the draft report, to which paper PPC/S4/15/11/12 refers, which will be published during the week from 1 to 5 June.

**John Wilson:** I note that the draft report makes no mention of the committee's remit or membership.

**The Convener:** I have been advised that they will be included. Do members agree the report?

**Members** *indicated agreement.*

**The Convener:** I formally close the meeting.

*Meeting closed at 12:11.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

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