



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITIONS COMMITTEE

MEETING DETAILS

3rd Meeting, 2016

Tuesday 9 February 2016

The Mary Fairfax Somerville Room (CR2)

Meeting starts at **10.00 am**

ADDITIONAL INFORMATION

Previous Meetings

[Previous Meeting Papers and Official Reports](#)

COMMITTEE PAPERS

Agenda

[Item 2: PE1463](#)

[Item 3: PE1568](#)

[Item 4: PE1105, PE1480/PE1533, PE1548, PE1549, PE1551, PE1554, PE1558, PE1563, PE1566, PE1569, PE1570/PE1589, PE1571, PE1584](#)

NOTICES

Next Meeting is Tuesday 23 February 2016.

Business includes:

- Consideration of 11 continued petitions



PUBLIC PETITIONS COMMITTEE

AGENDA

3rd Meeting, 2016 (Session 4)

Tuesday 9 February 2016

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take items 5 and 6 in private.

2. **Consideration of a continued petition:** The Committee will consider—

[PE1463](#) by Lorraine Cleaver on effective thyroid and adrenal testing, diagnosis and treatment

and take evidence from—

Maureen Watt, Minister for Public Health, Alpana Mair, Deputy Chief Pharmaceutical Officer, Elizabeth Porterfield, Head of Strategic Planning and Clinical Priorities and Colin Urquhart, Team Leader, Strategic Planning and Clinical Priorities, Scottish Government;

Professor Graham Leese, Consultant and Honorary Professor in Diabetes and Endocrinology, NHS Tayside and CSO Speciality Adviser.

3. **Consideration of a continued petition:** The Committee will consider—

[PE1568](#) by Catherine Hughes on funding, access and promotion of the NHS Centre for Integrative Care

and take evidence from—

Catriona Renfrew, Director of Planning and Policy, NHS Greater Glasgow and Clyde;

Dr Hugo van Woerden, Director of Public Health, NHS Highland;

Dr Harpreet Kohli, Director of Public Health, NHS Lanarkshire;

Professor Alex McMahon, Director of Strategic Planning, Performance Reporting and Information, NHS Lothian.

4. **Consideration of continued petitions:** The Committee will consider—

[PE1105](#) by Marjorie McCance on St Margaret of Scotland Hospice;
[PE1480](#) by Amanda Kopel, on behalf of the Frank Kopel Alzheimer's Awareness Campaign, on Alzheimer's and dementia awareness and
[PE1533](#) by Jeff Adamson, on behalf of Scotland Against the Care Tax, on abolition of non-residential social care charges for older and disabled people;
[PE1548](#) by Beth Morrison on national guidance on restraint and seclusion in schools;
[PE1549](#) by Alan Clark Young on concessionary travel passes for war veterans;
[PE1551](#) by Scott Pattinson on mandatory reporting of child abuse;
[PE1554](#) by Jacq Kelly, on behalf of Leonard Cheshire Disability, on improving the provision of disabled-friendly housing
[PE1558](#) by John Thom, on behalf of the RNBCC Crayfish Committee, Ken Dee Catchment, on American Signal Crayfish;
[PE1563](#) by Doreen Goldie, on behalf of Avonbridge and Standburn Community Council, on sewage sludge spreading;
[PE1566](#) by Mary Hemphill and Ian Reid on a national service delivery model for warfarin patients;
[PE1569](#) by George McKenzie on re-introduction of the Scottish Red Ensign;
[PE1570](#) by Alan Lee on parental rights to child contact and [PE1589](#) by Stewart Currie on an independent review of child contact and financial provision post-separation;
[PE1571](#) by John Beattie on food bank funding;
[PE1584](#) by Angus Files on a new Scottish vaccine and immunisation advisory committee.

5. **Legacy paper:** The Committee will consider its approach to a legacy paper.

6. **Witness expenses:** The Committee will consider a claim under the witness expenses claim scheme.

Catherine Fergusson
Clerk to the Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5186
Email: catherine.fergusson@scottish.parliament.uk

The following papers are attached for this meeting—

Agenda item 2

PE1463	Note by the Clerk	PPC/S4/16/3/1
PRIVATE PAPER		PPC/S4/16/3/2 (P)
Petitioner Letter of 4 February 2016		PE1463/FFF

Agenda item 3

PE1568	Note by the Clerk	PPC/S4/16/3/3
PRIVATE PAPER		PPC/S4/16/3/4 (P)
Petitioner Letter of 4 February 2016		PE1568/X

Agenda item 4

PE1105	Note by the Clerk	PPC/S4/16/3/5
Scottish Government Letter of 19 January 2016		PE1105/WWW
Petitioner Letter of 2 February 2016		PE1105/XXX
PE1480 / PE1533	Note by the Clerk	PPC/S4/16/3/6
Scottish Government Letter of 11 January 2016		PE1480/Q
Petitioner Email of 1 February 2016		PE1480/R
Petitioner Letter of 3 February 2016		PE1533/S
PE1548	Note by the Clerk	PPC/S4/16/3/7
Petitioner Email of 2 February 2016		PE1548/U
PE1549	Note by the Clerk	PPC/S4/16/3/8
Transport for London Letter of 18 December 2015		PE1549/I
Petitioner Letter of 28 January 2016		PE1549/J
PE1551	Note by the Clerk	PPC/S4/16/3/9
UK Government Letter of 23 December 2015		PE1551/L
Petitioner Letter of 3 February 2016		PE1551/M
PE1554	Note by the Clerk	PPC/S4/16/3/10
Scottish Government Letter of 6 January 2016		PE1554/GG
PE1558	Note by the Clerk	PPC/S4/16/3/11

[SPICe review of literature cited in the petition and submissions](#)

Scottish Natural Heritage / Scottish Environment Protection Agency Letter of 22 December 2015
 Petitioner Email of 25 January 2016
 Abigail Stancliffe-Vaughan Letter of 3 February 2016

[PE1558/O](#)
[PE1558/P](#)
[PE1558/Q](#)

PE1563 Note by the Clerk PPC/S4/16/3/12

Scottish Environment Protection Agency Letter of 22 December 2015
 Scottish Government Letter of 3 February 2016

[PE1563/I](#)
[PE1563/J](#)

[Review Of The Storage and Spreading Of Sewage Sludge on Land In Scotland \(The Sludge Review\): Final Recommendations](#)

PE1566 Note by the Clerk PPC/S4/16/3/13

Scottish Government Letter of 22 December 2015
 Petitioner Letter of 2 February 2016

[PE1566/Z](#)
[PE1566/AA](#)

PE1569 Note by the Clerk PPC/S4/16/3/14

Scottish Government Letter of 22 December 2015
 Petitioner Letter of 28 January 2016

[PE1569/E](#)
[PE1569/F](#)

PE1570 / PE1589 Note by the Clerk PPC/S4/16/3/15

Scottish Government Letter of 14 January 2016
 Petitioner Letter of 1 February 2016
 Petitioner Letter of 14 January 2016

[PE1570/F](#)
[PE1570/G](#)
[PE1589/C](#)

PE1571 Note by the Clerk PPC/S4/16/3/16

PE1584 Note by the Clerk PPC/S4/16/3/17

Office of the Commissioner for Public Appointments in England and Wales Email of 10 December 2015
 Scottish Government Letter of 5 January 2016
 JCVI Letter of 7 January 2016
 John Stone Letter of 29 January 2016
 Petitioner Letter of 1 February 2016

[PE1584/A](#)
[PE1584/B](#)
[PE1584/C](#)
[PE1584/D](#)
[PE1584/E](#)

Agenda item 5

PRIVATE PAPER PPC/S4/16/3/18 (P)

Agenda item 6

PRIVATE PAPER

PPC/S4/16/3/19 (P)

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1463 Effective Thyroid and Adrenal Testing, Diagnosis and Treatment****Note by the Clerk****PE1463 – Lodged 19 December 2012**

Petition by Lorraine Cleaver calling on the Scottish Parliament to urge the Scottish Government to take action to ensure GPs and endocrinologists are able to accurately diagnose thyroid and adrenal disorders and provide the most appropriate treatment.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [1 December 2015](#) and agreed to invite the Cabinet Secretary for Health, Wellbeing and Sport to give evidence about the outcomes of the listening exercise the Scottish Government undertook with Thyroid UK in 2015 and issues raised by the petitioner about the supply of T3 in the UK and the natural alternatives available. At this meeting, the Committee will take evidence from the Minister for Public Health.

Committee Consideration

2. At its meeting on [1 December 2015](#), the Committee took evidence from the petitioner.
3. The petitioner advised in her written submission dated [18 November 2015](#) that she had recently met with SIGN to discuss the development of guidelines. It was agreed that both SIGN and the petitioner would work with the Royal College of General Practitioners and other stakeholders, such as Thyroid UK, to produce a best practice document.
4. According to the petitioner's written submission, the purpose of the best practice document would be to "highlight the areas which are missed for patients with remaining symptoms on Levothyroxine" (the medication usually used to treat thyroid conditions on the NHS), the so called 5% - 10% of patients. These are the patients the petitioner seeks to assist.
5. In her oral evidence to the Committee, the petitioner noted: "The document would be useful. GPs try very hard with us heart-sink patients, but ultimately they do not have a document to refer to."
6. The Scottish Government committed to conduct a listening exercise and as part of this worked with Thyroid UK to produce a [survey](#) on the experience of hypothyroid patients, the results of which were published in 2015. The survey's recommendations included to ensure that conducting all thyroid function tests

should be standard procedure; further training should be provided to GPs; and new guidelines should be designed to help clinicians support thyroid patients.

7. The petitioner remains concerned about the availability and prescription of drugs to treat hypothyroidism. In her oral evidence to the Committee, she noted that the development of a best practice document for GPs will "...still not be far-reaching enough in any case, because it will not offer them the medication that many of us use – T3 or natural thyroid, which brought me back from the dead." In her submission dated [4 February 2016](#), she has also asked to be invited back to the Committee to give further oral evidence to communicate the concerns of patients.

Action

8. The Committee is invited to consider what action it wishes to take. Options include –
 - (i) To consider the Minister's evidence and a clerk's note at a future meeting;
 - (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1568 on funding, access and promotion of the NHS Centre for Integrative Care****Note by the Clerk****PE1568 – Lodged 12 May 2015**

Petition by Catherine Hughes calling on the Parliament to urge the Scottish Government to ensure that Scotland-wide access to the NHS Centre of Integrative Care (NHS CIC) is restored by providing national funding for a specialist national resource for chronic conditions, to uphold NHS patient choice and cease the current postcode lottery by removing barriers to patient access and prevent institutional discrimination by helping to promote the benefits of this care pathway for patients with long-term conditions.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [8 December 2015](#). At that meeting, Members agreed to invite a number of health boards to provide oral evidence to the Committee.
2. The purpose of this paper is to brief members on the petition. A separate issues paper is included in Members' packs.

Background

3. The NHS Centre for Integrative Care (CIC) is located at Gartnavel Hospital in Glasgow and is operated by NHS Greater Glasgow and Clyde. The CIC combines conventional treatments with other holistic approaches such as homeopathy, acupuncture, counselling and dietary advice. Most patients referred to the CIC are experiencing chronic pain, chronic low energy, and/or chronic low mood or anxiety. However, any patient with a long-term condition may be referred.
4. One of the services of the CIC is the provision of inpatient homoeopathic beds. The CIC is the successor of the Homoeopathic Hospital in Glasgow which has been a part of the NHS in Glasgow since the NHS was founded in 1948. The inpatient service is the only one of its kind in the UK and the centre takes referrals from all over Scotland.
5. NHS Highland and NHS Lanarkshire have taken the decision to stop funding homeopathy altogether, including referrals to the CIC in Glasgow (although NHS Highland may refer patients to the CIC for non-homeopathic treatments). NHS Lothian no longer supports homeopathic services in its area but it is possible for patients to be referred to the CIC.

6. In 2014, the then Cabinet Secretary for Health and Wellbeing, Alex Neil MSP, was reported to have suggested that the new national chronic pain centre could be located at the CIC¹. Since then, the Scottish Government has announced² that the national centre for chronic pain will be sited at Gartnavel Hospital but the exact location has not yet been decided and it is unclear what links, if any, it will have with the CIC.
7. Scotland already has some national services which are commissioned by the National Services Division (NSD) of the NHS. The NSD [website](#) explains that national commissioning is reserved for very specialist services where local or even regional commissioning is not appropriate. Such services are generally those concerned with the diagnosis and/or treatment of rare conditions.

Scottish Parliament Action

8. A number of written questions³ have been asked on the consultation process undertaken by health boards when decisions are made to stop referring patients to the CIC, and they made particular reference to NHS Lanarkshire; the Scottish Government's position is that the decision was a matter for the board.

Committee consideration

9. The Committee considered the petition for the first time at its meeting on [9 June 2015](#). The petitioner at the time argued for national funding to ensure the hospital's future and to open up its services to patients across Scotland. The Committee agreed to write to a number of stakeholders seeking views on the petition and with specific questions about the decisions of those boards that no longer refer patients to the CIC.

Future of the hospital

10. Both the Scottish Government and NHS Greater Glasgow and Clyde indicated that there are no plans to close the CIC. The Scottish Government indicated that it is not usual practice to designate a hospital as a national resource.
11. The Committee sought clarification on the financial effect on the CIC of the decision of boards to no longer routinely refer patients. The boards have explained that the service level agreement they have with NHS Greater Glasgow and Clyde means that it is not possible to disaggregate the exact costs attributed to the referrals to the CIC. These agreements appear to be based on a rolling three year average; i.e. the payment for any given year is based on the average costs of the previous three. NHS Greater Glasgow and Clyde stated that it is not possible to identify the funding to the CIC from other boards as that funding is included in wider service level agreements. NHS Greater Glasgow and Clyde stated that funding from other boards is not crucial to the viability of the CIC.
12. A Herald article on 27 January 2016 (*When it comes to protecting patients' interests, health boards and bureaucrats dominate by diktat*, Dorothy Grace

¹ BBC News (17 Feb 2014) [Glasgow homeopathic hospital tipped to be pain centre](#).

² Scottish Government (23 June 2014) [National service for chronic pain](#).

³ [S4W-24877](#) by Jim Hume MSP and [S4W-24722](#) & [S4W-24721](#) by Elaine Smith MSP

Elder) suggested that NHS Greater Glasgow and Clyde had identified the CIC as a service where possible savings could be made.

Referrals

13. NHS Highland and NHS Lanarkshire cited a lack of evidence for the effectiveness of homeopathy (among other treatments) as the reason behind ceasing new referrals to the CIC. NHS Lanarkshire stated that this would remain the case even if the CIC were centrally funded.

Scottish Government policy on complementary medicine

14. The Scottish Government stated that it recognises that complementary and alternative medicines “may offer relief to some people suffering from a wide variety of conditions”. The Scottish Government identified the relevant guidance as a [2005 letter to health boards’ chief executives](#) from the then Director of Public Health, Pam Whittle, which stated that the Scottish Executive recognised that complementary and alternative medicines can be beneficial and asked that chief executives take account of the growing public interest in these therapies when planning services. The Scottish Government also highlighted [SIGN guidelines on complementary therapies](#).

Promotion

15. The Scottish Government indicated that it had offered to work with NHS Greater Glasgow and Clyde to explore how it can assist in raising awareness of the services provided by the CIC. To date this has not been taken up by the health board.

Action

16. The Committee is invited to agree what action it wishes to take on this petition, once it has heard from the witnesses. The Committee may wish to consider the petition at a future meeting to allow the petitioner to respond to the evidence session.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2015****PE1105 St Margaret of Scotland Hospice****Note by the Clerk****PE1105 – Lodged 23 November 2007**

Petition by Marjorie McCance on behalf of St Margaret of Scotland Hospice calling on the Scottish Parliament to urge the Scottish Government to urge the Scottish Government to guarantee retention of continuing care provision for patients who require ongoing complex medical and nursing care, such as that provided at the 30 bed unit at the St Margaret of Scotland Hospice, and to investigate whether arrangements for funding palliative care provision at hospices in the context of HDL(2003)18 are fair and reasonable.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition at its meeting on [1 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government to ask when it would meet with St Margaret of Scotland Hospice and NHS Greater Glasgow and Clyde to discuss the accountancy review. The Scottish Government has responded and the Committee is invited to consider what action it wishes to take.

Committee consideration

2. The Scottish Government advised in an update dated [19 January 2016](#) that it met with six officials from St Margaret of Scotland Hospice and one representative from NHS Greater Glasgow and Clyde on 23 December 2015. It noted that it is following up on matters from the meeting with the parties.

Evidence to the Health and Sport Committee

3. On [26 January 2016](#), the Cabinet Secretary for Health, Wellbeing and Sport gave evidence to the Health and Sport Committee on the Scottish Government's strategic framework on palliative care.
4. The Strategic Framework for Action on Palliative and End of Life Care was launched on [18 December 2015](#) and sets out a vision for the next five years, outcomes and ten commitments to support improvement in the delivery of palliative and end of life care across Scotland. The framework is supported by £3.5 million in funding over four years.
5. In her evidence to the Health and Sport Committee, the Cabinet Secretary announced a review of hospice funding would be carried out under the Strategic Framework:

“...On hospice funding more generally, we felt that it was important to announce the review of hospice funding as part of the implementation to address the disparity between children’s hospices and adult hospices, and to pick up on some of the wider issues such as the need to ensure that there is equity in the contributions. The review, which I would like to be concluded by the end of this year—and certainly no later— should pick up on all those issues.”¹

6. The Cabinet Secretary’s Divisional Clinical Lead, Professor Craig White, also explained how the hospices in Scotland would be consulted as part of the funding review:

“We are fortunate to have a hospice quality improvement forum in which many of the chief executives of the adult independent hospices meet. Through that group, and through discussions around our commitment to support clinical and health economic evaluations, we want to address the level of funding. We learned from the committee’s work that it was very difficult to compare the position in different parts of the country because of the differences in the way in which data, including financial data, were collected.”²

7. Professor Craig White also explained what methods would be used to examine the issue of financial data evaluation for specialist palliative care services in Scotland:

“We have asked him [Professor David Clark] and his team to complete a mapping exercise of specialist palliative care services across the country. That work will be available in April. We want to link that with financial data to have an accurate description of service and to evaluate models with our health economics colleagues. Janice Birrell and I have visited several models of care. For example, I visited Strathcarron hospice, which is collecting financial data on its hospice at home service. That is part of our commitment to support health economic evaluation. We want to address some of those issues that your report highlighted.”³

8. The petitioner’s submission dated [2 February 2016](#) noted that the meeting that took place on 23 December addressed the issues of concern to the Hospice. It noted that from April this year a joint integrated board (JIB) will take responsibility for each hospice meaning in effect NHS Greater Glasgow and Clyde will not be responsible for commissioning palliative care. It was explained that JIBs will make decisions based on consultation with the relevant stakeholders.
9. The petitioner noted that the Scottish Government will be taking forward to main action points relating to an expert determination of accountancy review and an accountant to be invited to review the technical accounting issue in dispute.

¹ [Health and Sport Committee, Official Report 26 January 2016, Col 42.](#)

² [Health and Sport Committee, Official Report 26 January 2016, Cols 42-43.](#)

³ [Health and Sport Committee, Official Report 26 January 2016, Col 43.](#)

Action

10. The Committee is invited to consider what action it wishes to take. Options include –

- (i) To close the petition under Standing Orders rule 15.7 on the basis that the Scottish Government has met with St Margaret of Scotland Hospice and NHS Greater Glasgow and Clyde to address the issues they face; a joint integrated board will be responsible for decisions about palliative care in future; and the Scottish Government has committed to a review of hospice funding in its Strategic Framework for Action on Palliative and End of Life Care;
- (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1480 on Alzheimer's and Dementia Awareness and PE1533 on Abolition of Non-Residential Social Care Charges for Older and Disabled People****Note by the Clerk****PE1480 – Lodged 22 June 2013**

Petition By Amanda Kopel on Behalf Of The Frank Kopel Alzheimer's Awareness Campaign calling on the Scottish Parliament to urge the Scottish Government to raise awareness of the daily issues suffered by people with Alzheimer's and dementia and to ensure that free personal care is made available for all sufferers of this illness regardless of age.

[Link to petition webpage](#)

PE1533 – Lodged 1 September 2014

Petition by Jeff Adamson on behalf of Scotland Against the Care Tax calling on the Scottish Parliament to urge the Scottish Government to abolish all local authority charges for non-residential care services as under part 1, paragraph 1, subsection (4) of the Community Care and Health (Scotland) Act 2002.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [8 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government and Professor David Bell. A response has been received from the Scottish Government. The Committee is invited to consider what action it wishes to take.

Committee Consideration

2. At its last consideration of this petition on [8 December 2015](#), the Committee agreed to write to the Scottish Government seeking clarification on how the figures it provided to the Committee in its submission dated [2 November 2015](#) were calculated. These figures estimated the cost of abolishing charging for non-residential services would be £55 million for existing use and circa £300 million for additional demand.
3. The Cabinet Secretary for Health, Wellbeing and Sport's submission dated [11 January 2016](#) explained that the Scottish Government approached Professor Bell to use his micro-simulation model to supplement its own figures. The Scottish Government considered his model was helpful in providing an estimate of some of the costs involved in removing charges.
4. The Cabinet Secretary noted that as a result of ILF monies being included in local authority returns, its original estimate of £55 million for the cost of removing charges from existing service users is likely to have been an over-estimate. It revised its estimate accordingly to £45 million.

5. In terms of the cost of meeting additional demand, the Cabinet Secretary estimates that there could be 30,000 new people come forward to claim free care entitlements (representing people who currently pay for care privately and people in need of services who have not previously accessed them due to the cost). The Cabinet Secretary's revised estimate for the cost of funding new clients who could come forward if all services are made free is £200-£300 million each year.
6. The Cabinet Secretary noted her officials would be happy to meet with the petitioner if he wished to discuss the figures further.
7. Amanda Kopel's response (the petitioner for PE1480) dated [1 February 2016](#) noted that the Scottish Government has announced it will be giving £6 million to local authorities to provide free personal care to those aged less than 65 years. She considers this is a small step towards realising the change she has been advocating for. In her view, more could be done to assist others who are discriminated against based on their age.
8. Jeff Adamson's response (the petitioner for PE1533) dated [3 February 2016](#) considered the Scottish Government's estimate that 30,000 people will come forward to claim free personal care is too high. In Mr Adamson's view, the figure is more accurately calculated as 9,225 (or fifteen per cent of home care users). Based on this figure, the annual cost would be £23 million.
9. Mr Adamson postulates that an alternative to abolishing charges for non-residential care is to extend free personal care to those under 65 or to increase the income disregard of current social care users. He considers neither of these approaches will assist social care users. In relation to free personal care, Mr Adamson raised concerns about how "personal care" is to be defined. In relation to income disregard, the petitioner cited the example of the City of Edinburgh Council, which already has equalised income disregards. He noted that annually 75% of all payers are put under debt management procedures.

Action

10. The Committee is invited to consider what action it wishes to take. Options include –
 - (i) The Committee may wish to include this petition as part of its legacy paper for its successor Committee and, in doing so, consider whether there are any suggested actions it may wish to recommend to its successor committee;
 - (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1548 on National Guidance on Restraint and Seclusion****Note by the Clerk****PE1548 – Lodged 18 February 2015**

Petition by Beth Morrison calling on the Scottish Parliament to urge the Scottish Government to:

- (a) Introduce National Guidance on the use of restraint and seclusion in all schools; this guidance should support the principles of:
 - Last resort - where it is deemed necessary, restraint should be the minimum required to deal with the agreed risk, for the minimum amount of time
 - Appropriate supervision of the child at all times, including during “time out” or seclusion.
 - Reducing the use of solitary exclusion and limiting the time it is used for (e.g. maximum time limits)
 - No use of restraints that are cruel, humiliating, painful and unnecessary or not in line with trained techniques.
 - Accountability of teaching and support staff for their actions; this should include recording every incident leading to the use of seclusion or restraint and monitoring of this by the local authority.
 - Regular training for staff in how to avoid the use of restraint
 - Where restraint is unavoidable training in appropriate restraint techniques by British Institute of Learning Disability accredited providers and no use of restraint by untrained staff.
- (b) Appoint a specific agency (either Education Scotland or possibly the Care Inspectorate) to monitor the support and care given in non-educational areas including the evaluation of the use of restraint and seclusion of children with special needs in local authority, voluntary sector or private special schools.

[Link to petition webpage](#)

Purpose

1. This is the fifth time the Committee has considered this petition. At the last meeting on [1 December 2015](#), the Committee considered a response from the Scottish Government and decided to defer consideration to 2016 to allow the Scottish Government more time to consult on updating guidance. The Committee is invited to consider what action it wishes to take on the petition.

Background

2. While the petition seeks guidance for restraint and seclusion in all schools, its particular focus is on severely learning disabled children.

Guidance

3. Current [guidance](#) on the use of restraint in residential childcare, *Holding Safely*, covers broad advice and guidance and information that can be adopted by all schools and establishments
4. Previous guidance for all schools on child protection, *Safe and Well* (2005) included some mention of the use of restraint, but was withdrawn in 2013 as being out of date. Local authorities should provide staff with guidelines on appropriate levels of intervention including physical restraint. Green's education manual states that "the use of physical intervention in any situation can only be justified as a last resort" and staff that do so should be trained in appropriate intervention techniques.

Monitoring and inspection

5. Currently, the use of restraint in residential care is monitored by individual establishments and an annual return made to the Care Inspectorate (S4W-09371). There is no similar national monitoring for non-residential schools. Schools are inspected by Education Scotland. Only where a school provides residential accommodation will it also be inspected by the Care Inspectorate.
6. In inspections of mainstream and special schools, whether residential or day special, HM Inspectors consider the quality of relationships and management of behaviour in schools and units. HM Inspectors may refer schools to the guidance in *Holding Safely* as helpful advice.

Scottish Government Action

7. As stated above, the Scottish Government provides national guidance on child protection, guidance on the use of restraint in residential settings (which is applicable in schools and other establishments) and additionally, a statutory Code of Practice on additional support needs. The [Doran review](#) (2012) considered learning provision for children with complex additional support needs but did not include consideration of the use of physical restraint. The [Scottish Advisory Group on Relationships and Behaviour in Schools](#) (SAGRABIS) is chaired by the Scottish Government and COSLA and in March 2013 the Scottish Government issued all schools with a copy of *better relationships, better learning, better behaviour* which identifies priority actions to further improve relationships and behaviour in schools.

Committee consideration

8. The majority of the submissions the committee received prior to its meeting on 26 May 2015 were supportive of the aims of the petition.
9. The Scottish Government's letter of 26 July 2015 indicated that it intends to incorporate guidance on restraint and seclusion in a refreshed version of [Included, Engaged and Involved Part 2: A Positive Approach to Managing](#)

School Exclusions. The refreshed guidance will “have a renewed focus on inclusion”.

10. The Committee sought clarification from the Scottish Government on how guidance on the restraint children with complex additional support needs fits into guidance on exclusion for all children and how seclusion and restraint of those children will be monitored. The Committee also asked that, in drafting the guidance, the Scottish Government consult with the petitioner and other stakeholders who have provided evidence to the Committee in regard to children with complex additional support needs.
11. In its submission of 20 October 2015, the Scottish Government indicated that guidance will make specific mention of children and young people with additional support needs. The Scottish Government indicated that it would seek comments and feedback from the petitioner and stakeholders on the draft of the relevant part of the guidance.
12. The last occasion the Committee considered this petition, it agreed to defer to 2016 to allow the Scottish Government more time to consult on the guidance. The petitioner has written to the Committee; she confirmed that she and other stakeholders have met with Scottish Government Officials. The petitioner asks that the Committee ensure that the Scottish Government is taking into account the feedback and information the petitioner has provided it.

Action

13. The Committee is invited to decide what action it wishes to take on this petition. The Committee has seen progress on this issue, and much of what the petition seeks has been achieved. However, before considering whether to close the petition, the Committee may wish to ask the Scottish Government for an assurance that the views of the petitioner and the other stakeholders will be taken into account in the new guidance and seek an update on when the new guidance will be published.

Public Petitions Committee**3rd meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1549 on concessionary travel passes for war veterans****Note by the Clerk****PE1549 – Lodged 28 February 2015**

Petition by Alan Young calling on the Scottish Parliament to urge the Scottish Government to ensure that all war veterans that are in receipt of a War Disablement Pension can get Concessionary Travel passes.

[Link to petition webpage](#)

Purpose

1. This is the fifth occasion the Committee has considered this petition. The Committee last considered the petition on [8 December 2015](#), when it agreed to write again to Transport for London (TfL) on its schemes for veterans. TfL has responded to the Committee and the Committee is invited to decide what action it wishes to take on the petition.

Background

2. The Scotland-wide National Concessionary Travel Scheme (NCTS) was launched on 1 April 2006. This scheme operates under the provisions of the Transport (Scotland) Act 2005 and is administered and funded by Transport Scotland.
3. The scheme provides free travel on nearly all local and long distance bus services within Scotland, between Scotland and Berwick-upon-Tweed and between Scotland and Carlisle. Scottish island residents receive two free return ferry trips between their home island and the Scottish mainland every year. The scheme is open to anyone who meets certain criteria, with regard to age and disability.
4. One of the listed criteria for eligibility under the NCTS is being in receipt of a war disablement pension mobility supplement. There are a number of injuries listed in the Armed Forces Compensation Scheme that automatically meet the disability criteria for NCTS.

Service personnel injuries

5. A veteran may be able to claim War Disablement Pension if he or she has been injured or disabled during a time of war as a result of service in Her Majesty's Armed Forces before 6 April 2005. The criteria for a War Pensioner Mobility Supplement require a serious impediment to an individual's capacity to walk and are set out in [Article 20 of the Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions Order 2006](#).

6. An individual can claim under the Armed Forces Compensation Scheme where the illness or injury was caused as a result of service on or after 6 April 2005. Unlike the War Disablement Pension, the individual does not need to have left the armed forces before claiming. Awards are made on a tariff based system, with levels graded 1-15 dependent on the degree of severity of the injury, level 1 being for the most severe injuries and Level 15 for more minor injuries.

Scottish Government Action

7. The Scottish Government conducted a [Review of the Scotland Wide Free Bus Travel Scheme for Older and Disabled People](#) in 2009, which recommended that “The Scottish Government should aim to change the eligibility criteria from 1 April 2011 to include HM service personnel and veterans under the age of 60 who were seriously injured in service and are resident in Scotland.”
8. This recommendation was implemented from 1 April 2011, adding the eligibility criteria noted in paragraph 4 of this paper to the scheme.

Scottish Parliament Action

9. Derek Mackay, Minister for Transport and Islands, [wrote to the Infrastructure and Capital Investment Committee on this matter on 19 March 2015](#). In the letter the Minister referred to this petition and outlined the eligibility criteria. The Minister stated he has “no plans to extend the eligibility criteria for the NCTS at this time.”

Committee consideration

10. The Committee received a number of responses from stakeholders after its initial consideration of the petition.
11. Transport Scotland and the Scottish Veterans Commissioner referred to the terms of the [Armed Forces Covenant](#) which states that the Armed Forces Community should not be disadvantaged in the provision of public services or in dealings with wider society as a result of their time in the armed forces and therefore the criteria for NCTS for those who have been severely injured in the armed forces should be treated in the same way as civilians in similar circumstances. Transport Scotland’s initial view was that treating veterans as a separate category could potentially lead to a legal challenge on disability discrimination grounds from civilians with similar disabilities.
12. PoppyScotland supports the petition and highlighted that [Transport for London \(TfL\) offer free travel on a range of public transport modes](#) for individuals that are:
 - Receiving ongoing payments under the War Pensions Scheme: this includes widows, widowers and dependants
 - Receiving Guaranteed Income Payment under the Armed Forces Compensation Scheme: this includes widows, widowers and dependants
13. The Committee wrote again to Transport Scotland to ask whether it will consider replicating TfL’s eligibility criteria for veterans in the NCTS. In its second

response, Transport Scotland estimates that replicating the criteria of TfL's scheme for veterans in the NCTS (for buses only) would cost around £500,000 per year in current prices. Transport Scotland noted that local authorities may choose to provide local concessions on other modes of transport, in the same way that TfL has in London. Transport Scotland argue that the current scheme is fair for all people with disability and that it has not therefore explored the legal issues of taking the same approach as TfL.

14. TfL's letter of 2 November 2015 confirmed that the eligibility criteria for the Veterans' Oyster Card are wider than those for the NCTS and the Disabled Persons' Freedom Pass offered by TfL, which uses the criteria set out in the Transport Act 2000. The Veterans' Oyster Card can be issued to people who are not resident in London and TfL notes that this type of pass is not available to London residents who are instead eligible for a 60+ London Oyster Card or a Freedom Pass. Some boroughs offer a discretionary Disabled Freedom Pass to their residents in exceptional circumstances. TfL indicated that the Veterans' Oyster Card is popular with its users and it has not been subject to legal challenge. TfL also noted that it has begun the procurement process for its next £50 million seven-year contract for all of its concession schemes.
15. The petitioner wrote to the Committee on 30 November 2015. He asked that the letter from TfL be followed up with additional questions from the Committee. The petitioner was interested in: TfL's policy intention of introducing the Veterans' Oyster Card; whether the actual costs have been in line with TfL's expected costs; the reason for all UK veterans to be eligible for a Veterans' Oyster Card; and whether there have been any legal challenges from the civilian community. The Committee agreed to write again to TfL in these terms.
16. The Committee has received a second letter from TfL and it is included in members' papers. TfL indicated that the Veterans' Oyster Card was an initiative of the Mayor of London, Boris Johnson, in order to "show solidarity with those who have served the UK and suffered as a result, including those who had lost spouses or parents." TfL stated that it had not undertaken detailed financial modelling on the scheme.
17. The petitioner wrote to the Committee on 28 January 2016. The petitioner notes that the Scottish Government has made a policy choice not to extend the NCTS to injured veterans. The petitioner calls on the Scottish Government to consider extending the NCTS to injured veterans at the renewal of the scheme in 2017.

Action

18. The Committee is invited to consider what action it wishes to take on the petition. Options include—
 - (i) To close the petition under Standing Orders rule 15.7 on the basis that the Scottish Government has set out its position and has no plans to make the changes suggested in the petition and the Committee has therefore taken the petition as far as it can.

- (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1551 on Mandatory Reporting of Child Abuse****Note by the Clerk****PE1551 – Lodged 21 January 2015**

Petition by Scott Pattinson calling on the Scottish Parliament to urge the Scottish Government to introduce legislation that makes it a criminal offence to fail to report child abuse.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [8 December 2015](#). At that meeting, the Committee agreed to write to the UK Government. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The UK Government's submission of [23 December 2015](#) noted "The UK Government is committed to fulfilling the commitment made under the previous administration to hold a full, 12 week public consultation on this issue [of mandatory reporting]. The consultation will also fulfil the commitment made to consult on options for imposing sanctions for failure to take action on abuse or neglect where it is a professional responsibility to do so."
3. The UK Government noted the consultation is expected to take place this year and it expects to report on the outcome of the consultation by the end of September 2016.
4. When the Committee originally sought the Scottish Government's view on the petition, it noted in its submission dated [27 May 2015](#) that it would expect to engage with the UK Government as appropriate but was waiting on further information on the UK Government's proposal to consult on the issue.
5. The petitioner's submission dated [1 February 2016](#) requested that the petition be kept open and suggested that the inquiries into child sexual abuse be invited to give their views on the petition. The petitioner also sought clarification from Committee Members on why implementing the changes he is calling for may be considered to be dangerous.

Action

6. The Committee is invited to consider what action it wishes to take. Options include—

- (i) Given that the UK Government is yet to launch its consultation, the Committee may wish to consider continuing this petition and including it in its legacy paper for its successor Committee, along with suggested future action on the petition. In doing so, the Committee may wish to ask the Scottish Government to provide an update on its position once further details about the UK Government's consultation are available.
- (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1554 on Improve Provision of Disabled Friendly Housing****Note by the Clerk****PE1554 – Lodged 3 March 2015**

Petition by Jacq Kelly on behalf of Leonard Cheshire Disability calling on the Scottish Parliament to urge the Scottish Government to take action to ensure that all new homes in Scotland are built to fully meet all the Lifetime Homes Standards, with at least 10 per cent of new homes built to full wheelchair accessibility standards.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [8 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration*Inclusion of Lifetime Home Standards in Scottish building regulations*

2. The Minister for Local Government and Community Empowerment noted in his response dated [28 October 2015](#) that the measures proposed by the petitioner were considered in 2007. A decision was made at that time not to include them in the Regulations. He clarified that the measures proposed are for specialist equipment, whereas the Regulations specify minimum standards for all uses. The Minister also noted that a stair lift is often a more cost effective alternative to a through-floor lift. The [Scottish Government](#)'s previous response noted these were the only concepts for the Housing for Varying Needs (HFVN) and Lifetime Homes that were not adopted in 2007.
3. The Minister also explained that over the past two years accessibility measures and the guidance supporting the standards have been reviewed. The Scottish Government has no plans to carry out a further review. In its opinion, its Affordable Housing Supply Programme and the Strategic Housing Investment Plan adequately support the delivery of flexible housing.
4. The Scottish Government is also taking forward recommendations from the independent Adaptations Working Group by piloting a scheme of demonstration sites in Aberdeen, the Borders, Falkirk, Fife and Lochaber. This will be evaluated in 2016-2017.

Ten per cent target for new build homes

5. The submissions received from local authorities were mixed in their support for the petition. Whilst a majority of local authorities were supportive of the principle of promoting wheelchair accessible housing, many expressed the view that further research is needed. In particular, there were concerns that a blanket target may not reflect local needs and circumstances.
6. The local authorities who opposed the petition cited concerns about inflated costs, adding burdens on the private sector, the marketability of any surplus construction that outstrips immediate demand, and the availability of land to accommodate an increase in properties designed to full wheelchair accessibility standards. Many of these concerns were shared by [Homes for Scotland](#).
7. Some local authorities have adopted their own targets for building accessible homes, although the targets vary considerably and often apply to the public and/or 'affordable' sector only. For example, Fife Council (30%) and South Lanarkshire Council (30%) reported targets at the higher end. Aberdeenshire Council (15%), Midlothian Council (12.5%) and Dundee Council (10%) had targets at or slightly above the level suggested by the petitioner. Whilst North Ayrshire Council (3%) had a target for new affordable housing below the petitioner's proposed target.
8. Notably, Moray Council has approved an Accessible Housing Supplementary Guidance, which will require 10% of developments of 10 or more units in new private sector housing to be built to the full wheelchair accessible standard.

Existing methods of assessing demand and latest responses

9. The Scottish Government's submission dated [28 April 2015](#) referred the Committee to the [Local Housing Strategy Guidance](#) and the [Scottish Planning Policy](#). These give guidance to local authorities on formulating local housing strategies by assessing and meeting demand using resources such as the Housing Needs Demand Assessment tool.
10. At its meeting on [8 December 2015](#), the Committee agreed to write to the Scottish Government to ask how local authority strategies and plans are assessed and reviewed at the national level against national estimates; whether it considers local authorities are accurately assessing demand for disabled friendly housing; and whether local authorities are meeting demand.
11. The Scottish Government's submission of [6 January 2016](#) noted the "LHS [local authority local housing strategies] is subject to a review process undertaken by Scottish Government officials and local authority peers...The review findings are fed back to the local authority for further consideration or action."
12. The Scottish Government clarified that LDP (local development plans) are not approved by the Scottish Government. Rather, "Ministers are consulted at key stages in plan preparation and may make representations as necessary".

13. In response to the issue of whether local authorities are meeting demand, the Scottish Government noted it is monitoring “the development plan context” across Scotland.
14. The Scottish Government also advised in its submission dated [28 April 2015](#) that the 2015/16 Housing Supply budget and the overall Housing and Regeneration budget have increased from the previous twelve months by £229 million and £200 million respectively.
15. The petitioner was invited to respond to the submission received from the Scottish Government. No response was received.

Action

16. The Committee is invited to consider what action it wishes to take. Options include –
 - (i) To close the petition under Standing Orders rule 15.7 on the basis that the measures the petitioner proposes should be included in the Scottish building regulations were considered in 2007 and there is a lack of support from stakeholders for what the petition calls for;
 - (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1558 on American Signal Crayfish****Note by the Clerk****PE1558 – Lodged 20 February 2015**

Petition by John Thom on behalf of RNBCC Crayfish Committee, Ken Dee Catchment, calling on the Scottish Parliament to urge the Scottish Government to amend the existing licencing regime to allow for the commercial trapping of American Signal Crayfish in Scotland.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [1 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) and to request a literature review from Scottish Parliament Information Centre (SPICe). Responses have been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. At its meeting on 1 December 2015, the Committee agreed to write to SNH and SEPA asking it to respond to the issues raised in the submission by Abigail Stancliffe-Vaughan dated [17 November 2015](#).
3. SNH and SEPA's submission of [23 December 2015](#) responded to the three subheadings in the Stancliffe-Vaughan's submission: non-native crayfish consumption; trapping as a control or management option; and public engagement.
4. In relation to non-native crayfish consumption, SNH and SEPA noted the position in Scotland is in line with the EU Habitats Directive and Water Framework Directive and the new EU Regulation 1143/2,014 on invasive alien species.
5. In relation to trapping as a control or management option, SNH and SEPA consider "there are no examples in Great Britain or elsewhere in Europe where control measures have been shown to have significantly reduced the ecological impacts of signal crayfish".
6. In relation to public engagement, SNH and SEPA considered "preventing the spread to uninvaded catchments is the key to tackling invasive crayfish...the consensus of scientific opinion is that exploiting non-native crayfish encourages their deliberate spread into new locations with the intention of creating a new resource".

7. The petitioner's response dated [25 January 2016](#) considers there is scientific research that supports the use of trapping as a means of crayfish population control. The petitioner advocates for the immediate introduction of trapping and considers the flood defences in the Ken Dee catchment are failing.
8. The Committee also received a submission dated [3 February 2016](#) from Abigail Stancliffe-Vaughan. She considers that currently not enough is being done to address the impact of American signal crayfish and supports the action called for by the petitioner.
9. The SPICe briefing dated [3 February 2016](#) reviewed the research cited in the submissions received. It found that there appears to be a consensus in that literature that allowing the commercial trapping of American signal crayfish, even as a control measure, is likely to lead to the expansion of its range.

Action

10. The Committee is invited to consider what action it wishes to take. Options include –
 - (i) To close the petition under Standing Orders rule 15.7 on the basis that there appears to be a consensus that allowing the commercial trapping of American signal crayfish, even as a control measure, is likely to lead to expansion of its range;
 - (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 January 2016****PE1563 on sewage sludge spreading****Note by the Clerk****PE1563 – Lodged 16 April 2015**

Petition by Doreen Goldie, on behalf of Avonbridge and Standburn Community Council, calling on the Scottish Parliament to urge the Scottish Government to ban the use of sewage sludge on land and to look for alternative acceptable methods of disposal as adopted in other European countries.

[Link to petition webpage](#)

Purpose

1. This is the fifth time the Committee has considered this petition. The Committee last considered the petition on [8 December 2015](#). The Committee agreed to write to the Scottish Environment Protection Agency (SEPA) and the Scottish Government. The Committee is invited to consider what action it now wishes to take on the petition.

Background

2. Sewage sludge is a by-product of the waste-water treatment process. According to the UK [Department for Environment, Food and Rural Affairs](#) treated sewage sludge - also known as 'biosolids' - has several valuable properties. It:
 - is a readily available alternative soil-building material
 - contains nutrients and valuable trace elements essential to animals and plants
 - is a more efficient and sustainable alternative to inorganic fertilisers and mineral fertilisers such as phosphate
 - provides a source of slow-release nitrogen ideal for use in land restoration
 - is a good substitute for peat in land-reclamation projects thus conserving valuable natural peatland
3. All farmers who apply sewage sludge to land must comply with the Sludge (Use in Agriculture) Regulations 1989 (as amended). In January 2015, the Scottish Government commissioned a review of the legislation and guidance in relation to the use of sludge on land. The review had membership from SEPA, the Scottish Government and Scottish Water. The review submitted its findings to the Cabinet Secretary for Rural Affairs, Food and the Environment on 30 October 2015.

Committee Consideration

4. The petitioners gave evidence to the Committee on [26 May 2015](#). They explained that their community has suffered very unpleasant odours from the

use, storage and transport of sludge. The petitioners also claimed that there are risks to human and animal health from the practice.

5. The Committee took evidence from SEPA and Scottish Water on [23 June 2015](#). Both organisations supported the continued use of sludge on land, but argued that additional regulatory powers are required. SEPA indicated that it would provide the Committee with additional information in writing on a number of topics.
6. SEPA's has provided the Committee with four submissions since the start of the petition. The most recent addressed specific questions the Committee asked it following the last consideration of the petition and is included in Members' papers. [SEPA's earlier submission](#) had provided data on a number issues, including:
 - Number of complaints and environmental incidents;
 - Change of sludge use over time; and
 - Comparisons with other European countries.
7. The petitioners wrote to the Committee on 30 November 2015 expressing disappointment at the level of input they have had in the sludge review.

Sludge review

8. In early 2015, the Scottish Government initiated a review of the practice of storing and spreading sludge on the land. The Scottish Government published [the recommendations arising from this review](#) on Friday 5 February 2016.
9. The review reconfirmed that the Scottish Government supports the practice of spreading sludge overall, provided it is well managed. The review made a number of recommendations, including:
 - making provisions in the [Safe Sludge Matrix](#) statutory in Scotland and improving regulation;
 - requiring licenses (including a fit and proper person test) for sludge operators;
 - removing legal delays in incidents where SEPA has served a notice for an activity causing a nuisance (e.g. odours from storage of sludge) to cease;
 - SEPA to be the lead agency in dealing with incidents and complaints about sludge
 - improving SEPA's monitoring activities;
 - improving the quality of sludge; and
 - improving management of information and communications with the public by regulators and operators.
10. The review group will continue to meet until its recommendations have been delivered.

Action

11. The Committee is invited to consider what action it wishes to take on the petition. The Committee may wish to defer the petition to a future meeting to allow the petitioners the opportunity to consider the report and the Scottish Government's response.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1566 on A National Service Delivery Model for Warfarin Patients****Note by the Clerk****PE1566 – Lodged 5 May 2015**

Petition by Mary Hemphill and Ian Reid calling on the Scottish Parliament to urge the Scottish Government to implement a National Service Delivery Model to ensure that all NHS boards have the resources to assess warfarin patients who request (i.e. self-present) for self-testing and/or self-management their condition.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [8 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. At its meeting on 8 December 2015, the Committee agreed to write to the Scottish Government to ask for a copy of Healthcare Improvement Scotland's guidelines on self-testing and to ask whether the Scottish Government would evaluate and consult with the petitioner and NHS Glasgow and Clyde on the local self-management service delivery model they have developed.
3. The Scottish Government's submission of [22 December 2015](#) provided a link to [Healthcare Improvement Scotland's guidelines](#) on patient self-monitoring of oral anti-coagulation therapy. It noted it would be happy to consult with the petitioner and NHS Greater Glasgow and Clyde to ensure appropriate evaluation of its efficacy.
4. The petitioner's submission dated [2 February 2016](#) welcomed the invitation to engage with the Scottish Government. She noted with concern that many health authorities do not have a local service delivery model or do not support self-testing or self-management. As such, she would like the petition to remain open until a national service delivery model is in place.

Action

5. The Committee is invited to consider what action it wishes to take. Options include –
 - (i) To close the petition under Standing Orders rule 15.7 on the basis that the Scottish Government has agreed to consult with the petitioner and NHS Greater Glasgow and Clyde on the local self-management model

they have developed. In doing so, the Committee may wish to write to the Scottish Government asking it to meet with the petitioner and NHS Greater Glasgow and Clyde as it committed to do.

- (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1569 on the Re-introduction of the Scottish Red Ensign****Note by the Clerk****PE1569 – Lodged 9 July 2015**

Calling on the Scottish Parliament to urge the Scottish Government to seek a warrant from the UK Government in terms of Part 1, Section 2(3)(a) of the Merchant Shipping Act 1995, for the re-introduction of the Scottish Red Ensign as an ‘informal or voluntary’ ensign for Scottish vessels.

[Link to petition webpage](#)

Purpose

1. This is the third occasion the Committee has considered this petition. The Committee last considered the petition on [1 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government asking that it takes consider a submission from the petitioner. A response has been received from Derek Mackay MSP, Minister for Transport and the Islands, and the Committee is invited to consider what action it now wishes to take on the petition.

Background

2. The Petitioner would like to see the re-introduction of the Scottish Red Ensign as an option for Scottish vessels to wear in place of the current UK Red Ensign. The Scottish Red Ensign is similar to the UK Red Ensign except that it bears a St Andrew’s Cross in the canton (top left quarter) rather than the Union Flag. In the Petitioner’s view, this option would help to restore flag etiquette amongst leisure and small vessel users, which he argues has deteriorated markedly in recent years.

Statutory position

3. The subject matter of the [Merchant Shipping Act 1995](#), including regulations for the wearing of flags and ensigns on British ships, is reserved to the UK Parliament under Section E3 (Marine Transport) of Schedule 5 of the Scotland Act 1998.
4. The 1995 Act, at Section 2, provides that every British ship (except a Government ship) is entitled to fly an undefaced and unmodified Red Ensign. A “British ship” includes any vessel registered in the UK, a Crown Dependency (Isle of Man, Guernsey and Jersey) and the UK Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and the Turks & Caicos Islands) or UK Overseas Territory. Such vessels are described as belonging to the “[Red Ensign Group](#)”. (DfT, Statistical Data set FLE04).

5. The British Red Ensign is also worn as a courtesy flag by foreign private vessels in UK waters.
6. The 1995 Act (at Section 2 (3)(a)) provides for the wearing of other national colours (as “proper national colours”) where these have been granted by warrant from Her Majesty the Queen or from the Secretary of State. Section 2(3)(b) of the 1995 Act allows British ships registered in a relevant British possession, to wear any colours consisting of the red ensign defaced or modified whose adoption for ships registered in that possession is authorised or confirmed by Her Majesty by Order in Council
7. The Petitioner considers that section 2(3)(a) of the 1995 Act could be the appropriate mechanism for the Scottish Government to seek a warrant from Her Majesty or from the Secretary of State for a Scottish Red Ensign. This section states:
 - 2 (3) The following are also proper national colours, that is to say:
 - (a) any colours allowed to be worn in pursuance of a warrant from Her Majesty or from the Secretary of State
8. The Petitioner also suggests that, as a member of the Privy Council the First Minister may be in a position to put this issue to the Privy Council for discussion and agreement by way of a warrant from Her Majesty.
9. Alternatively, the Petitioner considers that, because this section of the 1995 Act refers to the authority of the Secretary of State to approve such a warrant, the Secretary of State should be in a position to issue the appropriate warrant without recourse to the UK Parliament.

Committee consideration

10. Following the Committee’s first consideration of the petition, the Committee recommended that the Scottish Government take forward the aims of the petition. Derek Mackay MSP, Minister for Transport and the Islands, wrote to the Committee on 6 October indicating that he had written to the UK Government regarding the procedure for obtaining a warrant to allow the Scottish Red Ensign to be worn by Scottish vessels.
11. On 24 November 2015, the Minister responded to the Committee and enclosed the response he had received from Robert Goodwill MP, Parliamentary Under Secretary of State at the Department for Transport. The Scottish Government’s view is that flying two flags for the same shipping register is not permitted under international maritime law. It will not therefore pursue a warrant to allow a Scottish Red Ensign to be worn by a vessel registered in the UK. However, the Scottish Government indicated that it may support proposals from others to the UK Government exploring ways of making the informal wearing of the Scottish Red Ensign compliant with international maritime law.
12. The petitioner wrote to the Committee shortly before its meeting on 1 December 2015. He had two substantive queries, firstly why the Scottish Government had

not taken the approach of the States of Jersey to obtain a royal warrant, and second that should the royal warrant be obtained by an individual or group, it is the petitioner's view that only the individual or group would be able to wear the ensign on their vessels.

13. The Minister wrote to the Committee on 22 December 2015. The Minister reiterated the Scottish Government's view that what the petition is requesting is contrary to international maritime law. The minister notes that Jersey has its own maritime register whereas Scottish vessels are registered on the UK register and therefore the two situations are not comparable. The Minister stated that the Scottish Government would not take forward the action requested in the petition.

Action

14. The petition calls for the Parliament to urge the Government to pursue a warrant with respect to maritime transport; the Committee did so in its letter to the Minister following the meeting of 7 September 2015. The Scottish Government has decided that it will not pursue the issue directly with the UK Government.
15. The Committee may therefore choose to close the petition under Standing Orders rule 15.7 on the basis that the terms of the petition have been met and that the best course of action would be for the petitioner to raise the issue with the Secretary of State directly or through his MP.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1570 on Parental Rights to Child Contact and PE1589 on Independent Review of Child Contact and Financial Provision Post Separation****Note by the Clerk****PE1570 – Lodged 16 July 2015**

Petition by Alan Lee calling on the Scottish Parliament to urge the Scottish Government to change or review the laws that govern parental rights and child access, and their implementation, to ensure the resident parent cannot stop the non-resident parent from contact with his/her child.

[Link to petition webpage](#)

PE1589 – Lodged 23 October 2015

Petition by Stewart Currie calling on the Scottish Parliament to urge the Scottish Government to carry out an independent review of all the processes involved in arranging post-separation child contact and financial provision.

[Link to petition webpage](#)

Purpose

1. The Committee last considered these petitions on [8 December 2015](#). At that meeting, the Committee agreed to write to the Scottish Government seeking its view on the petitions. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The Minister for Community Safety and Legal Affairs responded to the Committee in a submission dated [14 January 2015](#). He noted that the Scottish Government's [Programme for Government](#) has made a commitment to prepare a Family Justice Modernisation Strategy for Scotland:

“As well as protecting safety, it is important that the law can address fairly the interests of families and individuals. We will progress the Succession Bill to implement Scottish Law Commission recommendations to make the law on succession fairer, clearer and more consistent. We will also look more widely at the interests of children and families within the justice system. While many important reforms have been made to Scotland’s courts cases involving family law can still take too long. In line with the UN’s Convention on the Rights of the Child, it is also essential that the voice of the child is heard within this context. We will work with the courts, legal and social work professions, parents and children to improve the experience of children and families involved in family justice matters. We will ensure that important decisions affecting children’s lives are not delayed inappropriately, that the voice of the child is heard and that each child’s welfare and wellbeing is paramount.”

3. The Minister explained “part of the aim of the strategy is to outline recent work in this most sensitive area; to highlight areas that require further work and to identify work that is already planned”.
4. The Minister states that he “would be happy to receive any views from the Public Petitions Committee on issues which could be included in the Strategy”. He also provided comments on the different issues raised by the petition.
5. Stewart Currie’s response (the petitioner for PE1589) dated [14 January 2016](#) and Alan Lee’s response (the petitioner for PE1570) dated [1 February 2016](#) expressed interest in engaging directly with the Scottish Government to provide input on suggested issues to be included in the strategy.
6. The petitioners also provided responses to the comments made by the Minister in relation to each part of the petition. Both petitioners considered more reform could be made in legal aid to accelerate the process of family settlements. They also considered child contact agreements are often ignored and more thought needs to be given as to how to address this issue. The petitioners also noted that sheriff interlocutors should provide reasons for all their decisions to encourage an open and transparent process. In relation to school contact arrangements and child benefit and maintenance, both petitioners noted these matters are skewed to the detriment of non-resident parents.

Action

7. The Committee is invited to consider what action it wishes to take. Options include—
 - (i) To provide, by way of a letter to the Minister, the Committee’s views on issues for inclusion in the Family Justice Modernisation Strategy. If the Committee was minded to take this action, a draft letter, based on the issues that have been highlighted in petitions, would be prepared for consideration at a future meeting;
 - (ii) To take any other action the Committee considers appropriate.

Public Petitions Committee

3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016

PE1571 on food bank funding

Note by the Clerk

[PE1571](#) – Lodged 31 July 2015

Petition by John Beattie calling on the Scottish Parliament to urge the Scottish Government to provide direct funding to food banks to ensure that demand for their services can be fully met.

[Link to petition webpage](#)

Purpose

1. This is the third occasion that the Committee has considered this petition. The Committee took evidence from the petitioner on 22 September 2015 and it agreed to write to a number of organisations. After considering the responses to the Committee on 1 December 2015, the Committee decided to defer consideration of the petition to early 2016. The Committee is invited to consider what action it wishes to take on the petition.

Proposed Reform

2. The number of food banks across the UK has increased in recent years. However, the total number of people using food banks in Scotland is not known. Figures from the largest provider (Trussell Trust) show how use of their food banks in Scotland has increased over the last four years.

Apr to Sept figures only	People assisted (adults and children)
2011	1,692
2012	4,021
2013	23,073
2014	51,647

Source: [papers to welfare reform committee, 2014](#)

3. While many argue that this increase in dependency on food banks reflects changes to the welfare system including the stricter sanctions regime (see in particular the Trussell Trust and Scottish Parliament Welfare Reform Committee), this is disputed by the UK Government.
4. Food banks tend to be run by communities for communities and be staffed by volunteers. They are not part of the welfare system, although many do receive some public funding.
5. Ewan Gurr, of the Trussell Trust told the Scottish Parliament's Welfare Committee that a number of local authorities had made approaches to Trussell Trust food banks. The Trust had made it clear to local authorities that they did

not wish to enter into service-level agreements or be remunerated for the food they distributed. He said that Trussell Trust food banks prefer to be resourced by the community for the community. (Scottish Parliament Welfare Committee report on its inquiry into food banks)

Scottish Government Action

6. The Scottish Government has provided £1m funding through the Emergency Food Fund. Half of this sum went to food banks and half went to the charity Fareshare, which redistributes food from supermarkets to communities and charities. Details of the funding allocated is available here: <http://news.scotland.gov.uk/News/Help-for-those-in-food-poverty-f9b.aspx>
7. The Scottish Government also has a number of policies aimed at preventing and alleviating poverty. This includes the £38m Scottish Welfare Fund, which is used by local authorities to help people in crisis.
8. In evidence to the Welfare Committee on the Scottish Welfare Fund, the Minister for Housing and Welfare said that food banks should not be used to replace any part of the welfare system (OR 14 March 2014)

Committee consideration

9. During the evidence session on 22 September 2015, the petitioner argued that there is an urgent need to directly support food banks. In addition he suggested that, as a minimum, the Scottish Government should replenish the Emergency Food Fund.
10. The Committee wrote to a number of organisations in September 2015 and the responses are summarised below.

Local Authorities

11. COSLA indicated that that the type and scale of support to food banks varies from council to council. This borne out by the responses received from individual local authorities.
12. The Committee received responses from four local authorities. All of the local authorities that responded indicated that they have at some time in the previous few years provided funding to some food banks. It unclear whether any or how much funding identified by those councils went toward the purchase of food; where specific details on what local authority funding was use for was provided to the Committee, the funding was for improving facilities, structures to improve co-operation within the sector, short term staff costs, and projects.
13. A number of councils identified non-financial assistance that is being provided to food banks. This includes the use of buildings for storage or distribution, advice and support to the food banks, and integrating advice and support to the users of food banks.

14. North Lanarkshire Council noted that it has established a Food Poverty Working Group and has identified a Food Poverty Referral Pathway “to ensure that the cause of a food crisis is addressed together with a resolve (sic) to the immediate problem”. COSLA concur that advice and signposting is very important and suggest that food banks themselves would ideally provide this service.

Food banks

15. All three of the small food banks that responded to the Committee supported the idea of some additional funding. The food banks indicated that demand had increased in recent years and that funding is a challenge; Moray Food Bank was particularly concerned that it may not be able to continue beyond April 2016.
16. The First Base Agency, based in Dumfries, estimated that its running costs (i.e. non-food costs) were around £40,000 per annum, which is an average of around £8.00 per food parcel provided; the First Base Agency receives around £4,000 annually from the local authority. Start-Up Stirling noted that gaining funding for running costs is a particular challenge. The suggested approach from these two food banks differs. The First Base Agency argues that food banks represent the final safety net of the welfare state and that the Scottish Government should provide funding to contribute to overheads for every food parcel distributed. Start-Up Stirling does not see food banks as part of the welfare state but argues that the Scottish Government should provide support for running costs to allow communities to provide these services themselves; Start-Up Stirling would welcome the renewal of the Emergency Food Fund.

Scottish Government

17. The Scottish Government does not support the actions suggested by the petition as such measures would in effect bring food banks into the welfare state. The Scottish Government states that it is focusing on how it can help to create a long term approach to tackle food poverty. The Scottish Government has established a short life working group on this topic which will contribute to a Social Justice Action Plan, which is expected to be published in the new year.
18. The Scottish Government indicated that it was not in a position to comment on renewing the Emergency Food Fund because of funding uncertainty due to the Comprehensive Spending Review and because it will take account of the finding of the short life working group before taking forward policies in this area.
19. The Scottish Government indicated that it would pass on the petitioner's recommendations to the chair of the short life working group.
20. On 1 December 2015, the Committee agreed to defer consideration of the petition to the new year to allow time for the Social Justice Action Plan to be published. At the time of writing there is no public indication of when the Plan will be published.

Action

21. The Committee is invited to consider what action it wishes to take on the petition. Options include:

- i. To write to the Scottish Government to ask when it plans to publish the Social Justice Action Plan; or
- ii. To close the petition under Standing Orders rule 15.7 on the basis that the suggestion of direct and on-going funding of food banks does not enjoy substantial support.

Public Petitions Committee**3rd Meeting, 2016 (Session 4), Tuesday 9 February 2016****PE1584 New Scottish Vaccine and Immunisation Advisory Committee****Note by the Clerk****PE1584 – Lodged 7 October 2015**

Petition by Angus Files calling on the Scottish Parliament to urge the Scottish Government to set up an advisory committee within NHS Scotland to provide advice on immunisation and vaccination policy.

[Link to petition webpage](#)

Purpose

1. The Committee considered this petition for the first time on [8 December 2015](#). The Committee agreed to write to a number of organisations. The Committee has received responses from the Joint Committee on Vaccination and Immunisation (JCVI) and the Scottish Government. The petitioner has also provided his comments to the Committee. The Committee is invited to consider what action to take on the petition.

Background

2. The JCVI issues guidance to the four UK health departments on the use of vaccines. The JCVI has a statutory basis as a Standing Advisory Committee in England and Wales. However the JCVI has no statutory basis within Scotland and, although the matter falls within devolved competence, the Scottish Government and previous administrations have chosen to receive its advice. Nevertheless, it is entirely up to the Scottish Government whether or not it accepts the JCVI's advice and chooses to implement it within Scotland.
3. Scotland does not have membership of the JCVI but it does have observer status. There are two Scottish observers (from Health Protection Scotland and the office of the Chief Medical Officer) who attend committee meetings and receive papers. Observers do not have voting rights but can contribute to meetings in order to, for example, clarify points of fact, provide additional information or offer an interpretation of data.
4. Once the JCVI issues a recommendation, the Scottish Government and Health Protection Scotland consider it within a Scottish context and decide whether or not the recommendation should be adopted in Scotland. Decisions are usually issued via a letter from the Chief Medical Officer.

Membership of the JCVI

5. Membership of the Committee normally consists of academics, practicing clinicians and lay members. Members are usually appointed for a period of three years but, subject to satisfactory annual appraisals and attendance, may be

reappointed for a second or third term. Members cannot serve on the Committee for more than 10 years.

Conflicts of Interest

6. The [JCVI Code of Practice](#) sets out that appointments are made on merit and in accordance with principles of the [Code of Practice for Scientific Advisory Committees](#) and the [Code of Practice issued by the Commissioner for Public Appointments](#). In exercising their duties, JCVI members must observe the seven principles of public life set out by the Committee on Standards in Public Life. These are:
 1. Selflessness
 2. Integrity
 3. Objectivity
 4. Accountability
 5. Openness
 6. Honesty
 7. Leadership
8. Under the principle of 'Honesty' the JCVI's Code of Practice says that holders of public office have a duty to "declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest". The JCVI's Code of Practice also states that members of the JCVI must declare any conflicts of interest at the time of their appointment and promptly notify the Committee secretariat of any changes.
9. The Code of Practice describes declarable interests as pecuniary and non-pecuniary interests of the Committee member or a family member that have been received in the last 12 months. All registered interests are appended to the minutes of the Committee meetings (see [minutes from the meeting of June 2015](#)).

Committee consideration

10. The Committee heard from the petitioner and Mr John Stone at its meeting on 8 December 2015. The thrust of their argument was that the JCVI is not sufficiently independent of the pharmaceutical industry to provide impartial advice. The petitioner did not offer an explanation how a similar system specific to Scotland would work and be an improvement on the current set up.
11. The JCVI's response outlined the recruitment process for members of the JCVI and how it records and manages potential conflicts of interests. The JCVI strongly rejected some of the statements the petitioner and Mr Stone made in regard to the JCVI's chair, Professor Pollard. The JCVI also sought to correct or clarify a number of other statements made by the petitioner and Mr Stone. The JCVI stated that the majority of its members have no registrable interests.
12. The Minister for Public Health wrote to the Committee on 5 January 2016. The Minister also sought to clarify some of the statements made by the petitioner

during his evidence session on 8 December 2015. In terms of setting up a Scottish JCVI, the Minister stated that it would not be “an efficient or even a viable option”. The Minister concluded by stating that “we are content that the advice provided by the JCVI is objective, disinterested, transparent and ultimately extremely beneficial to the Scottish public.”

13. The petitioner wrote to the Committee on 29 January 2016. The petitioner again criticised the chair of the JCVI. The petitioner did not fully address why a Scottish-specific JCVI is desirable. The Committee also received a submission from John Stone.

Action

14. The Committee is invited to consider what action it wishes to take. Options include –
- (i) To close the petition under rule 15.7 of Standing Orders on the basis that there is no support for what the petitioner seeks; or
 - (ii) To take any other action it considers appropriate.