



PUBLIC PETITIONS COMMITTEE

AGENDA

2nd Meeting, 2015 (Session 4)

Tuesday 27 January 2015

The Committee will meet at 10.30 am in the Robert Burns Room (CR1).

1. **Consideration of a current petition:** The Committee will consider—

[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

and take evidence from—

Shona Robison, Cabinet Secretary for Health, Wellbeing and Sport, David Fotheringham, and Mike Liddle, Integration and Reshaping Care Division, Scottish Government.

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

[PE1546](#) by John Crossan on collecting Poll Tax arrears.

3. **Consideration of current petitions:** The Committee will consider—

[PE1098](#) by Lynn Merrifield, on behalf of Kingseat Community Council and
[PE1223](#) by Ron Beaty on school bus safety;
[PE1493](#) by Peter John Gordon on a Sunshine Act for Scotland;
[PE1521](#) by George Eckton and Jane O'Donnell on no more Page 3 in the Scottish Sun and Scottish Parliament;
[PE1525](#) by Catherine Fraser on access to justice;
[PE1530](#) by Spencer Fildes, on behalf of the Scottish Secular Society, on guidance on how creationism is presented in schools;
[PE1534](#) by Clare Symonds, on behalf of Planning Democracy, on equal rights of appeal in the planning system;
[PE1517](#) by Elaine Holmes and Olive McIlroy on behalf of the Scottish Mesh Survivors - "Hear Our Voice" campaign, on polypropylene mesh medical devices.

PPC/S4/15/2/A

Anne Peat
Clerk to the Public Petitions Committee
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The Scottish Parliament
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The following papers are attached for this meeting—

Agenda item 1

PE1533	Note by the Clerk	PPC/S4/15/2/1
PRIVATE PAPER		PPC/S4/15/2/2 (P)
Quarriers Letter of 7 November 2014		PE1533/A
Scotland Against the Care Tax Letter of 11 November 2014		PE1533/B
Argyll and Bute Council Letter of 10 December 2014		PE1533/C
Equality and Human Rights Commission Letter of 17 December 2014		PE1533/D
Scottish Government Letter of 18 December 2014		PE1533/E
COSLA Letter of 7 January 2015		PE1533/F
Falkirk Council Letter of 19 December 2014		PE1533/G
North Lanarkshire Council Letter of 23 December 2014		PE1533/H
Petitioner Letter of 19 January 2015		PE1533/I

Agenda item 2

PE1546	Note by the Clerk	PPC/S4/15/2/4
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Agenda item 3

PE1098 and PE1223	Note by the Clerk	PPC/S4/15/2/5
Transport Scotland Letter of 19 December 2014		PE1223/III
Petitioner Letter of 19 January 2015		PE1223/JJJ
Transport Scotland Letter of 19 January 2015		PE1223/KKK
Petitioner Letter of 19 January 2015		PE1223/LLL
PE1493	Note by the Clerk	PPC/S4/15/2/6
PE1521	Note by the Clerk	PPC/S4/15/2/7
Equality and Human Rights Commission Letter of 17 December 2014		PE1521/K
Scottish Parliament Scottish National Party Group Letter of 11 December 2014		PE1521/L
Petitioner Letter of 15 January 2015		PE1521/M
PE1525	Note by the Clerk	PPC/S4/15/2/8
Justice Committee Letter of 12 December 2014		PE1525/F
PE1530	Note by the Clerk	PPC/S4/15/2/9
Lee Warren Email of 7 November 2014		PE1530/Q
Andrew Strachan Email of 9 November 2014		PE1530/R
A Haworth-Roberts Email of 7 November 2014		PE1530/S

National Secular Society Email of 11 November 2014	PE1530/T	
Roddy Robertson Email of 9 November 2014	PE1530/U	
Humanist Society Scotland Letter of 11 November 2014	PE1530/V	
Estelle Wolfers Email of 8 November 2014	PE1530/W	
School Leaders Scotland Letter of 17 November 2014	PE1530/X	
Phil Butcher Email of 18 November 2014	PE1530/Y	
Alan Whistler Email of 18 November 2014	PE1530/Z	
Alex Wood Letter of 24 November 2014	PE1530/AA	
Scottish Government Letter of 15 December 2014	PE1530/BB	
Educational Institute of Scotland Letter of 17 December 2014	PE1530/CC	
Society of Biology Letter of 10 November 2014 (published 17 December 2014)	PE1530/DD	
David Workman Email of 2 January 2015	PE1530/EE	
William Hazle Email of 29 December 2014	PE1530/FF	
John Thomas Email of 1 January 2015	PE1530/GG	
Paul Sanderson Email of 2 January 2015	PE1530/HH	
Iain Kennedy Email of 29 December 2014	PE1530/II	
Janey McDonald Email of 28 December 2014	PE1530/JJ	
Michelle R King Email of 1 January 2015	PE1530/KK	
Gary Allan Email of 28 December 2014	PE1530/LL	
David Milne Email of 29 December 2014	PE1530/MM	
James Fleming Email of 29 December 2014	PE1530/NN	
Donald Scott Email of 28 December 2014	PE1530/OO	
Mark Joseph Email of 28 December 2014	PE1530/PP	
Keith R Cook Email of 28 December 2014	PE1530/QQ	
Petitioner Letter of 19 January 2015	PE1530/RR	
PE1534	Note by the Clerk	PPC/S4/15/2/10
Scottish Wildlife Trust Letter of 9 December 2014	PE1534/A	
Kate Birley Email of 16 December 2014	PE1534/B	
Scottish Government Letter of 17 December 2014	PE1534/C	
Homes for Scotland Letter of 19 December 2014	PE1534/D	
Barratt Homes Letter of 19 December 2014	PE1534/E	
Planning Aid for Scotland Letter of 19 December 2014	PE1534/F	
Royal Town Planning Institute Scotland Letter of 19 December 2014	PE1534/G	
Save Stockbridge Campaign Letter of 29 December 2014	PE1534/H	
Heads of Planning Scotland Letter of 5 January 2015	PE1534/I	
Stockbridge and Inverleith Community Council Letter of 22 December 2014	PE1534/J	
Scottish Community Alliance Letter of 6 January 2015	PE1534/K	
Persimmon Homes Letter of 17 December 2014	PE1534/L	
Gladman Developments Letter of 19 December 2014	PE1534/M	
Friends of Craighouse Letter of 17 January 2015	PE1534/N	
Sustainable Shetland Letter of 19 January 2015	PE1534/O	
Professor Geraint Ellis Letter of 7 December 2014 (published 21 January 2015)	PE1534/P	
Frank Cosgrove Letter of 12 January 2015	PE1534/Q	
Scottish Environment LINK Planning Taskforce		

Letter of 9 January 2015
Badenoch and Strathspey Conservation Group
Letter of 19 January 2015
Lorraine Frew Letter of 23 January 2015
Stockbridge and Inverleith Community Council
Letter of 23 January 2015

[PE1534/R](#)

[PE1534/S](#)

[PE1534/T](#)

[PE1534/U](#)

Agenda item 4

PE1517

Note by the Clerk

PPC/S4/15/2/11

[MHRA Summary of the evidence on the benefits
and risks of vaginal mesh implants](#)

Adam M Slater Letter of 13 June 2014
Department of Health Letter of 12 December 2014
Scottish Government Letter of 16 December 2014

[PE1517/E](#)

[PE1517/X](#)

[PE1517/Y](#)

Public Petitions Committee

2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015

PE1533 on abolition of non-residential social care charges for older and disabled people

Note by the Clerk

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 considered this petition for the first time at its meeting on [11 November 2014](#). The Committee took evidence from the petitioner; Learning Disability Alliance Scotland; and Inclusion Scotland. The Committee agreed to invite the Scottish Government to give evidence at a future meeting and write to COSLA, a selection of local authorities and the Equality and Human Rights Commission.
2. Responses, with the exception of one from Moray Council, have been received and the Committee is invited to decide what action it wishes to take on the petition.

Background – the following information is taken from the SPICe briefing

3. The petitioner argues “non-residential social care is an equality and human rights issue” and, therefore, should be “free at the point of delivery”. Additionally, he argues the current system is unfair because the cost of care services differs considerably between local authorities.

Income received by councils from charges

4. In the 2012/13 financial year, Scottish local authorities received a combined income of approximately £51.6 million from non-residential social care charges. This corresponds to approximately 3.2% of total gross local government expenditure on these services over that period.¹

Scottish Government Action

5. In a [submission](#) to a similar petition [PE01466](#) calling for legally binding regulations for non-residential social care charges the Scottish Government said it supported autonomy for local authorities to set non-residential care charges,

¹ Personal communication (Scottish Government), 28 October 2014. *Note that figures exclude Assessment, Casework, Care Management, Occupational Therapy and Criminal Justice Field Work.*

whilst noting that such charges should be “fair, consistent and transparent”. The petition was referred to the Health and Sport Committee before being closed in March 2014 and brought to the attention of the Local Government and Regeneration Committee.

Committee Consideration

6. The Public Petitions Committee considered this petition at its meeting on [11 November 2014](#) and agreed to write to a selection of local authorities, the Equality and Human Rights Commission, COSLA and the Scottish Government.
7. [Argyll and Bute Council](#) said its charging scheme is compliant with COSLA’s guidance and that the nature of its remote, rural and low-density communities has an impact on the cost of non-residential care services.
8. [Falkirk Council](#) noted that the abolition of non-residential charge charges would reduce its income by approximately £1.1m and would create an unequal charging regime, in which people receiving residential care would incur charges, whilst those in non-residential care would not. The Council also explained that its charges are relatively low because an upper limit on charges was created when charges were introduced in 2010. This cap has remained unchanged.
9. [North Lanarkshire Council](#) disagreed with the petitioner’s view that non-residential care charges “lead to a life in poverty” because the charges are calculated on the ability to pay in accordance with COSLA’s guidance. The Council noted that service users in financial hardship can apply for a waiver. The Council also explained that its charges are relatively low because it calculates a threshold for service users, which includes an adjustment for housing and council tax costs. A service user’s ability to pay is calculated as 50% of his/her disposable income (i.e. personal income minus the threshold).
10. [The Equality and Human Rights Commission](#) observed that the UK Independent Monitoring Mechanism’s most recent report raises a number of concerns about compliance with Article 19 (independent living). As such, the Scottish Government will have to demonstrate that its current policies do not negatively impact upon the realisation of Article 19. The Commission stated it did not have sufficient information to comment on whether current policies are in breach of the Human Rights Act 1998 and the Equality Act 2010.
11. The [Cabinet Secretary](#) advised that COSLA is currently consulting with local authorities on the introduction of a standard financial assessment template to promote greater consistency in care charges. This consultation concludes in 2015.
12. [COSLA](#) stated its policies seek to strengthen local fiscal empowerment, as a means to address local social and economic inequalities. On inconsistency in charges between local authorities, a multi-stakeholder Charging Guidance Working Group is developing a Financial Assessment Template. COSLA also argued that the principle of co-payment receives international support and

COSLA does not have compelling evidence to suggest that co-payment infringes on the human rights of people with disabilities.

13. In response to the submissions received, [the petitioner](#) argued that Equality Impact Assessments do not adequately protect the rights and interests of people with disabilities and the elderly. In relation to COSLA's view on "co-payment", he argues this policy could discourage people from accessing the care they require. The petitioner also argued COSLA's efforts to introduce Financial Impact Assessments will increase the average cost of services and therefore will not improve access to non-residential care.
14. In relation to COSLA guidance on the "ability to pay", Mr Adamson raised concerns that people with disabilities who have savings should not be made to contribute more towards the cost of their care because those savings may be needed to purchase expensive mobility and other equipment that is not covered by the NHS. Similarly, he argued the "ability to pay" should not be calculated with reference to a partner's income because partners are often carers and effectively subsidise a service user's care.
15. Having responded to all of the submissions received from third parties, the petitioner has listed a number of [suggested points of action](#) for the Committee to consider. It is worth noting that anyone may make their views known to the Committee, including the QC suggested by the petitioner. All written submissions received are dealt with in line with the Parliament's policy on treatment of written evidence.

Action

16. After today's evidence session the Committee is invited to consider what action it wishes to take on the petition. There are a number of options, including —
 - (1) To reflect on the evidence heard and consider a paper by the Clerk at the next meeting before deciding what action to take on the petition;
 - (2) To seek further evidence;
 - (3) To refer the petition to the Local Government and Regeneration Committee.

Public Petitions Committee

2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015

PE1546: Collect Poll Tax Arrears

Note by the Clerk

PE1546 – Lodged 9 January 2015

Petition by John Crossan calling on the Scottish Parliament to urge the Scottish Government to ensure councils have the ability to collect arrears of outstanding "Poll Tax" and not to create legislation to write off these debts.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to close.

Background

2. The petition arose in response to an announcement by the Scottish Government that it intended to introduce legislation altering the power of local authorities to collect community charge or "poll tax" arrears.
3. The Community Charge Debt (Scotland) Bill (the Bill) was introduced by the Scottish Government on 3 December 2014 and the Finance Committee was designated by the Parliament as the lead Committee to scrutinise it. The Finance Committee is currently considering the Bill at Stage 1.
4. The petitioner is disappointed with the lack of support for his petition and has advised that he no longer wishes to proceed with it.

Action

5. The Committee is invited to close the petition.

Public Petitions Committee**2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015****PE1098 and PE1223 on School Bus Safety****Note by the Clerk****PE1098 – Lodged 2007**

Petition by Lynn Merrifield, on behalf of Kingseat Community Council, calling for the Scottish Parliament to urge the Scottish Government to make provision for every school bus to be installed with three point seatbelts for every school child passenger and to ensure that, as part of a local authority's consideration of 'Best Value' in relation to the provision of school buses, proper regard is given to the safety needs of the children.

[Link to petition webpage](#)

PE1223 – Lodged 2009

Petition by Ron Beaty calling on the Scottish Parliament to urge the Scottish Government to take all appropriate action, whether through amending guidance, contracts, agreements or legislation, to require local authorities to install proper safety signage and lights on school buses, to be used only when school children are on the bus when necessary, and make overtaking a stationary school bus a criminal offence.

[Link to petition webpage](#)

Purpose

1. The Committee considered these petitions most recently on [11 November 2014](#). In relation to PE1098, the Committee agreed to defer consideration of this petition and seek an update from the Scottish Government in 2015. This will be requested and available for the Committee's next consideration.
2. In relation to PE1223, the Committee agreed to write to Transport Scotland. Transport Scotland's submission has been received and the Committee is invited to consider what action it wishes to take in relation to PE1223.

Scottish Parliament Consideration

3. Stewart Stevenson's Members' Business debate on motion [S4M-11008](#) "The Importance of School Bus Safety around Scotland" took place on [4 November 2014](#). The Minister for Transport and Veterans highlighted the steps taken by the Scottish Government to acquire devolved powers relating to the provision of seatbelts and a proposed pilot scheme on enhanced signage.

PE1223

4. In submissions to the Committee, the [Scottish Government](#) has stated it does not support the petition's call to criminalise the overtaking of a stationary school bus.

5. Transport Scotland, in its submission of [3 October 2014](#), noted its intention to launch a school bus signage pilot scheme with Glasgow City Council.
6. The petitioner's response of [31 October 2014](#) raised concerns that the pilot scheme should take place in a rural local authority where speed limits are lower.
7. In its response of [19 December 2014](#), Transport Scotland noted that a pilot has already taken place in Aberdeenshire Council where dedicated school transport contracts operate within a rural area. Transport Scotland advised that the rural components of this pilot will feed into its evidence base.
8. Transport Scotland provided a further update on [19 January 2015](#), noting a contractor has been appointed to assist with Glasgow City Council's pilot programme. It anticipates the pilot programme's evaluation report will be finalised by late summer.
9. The petitioner, in his submission of [19 January 2015](#), noted that only one of 53 local authorities has adopted some of Transport Scotland's school bus signage guidelines. Mr Beaty attached four photos to his submission depicting recent breaches of Transport Scotland's guidelines. In a [later submission](#) of the same date, Mr Beaty questioned the need for a further pilot programme and instead called for direct and immediate action to improve school bus safety across Scotland.

Action

10. The Committee is invited to consider what action it wishes to take in relation to PE1223. Options include:
 - (1) To write to Transport Scotland requesting that it take account of the petitioner's most recent submissions, highlighting breaches of Transport Scotland's school bus safety guidelines and to defer further consideration until the evaluation report is available in late summer.;
 - (2) To take any other action the Committee considers appropriate.

Public Petitions Committee**2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015****PE1493 on a Sunshine Act for Scotland****Note by the Clerk****PE1493 – Lodged 17 August 2013**

Petition by Peter Gordon calling on the Scottish Parliament to urge the Scottish Government to introduce a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHS Scotland healthcare workers from Industry and Commerce.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [11 November 2014](#) and agreed to write to the Scottish Government. No response has been received and the Committee is invited to agree what action it wishes to take on the petition.

Background – the following information is taken from the SPICe briefing

2. A central register of payments exchanged between health service staff and industry does not presently exist. There is, however, relevant UK anti-bribery legislation and guidance issued by professional regulators and the Scottish Government.
3. Healthcare professionals subject to statutory regulation are required to adhere to ethical and professional conduct standards set by their regulatory bodies. For example, the General Medical Council publishes the professional standards required by doctors, such as: [‘Financial and commercial arrangements and conflicts of interest’](#) (2013).
4. The Scottish Government’s publication [‘A Common Understanding 2012 – Working Together for Patients’](#) sets out a framework for joint working between NHS Scotland and the pharmaceutical industry. The Scottish Government under its guidance document [HDL \(2003\)62](#) also requires the chief executives of all Scottish NHS health boards and trusts to establish a register of interests for all NHS employees and primary care contractors.

Committee Consideration

5. The Committee considered this petition for the first time on [12 November 2013](#) and sought the views of a number of stakeholders. Responses from NHS Boards and the [British Medical Association Scotland](#) were broadly supportive of what was sought, noting it would represent an extension of existing policy.

6. [NHS Dumfries and Galloway](#), however, raised concerns that it could widen the gap between disclosure arrangements for NHS staff and independent practitioners, such as GPs. The [Royal College of Nursing Scotland's](#) view was that there would be sufficient regulation in place on this issue at a European level from 2016 onwards. [UNISON Scotland](#) stated it was supportive of transparency in public affairs and outlined some of the measures that are already in place to address the concerns raised by the petitioner. The [General Pharmaceutical Council](#) outlined the standards that are already in place but did not provide a view on a publically available register. [Community Pharmacy Scotland](#) was generally supportive of the principle that such financial payments should be transparent and declared.
7. The [General Medical Council](#) highlighted the guidance already in place, stating that any compulsory register would require legislative change. It also questioned what consequences would arise from making this regulatory change in Scotland vis-à-vis the UK. Similarly, the [Royal Pharmaceutical Society](#) provided in principle support for the establishment of a register. However, it was concerned that it “would not be sensible” for Scotland to have a standalone register.
8. The Committee sought further information on examples of similar registers used in other countries. The [SPICe briefing](#) sets out examples that place an onus on companies to disclose payments. This is a different system to that proposed by the petition, which would place an onus on individual recipients (such as NHS workers or health boards).
9. The [Scottish Government](#) submitted a table showing the measures taken by each health board to ensure compliance with NHS guidance in [HDL \(2003\)62](#). The table indicates there is some inconsistency between health boards, since not all boards appear to have a single publically available register of interests.
10. The [petitioner](#) argues the NHS guidance in [HDL \(2003\)62](#) is ineffective because it is largely being ignored by health boards.
11. The [UK Department of Health](#) summarised the measures in place in England, stating that it has “no reason to believe that they are not taken very seriously by NHS organisations and their employees.” The Department of Health concludes that it has “no plans for a national register” but will watch what steps are taken in Scotland and “consider if there are lessons for England.”
12. At its meeting on [11 November 2014](#), the Committee agreed to write to the Scottish Government to ask what action it has taken since it last wrote to the Committee to ensure that the guidance in NHS HDL (2003)62 is being complied with fully and consistently by all health boards in Scotland. No Scottish Government response has been received.

Action

13. The Committee is invited to consider what action it wishes to take in relation to the petition. Possible options include—

- (1) To write to the Scottish Government expressing the Committee's disappointment that no response has been received and to request a response without further delay;
- (2) And in doing so to also seek the Scottish Government's view on what effect the forthcoming EFPIA Code on "*Transfers of Value from Pharmaceutical Companies to Healthcare Professionals and Healthcare Organisations*" will have on what the petition seeks;
- (3) To take any other action the Committee deems appropriate.

Public Petitions Committee**2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015****PE1521 on no more Page 3 in the Scottish Sun and Scottish Parliament****Note by the Clerk****PE1521 – Lodged 20 May 2014**

Petition by George Eckton and Jane O'Donnell calling on the Scottish Parliament to urge the editorial team of the Sun and Scottish Sun to voluntarily remove the page 3 feature permanently.

Furthermore, until the Sun/Scottish Sun ceases its page 3 feature we request the Scottish Parliament no longer stock/sell The Sun or Scottish Sun newspaper given its objectification of women and gender stereotyping both seem at odds with the Scottish Parliament's equalities framework.

[Link to petition webpage](#)

Purpose

1. This is the third occasion the Committee has considered this petition. It heard from the petitioners on [17 June 2014](#), considered submissions at its meeting on [11 November 2014](#) and agreed to seek further views from the Equalities and Human Rights Commission and Rupert Murdoch. The Committee is invited to discuss what further steps it may wish to take in regard to this petition.

Background

2. The [No More Page 3 campaign](#) began in the summer of 2012 when Jessica Ennis won an Olympic gold medal, and yet the most prominent female image in The Sun was of a topless young woman on page 3. In February 2013, [Rupert Murdoch](#), in response to a tweet about Page 3 being old fashioned, suggested he was considering whether to remove Page 3 and replace it with a 'halfway house with glamorous fashionistas'. In September 2014, Mr Murdoch commented that page 3 is old fashioned¹. At the same time, The Sun toned down its Page 3 feature for a few days².
3. This petition focuses the campaign on the Scottish Sun, and requests that the Scottish Parliament stops stocking the Sun until Page 3 has been removed arguing that the feature is at odds with Parliament's equalities framework.

Scottish Parliament Action

4. A members' debate ([S4M-07500](#)), led by Jackie Bailie MSP, on the issues raised by the No More Page 3 campaign took place on 6 November 2013. The debate garnered cross-party support. Members debated the impact of Page 3 images on

¹ BBC News (10 September 2013) <http://www.bbc.co.uk/news/uk-29140217>

² The Guardian (8 September 2013)

<http://www.theguardian.com/media/greenslade/2014/sep/08/page-3-sun>

Scottish society and the connection between sexualised images and the reinforcement of sexist attitudes, harassment, abuse and violence towards women.

The Scottish Parliament's Equalities Framework

5. There are two key drivers in the Scottish Parliament's Equalities Framework:
- 'The importance of having a culture where everyone feels valued and respected and can contribute freely without fear of being judged because of a personal characteristic'.
 - 'The need to deliver accessible services, by recognising the diversity of people's needs so that everyone can experience, and take part in the activities of the Parliament'.

Committee Consideration

The Sun to voluntarily cease the Page 3 feature

6. The responses from the political groupings in the Scottish Parliament and the Scottish Government were supportive of the aims of the petition in this respect. However, John Lamont MSP, who replied on behalf of the Scottish Conservative Party, noted that there is no single party line on this issue and expressed his personal unease at politicians interfering in matters for the media.
7. Gordon Smart, Editor of the Scottish Sun, advised that the future of Page 3 was under consideration by Mr Murdoch and stated that what is published by the Sun is an editorial decision to be taken with regard to the views of readers and not political pressure. At its meeting on 11 November 2014, the Committee agreed to write directly to Mr Murdoch seeking his views; at the time of writing, no response has been received from Mr Murdoch. In recent days there has been speculation that the Sun had ended this feature however after nearly a week of absence a topless woman appeared on page 3 of The Sun newspaper.
8. Members will also be aware of a motion lodged by Jackie Baillie MSP ([S4M-12111](#)).

Scottish Parliament to cease stocking the Scottish Sun

9. The Scottish Parliamentary Corporate Body (SPCB) has indicated that it has no plans to prohibit the sale or availability of the Scottish Sun in the Scottish Parliament given the right of the publisher to publish and the right of the individual to choose whether to purchase.
10. The SPCB does not provide a definite view on whether the sale or display of the Scottish Sun is in breach of the Parliament's Equalities Framework. It argues that "there would only be a breach [of the Framework] if the stocking or sale of the publication amounted to sexual harassment under the Equality Act 2010" and notes that there is no case law to suggest that this is the case anywhere in the UK.

11. Scottish Parliament political groupings have differing views on this issue. The Scottish Labour Party and Scottish Liberal Democrats agree with what the petition seeks. The Independent/Green group agreed that the Scottish Sun should not be sold, but a copy should be available for reference. The SNP considered this to be a matter for the SPCB and John Lamont MSP is not in favour of removing the Scottish Sun from the Parliament.
12. In November, the Committee agreed to seek the Equality and Human Rights Commission's (EHRC) views on the petition. The EHRC did not identify any legal issues to prevent the sale and availability of the Scottish Sun in the Parliament.
13. The most recent submission from the petitioners argues that the SPCB should make a "proactive choice to support the values held by the organisation" and not stock the Scottish Sun. The petitioners drew a parallel with the Parliament's promotion of fair trade products.

Action

14. The Committee is invited to agree what action it wishes to take in respect of the petition. There are a number of possible options—
 - (1) In terms of the first part of the petition, the Scottish Parliament has already demonstrated its support for an end to page 3. The Committee may therefore consider that the first call of the petition has been addressed albeit that the objective has not been achieved.
 - (2) On the issue of availability on Scottish Parliament premises, the Committee is invited to consider whether it wishes to make further representations to the SPCB and if so in what terms. Alternatively, the Committee may feel that it has also taken this aspect of the petition as far as it can at this time in which case it may wish to close the petition.
 - (3) To take any other action which the Committee considers appropriate.

Public Petitions Committee**2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015****PE1525 on Access to Justice****Note by the Clerk****PE1525 – Lodged 27 May 2014**

Petition by Catherine Fraser calling on the Scottish Parliament to urge the Scottish Government to change the law to provide that legal aid is available to defend actions of defamation and challenge judgements in defamation cases.

[Link to petition webpage](#)

Purpose

1. At its last consideration on [25 November 2014](#), the Committee agreed to write to the Justice Committee asking whether it planned to look at legal aid. A response from the Convener of the Justice Committee has been received. The Committee is invited to consider what action it wishes to take on the petition.

Background – the following information is taken from the SPICe briefing

2. The petitioner has had personal experience of being involved in a defamation case and believes that the restrictions applying to the receipt of legal aid in these circumstances limit access to justice. She is calling for legal aid for defamation matters to be available on the same basis as for other civil law cases.

Legal Aid

3. There are several tests an applicant must pass in order to qualify for Civil Legal Aid. The three key things the applicant must demonstrate to SLAB are that:
 - there is “probable cause” – ie. that there is a plausible legal basis for the case;
 - “it is reasonable in the particular circumstances of the case” that the applicant should receive legal aid – this covers consideration of the costs and likely benefits of the action, as well as the likelihood of success¹;
 - the applicant passes the financial eligibility test.
4. Civil Legal Aid is currently available to those with an income of £26,239 or less **after** deductions for necessary expenditure (e.g. rent/mortgage costs) have been made, although an applicant may still be expected to make a significant contribution to their legal costs from income. SLAB also considers capital (such as savings or other assets) when assessing financial eligibility.

¹ An example of a situation where the reasonableness test might not be met is where the cost of taking legal action significantly outweighs the likely financial return – eg. pursuing an appeal to the Court of Session over a faulty washing machine

Legal Aid in Defamation Cases

5. The availability of Civil Legal Aid in defamation cases is restricted. Applicants must meet criteria beyond the tests outlined above if they are to qualify. The restrictions are intended to operate to prevent Civil Legal Aid being available in most defamation cases.
6. Civil Legal Aid is generally available to defend a “counterclaim” of defamation made in other proceedings – i.e. only when the (non-legally aided in this respect) defender in legal proceedings raises a claim of defamation against a (legally-aided) pursuer² whose original action was about other matters. Otherwise, in order to get Civil Legal Aid for defamation, an applicant has to demonstrate that at least one of the following criteria is met. That:
 - there is a wider public interest in proceedings (i.e. that the case has the potential to produce real benefits for other individuals);
 - effective representation is not possible without public funding (considering whether the applicant could, without additional assistance, challenge information before the court and/or present their arguments to the court in an effective manner);
 - the European Union directive on access to justice in cross-border disputes³ requires legal aid to be made available.
7. Before 2007, Civil Legal Aid was not available in defamation cases except to defend a counterclaim of defamation. However, the Legal Profession and Legal Aid (Scotland) Act 2007 changed the law in light of the case of *Steel and Morris v the UK*⁴ (the “McLibel” case). This case involved two campaigners who handed out leaflets criticising the food available in McDonald’s restaurants and the practices of the McDonald’s Corporation. McDonald’s sued for defamation, resulting in the longest case in English legal history. The campaigners represented themselves throughout due to the non-availability of legal aid for such cases in England.
8. Ultimately, the campaigners brought a case in the European Court of Human Rights on the basis that the failure to provide legal aid was a breach of the right to a fair trial and the right to freedom of speech guaranteed in the European Convention on Human Rights. The Court found that the UK Government had not done enough to protect the campaigners’ rights and awarded compensation. As a result of the legislative changes which flowed from this case, legal aid is now available in defamation cases in the limited circumstances described above.

Legal Aid – Advice and Assistance

9. “Advice and Assistance” is a type of legal aid available to cover advice (but not representation in court) from a solicitor. It is subject to a financial eligibility test

² In Scotland, a pursuer is the person/body initiating court action. The defender is the person/body defending the action.

³ Directive 2003/8/EC.

⁴ 68416/01 [2005] ECHR 103.

only, although the amount of time a solicitor can spend on the matter is usually capped. Advice and Assistance is available for defamation cases but would not assist with representation in court.

Scottish Government Action

10. The Scottish Government produced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2010](#), (the 2010 Direction) which sets out the additional criteria to be met before Civil Legal Aid can be granted for defamation proceedings. This replaced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2008](#), which contained slightly different criteria. This, in turn, replaced a 2007 direction.

Submissions received and committee consideration

11. The submissions received from the Scottish Government, the Scottish Legal Aid Board, the Law Society of Scotland and the Scottish Human Rights Commission are available [here](#). The Scottish Government set out its policy and rationale and advised that SLAB had been looking at the operation of the 2010 Direction⁵. Once the Scottish Government hears back from SLAB it will take a view on whether a review of the 2010 Direction is required.
12. The 2010 Direction makes legal aid available for defamation cases subject to the usual tests for civil legal aid of financial eligibility, reasonableness and probable cause where one of the following conditions is also met:
 - legal aid is required for a cross border dispute;
 - there is a wider public interest in making legal aid available because the proceedings have potential real benefits for individuals other than the applicant;
 - or legal aid is required to enable the applicant to participate effectively in proceedings.
13. The Law Society suggests that the issues raised could be covered in any review. It has published a discussion paper on [Legal Assistance in Scotland](#). The Justice Committee, in its letter of [12 December 2014](#) states that it has no plans to do any work on legal aid or its availability.

For decision

14. The Committee is invited to consider what action it wishes to take in respect of the petition. The Justice Committee has advised that it has no plans to do work in this area. In its letter of 24 September 2014 the Scottish Government indicated that it would consider whether a review of the 2010 Direction was required after hearing back from SLAB. The Committee may wish to write to the Scottish Government seeking an update and asking whether it has any plans for a review.

⁵ The Civil Legal Aid for Defamation or Verbal Injury Proceedings (Scotland) Direction 2010

Public Petitions Committee**2nd Meeting, 2014 (Session 4), Tuesday 27 January 2015****PE1530 on guidance on how creationism is presented in schools****Note by the Clerk****PE1530 – Lodged 4 September 2014**

Petition by Spencer Fildes, on behalf of the Scottish Secular Society, calling on the Scottish Parliament to urge the Scottish Government to issue official guidance to bar the presentation in Scottish publicly funded schools of separate creation and of Young Earth doctrines as viable alternatives to the established science of evolution, common descent, and deep time.

[Link to petition webpage](#)

Purpose

1. The Committee considered this petition for the first time on [11 November 2014](#). This note highlights the submissions received since on the petition. The Committee is invited to consider what action it wishes to take on the petition.

Background

2. The petition asks for specific government guidance that creationism should not be taught as science. It does not request that discussion of different world beliefs is curtailed.

Curriculum for Excellence

3. The broad outline of the curriculum is set out in guidance published by Education Scotland. It leaves considerable scope for teachers to decide on the detail. The content of national qualifications is set by the Scottish Qualifications Authority.
4. Principles and Practice for science includes among the purposes of studying science that children and young people, “demonstrate a secure knowledge and understanding of the big ideas and concepts of the sciences.” It does not however list what those ‘big ideas’ are, although it might be expected that evolution would be considered a ‘big idea.’ Education Scotland have published an explanation on how evolution is introduced (http://www.educationscotland.gov.uk/Images/Conceptdevelopmentinthescience_s2_tcm4-550290.pdf).

Creationist beliefs in Scottish Schools

5. In September 2013, the head teachers at a South Lanarkshire primary school were removed from their posts following publicity in the media about classroom assistants handing out books that supported creationism. The classroom assistants were members of the Church of Christ and had worked at the school for 8 years. See: <http://www.scotsman.com/news/education/creationist-row-headteachers-removed-from-school-1-3091562>

Guidelines in England

6. There is far more detailed prescription of the curriculum at national level in England, and the outline of the curriculum is statutory. It is necessary to consider the guidelines on creationism within this wider context.
7. In 2007, [guidance](#) was published for maintained schools in England. Similar provision has since been extended to cover academies and free schools. The 2007 guidance states:

“Creationism and intelligent design are not part of the science National Curriculum programmes of study and should not be taught as science. However, there is a real difference between teaching “x” and teaching *about* “x”. Any questions about creationism and intelligent design which arise in science lessons, for example as a result of media coverage, could provide the opportunity to explain or explore why they are not considered to be scientific theories and, in the right context, why evolution is considered to be a scientific theory.”

8. In September 2014, the new primary curriculum included a new unit on evolution. See [British Humanist Society](#) for further information on the campaign against presenting creationism as science.

Scottish Government Action

9. In answer to a PQ by Patrick Harvie, MSP asking for specific guidance on creationism, Michael Russell said:

“The curriculum in Scotland is not based on statutory prescription. It is for schools, in light of the curriculum framework within which they operate, to determine how best to organise the syllabus.

“However, there are no plans to include intelligent design within Curriculum for Excellence guidance and there is no evidence to suggest that intelligent design is being taught in science classes.” (PQ S3W-39797)

10. In answer to a more recent question about the measures which are in place to prevent the teaching of creationism in Scotland's schools, Alasdair Allan, MSP said he expected teachers to use their professional judgement, referring to support materials published by Education Scotland (S4W-1754, answered 29th October 2013).
11. During education questions on 21st November 2013, Minister for Schools, Alasdair Allan, MSP and Patrick Harvie, MSP had an exchange on the issue of creationism. The Minister said:

“the content of biology and physics courses, for example, promotes none of the ideas that he listed. I therefore have complete confidence in our teachers to deal objectively with contentious issues as they arise. I make it clear that the science curriculum in Scotland is not dictated by any of the

agendas that the member suggested influence it.” (Official Report 21st November 2013).

Committee consideration

12. The Committee considered the petition initially on [11 November 2014](#). The Committee agreed to write to the Scottish Government, the Educational Institute of Scotland (EIS), the Scottish Secondary Teachers' Association (SSTA), and head teachers associations in Scotland. The Committee has not received a response from the SSTA. The Association of Headteachers & Deputies in Scotland declined to comment. The remainder of the organisations approached have responded to the Committee.
13. In addition, the Committee has received a number of submissions from organisations and individuals. The petitioners have highlighted the petition through various media and encouraged submissions to the Committee. The majority of those additional submissions are supportive of what the petition seeks.
14. Neither the EIS nor Scottish Leaders Scotland (SLS) supported the petition. Both the EIS and SLS stated that they do not believe that teaching of creationism is prevalent or a serious problem in Scottish schools. Both agreed that there currently checks and balances to ensure that any problems can be dealt with. The EIS stated that restricting discussion of religious views to Religious and Moral Education is “contrary to the cross curricular approach that is at the core of CfE”. The EIS concluded that “the curriculum is a matter for teachers, both individually and collectively, and that legislative interference in the content of the curriculum is both undesirable and unnecessary”.
15. The Society of Biology, which has a keen interest in the teaching of biology across the UK, stated that the Scottish Government should follow other UK administrations and issue guidance stating that creationism and Intelligent Design should not be considered as science. The Society also called for training to be provided to teachers to help them answer questions of this nature in a sensitive manner.
16. Most other organisations and individuals, including notably a parent of a child who attended Kirktonholme Primary School in East Kilbride, agree that guidance is required.
17. The Committee asked the Scottish Government for: its views on the petition; whether the current system is robust enough to ensure that all children receive the broadest education based on rational thought; and whether the Scottish Government will review its policy if it found that the current system is not sufficiently robust. The Government noted that it is the responsibility of education authorities and schools to deliver education. During extensive engagement, no teacher or stakeholder had raised concerns with Education Scotland with regard to the teaching of creationism. The Scottish Government’s response concludes by saying “there are a number of policies and safeguards in place to ensure that children and young people receive a broad and balanced education”.

18. The petitioner disagrees that there are adequate safeguards in place and states that “creationist influence in schools is institutionalised”. The petitioner argues that unless guidance is issued, bodies that promote creationist theories will consider it a “green light” to carry out activities in Scottish schools. The petitioners questioned whether the General Secretary of the SLS was representing the views of its members, and suggested that both the EIS and the Scottish Government should be given the opportunity to reconsider their positions in light of the [submission from the Society of Biology](#). The petitioner provided a number of examples that he suggests support their view that there is a current and serious problem of creationism being inappropriately presented in schools. The petitioners request that the petition is referred to the Education and Culture Committee.

Action

19. The Committee is invited to consider what action it wishes to take in relation to the petition. The Committee may wish to—

- (1) Refer the petition to the Education and Culture Committee;
- (2) Take any other action that the Committee considers appropriate.

Public Petitions Committee**2nd Meeting, 2015 (Session 4), Tuesday 27 January 2015****PE1534 on equal rights of appeal in the planning system****Note by the Clerk****PE1534 – Lodged 3 September 2014**

Petition by Clare Symonds, on behalf of Planning Democracy, calling on the Scottish Parliament to urge the Scottish Government to review the current rights of appeal within planning and other consenting processes which give deemed planning consent, considering the benefits of widening the scope of appeal, and providing an equal right of appeal.

[Link to petition webpage](#)

Purpose

1. The Committee considered the petition for the first time on [11 November 2014](#), and heard evidence from the petitioner. The Committee agreed to write to a number of organisations which have now responded. The Committee is invited to decide what action to take on the petition.

Background

2. The right to appeal against a planning decision is currently limited to the applicant. Third parties to a planning application (that is people other than the applicant or planning authority) have no right of appeal.
3. The possible introduction of a third party right of appeal was considered during parliamentary scrutiny of the Planning etc. (Scotland) Bill in 2006. At that time, several major environmental groups, including Friends of the Earth Scotland, WWF and RSPB Scotland, supported the introduction of a third party right of appeal for the following types of development:
 - where the planning permission would be a departure from an adopted development plan
 - where the local authority has an interest in the planning application;
 - where the application is a 'major development', defined as those which fall under either Schedule 1 or 2 of the Environmental Impact Assessment Regulations;
 - where a planning officer has recommended refusal of planning permission and the planning authority decides to grant permission.
4. While the introduction of a third party right of appeal had support amongst environmental and community groups there was considerable opposition from the

business community, e.g. CBI Scotland¹ questioned whether the introduction of third party rights of appeal would really benefit community groups as its supporters argue, stating:

“...the introduction of third party rights of appeal could give rise to appeals by businesses against businesses (small and large), individuals against individuals, businesses and individuals against each other, and various parties against health and social developments.”

5. Malcolm Chisholm MSP, then Communities Minister, made it clear in his statement to Parliament on 29 June 2005 that the then Scottish Executive did not intend to introduce a third party right of appeal.

Scottish Government Action

6. The Scottish Government is not considering the introduction of a third party right of appeal.

Scottish Parliament Action

7. In addition to the scrutiny of this issue during consideration of the Planning etc. (Scotland) Bill, the Public Petitions Committee considered [petition PE916](#), calling for the introduction of a third party right of appeal, on 18 January 2006. The petition was referred to the then Communities Committee and considered as part of that committee’s scrutiny of the Planning etc. (Scotland) Bill.
8. Sandra White MSP lodged a proposal for a members’ Bill on [Third Party Rights of Appeal](#) on 11 May 2005. The Bill was never introduced and the proposal fell at dissolution in April 2007.

Committee consideration

9. The Committee considered the petition initially on [11 November 2014](#). The Committee agreed to write to the Scottish Government, Royal Town Planning Institute Scotland (RTPI), Planning Aid for Scotland (PAS), Heads of Planning Scotland (HOPS), Homes for Scotland and the Scottish Wildlife Trust (SWT). Responses have been received from these organisations and from others with an interest in the petition.
10. The Scottish Government confirmed that it has no plans to bring forward legislation to introduce third party right of appeal (TPRA) in the planning system. It noted that planning reform has sought to front-load engagement with communities in relation to the development of strategic and local development plans and pre-application consultation. The Scottish Government stated that it has transposed the requirements of the Aarhus Convention into Scots Law. It noted that the Republic of Ireland has provision for TPRA, but argues that direct comparisons cannot be made.

¹ CBI Scotland (2004) CBI Scotland’s Response to the Scottish Executive’s Consultation – “Rights of Appeal in Planning”. Edinburgh: CBI Scotland

11. PAS noted that developers' rights of appeal were introduced to compensate land-owners for the loss of development rights. HOPS stated that the TPRA would be incompatible with the underlying principle of the Scottish Planning system which "seeks to strike a balance between the rights of individual land and property owners and the long term public good". PAS contrasted this with an individual 3rd party who may only be motivated by their own interests. PAS warned that an unintended consequence of TPRA could be that more planning decisions are made by the Scottish Government, rather than at the local level. PAS supports strong public engagement in the planning system and argues that Community Councils should be empowered further within the current system. RTPi was in agreement and suggested TPRA would go against a plan-led system.
12. Homes for Scotland does not agree with the aims of the petition and argues that the opportunity to influence broad principles of development is during the development of strategic and local plans; individuals also have the opportunity to object through the planning process. Barratt Homes argued that the introduction of TPRA would significantly shift power in the planning system toward third parties. This could affect confidence of developers and thereby reduce investment in construction. A number of submissions raised concerns about the possible delays and the associated costs TPRA would create.
13. Gladman Developments Ltd acknowledged that one of the situations in which the the petitioners are seeking TPRA is where permission is granted to a development contrary to the plan. It observed "Development which does not conform to the development plan is not necessarily inappropriate. Development plans can often be out of date ... fail to achieve the actions they initially set out to do or there may be material considerations which warrant the setting aside of the development plan."
14. SWT states that the aim of the planning system to give opportunities for everyone to engage in development decisions is not being met. SWT gives examples of occasions when attempts to engage with planning officers have been rebuffed. It concludes that if meaningful engagement with the public is not improved, then TPRA should be considered.
15. Scottish Environment Link (SE Link) wrote that in their experience, frontloading engagement in the planning system "has had little or no impact on the system's responsiveness to public participation" and that environmental and community concerns "seem to be consistently overlooked". SE Link stated that its members support a plan-led approach and that this could be enhanced by the introduction of TPRA.
16. Professor Geraint Ellis, who has researched TPRA in the Republic of Ireland, says that TPRA plays an important and valued role in Ireland. He suggested that opponents of TPRA characterise it simplistically as the right of anyone to appeal any decision which leads to a simplified view of the implications of TPRA. He argues that TPRA could be designed in a number of ways.

17. The petitioners encouraged a number of community groups to provide submissions to the Committee on their experiences of the planning system as case studies. The petitioners' submission highlights some of these case studies and how TPRA would have been desirable in those instances. The petitioner questions the Government's view that the current system is appropriately balanced and asks what evidence there is to support this view.

Action

18. The Committee is invited to consider what action it wishes to take on the petition. The petitioners have requested that the petition be referred to the Local Government and Regeneration Committee.

19. Alternatively the Committee may wish to continue its consideration and write to the Scottish Government asking what work it has done with communities and the third sector to ensure that the planning system is delivering on its aims to engage with the public.

Public Petitions Committee**2nd Meeting, 2014 (Session 4), Tuesday 27 January 2015****PE1517 on Polypropylene Mesh Medical Devices****Note by the Clerk****PE1517 – Lodged 1 May 2014**

Petition by Elaine Holmes and Olive McIlroy, on behalf of the Scottish Mesh Survivors – “Hear Our Voice” campaign, Calling on the Scottish Parliament to urge the Scottish Government to:

1. Suspend use of polypropylene Transvaginal Mesh (TVM) procedures;
2. Initiate a Public Inquiry and/or comprehensive independent research to evaluate the safety of mesh devices using all evidence available, including that from across the world;
3. Introduce mandatory reporting of all adverse incidents by health professionals;
4. Set up a Scottish Transvaginal Mesh implant register with view to linking this up with national and international registers;
5. Introduce fully Informed Consent with uniformity throughout Scotland’s Health Boards; and
6. Write to the MHRA and ask that they reclassify TVM devices to heightened alert status to reflect ongoing concerns worldwide.

[Link to petition webpage](#)

Purpose

1. At its meeting on [17 June 2014](#), the Committee agreed to take evidence from Mr Adam Slater by video conference. The Committee last considered the petition on [11 November 2014](#). It agreed to seek information from both the Scottish and UK Governments. Responses have been received and are included in Members’ papers for information.

Background

2. Transvaginal mesh (TVM) can be used in [pelvic organ prolapse](#) (POP), and transvaginal tapes (TVT) can be used in the treatment of [stress urinary incontinence](#) (SUI). TVM and TVT products are medical devices. The regulation of medical devices is a matter reserved to the UK Parliament. The Medicines and Healthcare Products Regulatory Agency (MHRA) is the competent authority in this area for the UK.
3. Although the MHRA has an overarching role, adverse incidents in Scotland are handled by Health Facilities Scotland. HFS received 14 adverse incident reports concerning TVM and TVT between 24 December 2012 and 27 March 2014¹.
4. Whether a particular technology is used is a matter for individual clinicians and NHS Boards taking account of evidence and guidance. There are structures

¹ Scottish Government. Personal communication 28 May 2014

within the NHS in Scotland that can provide advice, including the Scottish Health Technologies Group², though it has not undertaken any work on TVM or TVT.

5. The Committee first considered this petition on [3 June 2014](#). At the Committee's subsequent meeting on [17 June 2014](#), the Cabinet Secretary for Health and Wellbeing announced that NHS boards would be requested to suspend the use of mesh implants, pending an independent review. The Scottish Government's review is due to report in March 2015.
6. A number of the health boards either do not carry out procedures that would require the use of mesh implants, or have already suspended their use following safety concerns. Several boards have confirmed that they will suspend the use of mesh devices following the request from the Chief Medical Officer. However, some boards indicate that they intend to continue to use mesh implants.
7. The MHRA published a report entitled "[A summary of the evidence on the benefits and risks of vaginal mesh implants](#)" on 28 October 2014. An executive summary of that report is including in Members' papers. That report concluded that—

“Whilst some women have experienced distressing and severe effects, the current evidence shows that when these products are used correctly they can help alleviate the very distressing symptoms of SUI and POP and as such the benefits still outweigh the risks.”

And

“In line with other medical device regulators worldwide we are not aware of a robust body of evidence to suggest that these devices are unsafe if used properly as intended and therefore should be removed from the market.”

8. The European Commission has requested an opinion on the safety of surgical meshes used in urogynecological surgery from the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR). The SCENIHR is expected to report this month.
9. On 30 October 2014 Neil Findlay asked [S4O-03628](#), whether the Scottish Government had suspended the use of transvaginal mesh implants. He stated that since the Chief Medical Officer wrote to health boards on 17 June 2014 requesting that the use of mesh devices be suspended, 29 women have received mesh devices from NHS Greater Glasgow and Clyde.
10. In his response, the Minister for Public Health said, “there will be individual circumstances where clinicians, in consultation with the women involved, will consider all the potential risk factors and potential complications and the women themselves may choose to go ahead with the procedure.”³

² This is an advisory group that sits within Healthcare Improvement Scotland that provides advice on the evidence about the clinical and cost effectiveness of existing and new technologies that are likely to have significant implications for patient care in Scotland.

³ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9589>

Action

11. The Committee is invited to agree what action to take on this petition. One option would be to draw the Scottish Government's attention to this evidence session and to request that those undertaking the independent review are also made aware of Mr Slater's evidence. The Committee may also wish to defer further consideration of the petition pending the outcome of the review.