



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITIONS COMMITTEE

AGENDA

4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

The Committee will meet at 9.15 am in the Adam Smith Room (CR5).

1. **Consideration of a continued petition:** The Committee will consider the following continued petition—

[PE1605](#) by Peter Gregson, on behalf of Kids not Suits, on whistleblowing in the NHS - a safer way to report mismanagement and bullying; and will take evidence from—

Paul Gray, Director-General Health and Social Care and Chief Executive of NHS Scotland;
Shirley Rodgers, Director of Health Workforce and Strategic Change, Scottish Government.

2. **Consideration of new petitions:** The Committee will consider the following new petitions—

[PE1631](#) by Maureen McVey on Child Welfare Hearings; and will take evidence from—

Maureen McVey;
June Loudon, Secretary, Grandparents Apart;
Scott McVey;
and will then consider—

[PE1632](#) by Amanda Macdonald on concessionary transport for carers.

3. **Consideration of continued petitions:** The Committee will consider the following continued petitions—

[PE1581](#) by Duncan Wright, on behalf of Save Scotland's School Libraries, on save Scotland's school libraries;

[PE1600](#) by John Chapman on speed awareness courses;

[PE1603](#) by Mairi Campbell-Jack and Douglas Beattie, on behalf of Quaker in Scotland and Forces Watch, on ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland;

[PE1604](#) by Catherine Matheson on inquests for all deaths by suicide
Scotland;

[PE1619](#) by Stuart Knox on access to continuous glucose monitoring;

[PE1622](#) by Stephen Duff on make failure to recycle a criminal offence;

[PE1624](#) by Akri Jones on definition of adultery.

Catherine Fergusson
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The papers for this meeting are as follows—

Agenda items 1 and 2

PRIVATE PAPER

PPC/S5/17/4/1 (P)

Agenda item 1

Note by the Clerk

PPC/S5/17/4/2

Agenda item 2

Note by the Clerk

PPC/S5/17/4/3

Note by the Clerk

PPC/S5/17/4/4

Agenda item 3

Note by the Clerk

PPC/S5/17/4/5

Note by the Clerk

PPC/S5/17/4/6

Note by the Clerk

PPC/S5/17/4/7

Note by the Clerk

PPC/S5/17/4/8

Note by the Clerk

PPC/S5/17/4/9

Note by the Clerk

PPC/S5/17/4/10

Note by the Clerk

PPC/S5/17/4/11

Public Petitions Committee
4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

PE1605: Whistleblowing in the NHS – a safer way to report mismanagement and bullying

Note by the Clerk

Petitioner	Peter Gregson, on behalf of Kids not Suits
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to establish an independent national whistleblower hotline for NHS staff to replace the current helpline. It would differ in that it would investigate reports about mismanagement and malpractice, often without recourse to NHS managers.
Webpage	parliament.scot/GettingInvolved/Petitions/WhistleblowerHotlineNHS

Purpose

1. This is a continued petition, last considered by the Committee on [9 February](#) when the Committee took evidence from Public Concern at Work, City of Edinburgh Council and UNISON Scotland.
2. At this meeting, the Committee will hear evidence from Paul Gray, Director General of Health and Social Care and Chief Executive of NHS Scotland. The Scottish Government's correspondence of October 2016 and the petitioner's submission of 9 November 2016 are included at the annexe to this paper.

Committee consideration

3. In its submission, the Scottish Government indicated that it is confident that the policies that are in place to encourage and promote whistleblowing, and to support staff that whistleblow, are "robust and fit for purpose". It highlighted the National Confidential Alert Line, Non-executive Whistleblowing Champions and the Independent National Whistleblowing Officer as examples.

National Confidential Alert Line (NCAL)

4. At the time of its submission, which was provided in advance of publication of the [six-month review](#)¹ of the helpline covering August 2015 to January 2016, the Scottish Government acknowledged the fall in the number of cases raised through the Alert Line, but had "no evidence to suggest that this is because staff do not have confidence in the service".

¹ NHSScotland Confidential Alert Line (NCAL) Six Month Review: 1 August 2015 – 31 January 2016.

5. In response to a question on this issue during oral evidence on 9 February, the Chief Executive of Public Concern at Work (PCaW), the Alert Line service provider suggested that a possible reason might be due to a better understanding of the purpose of the line, such that “concerns that are coming through are more along the lines of public interest issues and less about seeking advice on private issues”.
6. There was further discussion around the understanding of the current helpline. Tam Hiddleston, representing UNISON Scotland at the Committee meeting on 9 February said that he had experienced examples of this, where a “member of staff can be advised that [the issue] should be dealt with as a grievance or through the bullying and harassment policy”. He added—

“There is still an issue of distinguishing between the two and deciding whether something is a whistleblowing matter – a major incident – or whether it can be dealt with through the board’s policies and procedures.”
7. Kirsty-Louise Campbell, head of strategy for City of Edinburgh Council explained how its external hotline facility operated, and compared to the facility the council previously had in place, which she described as a “standard public interest disclosure policy for staff”. She noted that due to internal culture, there were challenges in encouraging staff to raise concerns as the council would have liked.
8. She noted that, while there is no pattern or trend to the number of disclosures made through the new hotline facility, City of Edinburgh Council has found that “through having that independent approach ... we have actively built the culture of, and trust in, the staff’s ability to raise concerns and they are now able to see how those concerns are addressed”.
9. To demonstrate the change in confidence, Kirsty-Louise Campbell said that, prior to the introduction of the hotline, the Council received three public interest disclosures over an eight year period. By comparison, since the hotline was established in 2014 it received 53 calls, 11 of which resulted in major investigations. She said—

“To me, that shows a sense of confidence in the [independent external hotline] and that colleagues feel that there is a trusted route for them to raise those concerns.”
10. In its written submission, the Scottish Government noted that—

“... the key feature requested in the petition (referral for external scrutiny) already exists, as NCAL can, if appropriate, pass cases to the appropriate Regulatory or scrutiny body on behalf of the staff member for further investigation.”
11. However, in evidence to the Committee, Public Concern at Work said—

“I entirely agree that the independent investigation process is an absolutely essential part of good whistleblowing arrangements. However, it is not part of the offer in the service we provide, so there is a mismatch between what has been commissioned and what is being asked for in the petition”.

12. The Committee also considered the mode of contact, anonymity, the role of unions, and any additional difficulties created with the introduction of Integration Joint Boards (IJBs).
13. Tam Hiddleston referred to an app recently developed by UNISON Scotland, which allows staff and members “to raise concerns that go to Unison regionally, while the same email or message goes to the director of nursing in the health board concerned”.
14. The City of Edinburgh Council’s main method of contact is by telephone, while Andrew Pepper-Parsons of PCaW noted that while there may be a “temptation to assume that everybody wants to raise things anonymously or via some sort of electronic means”, that is not always the case.
15. Cathy James from PCaW expanded on this, referring to research conducted by the University of Greenwich and the Association of Chartered Certified Accountants (ACCA) which states that “a multitude of channels is needed in order to build trust”. She noted that—

“At one point, people might use the channel of anonymity. If lots of concerns are raised anonymously, that is perhaps a sign that people are not quite sure; they will choose anonymity if they do not feel that they will be protected.”
16. She added that choices “ebb and flow as new initiatives come out” and that “people’s trust will change over time”.
17. Tam Hiddleston suggested that the introduction of IJBs “exacerbates the problem of where a whistleblower goes to” because, as different employers, local councils and health boards have widely differing terms and conditions.

Non-executive Whistleblowing Champions and the Independent National Whistleblowing Officer (INO)

18. The Whistleblowing Champion role was developed in response to the *Freedom to Speak Up Review*. The Scottish Government’s submission emphasises that this role does “not form any part of whistleblowing policy”. The purpose of the Champion is to “provide independent assurance at local level”. The oversight and assurance role includes—
 - a conduit role, working closely with the named Whistleblowing Policy contact(s)
 - assurance that the benefits of raising concerns about patient safety and malpractice are highlighted and publicised

- assurance that staff have access to the appropriate mechanisms and support available to discuss concerns about patient safety or malpractice
 - discussing the number and nature of concerns at the Staff Governance Committee
19. In addition, the Whistleblowing Champion is key to providing assurance that investigations are being handled fairly and effectively by ensuring that regular updates are provided, appropriate support and regular updates are provided to staff members who report concerns, and resultant actions are progressed.
 20. The Scottish Government also advised that, “to complement existing policies and provide independent and external review on the handling of whistleblowing cases in NHSScotland, it was establishing an INO which will “contribute to better patient safety and also encourage an open and honest reporting culture”.
 21. In response, the petitioner questioned the role of the INO. He argued—

“...the INO will have no sense of the scale of the problem; only the most persistent of whistleblowers will get to them [and] without a hotline, how will they know when the whistle is being blown and when the whistleblower has been victimised?”
 22. Cathy James acknowledged that it “is a challenge to set up something that is truly independent when it is part of the Government” but referred to the national guardian role which operates under a tripartite system – involving NHS England, the Care Quality Commission and NHS Improvement - to build independence.
 23. Tam Hiddleston expressed UNISON’s support for the INO, but cautioned that there “is still a lot about the officer’s role to be considered” if it is to be effective sitting alongside the helpline.
 24. Cathy James noted that this was a challenge in the creation of the national guardian. Uncertainty about the role created uncertainty, which could lead to a lack of trust. She considered that learning from the challenges faced in establishing the national guardian in England would “improve the process for a similar appointment in Scotland”. She added that another new development in England is the establishment of a healthcare safety investigation branch and suggested that it would be “really innovative to combine what is being done in that branch with a national officer in Scotland”.

Parliament action

25. The Health and Sport Committee has recently launched an inquiry, [NHS Governance – Creating a culture of improvement](#). The inquiry will cover three main strands: staff governance; clinical governance, and corporate governance.

Action

26. The Committee is invited to consider what action it wishes to take on this petition. Options include—

- To refer the petition to the Health and Sport Committee under Rule 15.6.2 of Standing Orders for consideration as part of its inquiry, “NHS Governance – Creating a culture of improvement”
- Any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1605/M: Scottish Government letter of 14 October 2016 \(232KB pdf\)](#)
- [PE1605/U: Petitioner letter of 9 November 2016 \(302KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

Public Petitions Committee
4th Meeting, 2017 (Session 5)
Thursday 2 March 2017

PE1631: Child welfare hearings

Note by the Clerk

Petitioner	Maureen McVey
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to change the laws that govern the recording of discussions at Child Welfare Hearings (CWH) in Scotland so that presiding Sheriffs have access to such records.
Webpage	parliament.scot/GettingInvolved/Petitions/PE01631

Introduction

1. This is a new petition that was not opened for collecting signatures and comments. The Committee has a SPICe briefing and the petitioner has been invited to provide evidence. The Committee is invited to consider what action it wishes to take.

Background (taken from the [SPICe briefing](#))

2. Child Welfare Hearings (CWHs) were introduced in November 1996 to give practical effect to the principles contained in the Children (Scotland) Act 1995 ('the 1995 Act'). This Act provides for a range of parental responsibilities and rights ('PRRs') in respect of all children living in Scotland.

Section 11 orders

3. Section 11 of the 1995 Act provides for a range of court orders relating to PRRs, including, for example 'contact orders' and 'residence orders'.
4. In considering whether to grant any court order under section 11 of the 1995 Act, the court has to have regard to a number of principles, with the welfare of the child or children involved being the paramount consideration.

Child Welfare Hearings

5. CWHs are held if the granting of a section 11 order is opposed or where a defender seeks a different order, or in any other circumstances in a family action in which the sheriff considers that a CWH should be held.
6. CWHs are oral hearings and attendance by the parties to the litigation is mandatory. However, a CWH is not a hearing where oral evidence is led and tested in court. Instead it is an opportunity for the sheriff to hear the views of both sides in the dispute and gather information as to the best way forward to

resolve the case. CWHs are intended to resolve such disputes more quickly, if this is consistent with a child's welfare. The aim is to avoid, where possible, going to a full hearing involving oral evidence.

7. [Rule 33.2A](#) of the Ordinary Cause Rules is the main rule governing CWHs in the sheriff courts.¹ Under rule 33.2A(4) the sheriff in a CWH has a wide discretion to make whatever court orders "as he [or she] thinks fit". This can include court orders for further court procedure (e.g. complete hearing involving oral evidence) or a making an interim or final decision about the merits of the case.

Record of proceedings

8. CWHs in the sheriff court are conducted in a closed court. Furthermore, there is no obligation in the court rules or legislation to create a written transcript of what happens in a CWH or to digitally record CWH proceedings.
9. If the sheriff makes an "interlocutor", that is to say a court order relating to the case, the sheriff may, and must when asked to do so by a party to the litigation, attach a note to the interlocutor setting out the reasons for the decision.² The party to the litigation must make the request in writing within seven days of the date of the interlocutor, although the sheriff can agree to provide the note outwith that timeframe.³

Scottish Government Action

The Gill Review – general

10. The [Scottish Civil Courts Review](#) (often referred to as the 'Gill Review') was initiated in 2007 by the then Scottish Executive. Its remit was to "review the provision of civil justice by the courts in Scotland, including their structure, jurisdiction, procedures and working methods." Its final report was published in 2009 (see [volume 1](#) and [volume 2](#)) but, probably due to constraints on public sector finances and the scale of the necessary work, significant parts of it remain unimplemented.

The Gill Review – use of IT in civil courts

11. Chapter 6 of the final report deals with the use of IT in the Scottish civil courts. It covers a range of topics, including discussion of Article 6 of the [European Convention on Human Rights](#) (ECHR) in the context of the use of IT in Scottish civil court cases.
12. Article 6 provides for the right to a fair trial. One aspect of Article 6 is that court proceedings should be held in public and any judgement given in public, to protect litigants from the secret administration of justice. In addition, there is a duty to give reasons for any court decision.

¹ See also rules 12.2; 33.21 and 33.21A.

² Rule 12.2(5) of the Ordinary Cause Rules.

³ Rule 12.2(6) of the Ordinary Cause Rules.

13. The rights protected by Article 6 are not absolute; an interference with them is possible where certain legal tests are satisfied. Furthermore, what Article 6 mean in practice in relation different types of case has been the subject of extensive case law, with various exceptions to the general principles created.⁴
14. Recommendation 95 of the final report of the Gill Review said that, for most types of civil cases where oral evidence is heard, evidence should be recorded digitally (as opposed to shorthand writers creating a transcript, as occurs at present). There was no equivalent recommendation in the final report covering other types of civil court proceedings.
15. The Scottish Government's [Justice Digital Strategy](#) represents the Government's policy response to chapter 6 of the Gill Review. Various projects relating to the Strategy are ongoing.

The Gill Review – judicial specialisation

16. One of the issues the Gill Review consulted on was increased sheriff specialisation, both in the form of specialisation by individual sheriffs and by specialist courts. For example, the [consultation paper](#) associated with the Gill Review commented:

Family cases have been singled out in a number of submissions to the Review as being particularly appropriate for specialist treatment within the court system. Judicial continuity, allowing for the repetition of sensitive information to be kept to a minimum and enabling the judge to expedite matters by managing the case actively, is seen as a particular advantage of a specialist family court. Understanding the full background to a case and dealing with it as quickly as possible are especially important considerations where children are involved (para 4.35)

17. Implementing the recommendations of the report of the Gill Review,⁵ section 34 of the Courts Reform (Scotland) Act 2014 ('the 2014 Act'), permits the Lord President to decide categories of cases within the sheriff courts which should be heard by judges/sheriffs who specialise in that category of case. So far, the Lord President has not used his powers under this section. However, it was envisaged that family cases would be a possible area of future specialisation.⁶
18. Also implementing recommendations of the report of the Gill Review,⁷ section 41 of the 2014 Act empowers Scottish Ministers to create specialist sheriff

⁴ For example, a number of cases determined by the European Court of Human Rights have decided that Article 6 does not apply to court hearings which relate solely to procedural steps, as these do not involve a determination of civil rights or obligations. See, for example, X, Y and Z v Switzerland (Application Number 6916/75, decisions of 12 March and 8 October 1976) and H v United Kingdom (Application No 11559/85, 2 December 1985).

⁵ See recommendations 4–7.

⁶ See the Policy Memorandum to the Courts Reform (Scotland) Bill, para 68.

⁷ See recommendations 32 and 33.

courts by way of secondary legislation. This could include, in theory, a specialist family court. However, the final recommendations of the Gill Review were focused on the creation of a specialist personal injuries court, which was established in late 2015.

The Gill Review – case management system

19. In chapter 5 of the final report of the Gill Review, a new case management system was proposed for cases heard in sheriff courts. The aim was to give greater powers to sheriffs to control the conduct and pace of litigation.
20. Under the system which was proposed, the “first case management hearing” would replace the current CWH.⁸ A case would be allocated to a sheriff at the first case management hearing. Thereafter, where possible, all subsequent court hearings would be dealt with by the same sheriff.
21. The final report said that most case management hearings replacing CWHs could be conducted by videoconference, although there may be some cases in which personal attendance by the parties concerned would be necessary.⁹
22. Related to the proposed new case management system, the Family Law Committee of the [Scottish Civil Justice Council](#) has commissioned research on case management in family actions, due at the end of March 2017.¹⁰ Once the Scottish Government has seen the research, the Scottish Government will consider producing a policy paper on case management in family actions.¹¹

Other relevant policy developments

23. On 25 January 2017 SPICe received an update from the Scottish Government on its current policy work relating to family law, some of which is (indirectly) relevant to the subject matter of the petition:
24. “The Scottish Government is committed to a review of Part 1 of the 1995 Act and to publishing a Family Justice Modernisation Strategy [FJMS]. The FJMS is likely to address issues such as ensuring the voice of the child is heard and improving how family cases are dealt with, including tackling delay.¹²
25. It is likely that there will be a consultation paper covering both these topics and that this paper may revisit issues addressed in the Gill Review. As yet, there is no publicly available timescale associated with a possible consultation paper.”¹³

⁸ Report of the Scottish Civil Courts Review, para 91.

⁹ *Ibid*

¹⁰ See: <http://www.scottishciviljusticecouncil.gov.uk/docs/librariesprovider4/flc-meeting-files/flc-10-october-2016-meeting/draft-minutes--awaiting-approval.pdf?sfvrsn=2>

¹¹ See: <http://www.scottishciviljusticecouncil.gov.uk/docs/librariesprovider4/flc-meeting-files/flc-10-october-2016-meeting/draft-minutes--awaiting-approval.pdf?sfvrsn=2>

¹² To help the development of the FJMS, the Government held a summit in March 2016 to hear views from key stakeholders. The Government has published the points raised at the summit: <http://www.gov.scot/Topics/Justice/law/17867/fjms>.

¹³ Email from the Scottish Government to SPICe dated 25th January 2017.

Scottish Parliament Action

Petitions on record of proceedings

26. In 2006 and 2008, William Smith lodged petitions ([PE958](#) and [PE1161](#)) calling on the then Scottish Executive to make mandatory the provision of an audio recording of civil court proceedings to those parties with special needs such as dyslexia. In both instances the petitions were closed on the basis that the case for the proposed change had not been made.¹⁴
27. On 15 May 2007, Brian McKerrow lodged petition [PE1053](#) in which he called on the Scottish Parliament to urge the Scottish Executive to make mandatory the audio and visual recording of all court proceedings and prohibit the use of shorthand notes as a means of recording court proceedings. On [18 September 2007](#), the then Public Petitions Committee agreed to close consideration of this petition on the basis that it did not consider that the case for making mandatory the audio and visual recording of all court proceedings had been made.

Petitions on reform to the 1995 Act

28. More generally, the Public Petitions Committee has considered numerous petitions in recent years calling for reform to the substantive law as contained in the 1995 Act and, in addition, or as an alternative, how the law operates in practice. A full list of these petition briefings is available from SPICe if required.
29. At present, one petition ([PE1635](#)) in the name of Emma McDonald, is open. It calls on the Parliament to urge the Scottish Government to review the operation of child contact centres and the procedure under section 11 of the Children (Scotland) Act 1995 so that the rights, safety and welfare of children are paramount in domestic abuse cases, and to ensure that section 11 of the Act is consistently implemented across Scotland.

The Justice Committee's inquiry into the Family Law (Scotland) Act 2006

30. Towards the end of the last parliamentary session, the then Justice Committee carried out an inquiry into certain aspects of the Family Law (Scotland) Act 2006 ('the 2006 Act').¹⁵ The 2006 Act had amended the 1995 Act in certain respects. In its report of that inquiry the Committee touched on various topics (indirectly) relevant to the subject matter of this petition, including the possible need for greater judicial specialisation. This included calls by some stakeholders for a specialist family court.¹⁶
31. One of the Committee's conclusions in its report (at para 87) was as follows:

¹⁴ For PE958 see: <http://archive.scottish.parliament.uk/business/committees/petitions/or-07/pu07-0301.htm>. For PE1161 see: <http://archive.scottish.parliament.uk/s3/committees/petitions/or-08/pu08-1101.htm>

¹⁵ See: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/97604.aspx#n>

¹⁶ The report of the inquiry can be accessed here: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/97604.aspx>

“Overall, the way in which the Scottish legal system handles family law cases involving children raises strong and conflicting views. With the main legislation over 20 years old, we note views that it may be time for a wholesale review, focused as much on how the law is applied, and the mechanism used to resolve disputes, as on what the law says. We consider that cases would benefit from...being heard by specialist family law sheriffs.”

Conclusion

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

- To write to the Scottish Government seeking its view on the petition and to clarify whether there are plans to include the issue raised by the petition in the Scottish Government’s Family Justice Modernisation Strategy;
- To write to the Scottish Courts and Tribunals Service, Scottish Children’s Reporter Administration, Sheriffs’ Association, Scottish Child Law Centre and Children and Young People’s Commissioner Scotland seeking their view on the petition;
- Any other action the Committee considers appropriate.

Clerk to the Committee

Public Petitions Committee
4th Meeting, 2017 (Session 5)
Thursday 2 March 2017

PE1632: Concessionary transport for carers

Note by the Clerk

Petitioner	Amanda Macdonald
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to allow free concessionary transport for carers.
Webpage	parliament.scot/GettingInvolved/Petitions/PE01632

Introduction

1. This is a new petition that was not opened for collecting signatures or comments. The Committee has a SPICe briefing and is invited to consider what action it wishes to take.

Background (taken from the [SPICe briefing](#))

2. The petitioner highlights the financial difficulties faced by many carers, the limits placed on social life, and the impact this has on mental health.
3. The Scottish Government has plans to increase the rate of Carer's Allowance – the main benefit paid to carers. Under the Carers (Scotland) Act 2016, local authorities will have a duty to provide support to carers.

Scotland's carers

4. There are an estimated 759,000 adult carers (aged 16 and over) in Scotland and 29,000 carers under the age of 16.¹
5. The people being cared for may be affected by disability, physical or mental health issues, substance misuse or frailty. Some of these conditions could be long-term and require life-long care. Carers can be any age, though the likelihood of being a carer increases with age. In most age groups, women undertake more caring than men, although this changes for the over 75s.
6. While most working age carers are in employment, there are also carers who leave employment to care for someone. Carers who leave employment are likely to be those who provide more intensive levels of caring. Whether in employment or not, carers can face financial difficulties due to higher utility bills and having to make adaptations to the family home.

¹ Scottish Government (2015) Scotland's Carers

7. Being a carer can impact on physical and mental health and lead to social isolation.

Concessionary Travel

8. The concessionary travel scheme is available to people aged 60 and over, and to disabled people. There is a range of [eligibility criteria](#) for disabled people and their companions. Companions are entitled to a card if, the disabled person:
 - lives in a care/residential home or hospital and is eligible for the higher
 - or middle rate of the care component of Disability Living Allowance, or
 - Personal Independence Payment or Attendance Allowance
 - receives the higher or middle rate of the care component of Disability Living Allowance
 - receives the standard or enhanced rate of daily living component of
 - Personal Independence Payment
 - receives Attendance Allowance
 - is registered as severely sight impaired (blind)
 - receives war pensions constant attendance allowance.
9. For companion cards, the aim is that the carer is with the disabled person to assist them on their journey. They must commence and terminate the journey at the same locations as the eligible person they are assisting.
10. The Scottish Government also supports the Young Scot card travel concessions, which offers Scottish residents aged 16-19 (and full time volunteers aged 19-25) reduced price bus and rail travel.

Accessible Travel Framework

11. Scotland's first [accessible travel framework](#) was [launched](#) on 21 September 2016. The framework is a 10 year plan to improve accessibility for disabled people. It does not refer to carers.

Carers (Scotland) Act 2016

12. The Carers (Scotland) Act 2016 will come into force in April 2018. It contains a package of provisions designed to support carers' health and wellbeing. These include, amongst other things:
 - a duty on local authorities to provide support to carers, based on the carer's identified needs which meet the local eligibility criteria. National matters which local authorities must have regard to when setting their local eligibility criteria will be set out in regulations;
 - a specific Adult Carer Support Plan and Young Carer Statement to identify carers' needs and personal outcomes; and

- a requirement for each local authority to have its own information and advice service for carers which must provide information and advice on, amongst other things, emergency and future care planning, advocacy, income maximisation and carers' rights.

Carer's Allowance

13. Carer's Allowance is a non-means tested benefit available to carers who provide regular and substantial care – 35 hours a week – for a disabled person in receipt of a qualifying benefit such as Personal Independence Payment or Attendance Allowance. For further information see SPICe briefing on [Carer's Allowance](#) (2016).

Devolution under the Scotland Act 2016

14. Carer's Allowance is one of the benefits to be devolved under the Scotland Act 2016. There is no date yet for the devolution of Carer's Allowance. The aim is for the UK Government to transfer legislative competence to the Scottish Government by June 2017, and to transfer executive competence by April 2020. This will allow the Scottish Government to introduce its Social Security Bill in 2017, as well as provide time to establish mechanisms, the delivery process and the set-up of the Scottish social security agency.²

Increase to Carer's Allowance

15. The Scottish Government has made a commitment to increase the award of Carer's Allowance from £62.10 a week, to the same rate as Jobseekers Allowance – currently £73.10 a week. This proposal has achieved cross-party support. To this end, the Department for Work and Pensions (DWP) was commissioned to undertake a feasibility study to see if the DWP can deliver an increased Carer's payment on behalf of the Scottish Government. This would be until the Scottish Government has the power to deliver the payment. The study began at the end of September 2016 and was due to be completed in three months.³

Carer's Allowance in the long term

16. The Scottish Government set out its long term approach to Carer's Allowance in its [consultation on Social Security](#) in Scotland (closed on 28 October 2016):

“Our ambition is to develop a Scottish Carer's Benefit which, through the new Scottish social security system, and although not a payment for care, provides some financial support and recognition for those who

² Scottish Government (2015) Scotland's Carers

³ [Joint Ministerial Working Group on Welfare](#), Minutes, 11 October 2016

choose to, or who have had to give up or limit their employment or study because of caring responsibilities. It will be non means-tested. Although Carers Benefit is, and will continue to be, a vital component of household income, we do not view it as a standalone policy. Our intention is to embed it in our wider strategy for supporting carers set out in the Carers (Scotland) Act 2016. This twin-track approach will maximise the opportunity to deliver positive experiences and outcomes for carers”.

Scottish Parliament Action

17. Neil Bibby MSP recently asked if the Scottish Government has plans to change the eligibility criteria for concession travel. An answer is expected by 2 February 2017 ([S5W-05956](#)).
18. In October 2015, Jim Eadie MSP asked how many National Entitlement Card users receive (a) free and (b) reduced rate travel ([S4W-27999](#)). Derek Mackay, then Minister for Transport and Islands, responded:

“Information available to Transport Scotland indicates that, as of 30 September 2015, there were (a) just over 1.3 million cardholders entitled to free bus travel on grounds of age or disability and (b) just over 153,000 cardholders aged 16-18 and young full time volunteers (up to age 25) entitled to concessionary bus and rail travel throughout Scotland”.

19. Enable Scotland ran the #stopthebus campaign, which aimed to make it easier for people with learning disabilities to access concessionary travel, as they often did not meet the criteria. In response to [S4W-25815](#), Derek Mackay said:

“The Scottish Government has no plans to extend the scheme to recipients of the lower rate of the mobility component of Disability Living Allowance, as requested by Enable Scotland. People with disabilities, including learning disabilities, may however be eligible for the scheme under other criteria which are not dependent on benefits. My officials are in discussion with Enable Scotland and with local authorities, which handle applications, to see how processes could be clarified for applications based on these criteria”.

Conclusion

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

- To write to the Scottish Government and Carers UK seeking their view on the petition;
- To meet informally with the petitioner to discuss the petition;
- To take any other action the Committee considers appropriate.

Clerk to the Committee

Public Petitions Committee

4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

PE1581 Save Scotland's School Libraries

Note by the Clerk

Petitioner Duncan Wright on behalf of Save Scotland's School Libraries

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to set out a new national strategy for school libraries which recognises the vital role of high quality school libraries in supporting pupils' literacy and research skills.

Webpage parliament.scot/GettingInvolved/Petitions/SaveScotlandsSchoolLibraries

Purpose

1. The purpose of this paper is to provide an update since the petition was last considered by the Committee on [8 December 2016](#).
2. At that meeting, the Committee agreed to write to COSLA and the Association of Directors of Education in Scotland. A response has been received from COSLA and is included in the annexe to this note along with a subsequent submission received from the petitioners.

Submissions received

3. In its response COSLA referred to its previous submission of [12 February 2016](#), and reiterated its comments on the difficult decisions faced by local authorities within a "challenging budget settlement".
4. While it indicated its agreement with "most of the benefits of such provisions outlined" in the petition, it identified other views of its members, including—
 - the benefits attributed to other areas of educational provision
 - the potential for putting other areas of local authority services under even greater pressure
 - it would undermine the role of locally elected Councillors in making budget decisions and would be a further erosion of local democracy.
5. It also noted that with an increased use of technology in schools and in the home, children can now access "a wide range of reading materials" in e-reader formats. It adds that Education Scotland is developing a number of resources to support the Digital Learning and Teaching Strategy being developed by the Scottish Government.

6. The petitioners contend that “the take-up of e-lending within school libraries is extremely low”, and suggest that reasons for this include costs, licensing restrictions and restrictions on Wi-Fi availability in schools.
7. In response to COSLA’s reference to an “erosion of local democracy”, the petitioners argue that “there is a requirement for a National Strategy, enforced by the Scottish Government, to ensure the positive impact a professionally staffed school library can have on attainment and curriculum delivery”. They also comment on COSLA’s response from the perspective of debate about local government funding.

Action

8. The Committee is invited to consider what action it wishes to take on the petition. Options include:
 - to invite the Cabinet Secretary to give evidence at a future meeting
 - to take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe of written submissions –

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1581/V: COSLA letter of 10 January 2017 \(65KB pdf\)](#)
- [PE1581/W: Petitioner letter of 16 February 2017 \(109KB pdf\)](#)

All previous written submissions received on the petition can be viewed on the [petition webpage](#).

Public Petitions Committee

4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

PE1600 Speed awareness courses

Note by the Clerk

Petitioner John Chapman

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to introduce speed awareness courses.

Webpage parliament.scot/GettingInvolved/Petitions/PE01600

Purpose

1. The Committee last considered this petition at its meeting on [8 December 2016](#). At that meeting the Committee agreed to write to Transport Scotland and the Department for Transport with a view to deferring further consideration of the petition until the Department for Transport had reported on its three-year Speed Awareness Course evaluation. The Committee sought an indicative timescale from the Department for Transport for the publication of its findings from the evaluation.
2. Responses have been received and are included at the annexe to this note. The Committee is invited to consider what action it wishes to take.

Correspondence

3. In its response, the Department for Transport indicates that the final report of its evaluation will not be presented to the Project Board before the middle of the year, "after which a further announcement will be made regarding its release".
4. In its submission Transport Scotland confirmed that the Speed Awareness Course Steering Group had agreed that the introduction of speed awareness courses would be worthy of a trial in Scotland, adding that Police Scotland will develop a full options proposal for discussion at the next Strategic Partnership Board meeting in March 2017.
5. The petitioner expressed his frustration at the length of time it appears to be taking to reach a decision on the merit of speed awareness courses, when such measures have already been introduced in other parts of the UK.

Action

6. The Committee is invited to consider what action it wishes to take, in light of the most recent correspondence. Options include –
 - To write to the Scottish Government to request an update after the Strategic Partnership Board meeting and to establish what action it might take in the absence of progress on publication of the Department for Transport's three-year evaluation
 - To defer further consideration of the petition until the Department for Transport has reported on its three-year Speed Awareness Course evaluation
 - To take any other action members consider appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1600/F: Department for Transport letter of 5 January 2017 \(61KB pdf\)](#)
- [PE1600/G: Transport Scotland letter of 20 January 2017 \(62KB pdf\)](#)
- [PE1600/H: Petitioner letter of 14 February 2017 \(63KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

Public Petitions Committee

4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

PE1603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland

Note by the Clerk

Petitioner Mairi Campbell-Jack and Douglas Beattie on behalf of Quaker in Scotland & Forces Watch

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure that:

1. Guidance is provided on how visits to schools by the armed forces should be conducted so that information presented to children takes account of the unique nature of armed forces careers, ensures political balance, and offers a realistic representation of the role of the armed forces and what a career in the armed forces involves.

2. Information is collected to enable public monitoring of the number and location of visits, the purpose and content of visits, and comparison with the number of visits by other employers.

3. Parents/guardians are consulted as to whether they are happy for their child to take part in armed forces activities at school.

Webpage parliament.scot/GettingInvolved/Petitions/armedforcesvisitstoschools

Purpose

1. The Committee last considered this petition at its meeting on [8 December 2016](#). At that meeting the Committee agreed to write to parents and teachers, schools, children's rights organisations, young people's organisations, veterans and careers bodies such as Skills Development Scotland. The Committee has received a number of submissions (see Annexe) and is invited to consider the petition further.

Written submissions

Stakeholder responses

2. In its submission, Young Scots for Independence comments on a number of issues including a lack of political balance in the content of presentation materials and that they see the armed forces as a unique employer and that they see no issue with treating the armed forces differently to other employers. They also comment on information provided by local authorities and that

“sparse” evidence from authorities “indicates a lack of cohesion and organisation” on the issues raised in the petition.

3. Together Scotland refers to the concluding observations of the UN Committee on the Rights of the Child, which has been highlighted in previous submissions to the Committee. Together supports the aims of the petition, although noting on the issue of consent that young people under 18 who are of sufficient age and maturity should be able to consent for themselves. The submission suggests that the Committee gives consideration to the commissioning of a Child Rights Impact Assessment in relation to armed forces visits to schools in Scotland.
4. The argument that any presence that the armed forces have in schools “must be accountable to scrutiny by staff and parents, and that all information presented must address honestly the risks and realities of military service” is made in a submission from the Justice and Peace Commission of the Catholic Bishop’s Conference of Scotland.
5. Factors that may heighten the vulnerability of some young people are noted by Medact as including socio-economic disadvantage and experience of childhood diversity. In this regard, the Medact submission invites the Committee to “note that children with these heightened vulnerabilities are likely to be present in every school – not only schools in typically socio-economically disadvantaged areas. The submission from Medact draws attention to its report [“The Recruitment of Children by the UK Armed Forces”](#) stating that the report—

“examined the evidence that those recruited into the military as children face disproportionate health risks across the course of their military career, when compared with those recruited as adults. These health risks include PTSD, self-harm, suicide, death and injury. It also found that military recruitment marketing techniques take advantage of adolescent cognitive and psychosocial vulnerabilities.”
6. The Women’s International League for Peace and Freedom (Scottish Branch) also supports the petition and, in its submission, comments on early enlistment and the proportion of such recruits who drop-out which “therefore brought their full-time education to an end only to subject them to a risk of long-term unemployment.” The submission refers to British Legion research which found “that the unemployment rate among working-age veterans is approximately twice the civilian rate; a lack of transferable, accredited qualifications acquired in service is a common complaint.”
7. The Scottish Parent Teacher Council confirms that it supports consultation with parents whose “views should be listened to and respected.”
8. Scientists for Global Responsibility express concern about the scale of military influence on science and technology, including school education. As well as covering particular issues in relation to STEM within armed forces activities, the submission supports the right for children to withdraw from school activities involving the armed forces.

9. Two individuals, Eileen Cook and Conor McAllister, have also provided submissions. Eileen Cook comments on the issue of providing pupils with information from alternative viewpoints, such as that of the Scottish Campaign for Nuclear Disarmament. Conor McAllister presents an evaluation of some of “the legal aspects of the armed forces policy within schools, the rights of the child and their wellbeing.” His evaluation includes comment on the nature of the application process, and associated marketing information, including the use of “technology based algorithms to [reach] volunteers.” He comments that, although the target audience for marketing is identified as 18-24 years olds, children and young people below this age range are able to access social media and may present themselves as older than they actually are.
10. The Committee asked Skills Development Scotland (SDS) for information about the potential targeting of young people in particular areas and the transparency of armed forces’ work in schools and any guidance that SDS may offer. SDS notes that there may be greater activity with schools in areas where there is a military base but that careers advisers “provide impartial careers advice to young people and would therefore not promote joining the armed forces over any other careers.” On the issue of transparency SDS does not have specific guidance for the armed forces but note “exhibitors at careers events are of course expected to act in an inclusive and transparent manner at all times.” SDS goes on to provide information about its work with the armed forces in relation to careers events, with information about its Careers Information and Advice Guidance services and the work of this service in developing career management skills for young people from Primary 7 level and up.
11. The letter from the Minister reiterates that “our Armed Forces never visit schools for recruitment purposes and only ever visit a school after being invited by a Head Teacher to support school activities.” It goes on to say that some schools do receive more frequent visits “but this is once a good working relationship has been established and they are invited back subsequently.” In terms of the schools that are visited, the letter states “we do not target schools based on factors such as gender, social background or level of disadvantage in the surrounding area.”
12. In terms of content, the Minister states that presentations “do include information highlighting the fact that those entering the Armed Forces may be involved in conflict with the attendant risks that go with that.” The Minister indicates that he would be happy to arrange for officials to arrange a specific briefing for the Committee.

Petitioner submission

13. The petitioners address each of the stakeholder submissions in turn, indicating where they support the points made in those submissions and commenting on further action that they wish to see taken. As some of the stakeholder submissions indicate a view that there should be no armed forces presence in schools. The petitioners highlight that such action is not what they have called for in their petition, but rather for more information to be made available about

armed forces visits to schools and consultation with parents (and young people who are considered capable of giving consent themselves).

14. The petitioners support Together's suggestion of a Child Rights Impact Assessment being undertaken and also suggest further action could be taken by way of—
- inquiring as to how existing policy and practice, such as that covering employer relations with schools under the Developing the Youth Workforce Strategy, can accommodate the scrutiny, guidance and consultation that the petition calls for, and to explore ways forward.
 - inquiring into armed forces visits to special schools and if this should be prohibited.
 - awareness raising amongst organisations involved in schools and school career activities about the issues surround armed forces recruitment.
 - involvement of young people, parents, teachers and others in drawing up guidelines.
 - commitment from the armed forces to make accessible good quality data that covers the range of ways in which they engage with young people within the education system to the public and The Scottish Parliament.

Action

15. The Committee is invited to consider what action it wishes to take on the petition. Options include—
- To invite the Cabinet Secretary for Education and Skills and COSLA to provide evidence at a future meeting;
 - To take any other action members consider appropriate.

Clerk to the Committee

ANNEXE

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1603/T: Young Scots for Independence Letter of 9 January 2017](#)
- [PE1603/U: Ministry of Defence Letter of 4 January 2017](#)
- [PE1603/V: Together Scotland Letter of 11 January 2017](#)
- [PE1603/W: Justice and Peace Commission of the Catholic Bishop's Conference of Scotland Letter of 12 January 2017](#)
- [PE1603/X: Medact Letter of 12 January 2017](#)
- [PE1603/Y: WILPF Letter of 12 January 2017](#)
- [PE1603/Z: Eileen Cook Email of 13 January 2017](#)
- [PE1603/AA: SPTC Letter of 13 January 2017](#)
- [PE1603/BB: Conor McAllister Letter of 16 January 2017](#)
- [PE1603/CC: Skills Development Scotland Letter of 16 January 2017](#)
- [PE1603/DD: Scientists for Global Responsibility \(SGR\) Letter of 17 January 2017](#)
- [PE1603/EE: Petitioner Letter of 10 February 2017](#)

All previous written submissions received on the petition can be viewed on the [petition webpage](#).

Public Petitions Committee

4th Meeting, 2017 (Session 5)

Thursday 2 March 2017

PE1604: Inquests for all deaths by suicide in Scotland

Note by the Clerk

Petitioner	Inquests for all deaths by suicide in Scotland
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to expand the remit of the review into the arrangements for investigating the deaths of patients under Section 37 of the Mental Health (Care and Treatment) (Scotland) Act 2015 to include an inquest-type system for all deaths by suicide in Scotland; and to include both patients who were released from hospital or receiving care in the community under Compulsory Treatment Orders.
Webpage	parliament.scot/GettingInvolved/Petitions/inquestsfordeathsby suicide

Introduction

1. The Committee last considered this petition at its meeting on [8 December 2016](#). At that meeting, the Committee agreed to write to the Minister for Mental Health, the Mental Welfare Commission for Scotland and Healthcare Improvement Scotland. Responses have been received and are included at the annexe to this note. The Committee is invited to consider what action it wishes to take.

Committee Consideration

Expanding the review to include patients subject to Compulsory Treatment Orders

2. Following its meeting on 8 December 2016, the Committee wrote to the Minister for Mental Health seeking clarification as to whether she would agree to the petitioner's call to expand the review. The Minister responded favourably noting "...I agree that it is sensible to allow a further addition to include reviewing the arrangements for investigating the deaths of patients who are receiving care in the community under compulsory treatment orders."
3. The Committee also sought the Mental Welfare Commission for Scotland's view on this aspect of the petition. Its submission is supportive of the petition's call to expand the remit of the review in this way, noting—

"We are sympathetic to this proposal, which could be readily incorporated into the terms of reference of the s37 review... In relation to community-based Compulsory Treatment Orders, their situation is not greatly different to patients under suspension of detention."

4. In particular, the Commission noted that such deaths raise "...legitimate issues for review, particularly given that Article 2 of the ECHR imposes a positive obligation on the State to effectively investigate any death for which the State may have some degree of responsibility."
5. The Commission explained that providing a timescale of the death from the date of the order would help scope the terms of the review. In this regard, the Commission noted that "the National Confidential Inquiry into Suicide and Homicides by People with Mental Illness monitors suicides by people who have been in receipt of mental health care within the last 12 months, and a similar time period of in-patient care might be reasonable for the s37 review".
6. The petitioner welcomed the Minister's support for her proposal in her submission.

Expanding the review to include an inquest-type system

7. The Mental Welfare Commission raised concerns with the petition's call to introduce an inquest-type system. In its view, "...this wider proposal would hugely expand its remit, and raises fundamental issues about the investigation of deaths in Scotland."
8. The Commission favoured an approach of researching targeted trends, rather than individual inquests, which it considered "risk being fragmented and unfocussed, and may not be the best way to identify the substantial changes that will make a real difference."
9. Healthcare Improvement Scotland's submission explained that "We do not believe that an additional 'inquest-type' system would enhance established learning systems." It considered that this may duplicate "...the civil, regulatory and statutory investigations that can take place following a suicide" and "...may cause additional and unnecessary distress to the deceased's family and carers and the healthcare staff who may have been involved in providing their care".
10. The petitioner's view is that an inquest system is needed to replace the existing systems, which she considers are too slow and do not adequately address the complexities of suicide.

Duty of candour regulations

11. The [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#) introduces a duty of candour procedure in health and social care settings. This will be specified in regulations. The duty will apply where, in the course of providing someone with a health service, a care service, or a social work service, an unintended or unexpected incident has occurred which has resulted in certain outcomes. The regulations will be subject to negative procedure.
12. The Minister for Mental Health also explained that the Scottish Government is working with stakeholders to develop the duty of candour and the consultation is expected to take place between July and September 2017. The Minister noted that the duty of candour is due to come in to force on 1 April 2018.

Petitioner's recommendations for improving the suicide review process

13. The petitioner raised concerns about the independence of chairpersons leading suicide reviews. The Committee received submissions from health authorities that highlighted different practices being followed in this regard. Some health authorities reported using chairpersons from outside their own health authority, whilst others reported using internal chairpersons from outside the team that provided the care.
14. Healthcare Improvement Scotland's submission explained that it has developed a Suicide Reporting and Learning System "...to assist NHS boards to improve the way they review the care given to people in touch with their mental health services who complete suicide, to help identify and reduce risk." It also explained the guidance in place for health authorities and the framework for reviewing health authorities' reports.
15. Healthcare Improvement Scotland explained further that it has developed guidance on "[Who should participate in a suicide review?](#)" This guidance stipulates in relation to the chairperson that should: "...[have] the necessary knowledge and skills in investigation methodologies and report writing. They should also be **sufficiently removed from the event** to ensure that there is no conflict of interest. [emphasis added]"
16. The petitioner also raised concerns about the length of time suicide reviews take – noting it has taken four years to receive the health board's report into her son's suicide. Healthcare Improvement Scotland explained that a suicide review should be commenced within 2 weeks and be completed within 3 months.
17. The petitioner also raises concerns about the involvement of families, stating that this would help improve learning and transparency. Healthcare Improvement Scotland noted in its submission—

"Since the SRLS [Suicide Reporting and Learning System] commenced in 2008 there have been many improvements in the process and transparency of suicide reviews. There has been a significant improvement in involving family members and carers in the suicide review process. All NHS boards now have a policy of proactive engagement with bereaved families when appropriate."
18. In this regard, Healthcare Improvement Scotland explained it has produced guidance for staff on "[Making sure family and carers are involved in the suicide review](#)". This explains how to ensure families are kept informed of the process and how their views should be recorded. It does not comment on inviting families to participate directly in the review as called for the petitioner.
19. In terms of the actual review report, the guidance notes in relation to the involvement of families

"Suicide reviews should always make a clear statement about contact with family members and carers, whatever the degree of involvement.

It can be helpful to include a section on the views the family in any report template that is used for the review.”

Conclusion

20. The Committee is invited to consider what action it wishes to take. Options include —
- To write to the Scottish Government—
 - seeking its view on whether Healthcare Improvement Scotland’s guidance to health authorities on participation in suicide reviews should make explicit that the review chairperson should be from outwith the health authority; and
 - to provide a timetable for when it expects the section 37 review to commence and to confirm that its remit has been extended to include both patients who were released from hospital or receiving care in the community under Compulsory Treatment Orders;
 - To write to Healthcare Improvement Scotland—
 - seeking information on how many health authorities are meeting its targets to commence a suicide review within 2 weeks and complete it within 3 months;
 - seeking information on how bereaved families or carers can raise concerns with Healthcare Improvement Scotland when they consider that health authorities are not learning from suicide reviews, particularly where these have been highlighted in findings by the Scottish Public Services Ombudsman.
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1604/Q: Scottish Government Letter of 18 January 2017 \(9KB pdf\)](#)
- [PE1604/R: Healthcare Improvement Scotland Letter of 20 January 2017 \(240KB pdf\)](#)
- [PE1604/S: Mental Welfare Commission Letter of 19 January 2017 \(158KB pdf\)](#)
[PE1604/T: Petitioner letter of 16 February 2017 \(65KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

Public Petitions Committee
4th Meeting, 2017 (Session 5)
Thursday 2 March 2017

PE1619: Access to Continuous Glucose Monitoring

Note by the Clerk

Petitioner	Stuart Knox
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to make continuous glucose monitoring sensors, such as Freestyle Libre, available under prescription to all patients with type 1 diabetes.
Webpage	parliament.scot/GettingInvolved/Petitions/diabetes

Introduction

1. This is a continued petition that the Committee last considered at its meeting on [24 November 2016](#). At that meeting, the Committee agreed to write to the Scottish Government, Juvenile Diabetes Research Foundation (JDRF) and Diabetes UK and to undertake engagement to gather views of people affected by type 1 diabetes. Responses have been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. [JDRF's submission](#) noted that “since its launch in late 2014, Flash Glucose Monitoring has been extremely popular with people with type 1 diabetes.” JDRF explain that they have been monitoring the Freestyle Libre system closely and “The vast majority of feedback has been positive, with users commonly describing it as ‘life-changing’.”
3. JDRF reported that the Freestyle Libre offers many benefits for patients, including ease of testing young children in their sleep, ease of setting a basal insulin level and avoiding damage to finger tips from pricking.
4. JDRF explained it would be beneficial for the Scottish Government to assess the costs and benefits of Freestyle Libre versus traditional systems based on this frequency of testing.
5. The [Scottish Government's submission](#) explained that it has worked with the Scottish Diabetes Group (SDG) to develop a national approach to the use of Continuous Glucose Monitor (CGM) devices. This approach is based on the National Institute for Health and Care Excellence Guideline NG17, the Scottish Intercollegiate Guidelines Network Guideline 116, and the clinical evidence available.
6. These guidelines advise that CGM devices may be useful for a small number of people with type 1 diabetes as an aid to improve glycaemic control, but do not

recommend the use of CGM devices for all patients with type 1 diabetes. The Scottish Government noted it has committed to investing £10 million over the course of this Parliament to increase NHS Scotland's provision of insulin pumps and CGM technology for those with the greatest clinical need.

Engagement

7. The Committee has previously agreed to undertake engagement activities with people who are affected by type 1 diabetes. One such engagement opportunity, focussing on juvenile diabetes, has been identified in the Dumfries and Galloway area. Given the Committee has also agreed to undertake engagement activities in connection with its consideration of PE1610 on upgrading the A75, a proposal for engagement on both these petitions will be brought forward for consideration at a future meeting.

Conclusion

8. The Committee is invited to consider what action it wishes to take. Options include —
 - To write to the Scottish Government seeking clarification on how the people with the greatest clinical need will be identified for the purposes of the additional funding and how the funding will be split between the provision of insulin pumps and CGM technology;
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1619/A: JDRF Letter of 6 January 2017 \(159KB pdf\)](#)
- [PE1619/B: Scottish Government Letter of 20 January 2017 \(77KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

Public Petitions Committee
4th Meeting, 2017 (Session 5)
Thursday 2 March 2017

PE1622: Make failure to recycle a criminal offence

Note by the Clerk

Petitioner	Stephen Duff
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to introduce tough new laws that hold individuals and households criminally responsible for a failure to recycle products they have consumed.
Webpage	parliament.scot/GettingInvolved/Petitions/recycling

Purpose

1. The Committee last considered this petition at its meeting on [8 December 2016](#). At that meeting the Committee agreed to write to the Scottish Government and COSLA. Responses have been received and are included at the annexe to this paper, along with a submission from the petitioner.

Correspondence

2. In its response, the Scottish Government says that it is “not considering measures to make failure to recycle a criminal offence”.
3. It states that there are “a number of initiatives under way to help make it easier for people to recycle at home”, and highlights the Scottish Household Recycling Charter – a joint initiative between the Scottish Government and COSLA – as a specific example—

“The Charter will introduce a single system: one receptacle for glass, one for paper/card and one for metals/plastics, together with separate food waste and residual waste bins.”
4. It notes that the Charter is designed to introduce a consistent approach to recycling across the country and that, to date, 23 local authorities have signed up to the Charter, with financial support being provided through Zero Waste Scotland. It adds—

“Zero Waste Scotland already supports councils with communication activities to help residents recycle properly, but the Charter will unlock the opportunity to deliver the same messages to people throughout the country.”
5. COSLA acknowledges that the range of different collection systems used across Scotland “can cause considerable confusion for householders moving between local authority areas”.

6. It does not support the action called for in the petition as it considers that the Scottish Household Recycling Charter will establish a “more uniform recycling system for domestic waste across all local authorities in Scotland”.
7. COSLA notes that the Charter has taken time to develop and progress on it is being monitored by a steering group made up of Scottish Government, local government, third sector and industry organisations. It notes that “local government will assess the effectiveness of this new approach once more fully embedded, and is not looking at other measures to increase recycling...”.
8. The petitioner welcomes the move to standardise recycling methods across Scotland, considering it to be “long overdue” and suggesting that it “illustrates why central government must take more responsibility to ... ensure people get the message”.
9. He argues that the introduction of penalties is required “to see that properly recycling is a duty everyone must treat seriously, just like sticking to a speed limit” and considers that the action he is calling for in the petition is not a “distraction” but a “reinforcing of the key message”.

Action

10. The Committee is invited to consider what action it wishes to take. Options include –
 - To close the petition on the basis that the action called for is not supported by the Scottish Government and COSLA, and that progress in this area is being met through the Scottish Household Recycling Charter
 - To write to the Scottish Government and COSLA for more information on the timescale for the Charter to be fully embedded, how it will be assessed, and who will have responsibility for the assessment
 - To take any other action it considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1622/A: Scottish Government letter of 15 January 2017 \(71KB pdf\)](#)
- [PE1622/B: COSLA letter of 20 January 2017 \(80KB pdf\)](#)
- [PE1622/C: Petitioner letter of 17 February 2017 \(7KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

Public Petitions Committee
4th Meeting, 2017 (Session 5)
Thursday 2 March 2017
PE1624: Definition of adultery

Note by the Clerk

Petitioner	Akri Jones
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to amend the current definition of adultery within legislation so that it is not restrictive to gender status.
Webpage	parliament.scot/GettingInvolved/Petitions/PE01624

Introduction

1. This is a continued petition that the Committee last considered at its meeting on 8 December 2016. At that meeting, the Committee agreed to write to the Scottish Government seeking its view and whether it intends to legislate on this issue in the current session of the Scottish Parliament. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The [Scottish Government's response](#) explained that it does not intend to legislate on the definition of adultery in the current session of the Scottish Parliament. It noted that the issue of the definition of adultery was considered during the passage of the Marriage and Civil Partnership (Scotland) Act 2014.
3. The Scottish Government also explained that divorce on the basis of unreasonable behaviour remains available and if the legal definition of adultery was to be extended, it may be difficult to determine exactly what conduct should constitute adultery. The Scottish Government's view is that a consensus would be difficult to achieve on this issue.
4. The [petitioner's submission](#) expressed the view that the existing legislation contravenes the UK's human rights duties. In her view, the issue should be considered by the Scottish Law Commission.
5. The Scottish Law Commission's [Ninth Programme of Law Reform](#) (2015-2017) will conclude later this year. The Ninth Programme did not include work on marriage or divorce law. The Scottish Law Commission will consult on its tenth programme of law reform before it is laid before the Scottish Parliament. The consultation is likely to place later this year.

Conclusion

6. The Committee is invited to consider what action it wishes to take. Options include —
- To close the petition under Standing Orders Rule 15.7 on the basis that the issue raised by the petition was considered recently during the passage of the Marriage and Civil Partnership (Scotland) Act 2014 and the Scottish Government has no intention to consult or legislate on this issue in the current session of the Scottish Parliament. In closing the petition, the Committee may wish to inform the petitioner that she is able to respond to the Scottish Law Commission's forthcoming consultation on its tenth programme of law reform.
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1624/A: Scottish Government Letter of 12 January 2017 \(65KB pdf\)](#)
- [PE1624/B: Akri Jones Submission of 20 February 2017 \(69KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).