



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 20 April 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Thursday 20 April 2017**

**CONTENTS**

	<b>Col.</b>
<b>CONTINUED PETITIONS</b> .....	1
Restraint and Seclusion in Schools (National Guidance) (PE1548) .....	1
School Libraries (PE1581).....	14
Armed Forces (School Visits) (PE1603).....	19
Mental Health Treatment (Consent) (PE1627).....	29
Service Delivery for the Elderly or Vulnerable (Consultation) (PE1628) .....	32
Enterprise Agencies (Boards) (PE1639) .....	34

---

**PUBLIC PETITIONS COMMITTEE**  
**7<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

Maurice Corry (West Scotland) (Con)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute)

John Swinney (Deputy First Minister and Cabinet Secretary for Education and Skills)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Sir Alexander Fleming Room (CR3)



# Scottish Parliament

## Public Petitions Committee

Thursday 20 April 2017

*[The Convener opened the meeting at 09:00]*

### Continued Petitions

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

**The Convener (Johann Lamont):** I welcome everyone to the Public Petitions Committee's seventh meeting in 2017. I remind members and others in the room to switch phones and other devices to silent. We have received apologies from Maurice Corry. His substitute is Edward Mountain, whom I welcome to the meeting.

Agenda item 1 is consideration of three continued petitions. We will hear evidence on each petition from the Deputy First Minister, and we are grateful to him and his officials for attending the meeting.

The first petition is PE1548, on national guidance on restraint and seclusion in schools, lodged by Beth Morrison. Members have copies of correspondence from Dr Brodie Paterson and the Deputy First Minister and two submissions from the petitioner.

The Deputy First Minister is accompanied by Laura Meikle, team leader, and Melanie Lowe, relationships and behaviour in schools policy officer. As we have limited time this morning, we will move straight to questions.

Welcome, Mr Swinney. I will start with a question about the communication passport, which is covered in your correspondence with the committee. You say that the passport will be signposted in "Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions"—IEI2—and will be part of a suite of documents to support schools and local authorities with IEI2's implementation. The petitioner notes that you have indicated that that resource will be rolled out via the glow network. What is the timescale for the passport and other documents being published?

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The communication passport material is readily available on the glow site. The passport, which the petitioner refers to, is an important development that has been progressed significantly by one of my constituents, Mrs Kate Sanger, on behalf of her daughter. I have had the

pleasure of dealing with Mrs Sanger about the support for her daughter. I have a copy of her daughter's communication passport with me. Mrs Sanger and her other daughter, Jennifer, have put together a fabulous piece of work on behalf of Laura Sanger.

The passport represents a powerful resource that can be used by anyone who is involved in supporting Laura. As a model, the passport offers a clear way of advising individuals about how they can best support Laura's needs.

In addition to the communication passport tool being available on the glow website, I have asked Mrs Sanger and Mrs Morrison, the petitioner, to discuss the passport with a gathering of senior officials from the advisory group for additional support for learning, which is a Scottish Government group that is convened by Jan Savage from Enable Scotland. The group brings together representatives of the Convention of Scottish Local Authorities, the Association of Directors of Education in Scotland, Education Scotland and all the relevant bodies that are responsible for putting in place the guidance and enabling the use of tools such as the communication passport in our system.

I want Mrs Morrison and Mrs Sanger to have the opportunity to speak face to face with those bodies, which will be either the enablers or the inhibitors of the communication passport being widely understood and used in our education system, so that they can explain the rationale behind the passport and encourage participation in and use of such a tool. I expect that meeting to take place on 30 August.

**The Convener:** Given that not only teaching staff but other support staff might support a young person, are measures being put in place to allow people the time to reflect on what a communication passport tells them about that person?

**John Swinney:** It is not enough to put the tool on the glow website and tell people that that great resource is available to use. Doing that helps, because it means that there is widespread access to such material throughout not only our education system but the care and support system, but it is also important that we actively promote the attributes of the communication passport.

You raise the fair point that there is value in such a passport only if it influences the practice, behaviour and actions of members of staff and if they have enough time to consume the details and to understand its significance. The gathering that I mentioned is important in providing a platform for the petitioner and Mrs Sanger to explain the passport's attributes and benefits. It is also important that the passport becomes part of the

normal way of working, to make sure that we support young people who have additional support needs.

I mentioned the passport for Laura. Although there is a lot of detail in the passport, it is important for that detail to be understood and followed. Whatever discipline members of staff come from, they will be better equipped to support individuals in meeting those individuals' needs if they have an opportunity to understand, to follow the material that is in the passport and to reflect it in their practices.

**Angus MacDonald (Falkirk East) (SNP):** Good morning, Deputy First Minister. Your letter says that you will

"consider a refresh of the ... Child Protection guidance following the implementation of the recommendations of the Child Protection Improvement Programme".

I am interested in the timescale to which that work will be completed. Will you outline the expected conclusion of that programme and when you expect the recommendations to be implemented?

**John Swinney:** First, the guidance that is to be refreshed will be published in the context of the school exclusion guidance. The purpose of the guidance is to address the issues that the petition raises from the perspective of encouraging positive behaviour. Although the material will be under the umbrella of school exclusion guidance, the thinking and the rationale behind the guidance is all about encouraging positive relationships and behaviour.

It has taken quite a bit of time to get to this point. It is fair to say that there has not been unanimity about this being the right thing to do; indeed, we have had to work hard to persuade a variety of bodies of the advantage of the approach. However, I am satisfied that the guidance that we have developed has been considered by the Scottish advisory group on relationships and behaviour in schools, with which the committee will be familiar. I am confident that we will be in a position to publish the guidance by the end of May, but I want to hold off in order to hear whether the committee wishes to say anything else about the issues as a consequence of my attendance today.

On the wider issues that relate to the child protection improvement programme, as the committee will be aware, the Government is progressing a number of strands of work to ensure that we can be confident that our child protection programme is appropriate and effective in meeting the needs of children in Scotland in the current environment.

Before Christmas, we received from Catherine Dyer a report that looked at what I will describe as the structural and procedural design of the child

protection improvement programme. That report essentially validated the procedures and processes of the child protection improvement programme but challenged us significantly on ensuring effective leadership in the delivery of the programme. When Mr McDonald made his statement on the issue to Parliament earlier this year, he made it clear that the early focus of our work will be on strengthening the child protection programme to honour and address the recommendations that Catherine Dyer put in front of the Government.

I expect that the updated guidance on the child protection programme will probably not be available until 2018, given the work that we have to do to strengthen the leadership elements. I will be happy to advise the committee on the progress that we make on that.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** On the drafting of the guidance on the use of restraint and physical intervention, the petitioner has concerns that that has been treated as an education issue rather than a learning disability issue in an education environment. She has also suggested that, although some experts offered assistance in drafting the guidance, those offers were declined. Will you respond to those comments and outline how you have ensured that the relevant expertise has been drawn on in the development of the guidance?

**John Swinney:** We have extensively consulted a wide variety of stakeholders that are involved in this field of activity. That has principally been through the activities of SAGRABIS, which is chaired jointly by the Government and the Convention of Scottish Local Authorities.

As I said in my response to the convener a moment ago, there has not been unanimity on how to take forward the agenda. We have had to work carefully to create unanimity and to structure the guidance in the way that it is now structured. That has involved extensive stakeholder involvement to ensure that we have in place all the necessary attributes, and it has resulted in the development of a guidance document that takes a proactive and preventative approach to how one might address the issue of physical restraint.

The preventative and proactive approach is epitomised by the thinking that has gone into the communication passport, which I referred to. The guidance is predicated on trying to avoid such situations materialising. The emphasis in the procedure and the process is on the need to create avoidance approaches that are based on positive relationships and a positive understanding of individuals' needs. The communication passport is an important tool in ensuring that that happens.

The advice is predicated on the importance of recognising the knowledge that staff have. The detail of the assessment that staff have made of the child or young person is vital to predicting and planning for the type of situation that might cause stress or frustration and lead to challenging or distressed behaviour. It is about acknowledging the importance of planning situations and approaches that try to ensure avoidance. The communication passport is helpful because it advertises the signals of distressed behaviour so that, when those early signals are identified, steps can be taken to try to reduce the stress and difficulty that are created.

The guidance is predicated on that preventative and proactive approach. It presents any question of physical restraint as an absolute last resort that should be considered only when there is a risk of physical harm. In the wording of the guidance, we have gone to great lengths to ensure that that character comes through.

09:15

That brings me to the other point that Rona Mackay raised, which is the petitioner's expressed concern that the matter is being considered as an education issue. I assure the committee—and my explanation in getting to this part of my answer is designed to address the fact—that that has not been the way in which the Government has approached it.

I respect the fact that individuals will have to come to a judgment about that when they see the guidance. However, my thinking and the thinking that my officials have taken forward has been about taking a proactive and preventative approach to equip individuals with knowledge and understanding beforehand in order to avoid situations materialising. That cannot be just a narrow, educational view; a whole-person approach has to be taken. I hope that that will be clear to individuals when they look at the guidance that the Government will publish at the end of May.

**Edward Mountain (Highlands and Islands) (Con):** Good morning, Mr Swinney. How do you see the guidance in the document that you are talking about being promulgated down to the people who will have to deal with such situations? I know that avoidance should always be the first call, but there are cases such as that of my wife, who was a classroom assistant and was assaulted. When the situation flared up, she was unclear how to respond. Although she had been given guidance, it is sometimes difficult to remember the guidance. Will training be undertaken to ensure that the guidance is promulgated down to all those who need to know it?

**John Swinney:** Mr Mountain will be aware that a number of levels of communication will be required to make sure that the message can be received. Once the Government publishes the guidance, it will be there for local authorities to take forward. As the principal organisations that operate facilities in which those policies will need to be put into practice, it will be for local authorities to ensure that staff are adequately and appropriately trained.

Obviously, there are particular environments in our education system in which some of the issues that will be associated with the guidance will be much more prominent. There will be circumstances—perhaps such as the one that Mr Mountain's wife faced—of a more isolated nature, in which knowing the guidance inside out is not going to be at the top of the training programme's list of priorities. We have to make sure that staff who are put in that situation are aware of the guidance and have the necessary support available to them. Through leadership in the education system and through training, it has to be ensured that staff can be properly and effectively supported.

**Brian Whittle (South Scotland) (Con):** Good morning. The petitioner has highlighted the United Nations Convention on the Rights of the Child recommendation that a national recording system be developed and has observed that, in a response, you stated that

"Details on how this should be undertaken should be included in the local authority's policy on de-escalation, physical intervention and restraint."

I understand that the petitioner would welcome clarity on what that means and on how the inclusion of those details in a local authority policy would comply with the recommendation on the development of a national system. Would you care to respond to that point?

**John Swinney:** That point concerns an important issue to do with how we respond to calls from the UNCRC about the type of system that we operate. As the committee and Mr Whittle will know, local authorities have the responsibility of delivering education services at a local level. I am regularly asked what degree of intervention by the Government there should be in that delivery. This is one of those situations in which the local authorities have a responsibility and then I come along and say that I want to monitor them to another extent in that respect. I understand why the UNCRC asks for that information to be compiled at a national level but, fundamentally, we have a decentralised education system in which our local authorities have the operational role.

As part of the guidance, I have asked our local authorities to undertake that recording of information. Obviously, we can gather that from

local authorities, but I think that it makes the most practical sense to respond to that call from the UNCRC by asking local authorities to record the information, because that respects and reflects the character of our own system.

**Brian Whittle:** On the issue of local authorities' policies, will the guidance provide a clear framework or mechanism for how policies should be developed? Will it outline a role for the Scottish Government in ensuring that any framework is followed?

**John Swinney:** My answer to that question will be similar to what I said previously. I think that the guidance is sufficiently clear to set out to local authorities what we expect to see. Some of the detail that I went through in my answer to Rona Mackay's question was about that fundamental reliance on a proactive, preventative approach of understanding the young person to ensure that they can be properly supported, which will enable us to avoid the development of the kind of situation to which the petition refers. That approach is at the heart of the advice and guidance that we have set out, which we would obviously like local authorities to reflect.

Education Scotland has a responsibility to carry out the inspection of our education system, and one of the issues that it will look at is how the Government's policy formulation has been applied at local level in order to ensure that the aspirations that are set out in the Government's guidance are being reflected at local level. Clearly, if we come back in a couple of years and find that we have not made the progress that we would all like to be made on the matter and that the guidance has not been followed, the Government could take further action, if necessary. I would rather operate on the basis of the Government promulgating the guidance and the local authorities turning it into practical reality, but if we find that that is not the case, the Government will obviously have to take account of that in its future actions.

**The Convener:** I want to highlight that the petitioner and Dr Paterson have provided strong evidence to underline their concerns about the issue of physical restraint and local authorities' policies on it. Dr Paterson suggests that

"a significant number of authorities continue to have no such policies."

Further, the petitioner has commented on a recent BBC Radio 5 Live investigation on the use of restraint and seclusion in special schools that found that in 37 of the UK's 207 council areas, 13,000 restraints were used, with more than 700 injuries being caused to children as a result of restraint. The petitioner notes that that does not reflect the true figure across the UK, given the number of authorities that are not included and the

small number of authorities that responded to freedom of information requests.

Again, we come back to the question of the balance between the role of Government and the responsibilities of local authorities. Would you consider imposing a requirement on local authorities to develop a policy on the issue of physical restraint? If so, would they be required to report annually to the Scottish Government?

**John Swinney:** Some of my response to that will relate to what I have just said to Brian Whittle. We have embarked on an approach of setting out national guidance and requiring local authorities to take forward guidance and provision that reflects that. Our intention is to promote what I would characterise as a voluntary route, whereby we are not putting anything in statute but are seeking to encourage and motivate good practice. However, if we find after a period that that approach has not been successful, I would have to consider other options.

Therefore, my answer to your question is that I would have to be open to considering further requirements if I found that our approach was not resulting in the formulation of guidance at local level that reflected the guidance that has been agreed by the Scottish advisory group for relationships and behaviour in schools. SAGRABIS involves the Government, local authorities and ADES, so I am trying to take people with me as I embark on this agenda. However, if, in due course, we find that that has not been effective, I will consider whether a greater obligation—perhaps one with statutory force—is required in order to put that into practice.

**The Convener:** Is the test of effectiveness whether guidance and policies are developed or whether there is transparency around reporting an incident?

**John Swinney:** It is transparency in the reporting of incidents. We also want to receive feedback from members of the public as to whether parents and carers of young people feel that what I am saying here is reflected in what they experience in different settings around the country. If that is not what members of the public experience, I must accept that, come back here and do something different.

**The Convener:** How do you see that channel of communication from the public to you working? There are individual constituency cases and there is the petitioner. There is a concern that it is not just an education matter but one that concerns the expertise of people who deal with young people with learning disabilities. You have made an offer—which I am sure will be welcomed—to engage with and involve the petitioner and your own constituent. Is there something more formal



that could be done on the issue with the organisations that properly understand learning disability? Earlier, you mentioned a group that has been brought together. Is that the vehicle to deal with the gap between what you hope is happening and what might actually be happening? Is that how that information loop can be closed?

**John Swinney:** That would undoubtedly be within my view of how that needs to be taken forward. Earlier, I made reference to the event at which I intend to ensure that Mrs Morrison and Mrs Sanger are able to explain the communication passport. That is a meeting of the Scottish Government advisory group for additional support for learning, which is chaired by Jan Savage from Enable Scotland. It brings together a range of key stakeholders, including COSLA and ADES, as well as other organisations that can be a conduit for the information about established practice that the convener talked about. I will look to that group to give the Government advice on how the guidance is proceeding and how it is being experienced at local level.

As you will be aware from discussions that we have had separately at the Education and Skills Committee, which has taken a very strong interest in the arrangements for additional support for learning, I expect there to be considerably more dialogue with that committee on many of those issues. I am very keen to make sure that we respond positively to any flow of information that suggests that the guidance is not having the effect that I am suggesting to the committee that it might have or should be able to have.

**Rona Mackay:** I want to ask about the issue of seclusion. The petitioner and Dr Paterson appear to be particularly concerned about the suggestion that the term “seclusion” might be replaced in the guidance by a term such as “supported separation”, which would have the effect of allowing seclusion rooms to remain. That is in the context of the UNCRC recommendation to abolish the use of isolation rooms. Will you respond to those concerns and explain whether supported separation would allow seclusion rooms to be used?

**John Swinney:** There is the possibility that seclusion might have to be used as a very last resort in such circumstances. What the guidance will do is set out, first, that seclusion should be absolutely a last resort and, secondly, that it must be deployed with support and supervision as part of a plan that has been proactively considered on what is to be used in certain circumstances, should those circumstances prevail. It should not be used as a form of punishment—that would be utterly unacceptable—but there may be an argument for it to be used as part of a plan to provide proper safety and security for the

individuals concerned. It should be used only on those terms as a last resort and as part of a plan. It should never be used as a punishment of any form.

09:30

**The Convener:** Do you accept that the UNCRC recommendation that isolation rooms should be abolished is pretty clear and that simply recasting them as seclusion rooms does not address the issue that it has asked us to address, which is that the rooms should not exist, even as a last resort? The petitioner and Dr Paterson were explicit on that, too.

**John Swinney:** I assure the committee that I am not playing with words on the matter or using terminology to perpetuate an existing practice. I am trying to explain that there might be circumstances in which a period of quiet time as defined within a plan can be used effectively as part of a considered approach to de-escalating a situation. However, I stress some of the fundamentals of my answer to Rona Mackay: that should never be viewed, presented or positioned as a punishment and it should be used only as part of a proactively considered plan for techniques that might be necessary to de-escalate a situation. It should never be used on the basis of personal isolation; it must be used on the basis of support to assist in de-escalating a situation.

**The Convener:** Do you accept that there is a problem? How would it look different? Would it be a separate room? Is there an issue with the environment? Some of the evidence says that some of the physical characteristics of the room can cause greater distress to the young person. Would it be that they were not removed to a physical space but that they were with a member of staff?

I am not sure. I understand the cynicism of people who think that we can deal with the UNCRC by deleting the word “isolation” and inserting “seclusion”. However, the UNCRC is explicit about its desire for the rooms to be abolished.

**John Swinney:** As I said, I have met Mrs Sanger, who produced the communications passport, on numerous occasions as a constituent of mine but I have also met her with Mrs Morrison, the petitioner. Mrs Morrison has shown me pictures of what might be described as isolation rooms, which I judged to be totally unacceptable. When I talk about the need for seclusion as a last resort, I am talking about a separate room or a safe space that is deemed to be appropriate for helping to de-escalate the situation. Therefore, a young person could not be taken to any old room; they would have to be taken to a particular space

where the situation could be de-escalated with support from a member of staff as part of a plan that recognised that to be a measure of last resort. That is simply to recognise that there might be issues of safety for the young person or other members of staff that have to be considered at the time.

I do not in any way want to convey the impression that the guidance encourages the use of seclusion. It recognises that, in certain circumstances, there might be a need to de-escalate a situation, but that must be done as part of a planned and supported approach in appropriate accommodation. I have seen images of accommodation that has been used in the past, and I judge some of that accommodation to be utterly inappropriate. The guidance would make that clear as part of the process.

**The Convener:** Whose job is it to deem whether the accommodation is appropriate?

**John Swinney:** That would have to be undertaken by those who assess the appropriate care needs of individuals. Such assessments will be undertaken at local level in the context of the judgments that have been made about what support it is appropriate to provide in meeting an individual's needs. I come back to the wider assessment that must be made of the needs of individuals and the requirement to ensure that those needs are properly met within the system.

**Brian Whittle:** I apologise, Deputy First Minister, because you have alluded to aspects of my question already. You mentioned that the policy might require to be adapted in the future. Assessment of the policy's effectiveness will come down to the measurement resource that is put in place. Does the Government have a specific requirement that will ensure that there is proper measurement of the policy's effectiveness?

**John Swinney:** That will rely on the quality of the information gathering and reporting that is undertaken at local level, which is where the data will be generated. It is important that, as a consequence of the application of the guidance, data is collected effectively at local level.

When it comes to what we do with that information, we get into a discussion about whether the guidance has been effective in meeting expectations with regard to the Government's intentions in responding to the petition. Some of that will emerge from inspections that are undertaken by Education Scotland and by us determining whether the proactive approach has led to a lower incidence of reported events, which is what we would like to happen as a result of the application of the guidance.

Reporting needs to be undertaken to ensure that we have a picture of whether our policy

approach is effective and is leading to good practice at local level. If we find that that is not the case, we will have to revisit some of the issues.

**Brian Whittle:** Will you be looking for uniformity of data gathering across councils?

**John Swinney:** Yes, we will certainly need to have consistency across local authorities.

**The Convener:** I want to go back to the issue of who is responsible for deeming the use of seclusion or isolation rooms to be appropriate. Some of those spaces have been deemed to be appropriate by people who have been responsible for supporting a young person, but the parents have regarded them as inappropriate. In making progress on the issue, do you envisage there being parental involvement in defining what is acceptable when it comes to seclusion, as opposed to the abolition of isolation rooms?

**John Swinney:** To go back to a point that I made, I have seen photographs of seclusion rooms that I judge not to be appropriate, so I have to accept that practice has not been appropriate so far. If I accept that, other people in the system have to accept it as well. One purpose of the guidance is to improve practice. We want to ensure that, as a consequence of our issuing the guidance, we actually improve practice at local level and that the guidance gives pause for thought to improve and strengthen the provision.

One of the fundamental points of my evidence to the committee today, which is central to the whole discussion, is that there must be considered and careful preparation of the support arrangements for any young person who has additional support needs. If that process is to be good practice in any shape or form, it must involve parents and carers. For example, what organisation would not take seriously the communication passport that my constituent Mrs Sanger has put in place for Laura, as it has been devotedly put together with quality and depth of information? Why would that not be embraced by an organisation as a fabulous resource to help it to understand how it can best support Laura and her needs?

As part of that, as a provider looks at the difficult territory that it might get into when situations escalate, having parental involvement in identifying how a situation might be de-escalated would provide crucial information to assist the provider to do that satisfactorily. Parental and carer involvement in that process is absolutely crucial.

The importance of the journey to improve practice cannot be overstated. The guidance is designed to help with that and to encourage more of the many examples around the country of thoughtful and careful preparation of plans to

support young people and ensure that their needs are met. That is an essential part of the system that we have in place. Members of the committee will have heard me and other ministers talking about the importance that we attach to the policy principle of getting it right for every child or young person. We have to ensure that that is followed through in practice in the provision that is put in place and, if it is not, we have to be open to being challenged about exactly that.

**The Convener:** Thank you. We have no more questions. Do members have any comments on how the committee should take forward the petition? Alternatively, we might want an opportunity to reflect on the Deputy First Minister's evidence. Perhaps the clerks could produce a note for us to consider at a future public meeting of the committee. There is lots of food for thought in the evidence that we have heard today and in the comments that the petitioner and others have made. Is that acceptable?

**Members** *indicated agreement.*

**John Swinney:** Can I just add one other point, convener? Obviously, I intend to publish the guidance at the end of May, but I want to have the opportunity to reflect on any thinking from the committee before I take that final decision. I am anxious to make progress and to publish the guidance so, if the committee could provide me with its thoughts reasonably soon, that would give me the opportunity to reflect on them and see whether the guidance needs to change any further to reflect the issues that committee wishes to raise.

**The Convener:** I think that we would want to respond positively to that offer, which is helpful and important, not so much for the committee but for the petitioner, who has been persistent on the question for such a long time. She has commented that there has been progress and she has welcomed the engagement with the Scottish Government on the matter.

**John Swinney:** If it would help the committee to have sight of the draft guidance as it stands, I am happy to provide that to the clerks for the committee to reflect on.

**The Convener:** That would be useful. There are quite a number of things that we want to take forward on that. I thank the cabinet secretary for his response to the petition.

I suspend the meeting briefly to allow the Scottish Government officials to change.

09:44

*Meeting suspended.*

09:46

*On resuming—*

### **School Libraries (PE1581)**

**The Convener:** The next petition is PE1581, which was lodged by Duncan Wright on behalf of Save Scotland's School Libraries. Copies of the most recent correspondence from COSLA, the petitioner and the Deputy First Minister have been circulated with the clerk's note on the petition. The Scottish Government officials accompanying the Deputy First Minister for this evidence session are Craig Flunkert, team leader for skills, literacy, numeracy and parents, and Catriona Mackenzie, policy manager. To make the most of our time, we will move straight to questions from the committee.

Deputy First Minister, your submission notes that libraries—both school and public—

"have a key role in supporting Scottish Government initiatives".

The initiatives that are referenced have a particular focus on the early years. In an earlier Scottish Government submission, reference was made to the national strategy for public libraries that was developed by the Scottish Library and Information Council. That submission stated:

"it is important that school libraries continue to adapt to meet the needs of their users and the wider attainment aims of their schools."

Given the recognition of the importance of school libraries, why should a specific national strategy for school libraries not be developed?

**John Swinney:** I acknowledge and strongly support the provision of school libraries, which are an important part of the work that we undertake in encouraging an appreciation of literacy and literature among young people. I do not think that there is unanimity on the need to have a national strategy, but the petitioner makes a fair point about the importance of having such an approach and it is my intention to formulate such a strategy.

**Angus MacDonald:** In your submission of 13 April, you refer to the fourth edition of "How good is our school?" and say:

"I can now confirm that Education Scotland will be integrating the new librarian-focused guidance into the main ... framework. This will give it greater prominence and help demonstrate the fundamental and wide-ranging links between the school library and the school's broader aims on Curriculum for Excellence."

When is that likely to be published and can you give us an indication of its content?

**John Swinney:** I want to have it in place for the start of the 2017-18 school year—that is, by August this year. It will reflect the key elements that we need to encourage in school libraries, which are a combination of the use of school libraries to encourage literacy within learning and a general appreciation of the social value and personal pleasure of literature. That fits in very comfortably with some of the wider policy objectives and approaches that the Government has taken, principally through the recently launched First Minister's reading challenge, which is attracting significant participation around the country. The approach will also ensure that, through the wider work of curriculum for excellence, we equip young people to be conversant with information literacy, which we see as an important function and responsibility of school libraries within the wider school system.

**The Convener:** What was the "information" phrase that you used?

**John Swinney:** Information literacy.

**The Convener:** Information literacy. I am old enough to remember when you learned all about the system—I cannot remember what it is called—that is used to organise information so that you can get it from encyclopedias rather than just googling it or having your daughter contradict you in front of the television because she can google something on her phone.

**John Swinney:** That is a pleasure for us all.

**The Convener:** Should libraries be teaching the skills to assess information and where it comes from? Those skills are being lost.

**John Swinney:** We had a very interesting conversation at the International Council of Education Advisers with Pasi Sahlberg from Finland, who is looking very carefully at the impact of googling everything in the learning process. It is a fascinating area of inquiry.

I am old enough to remember preparing university work by standing at long index-card drawers and working my way through them. If I was to explain that to my children in comparison to what they have access to, they would look at me as if I was from the stone age. However, those are really important skills, as they allow you to assess the value that you should apply to what you find out from particular sources, which is a challenge that is not immediately obvious to individuals when they just google something and get whatever the search throws up. Libraries provide an opportunity for an appreciation of those important skills.

As you will be familiar with, convener, there are wider areas of our education system in which young people are enabled to develop research techniques and acquire those skills and

knowledge that are an important part of our education process.

**The Convener:** Do you accept that part of the concern that underpins the petition is the lack of appreciation of the role of libraries? They are not just about accessing books and an understanding of the joy of reading. The petitioner is particularly fearful that we are losing the teaching of skills.

**John Swinney:** I used the term "information literacy" to cover exactly that point. I totally accept the point.

**Rona Mackay:** Another issue that has been mentioned in consideration of the petition is the role that is played not only by libraries but by professionally qualified staff in libraries in enabling the achievement of educational outcomes. Concern has been expressed that local authorities do not fully recognise that. What is your view?

**John Swinney:** It is difficult for me to generalise in that respect, but I will cite one anecdotal piece of evidence. I visited Elgin academy in February and, when I went into the school, the headteacher said, "The first place we are going to go is the library." That was the first time that I have been on a school visit and been taken to the library first. It was quite a different experience, which was precisely designed by the headteacher to make the point to me that the school had a professionally trained librarian who was a very motivated and driven individual and who had transformed the library into the epicentre of many other aspects of the school. It took into account some of the issues that I raised earlier about an appreciation of literature, an understanding of information literacy and a place of contact, friendship, dialogue and reassurance.

We need to get into some of the thinking about how our schools provide a safe and welcoming environment. If any child at Elgin academy was feeling a wee bit lost, the library, which could be a hub of activity—whether it was paired reading between older and younger pupils, various escapades of acting out of literary works, or various projects and challenges—could provide isolated young people with a place to have a good experience. The professional strength of what librarians can offer is important, but it is difficult for me to give a general response to the question of appreciation of libraries. I have just given a good example for the role of school libraries and that practice will exist in a range of other examples around the country.

**Brian Whittle:** Your most recent submission states that you would

"expect all local authorities to give careful and positive consideration of the future role of libraries given their statutory responsibilities for the delivery of education and

ensuring that there is an adequate provision of library services for their residents.”

Is there a mechanism for determining what amounts to “adequate provision” and, if not, what is the Scottish Government’s view on the minimum service that could be considered as an adequate provision?

**John Swinney:** Mr Whittle and I talk constantly about the interrelationship between Government and local authorities. I do not say that to diminish the point, because it is an important one. Ultimately, there is a tension between local decision making and the Government’s requirements, and it is a tension that we continue to wrestle with. We discussed it as being material to the previous petition and we are discussing it again here as being material to this petition on school libraries.

The Government sometimes has to choose the ground on which we make something into a requirement, if I can put it as bluntly as that. If we make everything a requirement, there is no room for local discretion and decision making. I do not want anyone to misconstrue what I am saying. School libraries should have a prominent role in the life of the school. I cannot conceive of how teachers will be able to adequately convey the importance of an appreciation of literature and information literacy without being able to exemplify that in a school library. However, I have to be careful that I do not overprescribe to local authorities what I require them to do. I certainly believe that this is a significant aspect of what needs to be applied.

As we formulate a national strategy for school libraries, we can perhaps wrestle with the issue that Mr Whittle has put in front of me and decide how firm we should be in making some of the aspects of this debate a requirement.

**Brian Whittle:** If I may, I will use the word “persuade” rather than “require”. Is there a policy to do that?

**John Swinney:** That is the territory that we are in with a national strategy and guidance. We are trying to exhort and persuade local authorities to follow good practice, to use Mr Whittle’s word. Obviously, as with other issues, if we do not achieve satisfaction, we can consider making it a requirement. What I try to do in my work with local government—perhaps it is not always perceived in this way—is to encourage joint good practice between Government and local government. I would be very surprised to hear local authorities marshal an argument saying that they do not think that school libraries are a good thing. Whether due prominence is given to school libraries is perhaps a different matter.

10:00

**The Convener:** I suppose that that is the question. COSLA has set out its view that the creation of a national school library strategy

“would also further undermine the role of locally elected Councillors in making budget decisions and would be a further erosion of local democracy.”

The petitioner expressed disappointment at that comment. Do you think that having a national strategy has that impact, and what are the mitigations? I agree that nobody is against libraries, and I know that the pressure on you as a Government minister to develop a national library strategy will be the same as the pressure at local authority level, where campaigners are saying that there should be libraries. If we assume that nobody is malevolent or hostile to libraries in this situation, what is the balance to be struck in understanding why local authorities have not given the prominence to libraries that a national strategy might develop?

**John Swinney:** As with all such questions, a range of different approaches will be taken around the country. I gave the committee the example of Elgin academy, where the library is the epicentre of the school. It is viewed as such and could not be made more central to the life of the school. There are other examples, for example in Argyll and Bute, of proposals to significantly reduce school library provision in the local authority area.

A national strategy may be helpful. If I am asked whether I think that it is a good thing that school libraries will start to get eroded, my answer is that I do not think that it is a good thing. I actually think that it is a really bad thing. I have looked at the material from the petitioner and I have looked at the evidence, and that is why I gave the answer that I gave to your first question, convener. In weighing it all up, we have to give clearer signals about what we expect.

As I told Mr Whittle a moment ago, it is a fine balance between my saying, “You must have a school library in every school,” and my recognising that there may be practical challenges and issues that go with that, particularly given our country’s diverse geography, but there will be ways in which we can provide school library services in a sustainable way if we attach due priority to them. What persuaded me of the need to have a national strategy is that we need to give a stronger signal than has been given, and the petitioner has prompted me to come to that conclusion.

**The Convener:** In achieving a balance between local authorities and Government, there is also balance to be found between priorities that can be made within budget constraints and the extent to which you can have an impact on the budget

constraints that have perhaps been created for local authorities.

**John Swinney:** We were having a fairly harmonious morning until 3 minutes past 10. I am surprised that it has taken us this long. You will appreciate that I think that local authorities have been fairly supported in the Government settlement, not least by the additional resources that were provided to local authorities by the budget agreement that was arrived at for 2017-18.

**The Convener:** You would also expect me to say that it would require some library skills to interrogate the extent to which that budget process is one that everybody is happy with.

**John Swinney:** I would be quite happy to put my research-gathering skills to the test with the index cards of the old University of Edinburgh library at my disposal.

**The Convener:** I will not say, "What a good education wasted."

Thank you very much for that. There has been a lot of useful dialogue on the issue. The petitioner is concerned that the role of libraries is being reduced, so he will probably take some comfort from that understanding of the broader role of a school library and the professionals who operate in it.

It would be useful for us to reflect on the evidence from the Deputy First Minister with a note for a future meeting of the committee. We can consider what further action to take at that stage. That will afford the petitioner the opportunity to respond to what has been said on the establishment of a national strategy. Is that agreed?

**Members indicated agreement.**

**The Convener:** I suspend the meeting until the Scottish Government officials have changed.

10:05

*Meeting suspended.*

10:06

*On resuming—*

### **Armed Forces (School Visits) (PE1603)**

**The Convener:** The next petition is PE1603, on ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland. The petition was lodged by Mairi Campbell-Jack and Douglas Beattie on behalf of Quakers in Scotland and ForcesWatch. Copies of the petitioners' recent submission and correspondence from the Deputy First Minister have been circulated with the clerk's note on the

petition. Accompanying the Deputy First Minister for this evidence session are Marie Swinney, team leader, and Katherine McNab, policy adviser. As with the two previous petitions, we will move straight to questions from the committee.

Deputy First Minister, as you know, the committee has received a submission on the petition from Skills Development Scotland. In your submission, you note that Skills Development Scotland's

"careers services ... are shaped by the Scottish Government's Career Information, Advice and Guidance Strategy and the recent refresh of the Youth Employment Strategy."

You go on to say that they

"align with the recommendations of the Commission on Developing the Young Workforce ... so there is a range of existing guidance to ensure that careers advice is impartial and focused upon the individual's needs."

As well as being impartial, do the various strategies support the provision of careers advice that presents a full and accurate picture of careers, such as outlining the possible risks as well as opportunities that particular career choices may represent?

**John Swinney:** The central requirement of a careers service must be to provide a dispassionate assessment of any career opportunity and how it would relate to the skills, interests, attributes and outlook of any individual young person who interacts with the service, so my answer to that is yes.

**Brian Whittle:** In some of the submissions that we have received, references have been made to studies carried out by organisations such as Medact and Combat Stress that consider the longer-term outcomes experienced by some people who have joined the armed forces. How does the Scottish Government take account of such reports when reflecting on armed forces visits to schools and ensuring that young people are supported to choose post-16 destinations that will enable them to fulfil their potential in the long run?

**John Swinney:** The key point is the one that the convener raised with me, which lies at the heart of the petition: in any careers information, advice and guidance, it is a requirement that advice be presented about all attributes of a particular career choice—the strengths, weaknesses, opportunities and threats—and that that be relevant to the perspectives, interests, attributes and experience of the individual young person who seeks the advice. A tailored approach must be taken to meet the needs of young people in relation to that advice. It must also be ensured that, when that assessment is made for young people, that is done in a truly dispassionate way.

**Brian Whittle:** The nub of the matter for the petitioners is that, whenever anyone comes to demonstrate a career opportunity, they will always try to be as positive as they can be about that career and to make it look as good as possible. That is a given, but is that an inherent part of the armed forces' approach?

**John Swinney:** I am not sure that I agree with Mr Whittle's presumption.

**Brian Whittle:** I did not presume.

**John Swinney:** My apologies—I did not choose my words well. I am not sure that I agree with Mr Whittle's proposition.

To return to my first answer to the convener, careers advice must be dispassionate; it must give the whole picture. It must cover not only what might be exciting about the career, but what might be risky about it. I would be interested to assess the careers advice that I might have been given about where I have ended up and the relationship between the excitement and the risk.

It is essential that careers advice is presented in that fashion. A core part of the curriculum for excellence's purpose is to equip young people with the decision-making capability to be able to look at what is presented to them and to make a judgment—so that they can weigh up something and know that it is right for them and to weigh up something else and know that it is wrong for them.

There is an obligation—this is an implicit part of careers information, advice and guidance—that careers advice must be dispassionate and must present the whole picture. That enables young people to make their judgments about what is, and is not, appropriate for them.

**The Convener:** When someone gives dispassionate advice on a career in the armed forces, do you expect them to highlight the issues mentioned by Medact and Combat Stress on the long-term consequences of such a career?

**John Swinney:** I would have thought that that is fair material to be part of that assessment.

**Rona Mackay:** Concerns have been expressed about the possibility of some schools being targeted, particularly in areas with higher rates of deprivation and that such schools have—allegedly—received a disproportionate number of visits. Would that concern you if that were the case?

**John Swinney:** First, I have no information that supports that point and it would be wrong of me to suggest otherwise. I have seen the communication that the Ministry of Defence has shared with the committee, which makes it clear that that approach is not taken.

A career in the armed forces is one of the employment possibilities for young people in Scotland, so it must be presented as part of the range of available activities. We have in place a good framework through developing Scotland's young workforce. Back in 2014, Sir Ian Wood produced that fantastic piece of work for the Government. The framework is being used widely across the school system, with a lot of employer engagement and participation at the local level. That is helping to structure many aspects of the interaction between schools and the world of work. Of course, the armed forces are part of that world of work, and information about them should be presented in the dispassionate way that I have talked about in that context.

10:15

**Rona Mackay:** You said that you were not aware of areas being targeted. Do you see a role for the Government in collecting data, which is what the petitioner calls for, to ensure that there is a system that would enable you to find out whether that is the case?

**John Swinney:** Through the activity around developing Scotland's young workforce, we are encouraging schools now to be much more engaged with the world of work. We have not collected data so far on the existence or the substance of that activity. Obviously, we can give consideration to whether that would be appropriate, but I am mindful of how much information we are trying to collect from our schools, given my general desire to reduce the volume of bureaucracy that we require on the part of schools. Ultimately, the school leadership will make judgments about the interaction that the school has with the world of work and will ensure that that is appropriate to the needs of very young people and is presented effectively in all circumstances.

**Edward Mountain:** I remind the committee that I was a soldier for 12 years, and that my son is a serving soldier. That might affect my questions.

Mr Swinney, do you accept that soldiers today are professionally trained, and that the cost of training them up to the standards that are required to deal with the equipment that they are issued with is considerably more than it was when I joined the Army, and that, therefore, the military makes a huge investment in ensuring that it gets the right people involved and that those people then complete the training? Do you accept that what is important to the military is that it gets the right people rather than that it gets a great quantity of people and that, therefore, the Army must ensure that the people who it gets are happy in their jobs? There is no point in the Army taking someone through basic and advanced training only for them

to leave. Do you accept that the Army is looking for that person to have a long career of at least six years, and more likely 12 or 22 years, which is a good career? Do you accept that that is the premise from which the Army is starting this process?

**John Swinney:** I think that that would be a pretty fair point.

**The Convener:** On the issue of the dispassionate approach to giving information about all the options around someone's career, the petition flags up the fact that the Army comes into schools not only in relation to careers visits, but also in relation to things that are involved in the curriculum, and that, often, the connection between the armed forces and the school will be not be about careers but instead about affording people other opportunities. Would that dispassionate approach be reflected in those visits, too? What safeguards are there around that kind of softer contact with schools?

**John Swinney:** Fundamentally, the judgment about that sort of contact—which is different from contact around recruitment—concerns the relevance to the curriculum. That connects to what Mr Mountain said. From the perspective of elements of the curriculum such as science, technology, engineering and mathematics—the STEM subjects—for example, it might be possible to make something more easily understood by using an example involving something to do with the military. However, that would ultimately be a professional judgment for people to make about what would be an appropriate exemplification for a particular topic in the curriculum. We rely on members of our teaching profession, particularly through curriculum for excellence, to make judgments about what is an appropriate exemplification in relation to aspects of the curriculum, and to deploy that judgment as they see fit.

**Angus MacDonald:** The petition addresses the issue of consent and the involvement of pupils and parents or guardians in decisions about education. We have received different views on that. The Children and Young People's Commissioner Scotland, Tam Baillie, is of the view that it should be assumed that children and young people in secondary school are able to give informed consent. However, the Scottish Parent Teacher Council stated that

“any proposed armed forces recruitment activity must be subject to detailed consultation, and the view of parents listened to and respected.”

Do you support the call for consent to be given in advance of any armed forces visit and, if so, do you see a role for Scottish Government guidance in setting out rights and responsibilities in that regard?

**John Swinney:** Fundamentally, the issues around where consent is secured must be carefully judged by individual schools. I make that comment in the context of my belief, with which Parliament will be familiar, that schools should be involved in a very active on-going process of parental dialogue on all issues. I would want to encourage in schools an extensive and deep process of dialogue with parents on a habitual basis. That is good for the school and good for the parental community, and it creates strong, well-founded and well-supported schools. Any issues of consent are most effectively resolved within the context of that dialogue.

Once young people are 16, they are free to offer their own consent on such issues, and that becomes a complicating factor in the consideration of all these questions.

The issue is best resolved locally, through the encouragement of active parental involvement in the school's agenda and by ensuring that at all times the school leadership is operating in an environment where it is seeking consent in the parental community.

**Brian Whittle:** I hope that we would all agree that the armed forces should be seen as a very legitimate career and one that is as potentially fulfilling as any other. It seems that with the petition we need to square a circle. Together Scotland and the petitioners have suggested that the issue should be subject to a child rights and wellbeing impact assessment. Would you consider commissioning that?

**John Swinney:** I am certainly happy to consider whether such an approach should be taken. Obviously, in such a circumstance we would have to weigh up a range of factors. I am happy to give consideration to that point.

**Edward Mountain:** A particular concern has been expressed in evidence about armed forces visits to special schools. The petitioners call for an inquiry into such visits, which should look at whether they should be prohibited. Are you aware of that issue and do you have any views on such a prohibition?

**John Swinney:** I am not aware of that at all, so if there was more detail that the committee could share with me on it, I would be happy to hear it.

**Edward Mountain:** I am not aware that such visits are undertaken, but the petitioners raised the issue, so I was asked to ask about it.

**John Swinney:** If you could help me with that, I would be happy to explore the issue.

**The Convener:** What is evident to the committee is the petitioners' strength of feeling. They are seeking reassurance that vulnerable young people or young people who have fewer



economic opportunities are not disproportionately being drawn into a life in the armed forces without a proper understanding of its consequences, simply because of their circumstances.

I return to the question that Rona Mackay asked about the idea that young people in poorer communities are targeted because they are vulnerable to the lure, if I can call it that, of a life in the armed forces. I am not suggesting that I agree with any of that; I am putting it like that simply to play devil's advocate. In essence, those are the petitioners' concerns.

I said at a previous meeting that poverty is the greatest recruiting sergeant for the Army. That is perhaps how the issue has been characterised in the past. How do you respond to that? We have had an interesting conversation about the measured way in which you would want to deal with the matter. The argument that underpins the petition, which has been expressed quite strongly by the petitioners, is that there is an injustice or potential exploitation here. I am not suggesting that the armed forces would want to be party to that, but the petitioners' sense is that that is happening. As a Government, how do you respond to that? Do you have a role to play in addressing such concerns?

**John Swinney:** I quite understand the concern that has been expressed by the petitioners. In general, one of the great strengths of the petitions process is that it provides an opportunity for members of the public who are concerned about certain issues to have them aired in an organised parliamentary fashion so that we can reflect on them. I have nothing but respect for the motivations of all the petitioners who come forward with a point of view. They are citizens of our country, and they are entitled to be heard properly and with respect.

In this case, I have tried to reassure the petitioners by considering the issue within the context of our general approach to careers guidance. Our general approach to careers guidance is to make sure that, when young people engage with careers advice, they get dispassionate advice and they hear about all the ups and the downs of a particular career so that they can make their own judgment about it. If I found that that was not the case, I would be deeply troubled. That is true in relation to any career, not just a career in the armed forces. Young people need to be properly advised about the ups and downs of every career that they might decide to pursue.

That is my first and main point of reassurance; I hope that it helps. In all circumstances, regardless of what career a young person is contemplating, they are entitled to a dispassionate assessment of its ups and downs.

My second point concerns work that is in progress. The thinking behind the Government's agenda on education, which is widely supported in Parliament, in our local authorities and in the country, relates to the attainment challenge. At the heart of the attainment challenge lies making sure that every young person in our country can fulfil their potential regardless of their background—in other words, we must ensure that poverty is not an inhibitor to young people fulfilling their potential. I stress that I accept that that is work in progress, but we are striving to address the matter. I hope that that partly addresses the concern that, somehow, there is a predisposition for young people from deprived backgrounds to end up in the armed forces because it is the only option available to them, if I can put it as crudely as that.

I return to Mr Mountain's point about what the Army and the military are looking for. Increasingly, the armed forces are recruiting on the basis of the skills that they require rather than on the basis of the volume of applicants. It is not just a case of being a numbers game; it is about having a range of people who can do certain things. That changes some of the dynamics of the discussion.

Out of all that, there is an obligation on us as ministers to make sure that we are presiding over an education system that is able to fulfil the potential of young people and to equip them with the educational capability and the skills that will enable them to fulfil their potential.

10:30

**Rona Mackay:** I asked earlier about data collection. The petitioners have had recurring problems trying to obtain information from the armed forces. Would you consider asking for a commitment from the armed forces to make accessible, good-quality data available to the public or to the Parliament?

**John Swinney:** I am happy to do so and if the committee wants to specify what it thinks would help in the discussion I am happy to make a request to the United Kingdom Government in relation to those points.

**The Convener:** To reiterate a point that I made earlier, I hear what you say about careers and the needs of the modern armed forces as opposed to what happened in the past. However, there is a question about how the armed forces now come into schools in a way that is not directly related to careers in the armed forces. In some areas, it may be that the forces can offer fun things to do that other groups and organisations cannot offer and it is a kind of soft power, with young people getting to do interesting, team-building activities with the armed forces. There is perhaps a suspicion—that may be too strong a word—on the part of the

petitioners around how that could become a gateway to recruitment.

I am not sure whether you have a view on the guidance that you would offer to schools on that. Perhaps we can find out more from the Ministry of Defence on how it views such activity by the armed forces in schools.

**John Swinney:** That is a slightly more difficult issue because, in our developing Scotland's young workforce activity, we are generally encouraging schools to be much closer to the world of work, so we want businesses and economic organisations—including the armed forces—to be able to demonstrate what the world of work involves.

The overwhelming majority of school interaction with the world of work will not be with the armed forces; it will be with local companies and local organisations that are able to demonstrate what it is like to work in particular areas and to give work experience.

Schools are now involved in much more systemic work experience activity. For young people who are on a more vocational pathway through school, such work experience will increasingly dominate their journey through the education system and we judge that to be a good thing. However, a very small minority of that work experience will be in relation to the armed forces.

I accept the convener's point that such work experience might be a softer introduction to the armed forces, but it might also be a softer introduction to a chemicals firm or to a social enterprise provider. It is about how we manage it so that people do not get the wrong impression. That is a slightly more difficult thing for us to police when we have generally agreed that exposing young people to the world of work and making that transition more seamless is a desirable policy objective.

**The Convener:** Okay. The petitioners make the point that choosing a life in the armed forces could bring with it more risk than other careers but they are not suggesting in any way—and nor are we as a committee—that it is not a legitimate career choice for people.

**Brian Whittle:** I do not know whether this is a question or a comment and I do not know the answer—perhaps it is something that we can explore. It seems to me that the route to armed forces is through the cadets; the air training corps or the army cadets can be a gateway to a full career in the armed forces. The petitioner has an issue with direct recruitment from schools and perhaps that is a bit of a red herring, because the real recruitment process is through the cadets.

**The Convener:** It would be useful to have a conversation with the Ministry of Defence on the point that Rona Mackay makes around data collection, the sense of the environment in which everyone is operating during the visits and the extent to which it sees the cadets having such a role. The MOD may make the case for working with young people involved in the cadets, as it might be an opportunity to create a bit of space and energy in their lives and a structure that they would not have had otherwise. That contentious point is at the heart of the issue in the petition.

I thank the Deputy First Minister for coming to the committee. We have come to the end of our questions and comments. What suggestions do members have for dealing with the petition?

**Edward Mountain:** I apologise, convener, if I should have made this comment earlier. When I joined the army, I certainly knew the risks. Mr Swinney is right to say that we must take cognisance of the fact that the army has dropped from 200,000 people, as it was when I joined, to 82,000 people. It is looking for a particular set of skills. I repeat the point about the cost of training for each soldier. That cost means that it is vital to get the right people and saying that the armed forces are trying to recruit people who are just looking for a way forward is wrong.

It is good that Mr Swinney is going to write to the MOD. The last time that the committee considered the petition, I thought that you should ask the relevant people in Scotland to come and give evidence on what they do. I see no reason why they would not do that. That would help the committee understand what the Army is trying to achieve with the teams that it sends out. I do not think that there is anything sinister in it and I am sure that the Army would welcome the opportunity to come to the committee.

**The Convener:** The committee is in the process of taking up the offer of a briefing from the Ministry of Defence on how it sees such matters. That is an important point and following that briefing we will be able to make decisions on how we report back to the committee.

I suggest that we reflect on the Deputy First Minister's evidence and ask the clerks to produce a report so that we can consider at a later meeting what action to take. Is it agreed that that is how we will take the petition forward?

**Members** *indicated agreement.*

**The Convener:** I thank the Deputy First Minister for his evidence on all three petitions. Given how busy you are, we appreciate your giving us three petitions-worth in one visit. I am sure that the rest of your day will be a doddle in comparison.

10:38

*Meeting suspended.*

10:41

*On resuming—*

### **Mental Health Treatment (Consent) (PE1627)**

**The Convener:** The next continued petition that we will consider is PE1627, by Annette McKenzie, on consent for mental health treatment for people under 18 years of age. Members will see that we have received a number of submissions from a range of stakeholders as well as the petitioner's response to the submissions.

There appears to be consensus in the submissions that the principle of patient confidentiality should remain unchanged, and there is therefore no support for the measures called for in the petition to change the processes allowing under-18s to consent to treatment for themselves. There also appears to be consensus that the current guidance is adequate. Notwithstanding that, the Children and Young People's Commissioner Scotland and the petitioner consider that it might be worth reviewing the guidance specifically on young people's mental health treatment.

In that context, the Scottish Association for Mental Health notes that its recent survey of general practitioners found that only 53 per cent were aware of non-pharmacological approaches to depression. The Medicines and Healthcare Products Agency suggests that the committee might want to seek more information from the Royal College of Psychiatrists' faculty of child and adolescent psychiatry.

Other stakeholders, such as the Royal College of General Practitioners and the Scottish Youth Parliament, mentioned the benefits of social prescribing. The RCGP considers that the provision of the links worker programme, which is funded by the Scottish Government, is very beneficial in helping patients to navigate services. However, we understand from the RCGP's submission that only very few general practices are participating in the programme.

The Scottish Government has explained that the chief medical officer has committed to review the consent process for people who receive care and support in Scotland. The Government advises that the review will include the issues that are raised by the petition, and the petitioner has noted her interest in participating in any discussions on the development of guidance in that area.

Do members have any comments or suggestions for action?

**Brian Whittle:** The evidence that we heard from the petitioner was very moving. It throws up a wider issue about how doctors assess people who present with mental health issues and their ability to follow a medication process, which is something that I have wrestled with quite a lot.

The petition relates to under-18s, and the SAMH submission suggests:

"NICE guidance on social anxiety in children and young people specifically says that they should not usually be offered medication but instead should be offered Cognitive Behavioural Therapy."

I wonder how, in a 15-minute consultation, a doctor can assess a patient's ability to follow a course of medication. I do not know the answer, and I would like to explore that further.

10:45

**The Convener:** It was difficult for the young woman's family to come to terms with the fact that, if they had known, they would have understood her change in behaviour and could have been supportive. There are two issues. First, she used the very tablets that she was prescribed as a means of killing herself. That is beyond belief. Secondly, although I understand why the issue of consent is a focus, the general good requires that confidentiality is not breached. Nevertheless, there is a question around what the guidance for GPs says. I am astonished that 53 per cent of GPs are not aware of non-pharmacological approaches.

**Rona Mackay:** Me too.

**Brian Whittle:** Another question that arises is whether it is within a GP's remit to suggest to a patient that it is in their best interests if another member of the family or someone close to them is brought into the circle.

**The Convener:** That would be worth exploring further. As I said, a report from a House of Lords or House of Commons committee said that, although the committee understood the issue of confidentiality, a GP should be able to discuss with the patient whether it would be helpful for them to have someone whom they trusted involved in their care with regard to medication. That would not involve a breach of confidentiality; the guidance would allow the GP to ask that question.

**Rona Mackay:** It is about GPs using their judgment.

**The Convener:** Yes. Not all young people have bad relationships with their parents. If it is suggested that they tell their family, with the GP's encouragement, and they think that there is no stigma in admitting what is happening, they might do that.

I would be interested to know what the guidance for GPs on first visits says. For example, when someone presents for the first time and reports mental health issues, what is the guidance for GPs on whether to move straight to a medical prescribing response rather than consider some of the social prescribing initiatives that have been suggested?

**Brian Whittle:** If guidance exists but evidence is presented to us that suggests that it is not filtering through to the front line, we will need to look at how that issue can be addressed.

**Rona Mackay:** The clerk's paper on the petition suggests that we contact the faculty of child and adolescent psychiatry at the Royal College of Psychiatrists to seek its view on the petition and on the clinical guidelines for treating mental health conditions in children and adolescents.

What happened in the situation that the petition describes is beyond the comprehension of most of us, and it raises a huge issue that we must explore as far as possible. We should seek clarification from the Government on how the petitioner can contribute to the review, given that she wishes to do so. It is fundamentally important that she is able to do that.

Further down the line, once we have gone through the first stage, we can ask the Minister for Mental Health to give evidence to the committee.

**The Convener:** Those are very positive suggestions. The question of what the guidelines actually say is important. It is important to understand how the family can be used to offer support to the young person.

I am aware that people are not routinely prescribed antibiotics even if they ask for them—the GP says no because of the consequences. In my lifetime, Valium was routinely prescribed, but now it is not. I presume that a doctor can say to someone who asks for tablets, "I'm not going to give you the tablets, because I don't think it would be in your best interests." I wonder how that filters through to the issue that the petition raises.

**Rona Mackay:** Perhaps there should be an exemption in certain cases. I understand the issues around confidentiality and consent, but the current ethos is that mental health should be talked about instead of being a hidden illness. In the situation that the petition describes, the whole family could have helped if they had known what the patient was being prescribed and what was happening. We could explore at a later date, perhaps with the minister, whether that is an example of a situation in which there should be an exemption in relation to mental health.

**The Convener:** I have worked with young people who were unable to talk to their families—

indeed, perhaps their families were the cause of their problems. Would it be possible for a doctor to test that question with a young person? The issue might not be that they think that their families would not be supportive but that, because of the nature of mental health issues, they feel that they will let their families down by even saying that they have the problem.

**Rona Mackay:** My recollection of the evidence that we were given by Annette McKenzie is that her daughter was not asked whether she would mind if the GP told her parents about the matter. Surely a GP could ask that question and that would be a form of consent that the young person could give. I do not think that the question was even asked in the case that we are talking about.

**The Convener:** That would be a good idea, especially if it was followed up with a reassurance that the situation is nothing to be ashamed of, that it is something that happens to young people and adults and that the person's mum, dad and family would want to be supportive of them—I understand that, for some people, that is not going to be the case, but it would be good to at least test that with the young person.

**Edward Mountain:** I would have thought that, in lots of cases, family support is absolutely critical in getting to a sensible solution. The experiences that I have had in similar situations suggest that leaving the family out makes the problem worse. I agree with you, convener, that asking whether families should be included should be part of the doctor's procedure and that the suggestion should be a positive one rather than a negative one.

**The Convener:** Do we agree to write to the Scottish Government to clarify how Annette McKenzie can contribute to the review of the consent process for people who receive care and support in Scotland and to ask about the funding for the provision of the link workers programme? I think that the link workers programme involves the deep-end surgeries, which operate in communities where people present with a range of issues, so I am not sure whether it would have applied in relation to the case that we are discussing, but it would be worth knowing whether the Scottish Government is considering rolling out that kind of model. Do we also agree to write to the Royal College of Psychiatrists' faculty of child and adolescent psychiatry to get its view on the petition and to flag up our intention to perhaps invite the minister to speak to us at a later stage?

**Members indicated agreement.**

### **Service Delivery for the Elderly or Vulnerable (Consultation) (PE1628)**

**The Convener:** The next petition is PE1628, by R Maxwell Barr, on behalf of Struan Lodge

development group and Dunoon community council, concerning consultation on service delivery for the elderly or vulnerable. We have received written submissions from Audit Scotland, the Scottish health council, the Scottish Government and COSLA. The petitioner has also provided his views on the submissions that have been received.

Audit Scotland and the Scottish Health Council raise concerns that the existing guidance could cause confusion about lines of accountability and decision making. In that regard, the Scottish health council states that it firmly believes that the guidance in chief executive letter 4 of 2010 and the supplementary guidance on identifying major health service changes should be reviewed and revised, and the petitioner supports that point of view.

COSLA explained in its written submission that it does not consider that any further guidance or consultation requirements are needed. The Scottish Government has explained that it has no plans to update the guidance in chief executive letter 4 of 2010.

Members will see from the clerk's note that the Health and Sport Committee is currently conducting an inquiry into integration authorities' consultation with stakeholders. I understand that the petitioner has made a submission to the inquiry and that the committee will take further oral evidence as part of its inquiry shortly.

Do members have any comments or suggestions for action?

**Angus MacDonald:** Given that the petitioner has made a submission to the Health and Sport Committee's inquiry, and given that that committee will conduct another evidence session as part of its inquiry next week, we should refer the petition to that committee without further delay.

**Rona Mackay:** I agree with that.

**Brian Whittle:** That is what I was going to say.

**The Convener:** There is something of an impasse, as the Scottish health council says that the guidance needs to be revised, the Scottish Government says that it is not going to revise it and COSLA says that no further revision is necessary. There is a big question there, and the issues could helpfully be interrogated as part of the Health and Sport Committee's work. That work does not have to be duplicated by us.

Do we agree to refer the petition to the Health and Sport Committee?

*Members indicated agreement.*

**The Convener:** I thank the petitioner and all those who responded to our requests for further information.

## **Enterprise Agencies (Boards) (PE1639)**

**The Convener:** The next petition is PE1639 by Maureen Macmillan on enterprise agency boards. We last considered the petition at our meeting on 30 March, and members will recall that the Cabinet Secretary for Economy, Jobs and Fair Work was due to make a ministerial statement on the enterprise and skills review later that afternoon. In that statement, the cabinet secretary explained that Highlands and Islands Enterprise and the other agencies will be retained with their existing powers. More information on the statement is set out in the clerk's note.

Do members have any comments or suggestions for action? Clearly, it looks as if the cabinet secretary has responded to the cross-party pressure and the concerns that have been highlighted on a cross-party basis, particularly with regard to the role of HIE. However, we have not asked the petitioner for a response to the statement, and I wonder whether it might be worth asking for that.

**Brian Whittle:** We should ask the petitioner whether the response from the cabinet secretary is adequate in relation to what she is asking for.

**The Convener:** Do we agree to contact the petitioner and ask for a response to the statement that was made by the Scottish Government subsequent to—we will not say as a consequence of—her appearance at the committee?

*Members indicated agreement.*

**The Convener:** We can reflect on a response once we have received it.

I thank members for their attendance.

*Meeting closed at 10:57.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba