



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 30 April 2013

Session 4

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PUBLIC PETITIONS COMMITTEE

9th Meeting 2013, Session 4

CONVENER

David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)
Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)
*Angus MacDonald (Falkirk East) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Annette Bruton (Care Inspectorate)
Aileen Campbell (Minister for Children and Young People)
Helen Happer (Care Inspectorate)
Gil Paterson (Clydebank and Milngavie) (SNP)
Phil Raines (Scottish Government)
Maureen Watt (Aberdeen South and North Kincardine) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament
Public Petitions Committee

Tuesday 30 April 2013

[The Deputy Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Deputy Convener (Chic Brodie): Good morning, ladies and gentlemen, and welcome to today's meeting of the Public Petitions Committee. We have received apologies from David Stewart and Adam Ingram. Maureen Watt is attending as Adam Ingram's substitute. I spoke to Adam on Sunday night and he is well on the way to recovery. I remind everyone to switch off their mobile phones and anything else that might make a noise.

Agenda item 1 is a decision on whether to take item 4 in private. Is the committee agreed that we may do that?

Members *indicated agreement.*

Tackling Child Sexual Exploitation in Scotland

10:00

The Deputy Convener: I welcome the Minister for Children and Young People, Aileen Campbell; Mr Raines; Ms Bruton; and Ms Happer. We will take evidence in our inquiry into child sexual exploitation. I invite the minister and Annette Bruton to make short opening statements. We will then proceed to questions.

The Minister for Children and Young People (Aileen Campbell): Thank you, convener. I will provide an update on the three areas of work that Barnardo's identified and on how we have been taking those forward with Barnardo's and our other stakeholders.

As the committee is aware, we commissioned the University of Bedfordshire to research the scale and nature of child sexual exploitation in Scotland. The research findings, which were published in October 2012, set out that although there is a lack of research on child sexual exploitation in Scotland, what is known is consistent with what is known to be taking place in other parts of the United Kingdom.

We are considering next steps to explore the prevalence of and improve local data collection on child sexual exploitation in Scotland and have recently commissioned the University of Bedfordshire to continue its work on the matter by piloting a data monitoring tool and a self-evaluation tool with a local authority in Scotland. Provided that the pilot is successful, as is anticipated, the tool will be rolled out across Scotland to support practitioners in tackling the issue effectively.

The research and the further work that will be done by the University of Bedfordshire, together with a number of other streams of work that I will outline shortly, collectively supersede the actions that were identified in the 2003 guidance, "Vulnerable Children and Young People: Sexual exploitation through prostitution", which the previous Administration published.

Last year, we launched Scotland's first national website on the issue in conjunction with WithScotland—Scotland's hub of child protection expertise, based at the University of Stirling—and the Scottish child protection committee chairs forum. The website includes clear, accessible information on what the public should do if they are concerned about a child's welfare and on wider child protection matters.

We have recently done a mapping exercise to identify any local areas with gaps in their provision

of services in a number of areas, including child sexual exploitation, child trafficking and children missing from care. That information is currently being reviewed and we will then develop a common code of protocols that will set out how services should work together locally on different aspects of child protection.

Barnardo's called for dedicated child sexual exploitation guidance. We have had the opportunity to discuss that further with Martin Crewe, the director of Barnardo's Scotland, and Mark Ballard, its head of policy. We have agreed that supplementary guidance on the matter is not required. However, changes will need to be made to the "National Guidance for Child Protection in Scotland 2010." Our consultation on the refresh of the guidance closed on 31 March and we are working closely with Barnardo's to consider its proposed text for inclusion. All the consultation responses will be reviewed in the coming months and the refresh working group will explore proposed changes.

In addition to our work to address the issues raised by Barnardo's, I am pleased to advise the committee that Scotland's first national working group on child sexual exploitation convened for the first time on 25 April. Over the course of the year, the group will consider how well young people are supported and the difficulties that services have in identifying and supporting them; review the actions being taken forward in other parts of the UK, such as the action plans set out by the UK Government and the Association of Chief Police Officers; and highlight areas in which further national work should be progressed. The group will report back to me at the end of the year.

The national risk assessment toolkit for child protection, which was discussed with members in February last year, was rolled out last November. It aims to lead to a more consistent and effective approach to picking up the indicators of child sexual abuse or other kinds of abuse, and follow-up practitioner workshops are being held across Scotland.

The revised version of "Child Protection Guidance for Health Professionals", which is often known as the pink book, and the "National Framework for Child Protection learning and development in Scotland 2012" were both published in December last year and will strengthen the ability of practitioners to identify and respond to sexual abuse and other child protection issues. We are working with the new single police force, Police Scotland, to develop new ways of capturing information on crimes involving child sexual exploitation. Our "Getting our Priorities Right" guidance, which was published last week, will help practitioners who

work with children who are affected by parental drug and alcohol misuse.

The committee is likely aware that we have introduced the Children and Young People (Scotland) Bill, which will enshrine the getting it right for every child approach. Through the bill, every child and young person will have access to a named person, who will be charged with keeping the child's wellbeing at the forefront of the services that support them and ensuring that services provide that support in a joined-up way.

A new approach to inspecting children's services has been developed and is being piloted. The approach, which builds on the powerful existing model for child protection inspection, will examine how well services support all vulnerable children and young people. Annette Bruton and Helen Happer will probably tell the committee more about that.

Barnardo's and the committee have concerns about social media. For many children, the internet is not simply a device, a form of technology or a tool, but an integral part of their lives. We believe that parents should be supported and empowered to protect their children online. That is not simply a matter of filters and hardware; it is about an understanding and awareness among parents, children and young people about the risks of the internet. We are working with many stakeholders in Scotland to improve that level of understanding, particularly through schools.

Members might recall that the Scottish Government supports the UK safer internet centre's connect with respect theme for safer internet day 2013. We launched an internet safety awareness competition for all Scottish schools, which coincided with safer internet day on 5 February. Responses to the competition were excellent, with Killermont primary school in East Dunbartonshire winning the top prize. Of course, we are doing other things in relation to e-safety.

Our work is on-going. I reassure the committee that we are working with stakeholders to ensure a co-ordinated multi-agency approach. Given the recent child sexual abuse revelations in the media, it is important that we continue to strive to put children at the centre of all that we do.

Thank you for the opportunity to make an opening statement to outline some of the progress that has been made since I last appeared in front of the committee. I am happy to take questions from members.

The Deputy Convener: Before we hear Annette Bruton's opening statement, I welcome Dr Sarah Nelson, who is the adviser to the committee. I should have done that earlier.

We have many questions to ask, so I remind members to keep them as brief as possible, when we come to that. If the witnesses' answers are the same, we can get through a fair amount.

Annette Bruton (Care Inspectorate): The Care Inspectorate welcomes the opportunity to discuss this matter with the committee. In my opening statement, I will briefly set the context for the committee. Our interest in the issue relates to the duties that are placed on us to inspect and regulate care services across Scotland, which includes care services for children and young people. Key to that are the strategic inspections of services for children, to which the minister referred. The strategic inspections focus not only on the broad spectrum of children's needs, but on vulnerable children, and they follow on from two rounds of child protection inspections, which have been in place since 2005.

The Care Inspectorate has taken on that work from Her Majesty's Inspectorate of Education. A new report on the findings of the second round of child protection inspections will soon be issued. However, in answer to the committee's questions, we should be able to give you data from that report if you need that information.

Our new inspections of services for children are multi-agency in nature. We look at the work of the social work department and the education department of a council as well as at the police, the health service and any third sector partners that they are working with as part of our seeking to provide public assurance and to identify best practice and whether there are any significant weaknesses that need to be addressed in areas of child protection services in order to care for children. In addition, the Care Inspectorate has a duty to carry out regulatory inspections. Some of the inspections that we carry out on a regulatory function include, for example, inspection of the secure accommodation of children and young people. Given the link between the potential sexual exploitation of children and runaways, that allows us to focus on the first-hand experiences of children living in care facilities.

The Care Inspectorate has a locus both at a strategic level, looking at what strategic partners are doing to improve the quality of care for children, and at the level at which children are receiving that care. The Care Inspectorate is an independent organisation that seeks to support Government and its policies while, at the same time, providing our independent view to Government, which is aimed at providing assurance on children's care issues and supporting improvement in the field.

The Deputy Convener: Thank you. I reiterate that we should optimise this morning's session

with the minister. I therefore appeal for brevity in both questions and answers.

I will kick off with a question for the Care Inspectorate and the minister. The Care Inspectorate commissioned a three-month research project into CSE issues for looked-after children and the contract was won by the centre for excellence for looked-after children in Scotland. That seems a short period of time for a significant piece of work. Mr Raines, were you aware of that project? What was your input into it?

At the child protection and CSE conference on 30 January, the minister announced the establishment of Scotland's first national working group on child sexual exploitation—an independent group drawing on expertise from across the public and third sectors. How do you see those initiatives that are coming from Government? How are they liaising on their findings with each other and with this inquiry, which was set up before the initiatives were announced? How long do you think they will last, and when will we see something produced by them?

Aileen Campbell: I will start and will leave Annette Bruton to talk about the work that she has commissioned from CELCIS. Of course, we are pleased that the committee is looking into this very important issue. Any work that we do must be complementary and must not duplicate the work that you are doing in raising awareness of the issue. The working group that I announced at the end of January was very much designed to be complementary and to look at areas and issues that the committee is not necessarily looking at.

The Deputy Convener: I am sorry to interrupt, but can you give an example of an area in which you think that there is complementarity and no overlap?

Aileen Campbell: We want to ensure that the research on child sexual exploitation is fully looked at and investigated. We want the working group to look into that—it is not something that the committee was as geared up to do—and we want to ensure that we liaise with other parts of the UK on best practice and other areas. The working group met for the first time last week, and there is an offer for you to engage with the clerks of the working group to ensure that the work is truly complementary and does not duplicate any of your findings. When we look at it as a whole, it is good that there are different groups—the committee within the Parliament and our working group, which is looking specifically at areas that we have set out in its terms of reference—ensuring that the issue is properly investigated and that we can move forward with clearly identified areas of best practice so that we can help children who may experience childhood sexual exploitation.

The Deputy Convener: Ms Bruton, three months seems a very short time for a research project into such a major issue to come to any conclusions or recommendations.

10:15

Annette Bruton: Indeed, convener. The research project had a specific purpose, which was to inform our thinking about our future inspection methodology. The purpose was not to produce a report that would be the definitive, final research on the sexual exploitation of children. We particularly wanted to focus on what was known at this point about the sexual exploitation of children who are in care or vulnerable.

The reason for commissioning that short piece of work is that, between 2013 and 2015, the Care Inspectorate has in its work plan a thematic study into the area that the committee is considering. As part of that thematic study, we will use a number of different methodologies and commission further research to examine that area and produce an independent report on the matter for the public.

The purpose of the three-month research study was to inform our thinking about what needed to be in that further study—work that we would carry out at our own hand as independent regulators and to understand the literature that was around in the environment at that point. It was never intended to inform the public about the situation with the sexual exploitation of children. Rather, it is an internal study to inform the Care Inspectorate's thinking about a methodology for future work that we will do as part of our inspection regime.

The Deputy Convener: Forgive me, but could there have been more or better communication about what contribution that internal inquiry could make to the committee's inquiry?

Annette Bruton: It was certainly never our intention to keep information from the committee, but we did the research as independent, first-hand regulators who need to establish how they will carry out their methodology and act independently to inform the public and the Parliament about their work.

The Deputy Convener: Mr Raines, do you have anything to add?

Phil Raines (Scottish Government): My team was aware of the research that was commissioned. We liaise closely with the Care Inspectorate, not least in the development of the inspection cycle, and it seems to us entirely appropriate that the Care Inspectorate would commission whatever work it felt to be necessary to inform that inspection. Members of the committee will be aware that that inspection cycle has already kicked off, so there is an element of

urgency about carrying forward whatever work is necessary to inform that.

The Deputy Convener: Minister, you said in your speech at the child protection and child sexual exploitation conference that we had no reason to assume that the risks that were so visible in England were not also present in Scotland. The national action plan in England has highlighted a number of examples of good practice. Does the Scottish Government plan to use or pilot any of them in Scotland? If so, which ones?

Aileen Campbell: The working group will consider the recommendations from the work that is being done elsewhere in the UK and check their applicability for the Scottish context. It might recommend that we use toolkits or some other things from that continuing work. The group will report to me at the end of this year, and we will be working throughout the year to ensure that it can consider everything that may be applicable to tackling child sexual exploitation in Scotland.

Angus MacDonald (Falkirk East) (SNP): Good morning, minister. In your speech at the conference in January, you indicated that the Children and Young People (Scotland) Bill, which was introduced in the Parliament a couple of weeks ago, will enshrine the GIRFEC approach. You touched on that in your introductory remarks. How will it address child sexual exploitation?

Aileen Campbell: The bill will put the key elements of GIRFEC in statute. That is about placing the child at the centre of how services are designed and delivering services around them. It will ensure that the child's wellbeing is paramount; ensuring that children are not sexually exploited will very much be part of that. The approach will enable services to work much more collaboratively around the child and will ensure much more coherence in how services are delivered for the child.

Beyond GIRFEC, we wish to place in statute a number of elements that concern looked-after children. For instance, the definition of corporate parenting could enable much more of the wider public sector to have a role in that. Organisations should be alert to the responsibilities that they have in looking out for the looked-after child. That will enable much more coherence among services in militating against child sexual exploitation. We are extending to 25 the age at which looked-after children and young people can expect to be helped by local authorities or the public sector.

Although they might not relate specifically to child sexual exploitation, a number of provisions will allow us to ensure that the wellbeing of every child in Scotland is maintained and looked after and that looked-after children have much more

attention as regards the services that are delivered to them. That will help all children and young people, and specifically the group of children whom we are considering today, who exhibit a particular vulnerability.

Angus MacDonald: When I was a councillor, officers drummed it into us that we are all corporate parents. That certainly applies to elected members at all levels—in councils or Parliament. I am pleased to hear what the minister said about that. Joint working is always a plus.

Aileen Campbell: We fund and support Who Cares? Scotland to reinforce the message that everyone has a responsibility as a corporate parent. Who Cares? delivers much of the training for that, including training that is delivered by young care leavers. That is an important part of our work.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): We are concentrating on why child exploitation happens and on ensuring that children are protected from child exploitation. We need also to concentrate on who perpetrates it. Will you give me some idea about how you are working with the police to break these chains and get some successful prosecutions for child exploitation?

Annette Bruton: We inspect services to protect children using a joint inspection method that includes police officers. I will ask Helen Happer to give the committee some detail about how we do that. When we inspect, we essentially consider how effectively services are delivering on prevention, as well as dealing with the aftermath of sexual exploitation. We look at what data local authorities, the police and health services hold and how they use that data, particularly as part of a preventive strategy. Ms Happer can say a bit more about our new methodology.

Helen Happer (Care Inspectorate): When we are talking about the involvement of the police in dealing with the whole issue of child sexual exploitation and about sharing information on children who might be vulnerable, it is important to think about the information that the police might hold at a much earlier stage, before prosecution. In the six years of child protection inspections, a multi-agency approach has been adopted, and we have found that the police have an important role in early information sharing and intelligence gathering—in picking up information and sharing it with other partners to ensure that any concerns about children are fully explored at an early stage. That has improved over the past few years.

Child sexual exploitation is a very secret, hidden activity—it is rarely overt. It is important that all the information is shared early. That is critical to unpicking the concerns about a child and what

might be happening. The police therefore have a critical role to play in early intervention. When we undertake our strategic inspections of children's services, we have all the partners around the table. We are looking at holding all those partners accountable for the work that they do to ensure that children are safe and kept safe.

Maureen Watt: Do data protection rules not allow the police to, for example, inform a care home that it should be wary of certain individuals approaching the establishment or children in the establishment?

Annette Bruton: That is a good question. There should be no impediment to data sharing. Child protection issues always trump any other data sharing considerations so, when a child's safety is at risk, we do not expect data to be held back for data protection reasons. That should pertain to teachers, social workers, the police and health workers. As Ms Happer says, the situation has improved during the past six to seven years, but there is still some way to go, and we are working in our policies and inspections on a common understanding among practitioners about the urgency of sharing data.

Phil Raines: The committee might want to know that the Information Commissioner's Office recently issued a statement about the sharing of data when a child's wellbeing is at risk. That statement makes it absolutely clear that the Data Protection Act 1998 should not be a barrier to sharing concerns about anything that might put at risk a child's wellbeing. We can certainly make a copy of that statement available to the committee if it will help with the question.

Since 1 April, we have been operating in a different environment. We have a single police force and there is a huge appetite in that single police force for thinking about ways in which the integration of its previous functions might best come together to address child protection. Assistant Chief Constable Malcolm Graham is in charge of the agenda and part of the working group, and he is keen to ensure that the police force makes full use of the opportunities that integration will provide.

Aileen Campbell: I alert the committee to the letter that was sent and how that was facilitated by the GIRFEC programme board. That might go back to Angus MacDonald's question about the ways in which the Children and Young People (Scotland) Bill will help us to consider the issue. The GIRFEC programme board is gearing up for GIRFEC becoming part of the legislation, and the programme board's work led to the information commissioner issuing the letter. As Phil Raines said, Malcolm Graham is on the working group, so there are close working links with Police Scotland and we have opportunities to look properly at the

issue and work collaboratively with the new police structures.

Maureen Watt: Are you working with, for example, the Minister for Community Safety and Legal Affairs on developing local protocols so that areas that have the problem have multi-agency working groups to break perpetrator networks?

Aileen Campbell: Collaborative work is key to all this and there are no artificial silos in the Government for those who are tackling the issues. The Government is engaging and working with the police, local authorities and health colleagues to flag up the data as early as we can and to ensure that we look at the preventative angle and that people are alert to the signs, so that we can tackle the problem more effectively. There is always work to do on getting to the nitty-gritty of who is committing these atrocious crimes.

Anne McTaggart (Glasgow) (Lab): You mentioned how applicable the national plan in England is to the Scottish context. Could anything in the national plan in England tie into what my colleague Maureen Watt just asked about? Is there any practice that you hope to adapt to the Scottish context?

Aileen Campbell: The working group will look at the action plan to ensure that, if good practice is flagged up, it can be adapted for a Scottish context. I mentioned the tools from the University of Bedfordshire, which we are piloting in some local authorities in Scotland. That is an example of us taking something that is good and, from the get-go, getting it out in a Scottish context to refine it and ensure that we can roll it out appropriately throughout the country.

10:30

The Deputy Convener: I hear what you say about data sharing. It is good to hear that information will be shared with Police Scotland and that there will be a multi-agency approach. The committee is committed to shining a light into every dark corner, which requires thinking outside the box. Are there any new initiatives? For example, are we tracking abusive people who might be hanging around children's homes, which is a very visible activity? I know that we must protect individuals and watch how we do that. Are we thinking about doing things in a totally different way?

Annette Bruton: I will start by giving some examples of the kind of practice that we are picking up in our inspections. In inspections, one thing that we look to see is that national policy is being implemented. We also look at whether people are coming up with solutions locally that are helping to tackle the problem. For example, in Aberdeen City Council—which I know well,

because I worked there until last year—there is a daily meeting of the multi-agency group at a level that is close enough to know what is going on with individual children but senior enough to make decisions. Every day, individual children are discussed—it might be a child in a care home who has disappeared overnight or two girls at separate schools who are engaged in the same behaviour.

If something sounds a bit organised or if it looks as if a pattern is emerging, the multi-agency group always asks the same question: "What else might be going on here?" It allows the organisations involved—health services, the police, schools and social work—to look, on a case-by-case basis, for behaviour that might indicate coercion or sexual exploitation of a vulnerable young person. That is one example.

Our new children's services inspections will bring those examples of good practice to the surface. At first, such practices might look onerous or as if they could not be sustained. However, places such as Aberdeen have shown that those practices can be sustained and that they have been able to interrupt dangerous activities that young people were being drawn into and the exploitation of young people.

We have seen some examples and, via our inspection methodology, we will look for more examples over the coming months and years. In the immediate term, we will feed all that into the national strategy group. Rather than wait three years to write a triennial review on that, we will identify best practice and share it with practitioners throughout Scotland.

Phil Raines: One thing that we are doing that is not being done anywhere else in the country and which is in the Children and Young People (Scotland) Bill is ensuring that every child and young person up to the age of 18 has a named person whose job it is to pick up on all the clues and signs that different professionals might pick up on but have no way of putting together. In due course, that person will be in a position to pick up on the signs of child sexual exploitation and will—hopefully—be able to pull together the right support. The bill will ensure that every vulnerable child and young person has one document that brings together all the things that are needed to support that child. That is not happening elsewhere in the UK.

John Wilson (Central Scotland) (SNP): For clarification, are you saying that every child will have a document that will follow them, or will that apply only to children who are deemed to be at risk? You have just put it on the record that it will be every child.

Phil Raines: Every child and young person will have a named person and every child for whom it

is deemed necessary will have a child's plan. Those are two separate things. All vulnerable children and young people will have a child's plan.

John Wilson: How will children be aware that they have a named person? How will that named person be identified to the child?

Phil Raines: That comes within the territory of the bill. It provides that, until the child is five, health boards will have a responsibility to provide a named person, who will presumably be a health visitor.

The Deputy Convener: Who checks the named person?

Phil Raines: What do you mean by "checks"?

The Deputy Convener: Who checks whether the named person is qualified? Who nominates the named person?

Aileen Campbell: As Phil Raines has said, when the child is in their earliest years, the universal service is the health service. That is why the health board is responsible for providing the named person in the most formative years of a child's life. The next universal service is education, to which there will be a handover.

Certainly, there is lots of good practice under the GIRFEC programme board, which I chair. Regardless of where we are with the bill, we are trying to provide a degree of consistency across the country in the way in which GIRFEC is implemented. There is lots of good practice around the way in which the named person responsibility is carried out.

John Wilson: I am sorry, but I did not get an answer to my question about how the child will be able to identify who the named person is. There might be no problem while the health board has responsibility, which is until the child reaches the age of five, because health visitors and various others will liaise quite closely with the family.

However, when the child is older, how will they have the opportunity to report issues to the named person, who is supposed to ensure their protection? How will that individual be identified to the child? Will that happen through the education authority, through social work or through the health board? How will the named person be identified to the young person? How will we ensure that the young person has the confidence and ability to speak directly to that named individual?

Phil Raines: Such issues will be part of the implementation of the bill. For children up to the age of five, the responsibility will lie with the health board to ensure that children and families are aware of who their named person is. For children from the age of five upwards, the responsibility will

lie with the local authority, principally through education services. In the regulations and guidance that will accompany the bill, we will clearly set out what the expectations are on the relevant people on whom such duties are placed. The question is important, and it is important that those things are in place when the bill is implemented.

Helen Happer: A core part of the methodology for our joint inspections of children's services will be to explore the territory around the named person, to ensure that named people understand what their responsibilities are and to ensure that, at a strategic level, services are preparing and equipping named people to understand their responsibilities and are ensuring that people have the tools to take things forward.

Of course, children and young people will talk to and confide in someone whom they trust and know. That might be the named person or other people. The system of named persons is certainly not about trying to stop children and young people building good relationships and talking to people whom they know and trust. A core part of keeping children safe is that we provide good, listening, sound and trusting relationships for children.

John Wilson: Convener, I am sorry to extend this. Ms Happer indicated—rightly—that children will go to an individual in whom they have confidence. How will that individual be able to link to the named person? We need a joined-up approach to protecting children, no matter what age they are. A child might build up confidence in an adult or other individual and confide in that individual by talking about fears, concerns and experiences. Perhaps Mr Raines could elaborate on how, under the bill, the person in whom the child confides will be able to contact the named person. I see that some issues could arise with the future operation of the process.

Helen Happer: In Scotland we have always had the position that children may speak to anybody about things that concern them. They may speak to parents, friends or professionals whom they are in touch with—youth workers and so on. We know that in Scotland services have a high level of alertness about how to protect children, and that has got better—we will say that in our forthcoming publication. It is not new that children may speak to somebody in any service, which then needs to take action to ensure that children get the help that they want.

The named person is not designed to obfuscate or cut across that process. Part of being a named person involves understanding that you have responsibilities to the child. Named people also have responsibilities to other children, which means that, if another child talks to them, they should use all the processes that are in place to

set in motion a chain of events that will help to explore that concern. The named person does not make that process more complicated or difficult; they provide another level of support for a child and another level at which information is gathered. That does not cut across anything that has been in place before.

The Deputy Convener: I am conscious that we are somewhat constrained by time. However, the process is a particularly important aspect; it is certainly new. I ask Anne McTaggart to be brief.

Anne McTaggart: It would be remiss of me to go further without asking the following question. You spoke about the new bill providing support until the age of 25. What funding will go along with that—or will something be dropped at the other end? Obviously, funding will be needed, because that is not how things currently operate.

Aileen Campbell: The financial memorandum that accompanies the bill will alert members to the proposal's financial implications. That has all been looked at. A lot of people responded to the consultation on whether the commitment on support until the age of 25 needed to be strengthened. There is more information in the consultation response analysis that we published a couple of months ago. We outlined the proposals when we published the bill a couple of weeks ago.

Anne McTaggart: Minister, you said that every child and young person will have a named person. It would be highly remiss of me not to ask whether quotas have been set as to how many people that named person will oversee? In my last job in social work, some people dealt with up to 70 cases each, so the named person may well have up to 70 young people under their jurisdiction.

Aileen Campbell: As Phil Raines said earlier, a process of guidance and regulation will accompany the bill. As we have said, the idea about the named person is to try to cut through a lot of the bureaucracy to ensure that the child truly is at the centre of the services that are delivered and that someone has oversight of a child who has a particular vulnerability. When the bill is presented to Parliament, there will be an opportunity to ensure that we get the guidance and regulation absolutely right. It is not a tick-box exercise; we want to ensure that the named person has a meaningful impact on a child's life.

Anne McTaggart: I appreciate that and look forward to seeing the financial memorandum that will accompany the bill. This is extremely important and the theory is all good and well, but I am not sure that it is happening in practice.

The Deputy Convener: That is a good point.

Jackson Carlaw (West Scotland) (Con): Having listened to all of this, I hope that you will allow me to ask a question on this, as I have been quite taken with this part of the debate. We have latched on to the issue with a certain degree of attention, but it strikes me that we are raising, suddenly, something of an expectation, so I want to be clear. Every child in Scotland is going to have a named person, irrespective of any defined assessment of the risk contingent within the group of people that the named person will have in their portfolio. How many named persons do you anticipate that there will be? What will the turnover be in named persons and how in practice will they establish a bond of confidence on which people feel they can rely? That is not a concern about the principle, but to me the enterprise seems to be huge.

10:45

Aileen Campbell: It is important to recognise that, although there will be a named person for every child, not every child will need interaction with that named person. However, there has to be a way in which we can ensure that someone has an overview of what is happening to the child to ensure that the early indicators of anything that would pose a threat or a risk to that child can be flagged up as soon as they can be, and that is why the particular part of GIRFEC will be put in statute. That is already happening in areas; it is not new. If the committee is interested in some of the more specific elements of the bill, which the Education and Culture Committee will look at, we are happy to ensure that the clerks or members get an adequate briefing on them, if that would be interesting and would cut through some of the committee's questions.

The Deputy Convener: That would be helpful.

Jackson Carlaw: In that case, I will now ask the question that I was going to ask, which is about missing people and children who abscond from care. Minister, you wrote to the committee around a year ago—on 19 April 2012—and said that, in 2012, you hoped to look with the Care Inspectorate at ways to improve the collation of information on children who have gone missing or absconded from care. What deficiencies did you identify in the collation of information that you looked to address through 2012? I want to understand what the baseline was before I understand what actions followed from that.

Aileen Campbell: There has been the trafficking summit since we said that. A number of commitments that came from that relate to appropriate data collection. The Care Inspectorate will certainly want to input further into that issue.

Phil Raines: Much of the work on that has been folded into the wider work on anti-trafficking that the Cabinet Secretary for Justice kicked off, which relates not just to children absconding, but to human trafficking more generally. Children who abscond are not the only part of that work, but they are a big part of it, and it made sense to bring together those two streams of work. We are taking forward work on that.

I will answer what I see as the two parts to the question. First, we currently have no national number on or national way of counting absconding kids who go missing from care. Therefore, in a sense, there is no proper baseline. There is currently no way by which we collect that information, so the issue is how we can collect and improve that information.

On the steps going forward, we have identified that, when we think about kids who are missing from care, we need to think about different groups of kids. The issue might be easier to address for some of those groups of kids and more difficult to address for other groups. Perhaps it is more straightforward to put in place a way of identifying kids who go missing from residential schools, counting their numbers, aggregating them, coming up with a way of reporting on them on a national basis, and taking the right action. It is a bit more difficult to get the numbers for kids who are in foster care and kinship care. Steps can be taken, but the challenge that is involved with them is quite different from the one that there is with those in residential care.

The work for the anti-trafficking national summit is to see whether we can do something more quickly about the residential care element and what we can put in place for collecting data on that, and then to start to explore how we can get better at collecting data about kids who abscond from care more widely and children who are missing. There is, of course, a bigger set of issues about children who go missing from services more generally. That issue ultimately defies an absolute data collection system. We have been thinking for a while that we would probably want to move into those areas. I am talking about kids who are invisible to services, not only kids who disappear from services.

Jackson Carlaw: So the problem as you have defined it is that people can be missing or absconding from different streams or sources, and the deficiency has been that information has not been collated. Is that essentially the problem?

Phil Raines: Yes, at that sort of level.

Helen Happer: We ask and require regulated care services to provide us with information about young people who abscond from care establishments, but we do not have confidence

that that is always followed in the way that it should be. That was part 1 of the streams of information that we wanted to look at as part of the work that Ms Bruton described at the beginning.

As Mr Raines has pointed out, it is far more difficult to be clear about how many young people go missing from foster care. For example, does that mean that they are missing for a few hours or overnight? Particularly when young people have quite complex contact arrangements and might be travelling home and back, it can be quite hard to keep track. That is another area that we want to explore further.

In our strategic inspections of child protection services over the past three years, we have asked child protection committees whether they have a handle on the number of children who go missing. We need to collate those figures to understand what is going on in the local area. We have found that dealing with young people running away is an underdeveloped area of practice. In the main, services have not been as good as they might have been in pulling together and sharing information at an early stage on young people who go missing, particularly those who go missing in groups—with a friend or with a group of young people—or who go missing on a regular basis.

The Deputy Convener: Ms Happer, sorry to interrupt, but I wonder whether you can help me on that. If young people go missing during the day or in the evening, they could be sexually exploited and then return home in the evening. However, you do not capture that information.

Helen Happer: No. That is right.

The Deputy Convener: I am conscious of the time. I want to bring this session to a close at 11 o'clock, so I appeal for brevity from members. We will have a final question each from Anne McTaggart, Maureen Watt and John Wilson.

Anne McTaggart: My question is on the training of the professionals who are likely to come into contact with vulnerable young people. Those professionals include teachers, police, health professionals, youth workers and social workers. Does such training currently include spotting the signs of CSE? Do you plan to ensure that the training will include that in the future? Has the training been upgraded in that way?

Aileen Campbell: Last year, we published the "National Framework for Child Protection learning & development in Scotland 2012" and we developed the "National Risk Framework to Support the Assessment of Children and Young People", along with the first comprehensive toolkit. Both those frameworks encompass child sexual exploitation. In addition, the working group will look at areas of training that might be useful for education colleagues, for example. Therefore, a

number of developments have recently been completed and work is on-going with the working group. I should point out that the pink book for health professionals was also refreshed.

Helen Happer: Some of the training need is about improving our understanding of how children may be groomed and manipulated. That is a very important issue.

Anne McTaggart: Perhaps the greatest training need relates to resourcing and the time that people need to spot such issues when they work with vulnerable young people. People could be trained for all the time in the world and have all the knowledge in the world, but if they have 70 children to deal with, realistically, it is just not feasible for them to spot such signs.

Aileen Campbell: The frameworks and other things that I mentioned were produced following extensive consultation with the workforce, so they reflect what professionals and those on the ground feel is needed. The working group is also looking at that.

Anne McTaggart: The frameworks may be great, but that is not what happens on the ground.

The Deputy Convener: Sorry, we must move on.

Maureen Watt: Minister, you said in your speech to the conference that teenagers do not feature in child protection nearly as much as younger children do. Further to Jackson Carlaw's point, how can we improve child protection for older children, who are mainly the group of people—although we hear that people are now involved at ever younger ages—who are subject to child sexual exploitation? How do we focus more on protecting them?

Aileen Campbell: In the speech that I made at the end of January, I flagged up the anomalies between some of the figures and indicated that we wanted to ensure that we had a better handle on that and asked questions. The committee's work will probably also highlight issues that we can explore. As the Minister for Children and Young People, I know that we cannot always concentrate on the very earliest years; rather, we need to ensure that a child's whole life course and any vulnerabilities or risks that might be prevalent for them are properly dealt with. That is why we want to use the working group as a mechanism to look into that issue a wee bit further and ensure that we can get things right for children in their adolescence, that individuals and professionals have the proper protections and alertness, and that we capture information in a much more comprehensive way. We understand that there is a need to get underneath what is going on for those teenagers.

Annette Bruton: We have talked a lot about professionals and professional responsibility. We believe that there is some room yet to speak more directly to young people. As Ms Watt pointed out, young people of that age are a group that we know less about, and they are more likely to go to their peers for support. We can talk directly to young people and give them advice. Young people use each other as support in all sorts of circumstances in their lives. We can support them in helping each other to keep safe by being open and having open conversations with them. There is room for more work on that.

John Wilson: Good morning. It is clear that the issue is that we are getting more and more evidence almost on a daily basis from the rest of the UK and other parts of the world about how child sexual exploitation is taking place. Minister, you indicated that you will produce national child protection guidance and review it. You will be aware that the Welsh Assembly has produced supplementary guidance in relation to its sexual exploitation risk assessment framework. Do you intend to adapt guidance or introduce similar guidance for practitioners in Scotland before the end of this year? I am conscious that, as individual cases arise and we get more of them, there is clearly a need to update the guidance as quickly as possible to take account of some of the issues that we can identify from other parts of the UK or other parts of the world.

Aileen Campbell: As you have correctly identified, I said in my opening remarks that there is a refresh of the national guidance on child protection. The Government has certainly had positive discussions with Barnardo's, for instance, about how we will ensure that that properly reflects issues that surround child sexual exploitation. That guidance and those discussions will reflect the issues around child sexual exploitation, and that work will be on-going. That is a positive way to take the issue forward.

There are, not least, the other things such as the frameworks and toolkits, which I mentioned in answering Anne McTaggart's question. Those things exist now; they have been published. The pink book has been published. All those things reflect child sexual exploitation to alert practitioners and professionals in their daily lives about the things to look out for. There are frameworks and toolkits and there is advice, and the refreshed guidance on child protection will reflect child sexual exploitation. The working group also has a keen eye on the matter, and it will give us any recommendations on best practice across the rest of the UK to ensure that we can replicate it, roll it out in a Scotland-specific way, and get the systems right.

John Wilson: Due to the time, I will be brief.

The committee is interested in the operation of the Sexual Offences (Scotland) Act 2009 in relation to child sexual exploitation. Do you have any information on how that act has been used and the number of convictions that there have been under it, and the number of cases pending? Is there any possibility of strengthening it or reviewing it at some stage to ensure that we do not miss something in the arsenal of material that is available to the Scottish Government and others to try to tackle seriously child sexual exploitation in Scotland?

11:00

Aileen Campbell: We do not have figures for the 2009 act, but we can get back to you on that, if that is okay, convener. Certainly, the conviction statistics have recorded 24 persons convicted of an exploitation offence under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 since that act came into force. However, I do not think that that is the whole story, as there may have been other convictions for other reasons, and underneath that there are areas that relate to exploitation. I am happy to get back to you on the 2009 act figures. There is work going on to ensure that we get things right in terms of enforcement under the legislation. The opportunities with the new single police force and the fact that we have police representation on the working group show that we have close links to ensure that things are as strong as they can be.

John Wilson: I accept your point about the offences that have been taken to court under the 2009 act. When you are gathering the information, I would be interested in whether you could pull together information on other offences committed against children that are not covered by the 2009 act and consider particularly whether the 2009 act has not been used when cases of sexual offences against young people have gone through the court system.

Aileen Campbell: Okay.

The Deputy Convener: Thank you very much, minister, Ms Bruton, Ms Happer and Mr Raines for your evidence today. I suspect that we will probably want to revisit some of the issues that were raised today. I apologise for going somewhat over the planned time, but I think that some of the new information that was brought forth necessitated further questioning. I thank you for attending. We will suspend for a few minutes to allow the minister and witnesses to leave.

11:01

Meeting suspended.

11:05

On resuming—

Current Petitions

The Deputy Convener: I welcome to the meeting Gil Paterson MSP, who has a particular interest in PE1105. I want to go through the petitions as quickly but as meaningfully as we can and decide which petitions we keep open and those which we feel might be closed.

School Bus Safety (PE1098 and PE1223)

The Deputy Convener: We start with PE1098 and PE1223 on school bus safety. Do members have any comments on the issue or, indeed, on the notes provided by the clerk and the letter from the Minister for Transport and Veterans, Keith Brown?

I have one comment to make, if I may, which is about the length of time that it appears to have taken to address the issue. The petitions were first submitted in 2009, and we are talking about having a potential solution by 2018. That seems an inordinate period of time. I do not know who is writing the book, but it is certainly quite an experience. Do members have any comments at all?

Angus MacDonald: Given the timescale for publishing the report on the costs of fitting seatbelts—it is not due until 30 June this year—I do not see any merit in inviting the Minister for Transport and Veterans to a committee meeting at the moment. However, it is clearly an option that we can retain for when we get sight of the published report. Perhaps we can invite the minister to a future committee meeting after the summer recess.

John Wilson: I accept the minister's letter, but in his earlier response to us he indicated that he expected the report by April 2013. We see in the letter that he is now talking about 30 June 2013 for the report being made available. I suggest that we write to the minister to seek further clarification of the reasons for the time delay. I know that part of the reason was the awarding of the contract in December 2012. However, it seems strange that the timetable was set for the end of April, but then we are told that it will be three months later than anticipated.

My understanding is that the Scottish Government has a lot of information on the issue. The deputy convener rightly identified that we have been considering the petitions for almost six years. The committee has written to local authorities and we have sought assurances from the Convention of Scottish Local Authorities, so there should be enough information within the

confines of the Scottish Government to allow it to make some assessments of what is happening out there.

I suggest that we write back to the Scottish Government asking for further clarification, but I agree with Angus MacDonald that given that the final report is not due until the end of June, there is no point in the committee considering the petitions until after the summer recess, at which point I would expect the minister to come along to an early meeting of the committee to explain the report's findings and what actions the minister intends to take to resolve some of the issues raised in the petitions.

Jackson Carlaw: I am happy with that. I did not expect to have to ask this, as I thought that the issues would have been resolved, but I want to understand what has been the obstacle since 8 March 2011 to the Scottish Government accepting the UK Government's offer to devolve these matters to the Scottish Government. I do not wish to be unhelpful to colleagues, but—my goodness—if we cannot manage in more than two years to devolve the powers for seatbelts to the Scottish Parliament, it makes me wonder how—in certain circumstances that I do not foresee arising, of course—we would devolve much wider powers to the Scottish Parliament. The obstacle is loosely defined as “legal complications”, but I have never been able to understand what is preventing the power from being devolved.

The Deputy Convener: I have not phrased it as finely as Jackson Carlaw did, but I wrote down that the issue appears to be bureaucratic bunkum. I cannot believe that the situation has gone on for so long. I do not accept that there has been a couple of weeks' slippage in appointing the contractor or that initial work could not be undertaken prior to the 2012 Christmas holiday break. We should follow the suggestions of John Wilson—on writing to the Government—and Angus MacDonald, with a view to having the matter resolved as soon as possible after the recess. Hopefully, the message will go out from the committee that everybody associated with the Government should be operating as effectively as they can. I do not consider 11 years to be effective.

St Margaret of Scotland Hospice (PE1105)

The Deputy Convener: PE1105 was submitted by St Margaret of Scotland hospice, and I refer members to the previous submissions. The issue concerns cost allocations. I invite comments from committee members.

Jackson Carlaw: With respect to Gil Paterson, who has joined us for this petition, I note that the Cabinet Secretary for Health and Wellbeing is

awaiting an updated response, and I would like to see that.

Secondly, I note in the cabinet secretary's letter to the committee the implicit acceptance of a point on which his predecessor was reluctant to make a commitment—if a resolution is not forthcoming, he would be willing to appoint an independent arbitrator who would be required to facilitate a resolution. I had called for that and other people felt that, ultimately, it would be of advantage. I thank the cabinet secretary for his direct, proactive involvement in trying to resolve the matter.

Those two things suggest to me that something might ultimately happen. I have always been of the opinion that NHS Greater Glasgow and Clyde has been as slippery as a bar of soap in a bath on the issue, and I am reluctant to allow the matter to become distanced from the committee's beady eye.

Gil Paterson (Clydebank and Milngavie) (SNP): I can inform the committee that, to my knowledge, on the many occasions when the committee has considered the petition, there has been someone from the hospice in the public gallery. Today again, someone is in the gallery to hear the committee's deliberations. I know that the people who attended the last meeting when the matter was considered, and those at the hospice, were very grateful for the comments that the committee made, and they thank you very much.

Papers have been received by the hospice on matters that the hospice board will need to consider. Unfortunately—though fortunately for the individual—the chairman had an extended visit to Australia and New Zealand and has only just returned. As far as I am aware, the papers have not been discussed.

I happened to be at a function on Friday, along with a very staunch supporter of the hospice, Denis Agnew, the former provost of West Dunbartonshire. The hospice chairman attended the function, with a lovely tan. We only spoke for about 30 seconds, and we did not talk about business. My presumption is that the matters that are contained in the correspondence from the health board will be discussed imminently.

It might seem that I am being a bit like a drug addict or alcoholic—“Just give me some more”—but that is not the case, and that is not my purpose. The work that the committee has done, and the mere fact that the petition has been available to the committee, have helped enormously.

I am probably going to get into trouble, but I think that both parties—the health board and the hospice—benefit from the petition being open. I would be grateful if the petition could be kept

open, particularly in the light of what Jackson Carlaw has said.

11:15

The Deputy Convener: The comment that you made about the chairman perhaps explains why the letter from the cabinet secretary indicates that an offer was made to St Margaret of Scotland hospice on 22 March, yet we received a letter from the petitioner on 4 April. I am not sure whether that is the problem.

I think that we should indeed keep the petition open. Again, I remind the committee that this petition has been on the books for eight years. Clearly, the message must be given that these things must be addressed as quickly and effectively as possible. I think that we should keep the petition open until the hospice has had a chance to go through the papers and respond to the health board. Are we agreed?

Jackson Carlaw: The length of time is as nothing compared with the distress and concern of people in the greater Glasgow area who are served by the St Margaret of Scotland hospice. I hear what you say, convener, but literally lives are at stake in relation to the outcome of the petition. The committee has been the one constant focus, keeping an eye and a light on the issue in Parliament. I would be reluctant to see that go until we finally get the resolution that I think is achievable but has been elusive.

The Deputy Convener: My point was not directed at the hospice.

Are we agreed that we will leave the petition open until we receive resolution—until after the summer recess?

Members *indicated agreement.*

Gil Paterson: Many thanks to the committee.

Mosquito Devices (PE1367)

The Deputy Convener: PE1367, by Andrew Deans on behalf of the Scottish Youth Parliament, calls for the banning of Mosquito devices. Do members have comments?

Angus MacDonald: We know from the special session that we had with the Scottish Youth Parliament that it has been taking the matter very seriously. We asked it to go away and get some more evidence on how the matter has been dealt with elsewhere—in other parts of Europe, for example. Unfortunately, there does not seem to be a lot of information coming back from the Scottish Youth Parliament's attempts to find such evidence, although there have been examples from Belgium and France.

I believe that one option that we have is to bring the evidence that the petitioner has gathered to the attention of the Minister for Community Safety and Legal Affairs and ask her what further action the Scottish Government is prepared to take. However, the minister attended the committee and she was fairly forceful in her view that no further action is planned. I am not sure where we are going with the petition, given that the evidence that we sought really is not there. I am in two minds about whether to close the petition or to seek further information from the minister.

Jackson Carlaw: I am interested in the approach that Angus MacDonald has brought to consideration of the petition. I am slightly disappointed. Mr Deans is certainly articulate, as we know from when he was with us. However, I feel that the extended additional submission is more anecdotal than properly evidence based. At one point, we get confirmation that 100 devices have been sold, but it also says that 100 devices are still operational. I am sorry, but I do not find that credible or agree that it constitutes evidence. It also seems to me that individuals have volunteered that they think that these devices are in use because somebody has had a conversation with them about what the devices might be like and they have realised that they might have heard them.

My view is that we should close the petition, but in so doing I am nonetheless happy, as a final flourish, to draw to the minister's attention the fact that we have closed the petition and forward to her for information the submission that we received from Andrew Deans in response to the open session that we had with the Scottish Youth Parliament. We can see whether she feels that anything further needs to be done, but without the committee placing any obligation on her to do so, because I would be slightly embarrassed to suggest that what we are presenting to her is evidence that we think she should feel compelled to act on.

Maureen Watt: As a newcomer to the committee, my view is that the devices are insidious. Has there been any conversation with local authorities or the police about where the devices are used? Surely it is a police matter if people feel that the devices have to be used. The police could disperse the people at whom the device is directed. I have just joined the committee today, so I am wondering whether the committee has already considered that point.

The Deputy Convener: I am advised that that did happen some time ago.

Maureen Watt: We are considering banning the use of something that we do not know enough about, but I feel that the issue is more a matter for local police and councils.

The Deputy Convener: I agree. I hesitate to say this, but the question now is where the clinical evidence is. The Scottish Youth Parliament submission lists a series of places where the devices are located but states that it is unclear whether the devices are being used. I just do not know what else we can do with the petition other than continue to operate as a mailbox for it. Do members agree to close the petition but do as Jackson Carlaw suggested, which is to send the information on the petition to the relevant minister and allow her to pursue it further if she wishes to do so?

Members indicated agreement.

Wild Animals in Circuses (Ban) (PE1400)

The Deputy Convener: PE1400, by Libby Anderson on behalf of OneKind, is on banning the use of wild animals in circuses. Do members have any comments on it?

John Wilson: I suggest that we write to the relevant Scottish minister to seek clarification on whether he is prepared to take up the offer extended by the UK Government to allow the bill currently going through Westminster to be extended to cover Scotland. The petitioner's letter has highlighted Westminster legislation that currently does not apply to Scotland. For example, the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 came into force in January this year. As I said, the Wild Animals in Circuses Bill that is going through Westminster could potentially be extended to cover Scotland. The petitioner's fear is that, if Westminster introduces the legislation and regulations for England, some of the travelling circuses might move to Scotland and locate here to avoid the legislation down south. It would be useful to write to the minister to seek clarification on whether the Scottish Government intends to take action in the light of the developments down south and whether he would consider extending the scope of the Westminster legislation to Scotland.

The Deputy Convener: Do members agree to do as suggested?

Members indicated agreement.

National Donor Breast Milk Bank (PE1426)

The Deputy Convener: PE1426 is on a national donor milk bank service. I draw to members' attention the paper that we received this morning from the petitioner in response to the NHS Greater Glasgow and Clyde submission. I am minded to suggest that we close the petition. Is that agreed?

Members indicated agreement.

The Deputy Convener: The basis for closing the petition is that action has now been taken by the Government.

Jackson Carlaw: The objects have been achieved.

The Deputy Convener: Yes.

Angus MacDonald: There has, however, been a late submission from the petitioner highlighting an issue with Forth Valley NHS Board. I just want to flag it up that, as a local member, I will contact the board for clarification of why it is not taking part. I will be happy to share with the committee any reply that I get from the board.

The Deputy Convener: That would be appreciated. Forgive me, but I overlooked that. If you could do that, that would be good.

We are closing the petition.

Betting and Loan Shops (Deprived Areas) (PE1439)

The Deputy Convener: PE1439, on betting and loan shops in deprived communities, calls on the Scottish Parliament to urge the Government to review correlation between the prevalence of betting shops and cheque-cashing and payday loan shops on our high streets and in our communities, and poverty and deprivation. Again, I open up to comments from members.

John Wilson: Although I am reluctant to keep the petition open, the Scottish Government's response leads me to want to keep it open for one more bite at getting a response. The Government states:

"We will consider the issues ... in the petition when we review the Town and Country Planning (Use Classes) (Scotland) Order 1997. At present we do not have specific plans to review this legislation, we will inform the committee when we commence this workstream."

I request that we write to the Scottish Government to ask what the timetable is for any review of the order that might be planned. We can then, I hope, close the petition with an assurance that a review will take place, rather than the open-ended response that we have received from the Scottish Government, which says that it might carry out a review but has no specific plans to do so.

The Deputy Convener: The Scottish Government has said that it has no plans for an urgent review. If we simply pass the petition back and ask, "When are you going to have one?" and it then comes back and says, "We're not going to have one," we will not really be exercising any decision making or promoting any movement by the Government. I suggest that we close the petition.

Jackson Carlaw: I understand John Wilson's points, but the fact is that the Scottish Government has no plans for an urgent review. The area is partly reserved to the UK Government and the planning system is not normally used to address such matters. The Government has committed to incorporating the concerns into a future review along with other concerns—I imagine that the Government needs a sufficient menu of matters to review—which is in some respects a reasonable outcome at this stage, given the realities that confront the committee in seeking to pursue the petition.

In other words, the concern has been aired, heard and recognised, and there is a commitment to addressing it in a subsequent review. I am not sure what more we can do at this stage. I hear what John Wilson says, but I feel that the deputy convener is right—we would simply write to the Government and get another letter back that does not tell us anything terribly definite. I am not sure that that would serve any great purpose. I am therefore minded to support the deputy convener's view that we should close the petition.

The Deputy Convener: That does not prevent the petition from coming back at some stage if more information becomes available.

Shall we close the petition?

Anne McTaggart: Can we write to the minister to say that we are closing the petition but also to ask the question that we were going to ask if we kept it open and to highlight the information that we have gathered and the petitioner's concerns?

11:30

The Deputy Convener: I can understand the motivation behind the petition and I have some sympathy with it, but what will we achieve by taking the action that you suggest?

John Wilson: I proposed that we keep the petition open and write to the Scottish Government to seek clarification on the review timetable mainly to try to understand the Government's perspective in relation to the review. The order was passed in 1997. The standard excuse that we get from local authorities when it comes to planning decisions is that they cannot take a decision because it is outwith their prerogative to make a decision in relation to the location or the use of shop units in town centres and other areas.

The issue is the number of payday loan companies—we have always had a large number of betting shops, but the prevalence that the petitioner has indicated of betting shops in close proximity to payday loan companies is quite a worrying development in our town centres that has escalated over the past 18 months to two years. It

is a matter of giving some comfort to communities throughout Scotland that there is an opportunity—not under the betting and gaming legislation, but under the planning regulations—to take some action or that local authorities are afforded the opportunity to take action against the increased use of shopping units by payday loan companies in close proximity to betting shops and other gaming institutions that seem to be cropping up in every town centre in Scotland.

Jackson Carlaw: As one member feels strongly about the petition, I do not see any advantage in forcing a closure. If Mr Wilson is suggesting that we seek some clarity on the timetable and that we allow the petition to come back to us based on that letter, I am happy to go along with that suggestion rather than create a division over it.

Angus MacDonald: Yes, I agree. Thinking about it, I would be minded to accept John Wilson's argument. Given that these vultures are appearing nearer to housing estates and within our town centres, the issue has to be brought to the attention of the Scottish Government once more.

The Deputy Convener: The rationale behind my position was that I am not sure whether what is suggested will achieve what we want. I abhor what is going on but, given the planning regulations and legislation, can we effect anything other than writing to the Scottish Government again? However, if that is the view of the committee, we can agree that we should write to the Government.

Angus MacDonald: Anything that highlights the issue to the Scottish Government is good news in my book.

Anne McTaggart: I agree with Angus MacDonald. I am not a planning guru by any manner of means, but it will give the petitioner some comfort if we write back to the minister to see whether there is anything that they can do with regard to the planning legislation. I fully appreciate that the other decisions are made elsewhere, but there is a huge blight on every one of our communities. We need to keep the petition open and get back to the minister.

The Deputy Convener: Okay. We will write to the Scottish Government.

Mutual Repairs Incentive Scheme (PE1444)

The Deputy Convener: PE1444, from Florance Kennedy, is on the mutual repairs incentive scheme. Members will remember that Ms Kennedy asked the Parliament to urge the Scottish Government to provide incentives for mutual repairs on tenement properties and, in the course of that, to make representations to the UK Government regarding the issue of VAT.

We have all received a letter from the Scottish Government explaining exactly what is happening. A pilot traditional building health check scheme is being developed, and the sustainable housing strategy will be published in the first half of 2013. In the course of that, the Scottish Government will press for change with regard to VAT rate reduction for home repairs. Do members wish to comment?

John Wilson: In light of the response from the Scottish Government, the action that it has taken and the information released earlier this year, I think that we can go ahead and close this petition. The Scottish Government has given a commitment on the second part of the petition to continue to campaign to have VAT removed from improvement repairs on tenements and other developments. The petitioner has achieved what they set out to achieve and the Scottish Government has responded. I propose that we close the petition and advise the petitioner accordingly.

The Deputy Convener: Is that agreed?

Members indicated agreement.

People's Charter (PE1452)

The Deputy Convener: PE1452, from Vince Mills, calls on the Scottish Parliament to urge the Government to bring forward measures in all areas in which it has competency to fulfil the aspirations of the people's charter. I will not rehearse what was in that charter.

My view is that we should close this petition as there is a Government programme in place. I do not demur in any way from the view that the petition is well meaning, and we have received some letters of support. However, given that the Government has announced its overall programme—whether or not we agree with that programme—I do not see how we can take the petition further forward.

Jackson Carlaw: I support that position. The Scottish Government has set out its policies in relation to what is set out in the people's charter. Given the very broad scope of the charter, I am not sure that the committee could achieve much by any further action.

The Deputy Convener: Do we agree to close the petition on the basis that the Government has set out its programme?

Members indicated agreement.

Planning (Protection for Third Parties) (PE1461)

The Deputy Convener: PE1461, from William Campbell, is on protection for third parties in the planning process. Members have the note by clerk

and the submissions. I invite members to contribute or comment as appropriate.

Angus MacDonald: I have some sympathy with the petitioner. Having served on a planning committee in the past, I have been aware of issues that required police intervention. However, in my view the circumstances described in the petition are a matter for the police and should be considered in that context and not as part of the planning process. Therefore—despite my sympathy with the petitioner—I suggest that we close the petition.

John Wilson: At our meeting on 19 February, we agreed to write to the Association of Chief Police Officers in Scotland. Did we receive a response to that letter? Given that, as Angus MacDonald has clearly indicated, some of the matters raised in the petition are policing issues relating to planning—harassment, for example—I suggest that we keep the petition open and write to ACPOS again.

The Deputy Convener: I do not think that the association exists as such, given the new structure of Police Scotland.

John Wilson: Whatever the appropriate organisation is within Police Scotland, I suggest that we write to it to ask for a response on the matter. There are clearly policing matters at issue, and it would be unfair to close the petition without receiving a response from the police about how the matter is dealt with at a local or national level.

Jackson Carlaw: I support that suggestion. It might seem to make a nonsense of our earlier decision to seek advice from ACPOS to say that, because it is no longer there, we will not bother to wait to see whether we can get advice from its successor organisation. In principle, since we thought that advice should be sought, we should seek it from the successor organisation. I do not know what we will be able to do thereafter, but we took a view and we should fulfil it.

The Deputy Convener: I recognise Angus MacDonald's point, but I agree with Jackson Carlaw and John Wilson. In view of the change in structure, if we write to Police Scotland at least it could be a warning shot or a highlighting shot to the new organisation. Once we get a response from Police Scotland, perhaps we could close the petition.

Vacant Land in Private Ownership (PE1465)

The Deputy Convener: The penultimate current petition is PE1465, by Tony Ivanov, calling on the Parliament to urge the Government to put in place legislation to enable local authorities to force owners of vacant plots of land within towns,

including former green belt land and previously developed areas, to maintain and keep those plots of land in a manner befitting the local community.

Angus MacDonald: I note the comments from Falkirk Council's head of planning and transportation, John Angell, whom I know from my time at Falkirk Council to be an excellent officer. He comments on the use of the Town and Country Planning (Scotland) Act 1997 section 179 notices, and in particular he highlights the difficulty faced by councils when they cannot identify the owners of random areas of open space, even when carrying out land registry searches. As a councillor, I came face to face with that problem on more than one occasion. The petitioner's assertion in his reply that that is not a problem is simply wrong.

Mr Angell also highlights:

"Councils do not generally have budgets set aside for direct action ... If the likelihood of recouping that expenditure is low there is little incentive"

for councils to take the section 179 notice route.

The petitioner, Mr Ivanov, makes a valid point regarding the lack of enforcement powers that are open to the council, as does Mr Angell in his submission. Is it within the committee's remit to write to the Scottish Government to ask it to consider the introduction of enforcement action powers for section 179 notices? Councils do not have those powers now, so there is not much incentive to serve the notices. Can the committee highlight that point to the Government, in the hope that it will take it on board?

Jackson Carlaw: I note the response that we have received. I thought that we had also sought to establish how many such notices had been issued, not just how many appeals had been made. I thought that we wanted to quantify the extent to which the existing recourse is exercised, in relation to what we were told could be a route forward without the need for anything new. Knowing how many notices have been appealed—a trivial number in some respects—does not tell me how many there were to start with.

The Deputy Convener: We did write to COSLA, but we did not receive a response from it. Perhaps we will write to it again to remind it of the duty of this Parliament and to make the point that we do not send out letters just for the sake of it.

Angus MacDonald: It may be that COSLA is experiencing a similar problem to us. If it did not have the information at hand and it wrote to all local authorities, it may be that they have not all replied to COSLA.

The Deputy Convener: It would be helpful if COSLA wrote even to tell us that.

Angus MacDonald: Absolutely.

The Deputy Convener: Mr Angell's letter is one of the better and more explanatory letters that I have seen on the issue. Angus MacDonald and John Wilson will remember the somersaults that we went through on registration of land, who owns what and how we register it.

We should do as Angus MacDonald suggests. We will keep the petition open, write to the Government and chase up COSLA, if the committee agrees to that.

Maureen Watt: I think that I read somewhere in the paperwork that a relatively small number of pieces of land are involved. However, I cannot think of an elected representative who has not had correspondence on this issue come into their mailbox. It is an issue that we would like to resolve, but cannot, so anything that can be done to keep the petition going and highlight what an issue it is in many communities, the better. We should write to the various bodies.

The Deputy Convener: We will write accordingly to COSLA to try to discern the scope of the problem and to the Government to highlight the section 179 issue—

Angus MacDonald: And the need for an enforcement power.

The Deputy Convener: And the need for an enforcement power. Is that agreed?

Members *indicated agreement.*

Non-residential Services (Local Authority Charges) (PE1466)

The Deputy Convener: The final current petition is PE1466, by William Tait, calling on the Parliament to urge the Government to review the implementation and regulation of local authority charges for non-residential services. Do members wish to contribute or suggest the course of action that they wish the committee to take?

Jackson Carlaw: I am happy to suggest that we refer the petition to the Health and Sport Committee and invite it to follow the progress of COSLA's review into charging guidance for non-residential social care services, in the light of the information that we have obtained.

The Deputy Convener: Thank you. Do members agree to that?

Members *indicated agreement.*

The Deputy Convener: We now move into private session.

11:46

Meeting continued in private until 12:17.

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