



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 30 September 2014

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**Tuesday 30 September 2014**

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**PUBLIC PETITIONS COMMITTEE**

**14<sup>th</sup> Meeting 2014, Session 4**

**CONVENER**

\*David Stewart (Highlands and Islands) (Lab)

**DEPUTY CONVENER**

Chic Brodie (South Scotland) (SNP)

**COMMITTEE MEMBERS**

\*Jackson Carlaw (West Scotland) (Con)

\*Angus MacDonald (Falkirk East) (SNP)

\*Anne McTaggart (Glasgow) (Lab)

\*David Torrance (Kirkcaldy) (SNP)

\*John Wilson (Central Scotland) (Ind)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jim Eadie (Edinburgh Southern) (SNP)

Jack Fletcher (Sexpression:UK)

Patrick Harvie (Glasgow) (Green)

John Ronald

Michael Russell (Argyll and Bute) (SNP)

Rebecca Ryce (Sexpression:UK)

Elaine Smith (Coatbridge and Chryston) (Lab)

Jess Smith

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Public Petitions Committee

*Tuesday 30 September 2014*

*[The Convener opened the meeting at 10:01]*

### Decision on Taking Business in Private

**The Convener (David Stewart):** Good morning, ladies and gentlemen. I welcome you all to this meeting of the Public Petitions Committee. As always, I ask everyone to switch off any electronic devices because they interfere with our sound system.

We have apologies from Chic Brodie, who is unwell. I welcome Jim Eadie as his substitute.

Agenda item 1 is a decision on whether to take in private item 4, which is consideration of the draft note of decisions taken at the business planning discussion. Does the committee agree to take item 4 in private?

**Members** *indicated agreement.*

## New Petitions

### Tinkers' Heart of Argyll (PE1523)

10:02

**The Convener:** Agenda item 2 is consideration of four new petitions. The committee has invited petitioners to speak to three of the petitions.

The first new petition is PE1523, by Jess Smith, on giving the Tinkers' Heart of Argyll back to the Travelling people. Members have a note by the clerk, the briefing from the Scottish Parliament information centre and the petition. I welcome Jess Smith. I also welcome Mike Russell, the constituency MSP for Argyll and Bute, who has had a great interest in the petition.

I ask Jess Smith to speak to the petition for a maximum of five minutes. That will be followed by a contribution from Mike Russell. I will then kick off with some questions, after which I will invite my colleagues to ask questions. I will then summarise the discussion, and thereafter we will look at the next steps for the petition.

**Jess Smith:** Thank you, convener.

In 2010, I was informed that the Tinkers' Heart of quartz stone, at the junction of Hell's Glen and the road to Strachur, was almost destroyed due to neglect and cattle trampling over it. My husband and I went to see for ourselves and when I saw the state of the place a knot formed like a stone in my stomach. It was like witnessing the death knell of an entire culture.

The Travelling folk whose families came from the area, and many of those who had left, believed that the Heart was indestructible—a living monument—and that nothing and no one would interfere with the place. Locals were proud to say that it was in their part of Argyll, and it served as a church to those who went there: some to baptise babies, others to get married and others to remember those who had died. The little Heart was all the Travellers had. It is an ancient place, and nobody has discovered its roots.

It is believed that the lads of the Cowal who did not return from the battlefield of Culloden moor were remembered by their families placing white quartz stones in the shape of a heart on the ground overlooking Loch Fyne. There are those who say that it was appropriate to place the stones there because it is believed that on that ancient spot had stood a Celtic church. A standing stone is supposed to have towered on the spot, but it was destroyed and the stones were arranged to indicate where it stood. We really do not know its history.

In 1808, at the construction of roads, the Heart lay there undisturbed. The builders worked around it, making certain that they did not interfere with it. In 1928, at a meeting of the Cowal district committee, Lady George Campbell protested against any interference with the Heart, which at times became covered in grass:

“that patch, she held, was of historical and sentimental interest, as it was known from time immemorial to have been the place where the wedding ceremony of Tinkers took place.”

The Rev John MacCorkindale, from Lochgoilhead, officiated at ceremonies there. Travellers—some with horses and carts, others with small prams—and foot soldiers visited year after year, and they knew him well. It was their place to go to be reinstated with the earth. There was also a tramp man who built a small hut down the road part ways to Cairndhu, and it is said that he watched over the Heart for many a year.

Allow me to read a letter to you. It was addressed to the headmaster of Ferryden primary school, near Montrose, whose name was Mr Whyte. He had written to Betsy Whyte, congratulating her on the publication of “The Yellow on the Broom”, and this is her reply:

“Dear Mr Whyte,

Your letter was a delightful surprize. Of course we remember you, but can hardly believe that you are retired. The years have slipped past so stealthily.

One of my most pleasant memories of Ferryden was of you.

It was the day of the queen’s coronation and the weather had become rather nasty so the children’s fancy dress parade was held in the scouts hall.

I was standing behind you and the other officials, and I heard you say, ‘I think the sheik and his wife are the best dressed bairns.’ However the councillor said to you, ‘Och, but that’s the tinks. You cannae pick them.’ The children were my daughter and her cousin. I turned away, feeling rather depressed, to think that those educated men had so little sense.

Then imagine my surprize when I heard you say (I can remember your exact words), ‘I don’t think anyone can dispute that the sheik and his wife are the best dressed children.’ I truly admired your courage, and during your stay in Ferryden there was no discrimination nor segregation of the traveller children.”

You might ask what the Traveller culture has to do with Celtic history or any other piece of Scottish history. Well, as the battle of Culloden was in 1746, you may want to read Robert Burns’s “Address of Beelzebub” to the head of the Highland Society, who wanted a certain Lord Glengarry, who was successful in murdering and scattering 500 Glengarry Highlanders. When the pye-coated gentlemen of Edinburgh invited him to pen the poem, Burns—who was the great-grandson of Walter Campbell of Lorn, a strong Jacobite—spat fire when he said:

“yes, I’ll write it but not frae me, only the devil would sup wha sic a chiel. I’ll dae him the honour.”

The poem was penned in 1786, long before the clearances and only 40 years after Culloden. Here is an extract:

“Get out a horse-whip, or a jowler,  
The longest thong, the fiercest growler,  
An’ gar the tatter’d gipseys pack  
Wi’ a’ their bastarts on their back!”

Burns’s ancestral roots were so strong that he followed his heart, and he showed immense courage.

When she took on the Cowal district committee, Lady Campbell, too, showed courage. I can imagine the look of surprise on the faces of those councillors: she may have thumped the table and insisted that the old Heart be protected. There is no doubt that her request would have seen eyebrows raised when she demanded:

“No, let the Tinkers keep their Heart.”

That was a very courageous gesture from such a prestigious Argyllshire lady.

When the Rev John MacCorkindale ignored the might of the Church of Scotland, carried his Bible under his arm and gave his time to baptise the Traveller baby, give comfort to the relatives of the deceased and bless the union of a young couple heading on their journey of marriage, he too showed courage. That is what he portrayed, because if his masters had discovered that he was officiating outside the house of God, he may well have lost his position and his manse.

Every day that young Travellers step inside school, they know that at any time they could be subjected to bullying. They are aware that their right to an education is theirs—a gift from the country of their birth. Their parents and grandparents suffered the same discrimination. The youngsters could take the easy way out and stop schooling—who could blame them?—but they desperately want an education so that they can go to university and fulfil their dreams. So they bite their tongues and live with verbal and physical abuse, and that takes a lot of courage. To those young people, the Heart is so much more than a monument. It is an indicator of what they believe is their culture. It represents a future—a place to visit and say, “We are part of this country and we can make a difference.”

Let us remain proud of our ancestors, because they kept our dreams for equality alive. They travelled to this little place in all weathers. We would like to say thank you, and the only way we know how is to fight for the Tinkers’ Heart of Argyll to be scheduled and protected by Historic Scotland, which we now invite to show some courage.

**The Convener:** Thank you very much. That was a very interesting presentation, and I really appreciate your coming along and talking to the committee today.

I now ask Mike Russell to add his contribution.

**Michael Russell (Argyll and Bute) (SNP):** Thank you very much, convener—I also thank the committee for hearing the petition.

I start by paying tribute to Jess Smith, who I am very proud to call a friend now. We have been working on the petition for a number of years and I am quite certain that it will have success. It will do so not only because of her determination but because of all the people behind her—some are here today—who feel very passionately that it is about time that we recognise the contribution of the Travelling people of Scotland to our nation in two ways: by recognising the historic contribution that they have made, which Jess has outlined strongly; and by reconciling that contribution with the modern day. The Tinkers' Heart of Argyll is the only physical artefact that we can associate with the Travelling people; there is no other physical artefact in Scotland with that association. In those circumstances, the Heart forms a unique contribution to our heritage, both tangible and intangible.

The Convention for the Safeguarding of the Intangible Cultural Heritage was adopted by the United Nations Educational, Scientific and Cultural Organization—UNESCO—in October 2003 and came into force in 2006, but successive United Kingdom Governments have still not ratified it. However, the convention makes an important contribution to our understanding of this whole issue: history is not just about places and buildings, but about the intangible and cultural contribution that comes from groups in the community. The remarkable artefact that is the Heart brings those two aspects together. It does not matter too much whether it has always been in exactly the same place or whether, as the committee's briefing paper indicates, it might have had more stones in it at one stage; it is a vitally important symbol of the contribution to Scotland of a very important group. In those circumstances, we should do everything that we can to preserve it and to enhance its meaning and availability. I make that point very strongly.

At the moment, the monument—I want to call it a monument—is not scheduled, but it should be. Scheduling can happen—I do not think that Historic Scotland has given enough weight to the convention on intangible heritage. I think that Historic Scotland could make an exception and schedule the monument.

In the circumstances, the campaigners want—proactively and along with others, including Argyll

and Bute Council—to bring into the situation the landowner, who really needs to be focused on and involved in it, and the community, which similarly needs to be focused and involved, to do three important things.

The first is to improve physical access to the monument. It stands in a field at a very awkward road junction where parking is dangerous. A piece of old road is available next to it, which could provide access and parking.

Secondly, significant signage is required. At present, there is one very small, inadequate sign, and the landowner and their family have proposed the provision of further information at a community information point that is 3 miles distant. However, that is contrary to all good practice; there should be good, substantial, well-designed signage on the site that explains the significance of the spot and its significance to the Travelling people, including Jess Smith, whose grandmother was born not so far from it. Am I right about that, Jess?

**Jess Smith:** It was my mother.

**Michael Russell:** Jess's mother was born on the shore down below the monument. That should be in the story that needs to be told about how people and Travellers lived in Argyll.

The third thing is maintenance. An arrangement needs to be put in place to clean up the monument. It is presently surrounded by a metal container, which, although an improvement on what was previously there, is by no means best practice. The monument should be maintained and looked after in a way that speaks of its importance.

I have been delighted to work with Jess and others on the issue. It is unfinished business for Travelling people, but also for Argyll. It would draw many people to a part of Argyll that does not draw as many as it should, so that they can understand the importance of the Travelling community.

When I was very much younger, I saw Traveller families living on the shores of Loch Fyne. That no longer takes place, but the area is redolent of the very productive, positive contribution of the Travelling people of Scotland. I feel extremely strongly that that should now be recognised properly by the landowner, Historic Scotland, the Scottish Government and all of us as a community so that we can move forward.

**The Convener:** I thank Mike Russell very much for that, which expresses both the philosophy and helpful practical steps. From a personal viewpoint, I am going to Argyll and Bute during the upcoming recess, and I will certainly make sure that I visit the Heart when I am there. Thank you for drawing it to the attention of both me and the committee.

With regard to the practical steps, it would be useful if you could get Historic Scotland to classify the monument as a scheduled ancient monument—to use the technical term—and to consider restoration and preservation.

Can you describe your approaches to Historic Scotland so far?

10:15

**Jess Smith:** We met Historic Scotland once at the council building in Kilmory. We were there to discuss the Heart, but I felt that, given the way in which the meeting proceeded, the person from Historic Scotland had already made up his mind and was a bit negative. I would have loved to have got into conversation with him, because we need to educate people about what has, until the present day, often been kept among oral traditionists who shared stories and songs. Hamish Henderson could have told you about that. The history of Scotland went from campfire to campfire, but it was never written down. I have attempted to write down as much as I can in six books, but we need a lot more history. We need the young to be involved and to get back some respect for their culture before it drifts away into the mists of time.

**The Convener:** So it would be helpful for the committee to submit—if it agrees to do so—a very strong representation to Historic Scotland and perhaps to the Scottish Government. It would also seem sensible to contact Argyll and Bute Council and the landowner. Would those be sensible and practical steps?

**Jess Smith:** Yes. I have been fighting and campaigning on the issue for four years, with the help of a lot of other people, but I have found that the landowner seems to have made up her mind that nothing will progress and that she will look after the monument. With all due respect, as I have said to the landowner, she will die and I will die—we will all die—but the monument, like all the other monuments in Scotland, such as the war memorials, must be preserved. The monuments must live on, because they are not about the living but about everybody. We really have to look after them.

The landowner may want to keep the little cage there and allow access, but the position could change at any minute. Protection has to be cemented.

**The Convener:** As Mike Russell said, it is a great opportunity to develop tourism in Argyll and Bute, which is such a beautiful area.

**Jess Smith:** Yes. Being an author, I have spent time in many parts of the world such as Australia, Nova Scotia and New Zealand. The people from

my culture who moved several generations ago have not taken off their birth coat and are very proud of who they are. They want to come to Scotland: they say, “We want to go back to Scotland, the place of our ancestors’ birth, but where do we go?” They know that their ancestors travelled round Argyll and Perthshire and that they were very much like the clans, but they want to know where they went.

I believe that Argyll and Bute Council could show a little bit of foresight. It could say, “Let’s think about this. We could get a wee car park. We could get tourists in and let them have a look and enjoy Loch Fyne—and they would spend their money in other parts of Argyll, too.” If the tourism industry took that on board, the Heart could become quite an asset for Argyllshire.

**The Convener:** Funding is available, which could be accessed.

Thank you both for your evidence. I throw open the discussion to questions from my colleagues.

**Angus MacDonald (Falkirk East) (SNP):** That was an excellent presentation from Jess Smith and Mr Russell.

I must admit, to my shame, that I was not aware of the Tinker’s Heart until I saw the petition. I must also admit that I was touched by Jess Smith’s heartfelt plea for proper recognition of the site.

I have read the briefing that members received prior to the meeting. It is unfortunate, to say the least, that the landowner, Kate Howe, seems to be less than supportive. Some issues have been raised by the convener, but have either of you, or any local politicians, had face-to-face meetings with Ms Howe?

**Jess Smith:** I have written to her, and have even included stamped addressed envelopes, but she refuses to reply. Mike Russell has met her.

**Michael Russell:** I met Kate Howe on one occasion to discuss the matter. To be fair to her, she says that she is very keen to ensure that the monument is preserved, and the local historical society makes the same statement. However, with the best will in the world, they do not have the skills to maintain such a monument—it is simply impossible for them—and nor do they have the resources to maintain the monument or its setting.

In all those circumstances, and taking what she said at face value, I hope that she will co-operate with Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. We should have mentioned RCAHMS, because it has been positive and its enthusiasm has really pushed forward the issue. Those bodies need to come in and make it happen.

**John Wilson (Central Scotland) (Ind):** I am glad to hear that Jess Smith is keeping the oral traditions of the community alive and well, as well as putting many of the stories down in writing. The people of Scotland should be proud of the tradition, and they should be well aware of the struggles and history of Travelling people in Scotland. As Jess Smith says, some of them have moved to other lands, but their hearts remain in Scotland. That is the whole issue about the Tinkers' Heart.

Ms Smith stated in the background information on the petition that

"The Historic Scotland rep said they would not go against the wishes of the landowner."

It worries me that an ancient monument has clearly been identified, but Historic Scotland, despite its powers and authority, does not wish to go against the landowner's wishes. That type of statement frightens me, because it clearly indicates that Historic Scotland is failing to understand its role in preserving the history of Scotland, in particular its physical history, because of the wishes of a landowner.

Mr Russell referred to the landowner saying that she will do things to preserve the site, but do you understand that to include continued access to the Tinkers' Heart? For me, one of the main issues is about continued access to the site for not only the Travelling community but others who might wish to visit.

**Jess Smith:** The landowner has stipulated that she does not want to make any changes. To stop cattle tramping over it and destroying it, a big black cage has been put round the Tinkers' Heart, but that is temporary. The cattle are big Highland cattle with big horns and they will break it down—in fact, the cage is already dented. She said that she wanted only small signage on the gate. When a suggestion was made to have a sort of little kissing gate for the entrance, she decided against that. She will look after the Tinkers' Heart as it is, in a cage in a field with cattle and with no access for anyone. Old people cannot visit if they cannot climb the gate. She wanted the gate to be locked, although I do not think that that is allowed under Scottish access rights. After all, it is part of the roads system that at one time belonged to the public, although it is now derelict. I found that she did not want to change anything. That is really why I am here today; we will all die, so we need another body to protect the Tinkers' Heart and look after it.

**John Wilson:** You referred to the fact that the site where the Heart stands is on what was a public road. I am a bit bemused. If it was a public road, why does it now belong to a private landowner?

**Jess Smith:** There is a lady in the gallery who has gone to great lengths, including freedom of information requests, but she cannot find out when that public road changed ownership. In fact, we do not know for sure who owns it. We have gone to great lengths and looked at the register of sasines and the land register, but we do not know. There is a family called Noble. Christina Noble owns one estate in the area and her nephew owns another one, Ardkinglas. Kate Howe owns the neighbouring one, which is Ardno. We really do not know who owns the road.

**John Wilson:** As I said, it is interesting that the site was, in effect, a public highway. The reason why the Tinkers' Heart was there is probably because of the access routes from different parts of Argyll for people travelling there and settling for short periods of time. It would be interesting if we could get Historic Scotland or whoever to find out what conditions apply when public land or public highways come into private ownership.

As Mike Russell indicated, it is quite clear that the old road that passes through the site would give some access to it, and to parking, without too many problems, but it is worrying that the site is currently fenced off so that it is not readily accessible at all times by the community that would want to use the Tinkers' Heart.

**Jackson Carlaw (West Scotland) (Con):** That was a touching story, and it is quite nice to be asked to consider a monument that is a source of joy rather than one where people were sacrificed. I very often find that we are asked, rather luridly, to do that.

In essence, it does not seem to me that a huge financial demand underpins the request, which is encouraging, but I am a little bit worried that we might evolve an exaggerated expectation that there is a unique tourism opportunity. I take it that, rather than frightening the horses slightly with talk of a major centre or something of that character being built on the site, Jess Smith sees the site more as one of a number of things in the immediate community around Loch Fyne and elsewhere that could attract tourism. It seems to me to be important that we do not polarise the debate and completely alienate the landowner in the process.

Do you see the proposal as an effort to underpin and preserve something that would be there to see and appreciate when people are in the community and the area, and for us to do all that we can to encourage the Government and Historic Scotland, with the authority of Parliament, to pursue the request with a little bit more enthusiasm and resolve?

**Jess Smith:** Absolutely. Ideally, I would love to see the landowner come on board. I would love

the landowner—if, indeed, it is her land—to say, “Gosh! This is my land. What an honour that I have it.” I would love to see everything positive. We are not asking for kelpie horses; we are just asking for a wee dyke around the area. We want a nice little ornamental place with a little path into it, and for people to know that it exists from the map of Scotland and that this country respects the Travelling culture to the extent that it went to the bother to do that and to say, “Yes, we believe in the Travellers. We know what they’ve given this country.” Hamish Henderson lived in and out of the Stewarts of Blair, gathering the ballads, singing the songs and enjoying all that. The school of Scottish studies is packed with all those stories and visions from the past. He said that the Travelling people are the roots of the music of Scotland. My sister could sing 20 to 30 verses of ballads at the age of seven because that was the natural thing to do.

**Michael Russell:** If I might uncharacteristically praise Jackson Carlaw, he has put things particularly well on this occasion. There is an existing partnership to look after the monument. That is a partnership of the landowner, her cousin Christina, who runs Here We Are, which is where the interpretive material is, the Noble family and the community in Cairndow. I have said previously in a letter to the local paper that all that is being asked for is that that partnership admit two new members.

One of those would be Historic Scotland, which needs to be part of the partnership, as it has the expertise and the money, although not a great deal of money is involved. Historic Scotland has indicated that it would put something towards the monument. The other partner would be the Traveller people of Scotland. At a time when we are looking at different ways of doing things, and at more participation, they must be involved in decision making about the site, which is theirs. Whatever the title deeds say or do not say, the site is theirs, and they need to be part of the partnership.

If those two additional partners can join in, we will get a much-enhanced site. It will not be the Disneyland of Cowal by any manner of means, but it will be a place at which some people will want to stop. They will be able to stop safely—the site is currently unsafe—and find out more about the site. As they stand at the top of Loch Fyne and look down at a magnificent view to the shore and the loch, they will reflect on a number of things, including the role of Travellers in Scotland, and they will learn from that.

The proposal is modest in scale and scope, but it has huge significance. The Travellers have to be part of that.

10:30

**The Convener:** Thank you for that. As no other member wishes to ask questions, the next step is the summation. We will look at next steps for the petition.

I think that I suggested at the start that we clearly need to send a note to Historic Scotland and to make representations on the petitioners’ behalf to the Scottish Government. If the committee agrees to do that, it seems sensible also to write to Argyll and Bute Council. I think that it would also be a good step to take to ask Argyll and Bute Council and the landowner about ownership of the road. Those are four practical steps; the committee may have others. Does the committee agree that we should take those four steps? Is there anybody additional whom we should approach?

**Jackson Carlaw:** I agree with that approach, convener, but I imagine that what has been said is slightly anecdotal. When we write to the council, we should be a little bit cautious in relation to ownership of the road and the land. We should ask the council for its best information about that rather than assert a position as having been validated.

**The Convener:** Yes. That is a sensible point.

**John Wilson:** If we are writing to Historic Scotland, I suggest that we ask it to clarify what exactly its role is in preserving historic sites and monuments. It is clear that, if the site is a historic one that we are being asked to preserve, we should get a more rounded picture of how Historic Scotland sees its role in relation to such sites. I would hate to think that, when we write to it, it will give us a response about the site; I would prefer to get a more in-depth response about the wider aspects of Historic Scotland, how it sees its role in preserving sites, and with whom it engages.

**The Convener:** That is a very sensible point that goes back to Jess Smith’s initial contribution. We need to ask Historic Scotland what the decision-making process is to make the site a scheduled ancient monument, because that is the trigger under the legislation. It would then have a requirement to follow that through. I presume that that is a delegated power to the officers rather than a ministerial power; Mike Russell can probably identify whether that is incorrect. I would certainly want that action to be taken, as that process triggers powers under the legislation that open up all sorts of other opportunities. We need to be clear on that.

**Jess Smith:** We have to press forward the recognition of the culture, because not enough people in authority in Scotland recognise the culture, its history and how long we have been here. Tinkler Johnstone—I use the word “tinkler”

with respect—is recorded in the A K Bell library in Perth as being a hammerman in the 12th century. We are told that the Travellers came here in the 1500s, but they have been in Scotland for a lot longer than that.

When the Duke of Argyll was invited in 1913 by a Mr O'Neill, who was a historian from Dublin, to speak on the clans, Mr O'Neill asked, "Can you trace them?" The Duke of Argyll said, "Oh, aye. I can trace them right back to the first seed, but don't ask me to trace the cairdrage"—the subclans. He said, "I cannot." Another word for tinker in Scotland is cairdrage.

**The Convener:** We sometimes overuse the word "unique", but I think that the site is unique, and we should remember that.

Do members of the committee agree to that course of action?

**Members** *indicated agreement.*

**The Convener:** As Jess Smith has heard, we are obviously very enthusiastic about the petition. We will keep her up to date with developments, and the clerks will let her know when it is scheduled to be considered again. She may want to come to sit in the gallery on that particular day. We will certainly pursue the matter, and we will obviously keep Mike Russell up to date, as well, because I know that he is very interested in the petition.

I thank you very much for coming to the meeting and thank all your colleagues for all the work that they have done on the petition, which is very interesting.

**Jess Smith:** I thank you all on behalf of the Travelling people.

**The Convener:** Not at all.

I suspend the meeting for two minutes to allow our witnesses to change round.

10:33

*Meeting suspended.*

10:35

*On resuming—*

### **Sex and Relationships Education (PE1526)**

**The Convener:** The second new petition is PE1526, by Jack Fletcher on behalf of Sexpression:UK, on making sex and relationships education in Scotland statutory for all schools. Members will have a note by the clerk, the SPICe briefing and the petition.

I welcome to the meeting the petitioner, Jack Fletcher, and Rebecca Ryce from Sexpression:UK, and I invite Mr Fletcher to speak to the petition for about five minutes or so to set the context. After that, I will kick off with some questions and then invite my colleagues to ask their own.

**Jack Fletcher (Sexpression:UK):** My petition, which calls for compulsory sex and relationships education in primary and secondary schools, has garnered as many as 1,096 signatures and is supported by the British Medical Association Scotland, the Terrence Higgins Trust Scotland, HIV Scotland and Rape Crisis Scotland, as well as the Scottish Secondary Teachers Association, which has agreed that what we are asking for is appropriate.

Our concern is that many schools are not teaching sex and relationships education at all and that they are missing out vital information that can be used to tackle public health issues. Such information includes the rate of sexually transmitted infections, teenage conception, domestic violence and sexual harassment. Improvements in SRE have been backed by evidence, and such education can also be used to address issues such as exposure to pornography and the incidence of homophobia, biphobia and transphobia. I strongly believe that this omission of crucial information and the lack of consistency across the country breach human rights in relation to the education, the health and the protection of children and young people in Scotland.

A statutory change is necessary. Sex education is a fundamental human right; without it, we are not equipping our children and young people with the knowledge to make safe, healthy and positive choices about their sexual and emotional health and wellbeing. The lack of such education is a violation of those rights, and it should be a major child protection concern for the Scottish Government.

Current Scottish Government figures show that sex and relationships education is lacking in schools. As the petition makes clear, it is not being taught in 13 out of 299 primary schools; in areas of certain regions such as Strathclyde, only 84 per cent of high schools are teaching it. That is just not enough. The BMA pointed out in its written evidence to the Health and Sport Committee's inquiry on teenage pregnancy in 2013 that, although it is part of curriculum for excellence, sexual health promotion was not being implemented uniformly across Scotland.

There is also a lack of training for teachers to provide this kind of education. In certain regions, as few as one in five people are trained in this area, with the average across the different regions as low as 43 per cent. Not only have Scottish

children and young people been left with a lack of information, but the information that exists is being delivered by untrained teaching staff. That would not happen in other areas of education, and I find it shocking that such a key area of the personal, social and health education programme has been omitted.

The lack of consistency is evidenced by other examples. Although the BMA has welcomed the Learning and Teaching Scotland self-assessment tool for this area of the curriculum as a “useful resource”, it has argued that its implementation has been “patchy across the country” and, in its written evidence to the teenage pregnancy inquiry, NHS Forth Valley noted that curriculum for excellence was designed to facilitate better links between sex education and potential real-life situations, such as the impact of alcohol on young people’s sexual behaviour and risk taking.

NHS Health Scotland has been particularly critical of the programmes being run in schools. It has argued that, although evidence clearly justifies comprehensive sex and relationships education in education settings, there is no obligation to do

“more than a ... minimum, mostly work around friendships and relationships, as demonstrated in Curriculum for Excellence”.

NHS Health Scotland has also argued that there is no requirement to use evidence-informed resources, with the result that inappropriate or out-of-date and sometimes inaccurate or misleading materials could be used in schools. It suggested that there is no requirement for teachers and others who provide sex and relationships education to undertake any additional training. NHS Health Scotland concluded that the overall effect is that sex and relationships education is

“patchy and introduced at too late a developmental stage, with schools left to decide for themselves what and how they will deliver and with little feedback from pupils to assess effectiveness”.

I am aware of the time, so I will conclude my evidence. The provision of sex and relationships education in Scotland is very good, and curriculum for excellence provides the leeway to make it more appropriate for certain regions. However, not all schools are providing the education, it can be patchy and it is not taught at a very high level because the teachers are not trained in the subject—they are English teachers and so on. We recognise that curriculum for excellence is flexible and does not have any compulsory elements, but I point to the fact that religious and moral education is compulsory. We seek the same level of—

**Rebecca Ryce (Sexpression:UK):** Commitment.

**Jack Fletcher:** Yes. We seek the same level of commitment to sex and relationships education.

**The Convener:** Thank you for your opening statement. If Rebecca Ryce wishes to answer any questions, she should catch my eye.

You have partly covered my first question. Do local authorities not have an obligation already, under education circular 2/2001, to provide a broad framework of sexual health education in schools?

**Jack Fletcher:** Yes. However, a review of sex and relationships education in Scottish secondary schools by the wellbeing in sexual health and HIV network showed that provision is between 83 and 93 per cent whereas the information really should be reaching 100 per cent of kids.

**The Convener:** So provision is patchy and local authorities carry out the education in different ways—is that your point?

**Jack Fletcher:** Yes. The current way of doing things is not working. Sexually transmitted infection rates have not changed since 1994, and the number of teenage pregnancies has not gone down much at all. We have tried to tackle the problem, and we have very good teaching in our education system. Nevertheless, the fact that the figures are not changing and there are new pressures on children means that things must change and the compulsory aspect is needed if the information is to reach all children.

**The Convener:** You may be aware that the committee undertook a major inquiry into child sexual exploitation following a request from Barnardo’s to carry out that work. One of our recommendations was that we should raise awareness of CSE with both teachers and pupils, particularly around internet safety and sexual bullying. That ties in quite closely with your petition. Do you agree that that would be an important step to take in schools in Scotland?

**Jack Fletcher:** Yes. Many areas need to be covered. A lot of the education seems to be just biological, with not much reference to the relationships side or to the key issues that kids face such as online dangers and the effects of pornography, whether they are watching it or not. The education needs to be updated.

**The Convener:** We took a lot of evidence on sexual grooming, and schools have an important role in addressing that issue. Teachers have a massive responsibility in the school, as they are experts on the children in their charge and can notice huge changes in behaviour. However, the issue must be tackled in a partnership way—that is what we stressed in our report.

**Anne McTaggart (Glasgow) (Lab):** Welcome, and thank you very much for your presentation.

I come from a social work background and I am well aware of the importance of the education

being statutory. However, I am concerned about the young people who do not go to school as often as they would like to or should. There is therefore a huge onus on our youth work provision to ensure that, regardless of the medium, the education message still gets across to our young people.

In addition, a huge part of sex and relationships education must be left to parents. Perhaps parents could learn about how they could become more involved in informing their children about SRE by using some of the materials that the Parent Network Scotland provides.

I know that my children's schools are well up to date on SRE, but I accept that, as you say, there is slippage.

10:45

**Rebecca Ryce:** Did you have a specific question, or do you just want us to talk about—

**Anne McTaggart:** It was about the importance of youth work provision.

**Rebecca Ryce:** I absolutely agree that youth work is a great way of getting to people who have fallen through the net. For example, Sexpression does some work with youth clubs. That is an important point.

Your point about parents is key, too. Schools cannot do everything, especially when it comes to relationships and so on. It is extremely important that we extend the guidelines to youth clubs and get parents more involved, but I think that the work that is done in school should be a baseline. That is the best way of getting to the majority of young people and children, so I think that schools should be leading the way. If schools want to get involved with local youth clubs or to invite parents to come along, that should definitely be encouraged.

**David Torrance (Kirkcaldy) (SNP):** Good morning. Mention has been made of a lack of training among teachers. Do you think that NHS Scotland has a greater role to play? I say that because one of the schools in my constituency, Kirkcaldy high school, made the bold move of going into partnership with NHS Fife to create a hub in the school. It made the headlines for giving out free condoms, but it has been hugely successful in working with pupils and teachers to achieve a massive reduction in teenage pregnancies in an area of deprivation in my constituency that had one of the highest rates of teenage pregnancy. Do you think that NHS Scotland has a greater role to play in getting involved in partnership working and creating such hubs?

**Rebecca Ryce:** As I live and work in Fife, it might be best if I take that question. Sexpression St Andrews works with NHS Fife, too.

I agree with the point. I think that the work that NHS Fife does with schools is excellent and should be encouraged. It is not always up to the teacher to deliver SRE. It is always fantastic to have the involvement of external organisations, not only because they are experts in the subject but because the pupils feel more comfortable and relaxed engaging with speakers from outside the school. We find that that is the case especially if they are peer educators. NHS Fife does a lot of good work, and I am sure that the health service does great work in other counties, too.

One of the recommendations in the SRE guidelines encourages the use of external speakers, which is how we get our gig.

**Jackson Carlaw:** Good morning. Your petition makes me feel slightly conflicted. I have spoken on public health in the Parliament for the past number of years, and I am acutely aware of all the difficulties that exist among young people to do with the spread of sexual disease, particularly chlamydia, which, to use a kind of shorthand, many boys think is nothing to do with them when, of course, it is everything to do with them.

I respect and agree with a number of the objectives of your petition, but it strikes me that there is a difference between the provision of guidance, advice and information and the statutory incorporation of SRE into the curriculum. I worry that there could be a perceived version of what is correct, which might in some ways be at odds with the views of the parents of whom all the children are still dependents. Is it not the case that a conflict could arise from making SRE a statutory part of the curriculum?

In talking about Scotland, we often look at indices that compare us with other countries. Have you looked at other countries—particularly countries that are immediately adjacent to us, both within the United Kingdom and in the European Union—to develop an understanding of those fields, admitting, of course, that they come from a different starting point and have a different cultural perspective? That is something that I would want to understand further before I could be sure how to take forward your petition.

**Jack Fletcher:** I will answer the first question and then Rebecca Ryce can tell you about a case study from Finland that we have prepared.

There is always some concern, but lots of studies show that around 80 per cent of parents completely back sex and relationships education. It is about teaching factual information, which is often health based, to allow people to make their own decisions based on that information. It is not about coercing them to believe that, for example, everyone should get an abortion, which some people get a bit worried about. It is fine for people

not to use contraception if they do not want to, but giving them the facts—such as that a condom can prevent chlamydia—gives them tools and knowledge that they can apply to their lives, and that is what is really important.

Parents can be involved in how sex education is taught. If we had a core of certain values that were compulsory, parents could also discuss through parent teacher associations what sort of things would be more appropriate. For example, gender-based violence might not be a core issue, but it could be more applicable to certain regions.

**Jackson Carlaw:** My concern is that, when it becomes part of the statutory curriculum, there is a received wisdom as to what is correct. I will give a completely alternate example that I have already seen with my own son's education. They were talking about political systems and my son argued that first past the post is the correct political system, but he was marked down and told that that is incorrect and that the ideal political system is a proportional one. That struck me as a perception of somebody else's truth being imposed on him.

I extend that example to sex education and sexual attitudes, and I worry that there could be a received wisdom as to what is correct, and that anyone who took an alternative view would be told that they are wrong, when in fact it is a subjective argument and not an absolute.

**Jack Fletcher:** The current guidelines are already robust and evidence based, and careful thought has been given to the issues like the ones you have raised. The difference is in making sex and relationships education compulsory. The Government's education department has already found what is appropriate.

**Rebecca Ryce:** I absolutely agree that that is a common concern. We would be looking for two separate parts to be implemented. First there is the factual information, about which there is not much discussion, such as the STI rates and the efficacy rates of contraception. Then there are the more discussion-based issues, and I do not think that teachers should be told to preach any sort of ideology at all. It should be more about facilitating discussion.

It is good for children to hear all sides of an argument, because that can really inform their learning. For example, I think that discussions about gender-based violence should be compulsory, not optional. Discussions about domestic violence, rape, assault and child abuse should definitely be brought up in schools, and from a young age.

There are core values that we should certainly be promoting, but we should never promote an ideology. Abortion is always the issue that causes

great controversy, and it can definitely be taught appropriately. If we put the information out there, give people scenarios and ask them whether X, Y or Z is appropriate, or whether there is a religious view on the matter, that facilitates discussion. It is never about preaching; it is more about asking teachers to facilitate discussions on those topics. It would not be like an exam: someone would never get two marks for mentioning a certain study, as in biology. It is more like the kind of discussion that there is in religious education. That is a really important point.

**John Wilson:** Maybe Jackson Carlaw and I can have a discussion at a later date about democracy and the best perceived electoral system. However, I return to the petition that is before us and to some of the figures that have been used.

You have said that a quarter of schools, 24 per cent, have no SRE-trained staff, and that in 52 per cent of schools the staff currently responsible for SRE delivery are not trained. Do you think that insufficient training is being provided to teaching staff when they are being asked to take on what could be seen as a vital role in awareness raising for many young people in society today?

**Jack Fletcher:** I would say yes. For example, my own mum is an English teacher at high school where she teaches sex and relationships education. I asked her, "Have you ever been taught about health, about what chlamydia is, for example, and about what a healthy relationship is?" She said, "No, you just go on what you think is about right."

The guidelines provide an assurance—teachers can fall back on them—but there are definitely a lot of teachers who are really struggling because of their lack of training. For there to be great personal, social and health education within the system, teachers need to be trained.

Some of the sex education is great, such as in Aberdeen, where I have been meeting teachers in schools, but so many teachers are not trained. The statistics show that between one and five people in a region are trained. Considering how many schools there are per region, that might work out at only one teacher per school who is trained in PSHE. Can all the children in a school be taught by that one teacher? It is just not feasible. The lack of training is becoming a real issue.

**John Wilson:** My colleague David Torrance referred to the work that is being done in Fife with the national health service. Is a more practical way forward for local authority education departments to work in conjunction with others to deliver SRE in schools? Although we may have a lack of trained teachers at present, we certainly have health education staff within the NHS. I am sure that

those NHS staff could be utilised within the school system, to provide not only some awareness raising in schools but, potentially, continued back-up care for those pupils who identify particular issues such as sexually transmitted diseases in relation to their lifestyles or the lifestyle of their peer group.

**Jack Fletcher:** Statistics from the wellbeing in sexual health report show that 76 per cent of regions use other professionals who can provide that sort of in-depth knowledge, which is a great thing. Sexpression would not be in the schools without the consent of the schools. However, the fact is that even though external organisations are getting into schools and the NHS is getting involved—the Fife example is fantastic—the fact is that it is just not working. There has been no change in STI rates and there are all these issues that are not being tackled. That is the point that I am making today: we need to do something more than we are doing just now.

**John Wilson:** You raised the issue of denominational education and the apparent lack of the teaching of sexual health awareness within some schools. Do you think that, in this day and age, that should be allowed to continue, or do you think that every child attending school should have their awareness raised in relation to relationships?

**Jack Fletcher:** That is one of the main points that I wanted to make in my statement. I feel that, if schools do not provide SRE, it is a breach of the children's human rights and schools are not reaching the education status that they should be reaching in Scotland, of all places.

Jackson Carlaw asked about what other countries are doing. There is an example from Finland in relation to sex education. Finland had a 50 per cent increase—sorry, I am trying to find the example. Rebecca can cover that point better.

Basically, Finland, Switzerland, Holland, Sweden, Germany and Spain all have statutory sex education, and we are very far behind on this standard human right that our children are not being exposed to.

11:00

**Rebecca Ryce:** I will say something about the Finland case study. We had a much longer speech planned for the beginning because we thought that we had more time. That is why we are a bit all over the place.

In Finland, sex education in schools was made compulsory in 1970, but it was dropped down and made optional in 1994. At that point, there was a 50 per cent increase in teenage abortions, an increase in girls starting to have sex at younger

ages such as 14 or 15, and a decline in the use of contraception.

In 2006, a new subject called health was introduced. It was made compulsory, with some classes having a minimum of 20 hours' training in it, and at that point the trends immediately started to reverse. Girls are now starting to have sex at an older age, they are using more contraception, the number of teenage abortions has dropped and there is a small decline in teenage births. Education is a massive public health tool.

**Jim Eadie (Edinburgh Southern) (SNP):** Good morning. What involvement and input have you had in the development of the new draft guidance that the Scottish Government is taking forward and the associated learning materials that will be provided alongside that?

**Jack Fletcher:** We were a little late in getting involved with that, particularly in Scotland. A letter was sent—I think it was from the human rights centre in Glasgow. It had already sent off a letter that we would have backed publicly, so basically the answer is nothing.

**Jim Eadie:** Do you have a view on the guidance as it stands?

**Jack Fletcher:** It is very good. Where it is followed, it will definitely help with the public health issues. What is missing is that some schools are not getting the information.

**Rebecca Ryce:** Absolutely. The guidance is fantastic. The only issue is that it is not being fully implemented. If it was made compulsory, that would be fantastic.

**Jim Eadie:** You say in your submission that there are a number of reasons why making sex and relationships education in Scotland statutory is both necessary and a priority. One of those is homophobia in schools, which you highlight as being something that leads to self-harm, depression and reduced educational attainment for young people. Will you outline for the committee how you see that being tackled more effectively as a result of the change that you are proposing?

**Jack Fletcher:** There are studies that show that sex and relationships education makes the LGBTI community much more included, as it takes away the stigma and the homophobic angle that are created through lack of understanding of issues. A lot of schools are very good and have gay-friendly systems, but not enough schools are doing this.

**Rebecca Ryce:** Again, there are two approaches. First, there is the factual base. Not enough is done on LGBT issues, and a lot of homophobia stems from misunderstanding. To take transgender as an example, people do not understand what it means. It is important to clarify

terminology for children and let them know simple things such as that HIV is not a gay disease. It is really surprising how many people still think that it is and associate HIV only with the LGBT community and particularly with gay men.

Secondly, there is the more discussion-based side. The lesson plans that we do on homophobia involve things such as setting up scenarios where someone imagines bringing their opposite-sex partner to dinner and then imagines that their partner is of the same sex. They then consider what issues that would cause for them. That helps to highlight everyday problems that people in the LGBT community face.

**The Convener:** Thank you for that. We are a bit short of time, but do committee members have any final questions before we move on to summation?

**Members:** No.

**The Convener:** As there are no further questions, I thank you very much for your petition. We have finished our questions and will now consider the next steps. It seems sensible that we write to the Scottish Government to seek its view on your petition, because it is clearly about a Scottish Government responsibility. You have also mentioned the new guidance on sex and relationships education, and I think that we need to clarify when the final version of that will be complete.

Those are my suggestions, but I would like to hear from committee members. Do members agree to the next steps that I have proposed?

**John Wilson:** Convener, I seek clarification of your view that we should write to the Scottish Government. We should write to the education department, but we should also write to the health department, because there are two separate issues here. The guidance to the local authority education departments throughout Scotland reflects the overlap, which has to exist if we are committed to delivering meaningful sex and relationships education to pupils in schools.

I suggest that we write to the Educational Institute of Scotland. We talked about teaching staff in schools, and Mr Fletcher mentioned the lack of training for teachers who are expected to go into the classroom and deliver SRE. We should also write to either the Convention of Scottish Local Authorities or a couple of the local authorities to find out exactly how they are using the guidance, because—clearly—guidance is only guidance. Basically, it is left up to the 32 local authorities to determine how the guidance should be used.

As Ms Ryce and Mr Fletcher clearly indicated, the guidance is really good, but it will be effective

only if it is applied and used within the education setting. When we write to the Scottish Government, we should try to impress upon it that we expect the guidance to be delivered in the educational settings that children find themselves in. As I said, guidance can be really excellent, but unless it is actually taught and delivered, it will be of no benefit to the many young people who require support, assistance and guidance for their futures.

**Jackson Carlaw:** I suggest that we write to the Edinburgh-based consulates of some of our European partners. It will be interesting if a number of them are able to give us a concise briefing on how the issues are addressed in their countries and what the outcomes of that practice have been.

**The Convener:** That is an interesting point. Do members agree to the two suggestions from Jackson Carlaw and John Wilson, in addition to the suggestions that I made?

**Members** *indicated agreement.*

**The Convener:** I thank members for their comments.

As you have heard, Mr Fletcher and Ms Ryce, we are taking your petition forward. Once we have the responses, the clerk will schedule consideration of them on a future date. If you wish to attend in the public gallery, you will be welcome to do so. We will keep you up to date with developments, and I hope that we will get some progress on the important points that you raised in your presentation today. I thank both of you for coming along and putting forward the points in your petition in a very professional manner.

11:07

*Meeting suspended.*

11:09

*On resuming—*

### **Child Court Orders (Enforcement) (PE1529)**

**The Convener:** PE1529, by John Ronald, is on the enforcement of court orders that relate to children. The next new petition, on court reform in relation to children, is also in his name. The committee agreed to invite him to speak to the petition on the enforcement of child court orders but not on the other one. Members have a note by the clerk and a SPICe briefing.

I welcome the petitioner and thank him for coming along. I invite him to speak on his petition for a maximum of five minutes, after which we will

kick off with questions from me and my colleagues.

**John Ronald:** I thank the convener and the rest of the committee for inviting me to give evidence on my petition. The petition is close to my heart. I am not a very good public speaker, so I apologise if I get mixed up or hesitate.

Family break-ups are traumatic, particularly for the children, who go through a whole load of emotions. In nine out of 10 cases, the mother ends up with custody of the child and the father has to go to court if the parents do not agree on visitation. The non-resident parent follows rules set out by the Government and in the law and goes through a wide range of court sessions. They have to pay a lot of money for a lawyer to get visitation rights for their children.

After a judge has granted visitation or contact rights—the judge deems what is in the child’s best interests—it has become increasingly common for the parent with residence to change the contact order and the contact times to suit herself. In May, *The Herald* highlighted a large increase in parents with residence chopping and changing orders to suit them.

There is no way to enforce orders other than by going back to court, which costs the parent without residence thousands of pounds again. Eighty per cent of those parents are hard-working, working-class people. Especially in the climate of pay freezes, wages are not going up in line with inflation. The parent without residence has to pay thousands of pounds to hire a lawyer again and go back to court, where judges are mostly dismissive. I have experience of that. The judge said to the parent who had disobeyed the order that they should not do it again and they should follow the order, but there were no sanctions and nothing was put in place. The police can do nothing to help.

The only people who gain from orders not being followed are lawyers, who are paid thousands of pounds more. Working-class people get into a lot of debt for that, because not going to court is not an option. For parents without residence not seeing their child or letting the mother or father with custody do as they wish are not really an option; most parents without residence will gladly go into debt to resolve the situation.

I am here simply to ask the committee and the Government whether a governing body can enforce child orders. If there was a problem with the father or mother who does not have custody and if they would put the child at risk, I would completely agree with not giving the child to them—I would not give my child back if I thought that they were at risk. If the issue is just that the parent with residence wants to change things

because it suits their lifestyle or what they are doing for that week or that month, there should be something in place that stops that happening instead of punishing the person who has followed the rules and regulations that were set out by the Government on how to obtain access through the legal system.

11:15

I went through the legal process and got a court order, just for that court order to be dismissed. Even some lawyers dismiss the court order. There was no discussion, or anything, around access to my child; I just got a letter from a lawyer—which I have with me—telling me that access would not take place, and that was that. There was no discussion of a holiday, or anything. The letter just says that access will not happen for this period of time. No one can do anything about it. All that I can do is go back to court, which I have done, and spend thousands of pounds that I do not have. As I have said, I have no option—I cannot just sit back and not see my child. I would rather go into debt, even though I cannot afford to. As was noted in *The Herald* in May, most mothers and fathers who do not have access would gladly go into as much debt as they could to get the situation resolved.

That is the basis of my petition. In a situation in which the child is not at risk, there should be some course of action that we can take if mothers or fathers who have residence change their mind about us seeing our children because they want to go away or happen to have a night out that week. There should be something in place that says, “This is the court order. Unless there are any dangers or fears, you must follow it.”

**The Convener:** Thanks for your presentation. I know that there are some difficult personal issues around your petition, so I appreciate you coming to talk about the Scotland-wide issue.

Clearly, you feel that there is a weakness in the current court procedure as far as child access procedures are concerned. In an ideal world, how would you remedy that weakness?

**John Ronald:** If your house is burgled, you would call the police and they would come out that day. I would set up a family liaison body that is similar to the police, in that it has legal powers to come out and ascertain what is going on and determine why the court order is not being followed. If it is not being followed, there should be sanctions, which might involve the other partner having to pay the legal fees or being given warnings or being sanctioned in some way. There should be a legal body to ensure that court orders are followed, so that people who go through the legal process that the Government sets out and

who spend all that money are not let down. That is how we feel. There should be something in place to support us once we have gone through the channels and had access granted. We feel let down by the fact that, even though we have gone through all of that, the police, social work or whoever are unable to get involved and we have to go back to the start again and go all the way through the court process, which can take months. That process hurts the parent who does not see the child and it hurts the child.

**The Convener:** You might be aware that we are considering a petition by Ron Park about equal rights for unmarried fathers. If the committee agrees, we might, at a later date, consolidate the discussions that we are having on the same issue.

This may not exactly cover your point, Mr Ronald, but in the previous parliamentary session the Justice Committee suggested that there be a Scotland-wide system of specialist family law courts. That idea has not come to fruition, but the Justice Committee made that recommendation in an area that is not far away from some of your suggestions. There has been some debate around the issue. Previous petitions have also addressed the problem of access to legal aid, which is a difficult issue, as you have identified.

**Anne McTaggart:** Thank you for your presentation, Mr Ronald. Loads of fathers who want access to their children have presented at my surgeries, and they have had grievances with the legal system and the police. I am a huge supporter of mediation and think that your idea is great. You are correct in saying that the only people who gain from the current situation are the lawyers—who gain financially from it—and that the losers are the children.

It is hugely important that we do as the convener has suggested. We have a few petitions that could be grouped together, and I suggest that the committee look at them together. We could also inquire into the report that the Justice Committee published. I fully agree with what you have suggested, which is a fabulous idea, but it is not entirely up to me to decide that it should happen. Something has got to happen, though, and continuing the petition would enable us to inquire further.

**John Wilson:** Good morning, Mr Ronald. You have said that you have spoken to the Scottish Government's child legal team, which said that it cannot enforce the order on the basis of the best interests of the child. Can you expand on the discussion that took place? I understand that we pass legislation to allow the courts to make decisions, particularly on access, but you are telling us that even if a court grants access rights to a parent, those access rights can just be ignored by the parent who has residence or by any

other individual who purports to be putting the interests of the child first.

**John Ronald:** I have written proof of a court order and a lawyer's letter that totally contradicts that court order. In the discussion that I had with it, the legal team said that it cannot take any legal enforcement action such as getting the police or any other organisation involved because the matter would have to go back through the court to see why contact is not taking place. I explained that going back through the court would cost thousands of pounds.

The convener mentioned legal aid, but I am a nurse and I do not qualify for legal aid. My income is just above the legal aid threshold. I have been hit by a five-year pay freeze and my wage barely gets me past, but I would not get any help. When I phoned up the Scottish Government and spoke to the legal department, I was told like most fathers in my situation—and there will be mothers out there who are in this situation as well—that I just have to go back to court because it is for the court to decide what is in the child's best interests. I was totally fobbed off.

**John Wilson:** That is the point that I am trying to get to, Mr Ronald. If you go to court to be granted access rights and the people who are supposed to deliver that access ignore the court order, as Anne McTaggart and you have said, the only people who benefit are the legal profession. The courts are potentially being clogged up in reviewing decisions that they have already made.

I understand that if there is a major change in the circumstances, there may be issues about granting continued access. However, I agree with Anne McTaggart: we need to progress the matter and ask the Scottish Government for clarification of the legislation's intention if it is not delivering for parents who want and have been granted access rights.

**The Convener:** I do not want to talk about your individual case, Mr Ronald—if you do not mind, it is perhaps best not to mention it here as that would get us into legal difficulties—but the brief suggests that if one parent had access arrangements through the court and the other parent refused to allow that to happen, that would be contempt of court. If legal action on the other side of the case was required, the costs could be granted as well, so there are some solutions. However, it would be useful for us to do a bit more digging into the petitioner's points.

The philosophy behind the policy is well known to us all. Successive Governments have favoured a child-centred rather than a parent-centred approach, in which the child's welfare is paramount and the child's views and wishes, bearing in mind their age and maturity, must be

taken on board. The Family Law (Scotland) Act 2006 sets out the need to protect a child from actual or possible abuse—the petitioner mentioned that—and that is another factor that courts need to take into account. That is important to mention because, as the petitioner and the committee probably well know, that should and will be the philosophy in the mind of a judge when such cases go before them. It may be that, as the Justice Committee suggested the last time round, there is a better model. You and other petitioners have rightly identified access to legal advice as a big issue.

I have flagged up a similar petition that we have, from Ron Park, and Mr Ronald has a second petition—he will not be speaking to it—on child court reform. It may be that the committee wants to consolidate all the petitions. However, there are issues on which we need to get information back from the Scottish Government, the Law Society of Scotland, the Family Law Association and Families Need Fathers Scotland. We need their views on the petition, so that we can start to work on it. However, how the petition is managed is up to the committee as a whole. Therefore, I seek members' views on whether they wish to follow that course of action and do some work now or, alternatively, to defer complete consideration of the matter until 11 November, when we will next look at Mr Park's petition. Those are the two main suggested courses of action. Which one does the committee want to follow?

**John Wilson:** We should work on the petition. As you have suggested, we should write to the Scottish Government to seek clarification on what the legislation is intended to deliver. The Law Society of Scotland's views would be useful, as would be those of the Family Law Association and Families Need Fathers Scotland. I suggest that we also write to Scottish Women's Aid, because it has commented in the past on access rights. It might also be useful to seek Scotland's Commissioner for Children and Young People's views, because we are talking about what is in the best interests of the child. Although the matter may be about access disputes between parents, we need to bear in mind and put the child first in any decisions.

**The Convener:** Furthermore, as it is suggested that if a parent cannot get legal aid, and therefore legal representation, that would be a breach of the European convention on human rights—I think that Mr Park raised that matter in his petition—it might be worth getting views on that.

**Anne McTaggart:** I agree fully with John Wilson on the need to do some work on the petition now; I also agree that we should write to the suggested organisations, although we should also ask the Scottish Social Services Council for its advice.

**David Torrance:** I agree with the recommendations.

**Angus MacDonald:** There is no harm in seeking clarification from the Scottish Government and contacting the suggested bodies, while we await consideration of the other petitions.

**Jackson Carlaw:** I am content.

**Jim Eadie:** I have nothing to add.

**The Convener:** As you have heard, Mr Ronald, we will pursue your petition and keep you up to date with developments. If your petition is scheduled on our agenda for future meetings, you are welcome to hear the proceedings from the public gallery, although you would probably have to take time off work to do that, which would be expensive. We will keep you up to date with developments.

Thank you for coming and giving your presentation. I know that your personal experience of the courts was very painful. You have another petition on our agenda and if you wish to stay in the public gallery, you are very welcome; but we understand if you have to leave.

I will suspend the meeting for one minute to allow Mr Ronald to leave the table.

**John Ronald:** I will have missed the rush-hour traffic to Glasgow. Thank you for allowing me to speak to you.

11:30

*Meeting suspended.*

11:31

*On resuming—*

### **Child Court Reform (PE1528)**

**The Convener:** The fourth and final new petition is PE1528, by John Ronald, on child court reform. Members have a note by the clerk, a SPICe briefing and the petition. The committee may wish to consider the petition and SPICe briefing and agree what action to take. A possible action is to consider the petition alongside PE1513, which is scheduled for our consideration on 11 November. If the committee agrees to do that, we might wish to encourage any organisation or individuals who wish to comment on the matter raised in the petition to write to the committee prior to that meeting.

Alternatively, the committee might wish to consider that the issues raised in the petition are distinct from those raised by PE1513 and should be considered separately.

What course of action do committee members wish to follow?

**John Wilson:** I am content to hold off, if that is the wish of the rest of the committee.

**The Convener:** Are other committee members content to hold off until we can consider the petitions when PE1513 is up again in November?

**Members** *indicated agreement.*

## Current Petitions

### Youth Football (PE1319)

11:32

**The Convener:** Agenda item 3 is consideration of current petitions, of which there are nine on today's agenda. The first is PE1319, by William Smith and Scott Robertson, on improving youth football in Scotland.

Members will agree that the petition is very thorough; it is first class. We agreed to ask Scotland's Commissioner for Children and Young People to do some work on the subject. Members have a scoping paper. I met the commissioner and am very impressed with the plan for work that will be carried out. If the committee agrees, the commissioner will do that work and report back at a future meeting. Is that agreed?

**Members** *indicated agreement.*

### Chronic Pain Services (PE1460)

**The Convener:** PE1460 is by Susan Archibald, on behalf of the Scottish Parliament cross-party group on chronic pain, and is on improvement of services and resources to tackle chronic pain. Members have a note by the clerk.

This, too, is a good petition, on which we have done a lot of work. My view is that we should close the petition under rule 15.7, as the location and details of the new national service for chronic pain have been confirmed. Do members agree to that?

**Members** *indicated agreement.*

### Single Room Hospitals (Isolation) (PE1482)

**The Convener:** The next petition is PE1482, by John Womersley, on isolation in single room hospitals. Members have a note by the clerk and submissions.

Alex Fergusson has a strong constituency interest in the petition, but is unable to attend today. I invite contributions from members. I recommend one option: that we consider the petition again once the Scottish Government's review of research into single-bed accommodation in hospitals is complete. Do members agree to that?

**Members** *indicated agreement.*

### **Supermarkets (High Streets) (PE1497)**

**The Convener:** The next petition is PE1497, by Ellie Harrison, on behalf of Say No to Tesco, on supermarket expansion on local high streets. Members have a note by the clerk.

Patrick Harvie has a strong constituency interest but was unsure about whether he would be able to come today. Sandra White also has an interest in the issue, but she is currently at the Justice Committee and sends her apologies for her inability to attend.

We have two choices on the petition: we can close it on the basis that we have explored the issue as far as we can within the policy areas that are devolved to the Scottish Parliament, or we can ask the Local Government and Regeneration Committee to consider the petition in the context of its scrutiny of the Community Empowerment (Scotland) Bill. My preference is for the latter option.

**Angus MacDonald:** I am certainly loth to close the petition; it has some merit, in particularly in respect of the claims that major retailers are riding roughshod over independent retailers in some areas. I would certainly prefer to refer the petition to the Local Government and Regeneration Committee to allow it to incorporate it in the work that it is doing on the Community Empowerment (Scotland) Bill.

**The Convener:** Thank you for that. Patrick Harvie has just arrived, and I know that he has a strong constituency interest in the petition. Do you want to address the committee on your support for the petition?

**Patrick Harvie (Glasgow) (Green):** Thank you very much, convener. I apologise for just making it here by the skin of my teeth, and slightly out of breath.

I am aware that this is not a full evidence session on the petition, so I thank you, convener, for giving me the opportunity to speak briefly to it. I simply want to put on the record again the strong interest in the issue—of which I am sure members are aware—throughout the country, including in my region, which is Glasgow. In the few months since the committee last considered the petition, I have become aware of even more small independent businesses that have roots in the communities that they serve having gone out of business in areas where supermarket expansion is continuing. That flies in the face of the stated intentions to encourage retail diversity, and vibrant and diverse high streets and shopping areas.

I encourage the committee to take seriously the conflict that exists between the stated objective of treating all applicants equally and the objective of

encouraging retail diversity. An equality policy that treats everybody equally does not achieve genuine equality because people have different needs, so the policy of treating all applicants equally, regardless of their identity, of the nature of the retail offer that will change the situation, and of what we know very clearly about the economic impact of supermarket expansion will not achieve the stated planning objective of encouraging retail diversity. Again, I encourage the committee to look as creatively and as open-mindedly as possible at the petitioner's case.

**The Convener:** You missed my comments about our options on the petition. We boiled it down to two, which are to close the petition on the basis that we have explored the issues as far as we can, and to refer the petition to the Local Government and Regeneration Committee because it is scrutinising the Community Empowerment (Scotland) Bill. The latter option might be more appealing to you. What are your views on the options?

**Patrick Harvie:** If those are the only two options, then you will perhaps not be surprised to learn that I encourage the committee to refer the petition on. The on-going mismatch between the stated objectives and what is happening on the ground, not just in Glasgow but around the country, requires further consideration.

**The Convener:** Thank you for your comments.

**Jackson Carlaw:** To prove that I am not a complete curmudgeon, I am happy to support the latter option. I do so for two reasons. First, I am aware that the petitioners feel very strongly that we have not done justice to the considerable volume of work that they produced, although as you will know from my previous contributions on the petition I am not entirely sympathetic to supporting the conclusion that the petitioners wish for. In addition, to give balance to Mr Harvie's intervention, I have become aware, in the time since the committee last considered the petition, of areas and towns in Scotland where the opening of a local convenience store on an otherwise derelict high street has led to the prospering of additional new businesses adjacent to it. We must be very careful that we do not mount an unsubstantiated crusade against local convenience stores simply because they are being operated by national retail multiples.

**The Convener:** Thank you for that. I would never accuse you of being a curmudgeon. I invite other members to give their views on the petition. Are we happy to refer it to the Local Government and Regeneration Committee?

**John Wilson:** As a member of the Local Government and Regeneration Committee—

**The Convener:** If you feel the need to declare an interest, Mr Wilson, there must be extra work involved.

**John Wilson:** It is not extra work, convener. I remain to be convinced that the Community Empowerment (Scotland) Bill is sufficient to deal with the issue that the petitioner has raised. We have been told in submission after submission that planning alone cannot deal with the issue. The question is whether or not the text of the section of the bill that is specified in our papers for today's meeting is sufficient to allay the fears of the petitioner and of other communities around Scotland.

Another issue is the Government's view on additional powers, and whether any aspects of the bill as it is currently drafted could be amended to take account of the concerns that the petition raises.

I am not sure whether the original petitioner, Ellie Harrison, has responded to any of the points that have been raised in the responses that the committee has received. It would have been useful to have received a written submission from the petitioners to indicate their views on the responses to date, and how they think we should progress the issue.

The original request was to look at the planning legislation and to find out how local authorities could, through their planning powers, tackle the issue of the footprint that is being left by some major retailers in our town centres. The question was whether the bill as drafted can allow local authorities and others to raise reasonable objections or concerns about a major multinational company siting itself on the corner or centre of the high street.

**The Convener:** Thank you for that. With regard to your first point, the petitioner has not responded. I agree that it would have been useful to have had that information.

The complexity with the petition is that some elements of it are reserved to competition policy, which makes things quite difficult. I accept the point about planning. I am quite encouraged by the Community Empowerment (Scotland) Bill as it contains some sensible ideas, but you are probably right to say that it will not be a magic wand in relation to the petition.

I just feel that, as the Local Government and Regeneration Committee is examining the bill, there might be an opportunity for that committee to do a bit more work on the petition. I take Jackson Carlaw's point: the petitioner has done a lot of work in submitting evidence, and I want to ensure that the evidence goes before another committee that can look at it with fresh eyes.

**John Wilson:** I merely note that if the committee wishes to pass the petition to the Local Government and Regeneration Committee for further consideration, the timetable for examination of the bill is very heavy and it may be difficult to add to that reasonable consideration of the petition if we want the issues that it raises to be given full justice.

If committee members are so minded, the Local Government and Regeneration Committee will take the petition on board, but there is a question about whether or not it has the time. We on that committee have already diarised the dates for our evidence sessions and our work ahead. This committee can by all means pass on the petition, but we should not expect a full and detailed examination of the issues that it raises.

**The Convener:** Do members who have not yet spoken have suggestions for the next steps? Can you confirm your views on the matter?

**David Torrance:** I am happy to go along with the recommendations.

**Angus MacDonald:** I have spoken, convener; I said that I am loth to close the petition because it has some merits, especially in taking into account the view that major retailers are riding roughshod over independent retailers in certain areas of the country.

**Jim Eadie:** For the reasons that have been mentioned by Patrick Harvie and other members, I am content with the recommendations.

**The Convener:** Thank you. We are agreed by majority that we will refer the petition to the Local Government and Regeneration Committee so that it can look at the issues as part of its scrutiny of the Community Empowerment (Scotland) Bill. I thank Patrick Harvie for coming along and making his submission, and I thank the petitioners for all the work that they have done on the issue.

## National Bird (PE1500)

11:45

**The Convener:** The next petition is PE1500, by Stuart Housden OBE, on behalf of RSPB Scotland, on the golden eagle as the national bird of Scotland. Members have a note by the clerk and the submissions. I invite contributions from members.

**Jackson Carlaw:** We have received what I regard as a most commendable further letter from the Minister for Environment and Climate Change, who has reiterated—very sensibly, I think—the point that I tried to make at a previous meeting. That point is that the case has not been proven regarding the general adoption of national symbols for this, that and the next thing, and regarding the

question whether, if there were to be a bird as a national symbol, a decision should be made in favour of any particular species. Given that we have now had two letters from the minister in which he has emphatically made that point, I suggest that we close the petition.

I note that there is some consideration of whether a broader consultation might validate a subsequent opinion on the matter. However, I am not persuaded that the reach of RSPB Scotland or its resource thereby is adequate. We have just had a public consultation that engaged 3.6 million people; I am not altogether sure that a consultation that manages to engage a few thousand people is representative of anything.

I am concerned about the point that the minister makes twice regarding the debate about the general adoption of national symbols. There must be some agreed conclusion on that before we start to consult on what specific individual symbols might be.

**The Convener:** I take your point, Mr Carlaw. I am not sure whether you are suggesting that we should have had two questions in the referendum a few weeks ago.

**Jackson Carlaw:** That was clearly a missed opportunity.

**The Convener:** RSPB Scotland is a very large—if not the largest—membership organisation, and I feel strongly that if it was to carry out a consultation, as it has asked to do, it would be done very well. John Wilson wants to add some comments.

**John Wilson:** I declare my membership of RSPB Scotland. Jackson Carlaw paraphrased the minister's letter, which actually states:

"However I am not convinced that a persuasive case has yet been assembled in favour of Scotland having a national bird or for the golden eagle to be that national bird."

The minister goes on to say:

"you will be aware of the procedure that was devised for the Scots Pine designation. That process did involve some public consultation, and I believe that involving the public would be a vital part of any future procedure".

As the convener has indicated, RSPB Scotland is currently one of the largest membership organisations in Scotland, if not the United Kingdom. It might be useful to keep the petition open and to contact the petitioner to seek his views on the minister's letter, with a view to asking whether the RSPB would be prepared to carry out a full consultation of its members, along with other organisations, to determine whether the golden eagle could be designated as a national bird.

I am reminded of the debate on the Scots pine, in which the minister, although he originally indicated that he was not in favour of the Scots

pine as a national tree, did, after considering a member's motion that was before Parliament, agree to the designation. So, a similar issue has been raised in the past, and the minister has taken a view and then relented on his original position.

It may be useful for us to write to the petitioner and seek his views, and to ask whether or not the RSPB would be prepared to carry out the necessary consultation, as outlined by the minister.

**The Convener:** I ask other members for their views—I will invite Mr Carlaw back in later if he wishes to respond.

**Anne McTaggart:** We should continue the petition and we should, as John Wilson suggested, ask the petitioners for their views on how to move forward.

**David Torrance:** I am happy to go with the recommendations.

**Angus MacDonald:** I am open to clarification, but I recall that a precedent was set with regard to the Scots pine, when the Forestry Commission conducted a consultation. I would be happy to go along with John Wilson's suggestion that we contact the RSPB to see whether it is willing to undertake a consultation, and then we can bring it back.

**Jim Eadie:** I have no strong views on the subject.

**The Convener:** Jackson, do you wish to come back on that point?

**Jackson Carlaw:** I do, because that is what the minister said and maybe we have to write it into the record. He said:

"There is also a wider discussion to be had about national symbols generally—what do we want of them, and what other types of national symbols might we want to consider. I recognise that we now have a national tree, the Scots Pine, however I feel that choosing these symbols is more than just an environmental or ecological question.

It was for this reason that I expressed the hope that we might get a more rounded picture by asking other Parliamentary committees for their views. I appreciate that you have done this and received some responses, but I would still prefer that we find a way of getting a considered view from the Parliament about the value and purpose of national symbols and hopefully avoid the potential for ending up with national symbols proposed and designated on what is essentially an ad hoc basis."

That is a clear recommendation that goes beyond the scope of the immediate petition, which is why I believe that the petition should be closed, although it is an interesting argument for Parliament to consider.

**The Convener:** I understand that, but I am trying to get some consensus, because the majority of the committee wants to defer and ask

the RSPB for its view. If we wrote to the RSPB and it said that it could do a consultation, not just of its members but of the Scottish public, and within a timescale that the Government was happy with, is that not something that we could facilitate? If we get a positive note back, we could discuss it again at a future meeting.

**Jackson Carlaw:** I am obviously in the minority. I do not see how that suggestion addresses the question whether we want national symbols, which seems to be the minister's caveat prior to consideration of adopting any particular symbol for any particular thing. That goes beyond the scope of the petition. Even if the RSPB were to say that it would carry out a consultation, I do not see how that would get us beyond the minister's consideration of whether we want national symbols.

**The Convener:** Sure. I make one final plea for consensus. If the RSPB does come back on a positive note about running a consultation, and the Government is happy with the type of referendum that it is running, would that resolve the issue that you are raising? That is what happened with the Scots pine.

**Jim Eadie:** It is a once-in-a-lifetime opportunity.

**The Convener:** Yes. I am conscious of time; we could probably keep the discussion going for a while. I note Jackson Carlaw's opposition and I understand it, but a majority wants us to defer the petition and to ask the RSPB whether it is able to run a consultation. Once we get its response, we should check with the Scottish Government on its views and take it from there.

### **Self-inflicted and Accidental Deaths (Public Inquiries) (PE1501)**

**The Convener:** The next petition is PE1501, by Stuart Graham, on public inquiries into self-inflicted and accidental deaths following suspicious death investigations. Members have a note by the clerk and the submissions. I invite contributions from members.

**John Wilson:** I am minded, as recommended, to refer the petition to the Justice Committee and to allow that committee to consider it as part of their on-going work on other issues.

**The Convener:** Do other members have views? Do you agree with John Wilson?

**Members** *indicated agreement.*

**The Convener:** If members agree on that, it is worth noting that Mr Graham has put a lot of work into his petition and has responded with some strong comments, saying:

"I can only say that I am dismayed by the lack of support for change in our system. It appears that the concept of Social Justice does not apply to the families of bereaved."

He feels strongly about the situation and I would welcome the Justice Committee's views on the petition.

**Jackson Carlaw:** I am not in disagreement. I have had constituents—other members may have had too—who have found themselves at odds with the system regarding this matter. I pass the petition on to the Justice Committee with a considerable amount of sympathy for the issues underlying the petition.

**The Convener:** The committee has decided to refer the petition to the Justice Committee. We should also highlight the evidence that we have received.

### **Aberdeen to Inverness Rail Improvement (PE1509)**

**The Convener:** PE1509, by Lee Wright, is on Aberdeen to Inverness rail travel improvement. Members have a note by the clerk and the submissions.

When we previously discussed the petition, I raised a couple of points to put to the Scottish Government. One was about dualling the rail line to Aberdeen and to Glasgow and Edinburgh. The lack of dualling causes problems in the Highlands and Islands rail infrastructure. The Scottish Government has responded to that. Mr Wright also made a point about the lack of electrification north of Edinburgh and Glasgow.

I suggest that we do nothing further bar noting the points that Mr Wright made and his good petition. As we have had a final response from the Scottish Government, do we agree to close the petition?

**Members** *indicated agreement.*

### **Freedom of Information (Scotland) Act 2002 (Amendment) (PE1512)**

**The Convener:** PE1512, by Bill Chisholm, is on amendments to the Freedom of Information (Scotland) Act 2002. Members have a note by the clerk and the submissions. I invite members to comment.

**John Wilson:** The petitioner raises several issues with the responses that we received. He mentions again that the Scottish Information Commissioner responded to the petition before it went public on the Parliament's website.

Some issues with how freedom of information requests are dealt with are outstanding. The petitioner initially highlighted questions about the accuracy of information that bodies provide in

response to requests, and those questions have not been fully answered in the submissions. Ensuring that accurate, up-to-date and relevant information is provided in response to a freedom of information request is still an issue.

I am not sure how we could take forward the petition, as the Scottish Government, the commissioner and others are content with the system. I am not sure whether there is scope to make progress.

**Jackson Carlaw:** I hear what John Wilson says. The Scottish Government does not propose to take forward the petition and agrees with the Scottish Information Commissioner. We have raised and explored the issues but, if the Scottish Government is not prepared to take them forward, we can make no further progress. In those circumstances, my view—whether or not I think that it is a desirable response to the petition—is that we can pursue no further course, so we require to close the petition.

**The Convener:** I read the Scottish Information Commissioner's annual report, in which the commissioner made strong comments about some public bodies' failure to respond to freedom of information requests. The commissioner is clear about the problem.

I take Jackson Carlaw's point. The petition is good, but I am not sure how much further we can take it when we have had a strong steer from the Government. Do members agree to close the petition on the basis that we have taken it as far as we reasonably can and agree to thank the petitioner for his excellent work?

**Members indicated agreement.**

### **Thyroid and Adrenal Testing and Treatment (PE1463)**

**The Convener:** The final current petition is PE1463, by Lorraine Cleaver, on effective thyroid and adrenal testing, diagnosis and treatment. If my glasses are working, I think that I see that the petitioner is in the public gallery. Members have a note by the clerk. I ask Elaine Smith, who has had a long-standing interest in the petition, to comment briefly.

12:00

**Elaine Smith (Coatbridge and Chryston) (Lab):** I thank the committee for its continued interest in the petition. I note that the response that the committee received from the Scottish Government says that the listening exercise will focus on

“the needs and experiences of those with thyroid disorder”,

which is welcome. However, in her letter, the petitioner Lorraine Cleaver reiterated the point that a committee inquiry would have value and could even run alongside the Government's exercise. I add my continued support for that suggestion.

It is up to the committee to decide whether a one-off session with the Scottish intercollegiate guidelines network would be useful. I understand from the petitioner that a Healthcare Improvement Scotland scoping report that was published recently points to thyroid function guidelines being based on poor-quality evidence.

A session with SIGN might help to progress that issue. The petitioner noted in her letter that more and more new evidence is being produced, which is extremely interesting.

I thank the committee for its continued interest.

**The Convener:** I thank Elaine Smith for attending and the petitioners for their thorough petition.

Members will see that our note suggests a one-off evidence session with SIGN—I am sure that all members are aware of its full name. Do members agree to have that session?

**Members indicated agreement.**

**The Convener:** We will let the petitioners know when that session is to happen. If Elaine Smith wishes to attend it, she will be welcome.

That ends our public business. We will go into private for a brief item.

12:01

*Meeting continued in private until 12:02.*



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