6th Meeting, 2016
Tuesday 8 March 2016
The Sir Alexander Fleming Room (CR3)
Meeting starts at 11.00 am

Previous Meetings

Previous Meeting Papers and Official Reports

Agenda
Item 2: PE1319, PE1412, PE1477, PE1493, PE1517, PE1548, PE1563, PE1577, PE1581, PE1595, PE1596, PE1597
Item 3: Annual Report

This is the final meeting of the Committee in the session before dissolution.

www.scottish.parliament.uk/petitions
PUBLIC PETITIONS COMMITTEE

AGENDA

6th Meeting, 2016 (Session 4)

Tuesday 8 March 2016

The Committee will meet at 11.00 am in the Sir Alexander Fleming Room (CR3).

1. **Consideration of continued petitions:** The Committee will consider—

   - **PE1319** by William Smith and Scott Robertson on improving youth football in Scotland;
   - **PE1412** by Bill McDowell on bonds of caution;
   - **PE1477** by Jamie Rae, on behalf of the Throat Cancer Foundation, on a gender neutral Human Papillomavirus vaccination;
   - **PE1493** by Peter John Gordon on a Sunshine Act for Scotland;
   - **PE1517** by Elaine Holmes and Olive McIlroy, on behalf of the Scottish Mesh Survivors - "Hear Our Voice" campaign, on polypropylene mesh medical devices;
   - **PE1548** by Beth Morrison on national guidance on restraint and seclusion in schools;
   - **PE1563** by Doreen Goldie, on behalf of Avonbridge and Standburn Community Council, on sewage sludge spreading;
   - **PE1577** by Rachael Wallace on adult cerebral palsy services;
   - **PE1581** by Duncan Wright, on behalf of Save Scotland's School Libraries, on saving Scotland's school libraries;
   - **PE1595** by Alexander Taylor on a moratorium on shared space schemes;
   - **PE1596** by Paul Anderson, James McDermott and Chris Daly on the In Care Survivors Service Scotland;
   - **PE1597** by Bill Welsh on Mycoplasma Fermentans in regressive autism.

2. **Annual report:** The Committee will consider a draft annual report for the parliamentary year from 11 May 2015 to 23 March 2016.

3. **Legacy paper (in private):** The Committee will consider a draft legacy paper.
The following papers are attached for this meeting—

**Agenda item 1**

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Public Petitions Committee
6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1319: Improving youth football in Scotland

Note by the Clerk

**PE1319 – lodged 11 March 2010**

Calling on the Scottish Parliament to urge the Scottish Government to investigate the (1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years; (2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs; (3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity; and (4) appropriateness of ‘compensation’ payments between SFA member clubs for the transfer of young players under the age of 16 years; and to (5) increase the educational target from 2 hours curricular physical activity to four hours per week; and (6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.

[Link to petition webpage](#)

**Purpose**

1. The purpose of this paper is to summarise the Committee’s consideration of this petition and options for the Committee to consider in relation to the next steps it may wish to take on the petition.

2. As members will be aware, this is one of the longest standing petitions currently under consideration by the Committee, having been lodged on 11 March 2010. The petition called for action by the Scottish Government in six areas and four of these have been dealt with. The outstanding issues which the Committee continues to consider are contracts (point 1) and compensation payments (point 4). In June 2014, the Committee took invited the Commissioner to consider the two issues from a rights perspective and his office undertook an assessment on this basis. The Commissioner’s report was published in May 2015.

3. The Committee last considered this petition on 12 January 2016 when it agreed to Commissioner for Children and Young People to respond to Committee on the response from the SFA/SPFL and the intended actions that have been set out in that response. The Commissioner’s response has now been received as has a submission from the petitioner.

**Previous submissions**

*Commissioner for Children and Young People*

4. In his [response of 19 October 2015](#), the Commissioner expresses concern “that the SFA and SPFL do not share [his] view that there is a need for attitudinal change in how they view children and young people.” The Commissioner refers
to the issues of 28 days’ notice of termination and the continuing registration of 15 year olds as illustrations of the need for attitudinal change and comments that “at no point in the reasoning offered is there a consideration of what is in the best interests of the child.”

5. The Commissioner commented on a number of other issues including—

- That has was pleased that the SFA has appointed a Child Protection and Safeguarding Manager but that he was not clear what authority they would have in working with football clubs and whether this will be on the basis of children’s rights or a more narrow remit of child protection.

- How the views of children will be articulated and taken into account in any changes to the registration process.

- That the SFA and SPFL should consider whether to impose an obligation on the signing clubs to maximise children’s rights information and advice being available to all children before they sign agreements.

- His concern that the proposal of 28 days’ notice to leave on the part of the child is being considered through the prism of the best interest of the football clubs and not in the best interests of the child and that this proposal was therefore a “modest measure”.

- Concern that the automatic lapsing of registration after a 12 month period after the age of 14 was being considered in the best interest of clubs rather than children.

6. However, the Committee may wish to note that these are the Commissioner’s comments on the initial response from the SFA/SPFL.

Scottish Football Association/Scottish Professional Football League

7. In their response of 20 November 2015, the SFA and SPFL sets out the proposals that have been made by the working group that was established to consider the issues raised in the Commissioner’s report. In relation to recommendations about the views of children and young people being taken into account and the need for an attitudinal change, the SFA/SPFL comment that theu “would respectfully suggest that a greater understanding of what clubs do is required” and provided examples of work undertaken be clubs which they believer “show that the rights of children and young people are very much respected by them and, indeed, are very much at the forefront of everything they do.” Examples were provided under the headings of: Wellbeing, Lifestyle Education, Academic Education, Football Education, Child Protection and Parents Nights.

8. The SFA/SPFL “agree that any future changes to the youth registration process should be informed by the views of children and young people who play youth football in Scotland”. In respect of this, they state that “through the Scottish FA’s Child Protection and Safeguarding Manager we will ensure that, where we make changes to our rules and regulations that impact on children and young
people, their views will be taken into account whether this is through surveys and/or forums that we are currently setting up.”

9. The SFA/SPFL have also indicated that they will “look to pull together…a standard ‘pack’ to be provided to children and young people and their parents/carers during the process of registration to ensure consistency.”

10. In relation to the 28 day rule, the SFA/SPFL indicate that they will look to introduce a new rule which would allow a player to leave a club on 28 days’ notice to return to the recreational game although note that this “will require additional measures…to ensure that it is not abused by clubs, parents/carers and/or intermediaries who move a player to a recreational club and then back to another team within CAS”. The issue of reimbursement costs kicking in if a player return to CAS within a specific timeframe is noted as one such additional measure.

11. In respect of children in the 10-14 age band, the SFA/SPFL will also “look to introduce a new rule to the effect that clubs must also commit to the child for the full one year and may only release him during this period where there is mutual consent or, for exceptional reasons such as breach of discipline/code of conduct etc.”

12. In relation to the 15-17 year age group, the SFA/SPFL states that it “was the view of many in the working group that removal of this rule would have a negative impact on the health and wellbeing of the young persons involved.” They also state that if this was replaced by the one year registration for the 10-14 age group “our top talent would likely be taken by clubs within the English Premier League” and comment that the level of compensation due from these clubs would not be prohibitive to them. However, the SFA/SPFL also acknowledge that “it is not in the best interests of clubs and more importantly young people to keep players with them who they are not utilising”. They indicate that they will look to include a rule that would allow a player who does not get “appropriate game time (this would need to be clearly defined)” in a particular season to exercise a right to walk away at the end of that season with no compensation being due.

13. On the issue of compensation, the SFA/SPFL note that it is a FIFA requirement for there to be a system for the reimbursement of training costs. They also note that in the working group clubs provided “numerous examples of where they had foregone either all or some of their financial rights…to ensure that a young person was not frozen out of the game.” In relation to the instances where a player has been unable to move due to a club not wishing to pay reimbursement costs, the SFA/SPFL comments that they have “managed to find a solution that has been agreed by all parties” and that the new complaints/mediation mechanism will assist in this process in future.

The petitioner

14. The response from the petitioner of 5 January 2016 notes that the working group membership did not include any representative from the Scottish Schools FA or the Scottish Youth FA. The petitioners welcome the introduction of the 28
day rule but consider that this should not be conditional and that players “should be free to leave and re-registration for any club, not just a recreational club.”

15. In terms of registration for the 15-17 age group, the petitioners re-state their view “that the practice of tying a minor at the age of 15 years to a three year rolling contract is illegal” and that “despite the arguments cited by the SFA/SPFL this one-sided, binding and unreasonable practice must cease while the player is a minor.”

16. In relation to compensation, the petitioners response states that “Realgrassroots are of the opinion that compensation should only be payable when a young players first registration on a professional contract” and that “all CAS membership clubs…would reap a percentage reward for investment and training of a successful young player.”

17. In conclusion the petitioners commented that “our petition is moving the clubs and governing bodies in the right direction.” The petitioners also comment that “it seems clear that any attempts to change will not be embraced or accepted willingly by Scotland’s professional clubs” and this leads them to believe “that any meaningful change must be driven by legislation for the Scottish Parliament.”

Submission from the Commissioner for Children and Young People

18. The Commissioner states that he is pleased the SFA/SPFL are taking matters in relation to youth football seriously and notes that it “is clear…that there have been some improvements in the approach taken to children involved in youth football.” The Commissioner comments on three recommendations in the SFA/SPFL letter of 20 November 2015 which “still give cause for concern.” The Commissioner also states that he is “aware that there is variable practice within football clubs and it would be inappropriate to give the impression that the areas of concern relate to all clubs.”

19. The areas of concern that the Commissioner highlights relate to the SFA/SPFL responses to recommendations 8, 9 and 10 of the Commissioner’s report.

20. Recommendation 8 relates to the 28 day rule that has been proposed for players in Club Academy Scotland to exercise a notice period and return to recreations football. The Commissioner notes that this would “not allow the child the freedom to move to another club within CAS” and that his “understanding is that should a child have to opportunity to return to CAS in future, compensation would require to be paid to the original club with which they signed.” The Commissioner notes that any return to CAS would raise the matter of compensation payments and the potential for disputes when there is no agreement.

21. On recommendation 9 (registration period for 15-17 year olds), the Commissioner has restated his recommendation that the registration of players aged between 15 and 17 is for a one year period, rather than the three year
period that is currently in place. The Commissioner comments that his view of the current position is that “practices are more about protecting the investment of professional clubs than protecting children.”

22. In respect of recommendation 10, the Commissioner welcomes the intention that there should not be any restrictions placed on children who play for their school teams but that he would want to be clear what is meant by the condition of this being subject to appropriate welfare considerations and that restrictions on other sporting activities, such as running clubs, should covered.

23. On an additional point, the Commissioner comments in his letter to the SFA/SPFL that he is aware of recent report of transfer fees being paid for children under 16.

24. In conclusion the Commissioner notes that he no longer believes the matters which remain outstanding can be dealt with by self-regulation and recommends that the Committee refers the matter to the Scottish Government to consider how the issues may be dealt with through external regulation.

Submission from the petitioner

25. The petitioner’s response of 3 March 2016 broadly welcomes the Commissioner’s response to the SFA/SPFL and “fully support his view that the Government must take measures immediately to regulate these organisations and prohibit in law controls over young people that would not be permissible in any other walk of life.”

26. The petitioner’s state that they “would seek an alternative to the current compensation system which has been referred to as a Children’s Transfer Market.” They go on to say—

“Could consideration be given to instituting a system whereby compensation is awarded at the point a young player first becomes professional? Thus we reward clubs for nurturing success.”

Action

27. The Committee is invited to agree what action it wishes to take. Options include—

(i) To continue this petition and include it in its legacy paper for its successor Committee, along with suggested future action on the petition;

(ii) To close the petition under rule 15.7 of Standing Orders on the basis that the Committee has now taken this petition as far as it can; or

(iii) To take any other action the Committee considers appropriate.

Catherine Fergusson
Clerk to the Committee
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1412 on bond of caution

Note by the Clerk

PE1412 – Lodged 14 November 2011
Petition by Bill McDowell calling on the Scottish Parliament to urge the Scottish Government to amend the law of succession to end the requirement for a Bond of Caution by an executor-dative when seeking confirmation of any intestate estate.

Link to petition webpage

Purpose

1. This petition was last considered by the Committee at its meeting on 26 January 2016. At that time the Committee agreed to seek further information from the Scottish Government about the outcome of its consultation on this issue and whether it was now in a position to set out how it intended to take forward its intention to remove the requirement to obtain a bond of caution.

2. The purpose of this paper is to invite the Committee to decide what action it now wishes to take in relation to the petition.

Background

3. The law of succession is concerned with the distribution of the property of a person who has died. It is divided into two parts – intestate succession (covering the situation where no will is left) and testate succession (where a will is left).

4. An “executor” is the person responsible for gathering in the property of the deceased person and then distributing it to those entitled to inherit it. An executor appointed by a will is an “executor-nominate”, an executor appointed by a sheriff (as occurs when someone dies intestate) is an “executor-dative”.

5. Before being confirmed by the court, an executor-dative is required to take out a “bond of caution”.¹ A bond of caution is an obligation by a third party, “the cautioner”, to indemnify any creditor or beneficiary of an estate against loss caused by maladministration, negligence or fraud on the part of the executor. It is usually provided by an insurance company, although it can also be provided by a private individual.

6. A bond of caution provides protection in those cases where suing the executor would not provide an effective legal remedy, for example because the executor has disappeared or is unable to meet the legal claims arising. However, where

¹ SPICe has referred to the term in lower case, reflecting the Scottish Law Commission’s publications on the topic. ‘Caution’ is pronounced to rhyme with ‘nation’.
the insurance company is providing caution, the estate will bear the cost of the associated premium. Only two insurance companies currently provide bonds of caution (Zurich SGS and Royal & Sun Alliance (RSA)) and it has been suggested that monopoly of provision has a negative effect on the quality of service, as well as the level of premium charged.\(^2\)

7. The Scottish Law Commission (SLC) undertook a detailed review of the law of succession (including bonds of caution) publishing a *Discussion Paper* (DP 136) in 2007 and a final *Report* (Scot Law Com No 215) in 2009. In the final report, the SLC made a number of recommendations relating to bonds of caution. In particular, after an “overwhelming response” in support of such a move (SLC Report, para 7.11), the SLC recommended abolition of the requirement on an executor-dative to obtain caution before obtaining confirmation (recommendation 66). The SLC further recommended that this change should only take effect in relation to deaths occurring on or after the implementing legislation in question comes into force (recommendation 78).

8. The requirement for an executor dative to obtain a bond of caution is contained in the Confirmation of Executors (Scotland) Act 1823. The Act does not include powers to abolish the requirement for caution by subordinate legislation. Without such a power changes can only be effected by primary legislation.

Scottish Government consultations

9. The Scottish Government held two consultation exercises in which questions were asked about bonds of caution.

10. The *first consultation* ran from 14 August 2014 to 7 November 2014. The Government’s response to that consultation was published in June 2015. The Government’s response stated that it would not be able to make changes in relation to the requirement for an executor-dative to obtain a bond of caution at that time. The Policy Memorandum to the Succession (Scotland) Bill, sets out that there “was very little disagreement about the removal of the requirement but there was a significant range of views on what might be put in place by way of protection for estates and beneficiaries which requires further consideration and costing. The decision has therefore been taken to take forward the work on bonds of caution in the second workstream.”\(^3\)

11. The *second consultation* ran from 26 June 2015 to 18 September 2015 with question on bonds of caution being included in Chapter 5. In the consultation document, the Government stated it is “of the view that the requirement [to obtain a bond of caution] should be removed.” This consultation sought views on what safeguards, if any, were needed in order for the requirement to be removed. The consultation stated that in “considering any replacement safeguards we do not simply want to replace the burden of a bond of caution with another equally burdensome process. Rather, any safeguard needs to be proportionate both in terms of effort and cost.”

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\(^3\) Policy Memorandum, para 14
Scottish Government's response

12. The Scottish Government states that an independent analysis of the responses to the consultation was commissioned, that it is current consider that report and that it “aims to publish the report of the analysis and its response in Spring 2016.” The response also sets out that the Succession (Scotland) Act 2016 provides powers to abolish the requirement for caution altogether by way of regulations. The response concludes with reference to the confirmation from the Minister for Community Safety and Legal Affairs that the reform of bonds of caution will be considered again “as part of the wider and more fundamental reform of the law of succession” and notes that the powers in the Succession (Scotland) Act 2016 “could provide potential to make changes swiftly without the need to wait for a second Succession Bill, if that was appropriate.”

Petitioner’s response

13. The petitioner states that it “is very welcome that the Scottish Government intends to abolish the requirement for any Executor-dative to obtain a Bond of Caution when seeking confirmation of any intestate estate.” The petitioner notes that there is one matter which perhaps needs clarification which is “whether the proposed change in the law will apply to individuals who have been appointed as an Executor-dative but have not yet proceeded to confirmation.”

Action

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

(i) To close the petition under rule 15.7 of Standing Orders on the basis that the Scottish Government has set out its intention to remove the requirement to obtain a bond of caution. In doing so, the Committee may wish to invite the Scottish Government to note the point of clarification raised by the petitioner; or

(ii) To take any other action the Committee considers appropriate.

Catherine Fergusson
Clerk to the Committee
Public Petitions Committee
6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1477 on gender neutral Human Papillomavirus vaccination

Note by the Clerk

PE1477 – Lodged 4 May 2013
Petition by Jamie Rae, on behalf of the Throat Cancer Foundation, calling on the Scottish Parliament to urge the Scottish Government to extend the current Human Papillomavirus (HPV) immunisation programme in Scotland to include boys.

Link to petition webpage

Purpose

1. This petition was last considered on 26 January 2016, when the Committee agreed to write to the Joint Committee on Vaccination and Immunisation (JCVI). A response has been received from the JCVI and the Committee is invited to consider what action to take on the petition.

Background

2. The petitioner contends that there is inadequate protection for males in the Human Papillomavirus (HPV) immunisation strategy, which is currently restricted to adolescent girls. The petitioner therefore proposes that the HPV immunisation programme should include adolescent boys as well as girls.

Prevalence of HPV infection in Scotland

3. A 2011 study tested unvaccinated Scottish adolescents for infection with different strains of HPV\(^1\). The study found a low prevalence of infection in 11-14 year olds (1%). In girls aged 15-18 there was a HPV infection prevalence of 15.2%; in the same age group for boys the prevalence was considerably lower at 2.9%. The study concluded that further research was required to define the contribution of female vaccination to the protection of males. This is commonly termed ‘herd immunity’.

Committee Consideration

4. The Committee first considered this petition on 11 June 2013. It heard from the petitioner and wrote to a number of organisations. The Scottish Government indicated that it is advised on these matters by the JCVI. The Committee has been monitoring the work of the JCVI, which meets three times per year, on this matter since then.

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5. The JCVI has an HPV sub-committee which was formed to consider the provision of HPV vaccination. Two issues it has been considering have been: a targeted extension of the HPV vaccine to include MSM (men who have sex with men) who attend GUM (genitourinary medicine) and HIV clinics; and proposal to extend the HPV vaccine programme to all boys.

6. At its meeting of 7 October 2015, the full JCVI received an update from the chair of the HPV sub-committee and from Public Health England on a HPV vaccine programme for MSM who attend GUM and HIV clinics. The JCVI, in principle, has agreed that the HPV vaccine should be provided to MSM. However, its minutes also stated that:

   Before any programme could be undertaken, work is required by [The Department of Health], [Public Health England], local government and NHS England to identify the commissioning arrangements and potential routes for delivery of any programme to vaccinate MSM. The Committee noted that this work would likely be challenging.

7. The HPV sub-committee’s work continues on a wider programme to vaccinate all boys. The JCVI is reliant on modelling by Public Health England (PHE), which is likely to have completed its modelling on this issue in 2017. At its meeting in the summer of 2015, the sub-committee heard from PHE which stated that it “had allocated addition resources to the project to help expedite the work”.

8. The Committee sought the views of the JCVI on the concerns raised by the petitioner, in his submission of 19 January 2016, that the work on a gender-neutral vaccination programme was taking too long. The JCVI wrote to the Committee on 16 February 2016 and provided an update to the Committee on its consideration of a gender neutral HPV vaccine programme. The JCVI provided a short narrative which explained that the delays to PHE’s modelling had arisen in the early peer-review and quality assurance stage of the work. The conclusion of the PHE’s work is still expected in 2017 and the JCVI’s recommendation on whether the proposed programme represents the best use of the NHS’s resources depends on that work. The JCVI also confirmed that it is aware of the petitioner’s views on these issues.

9. The petitioner wrote to the Committee on 25 February 2016. The petitioner remains concerned that the JCVI is taking too long to issue guidance on this matter; and secondly that the proposed HPV vaccine programme for MSM is not wide enough in its scope to provide protection to men and boys. The petitioner asks that the Committee urge the JCVI to speed up its work, and failing that, asks that the Scottish Government bring forward a program of vaccinations for all boys prior to the JCVI coming to a decision.
Action

10. The Scottish Government’s policy on vaccines is led by the advice issued by the JCVI and normally the Scottish Government will implement the new practice once formal advice is issued by the JCVI.

11. The Committee may wish to close the petition under rule 15.7 of Standing Orders on the basis that the JCVI has indicated that it will issue guidance that will recommend that some men receive the HPV vaccine and the JCVI continues to work on the wider question of whether all boys should be vaccinated. In doing so, the Committee may wish to note that the JCVI consults on interim statements and that the petitioner would be welcome to bring forward another petition once the JCVI has taken a view on the matter.

12. Alternatively, the Committee may wish to include the petition in its legacy paper. The Committee may wish to consider what action the Public Petitions Committee in Session 5 could take prior to the JCVI making a decision on a gender-neutral vaccine programme.
Public Petitions Committee
5th Meeting, 2016 (Session 4), Tuesday 1 March 2016
PE1493 A Sunshine Act for Scotland

Note by the Clerk

PE1493 – Lodged 29 September 2013
Petition by Peter John Gordon calling on the Scottish Parliament to urge the Scottish Government to introduce a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHS Scotland healthcare workers from Industry and Commerce.

Link to petition webpage

Purpose

1. The Committee last considered this petition on 26 January 2016. At that meeting, the Committee agreed to write to the Scottish Government. A response has been received and the Committee is invited to consider what action it wishes to take.

Background

2. Current guidance on joint working between NHS Scotland and the pharmaceutical industry is contained in HDL (2003) 62, which was issued on 12 December 2003. This required NHS Chief Executives to establish a register of interest for all NHS employees and primary care contractors.

3. When the petition was first considered by the Scottish Government on 22 January 2014, it sought clarification from NHS Boards about how they had implemented a register of interest. The results of this inquiry were reported to the Committee on 17 April 2014 and revealed a varying level of implementation.

4. In response to these findings, the Scottish Government sought to establish why the results revealed a varying level of implementation. It reported to the Committee on 25 January 2015 that the reasons for this appeared to relate to uncertainty of scope and definitions, resources, IT systems, accountability, enforcement and practical issues relating to independent contractors.

5. The Scottish Government noted that the existing guidance does not require registers to be public and searchable and for this reason, even if the guidance was fully implemented, it “would fail to meet the current demands for transparency”.

6. The Scottish Government decided to lead on conducting a wider consultation on “where we can achieve consensus among stakeholders and particularly the views of patients and their families”. The Scottish Government explained further: “If such a consensus can be achieved, then we can make an assessment of any associated resource implications.”
7. The Scottish Government sought the views of the petitioner directly in August 2014 and February 2015 to understand his views on the scope of any registers. It noted that it remained happy to receive any further views from the petitioner.

8. The Scottish Government’s update to the Committee dated 30 April 2015 noted that it had been in discussion with the Scottish Health Council, which agreed to undertake a public engagement exercise using its networks across Scotland.

9. The Scottish Government wrote again on 18 December 2015 to advise that the Scottish Health Council was conducting several discussion groups. It noted that the groups had experienced an unusually high drop off rate and as such further groups were being organised with outputs available in the new year.

Committee Consideration

10. The Cabinet Secretary’s response dated 11 February 2016 noted that the Scottish Health Council has been convening discussion groups and the Scottish Government will be provided with the outcomes of this work following its conclusion. The Cabinet Secretary noted that she would consider the outcome of this work and would be happy to consider any recommendations by the Committee.

Action

11. The Committee is invited to consider what action it wishes to take on the petition. Options include –

(i) To include the petition in its legacy paper on the basis that the outcome of the Scottish Health Council's work on the issue raised by the petition is not yet available and the Scottish Government has not yet had an opportunity to consider the outcomes of that work;

(ii) To close the petition under rule 15.7 of Standing Orders on the basis that the Scottish Government has committed to review the need for updated guidance on what the petition calls for and is consulting on the issue to gather views on what format it should take;

(iii) To take any other action the Committee considers appropriate.
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 9 March 2016

PE1517 on Polypropylene Mesh Medical Devices

Note by the Clerk

PE1517 – Lodged 1 May 2014

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

Link to petition webpage

Purpose

1. The purpose of this paper is to draw the attention of the Committee to a recent letter from the Cabinet Secretary for Health, Wellbeing and Sport. The Committee is also invited to decide what action to take on the petition.

Background

2. The Committee’s work on this petition has resulted in many of the petition’s requests being taken forward. The Committee took evidence from the Cabinet Secretary and Chair of the Independent Review of Tranvaginal Mesh Implants, Dr Lesley Wilkie, shortly after it published its interim report on 2 October 2015.

3. The Cabinet Secretary stated that she accepted all of the conclusions of the report and gave an apology to the women who had had to campaign to have their voices and concerns heard. The Cabinet Secretary stated that in line with the conclusions of the report interim safeguards will be put in place. She also stated that she wanted to be in possession of the final report before implementing permanent changes.

4. The final report of the Independent Review will be produced after the findings of the PROSPECT study are made available. There is no indication that the study will report prior to the dissolution of the Parliament in March and therefore the final report of the Independent Review will be published during the next session of Parliament.
Expert Group on Transvaginal Meshes
5. The expert group was established in 2013 to look at improving clinical practice and pathways of care for women who experience complications after the implant of a mesh device. The group suspended its activities during the main work of the IR and was re-formed in August 2015.

6. The Committee explored how the expert group’s work would be made publically available. The Cabinet Secretary agreed that “there should be full openness and transparency around the expert group’s work”. At its meeting on 26 January 2016, the Committee agreed to follow up on this point with the Cabinet Secretary. In her letter of 11 February 2016, she confirmed that a website containing information about the group’s work would be established in the near future.

Single incision mini-slings (SIMS) trial
7. The Committee also asked for an update on the review of the protocols of the current SIMS trial. The Cabinet Secretary stated in her recent letter that the Chief Medical Officer is nearing the completion of the review and would be writing to the Committee and petitioners once she has done so.

Scottish medical devices watchdog
8. In addition, at its meeting on 26 January 2016, the Committee agreed to seek the Cabinet Secretary’s view on the petitioners’ suggestion that a Scottish medical devices watchdog should be established. The Cabinet Secretary has confirmed that the regulation of medical devices is reserved and is undertaken by the Medicines and Healthcare products Regulatory Agency (MHRA). The Cabinet Secretary also confirmed to the Committee that she had written to the MHRA, highlighting recent reports on mesh implants.

Action
9. The Committee may consider that this petition is one which the successor Committee should continue to consider in Session 5 in light of the Independent Review’s final report. The Committee may therefore consider including PE1517 in its legacy paper.
PE1548 on National Guidance on Restraint and Seclusion

Note by the Clerk

PE1548 – Lodged 18 February 2015
Petition by Beth Morrison calling on the Scottish Parliament to urge the Scottish Government to:

(a) Introduce National Guidance on the use of restraint and seclusion in all schools; this guidance should support the principles of:
   - Last resort - where it is deemed necessary, restraint should be the minimum required to deal with the agreed risk, for the minimum amount of time
   - Appropriate supervision of the child at all times, including during “time out” or seclusion.
   - Reducing the use of solitary exclusion and limiting the time it is used for (e.g. maximum time limits)
   - No use of restraints that are cruel, humiliating, painful and unnecessary or not in line with trained techniques.
   - Accountability of teaching and support staff for their actions; this should include recording every incident leading to the use of seclusion or restraint and monitoring of this by the local authority.
   - Regular training for staff in how to avoid the use of restraint
   - Where restraint is unavoidable training in appropriate restraint techniques by British Institute of Learning Disability accredited providers and no use of restraint by untrained staff.

(b) Appoint a specific agency (either Education Scotland or possibly the Care Inspectorate) to monitor the support and care given in non-educational areas including the evaluation of the use of restraint and seclusion of children with special needs in local authority, voluntary sector or private special schools.

Link to petition webpage

Purpose

1. This is the sixth time the Committee has considered this petition. At the last meeting on 9 February 2016, when the Committee agreed to seek an update from the Scottish Government. The Committee is invited to consider what action it wishes to take on the petition.

Background

2. While the petition seeks guidance for restraint and seclusion in all schools, its particular focus is on severely learning disabled children.

Guidance

3. Current guidance on the use of restraint in residential childcare, Holding Safely, covers broad advice and guidance and information that can be adopted by all
schools and establishments. Previous guidance for all schools on child protection, Safe and Well (2005) included some mention of the use of restraint, but was withdrawn in 2013 as being out of date. Local authorities should provide staff with guidelines on appropriate levels of intervention including physical restraint. Green’s education manual states that “the use of physical intervention in any situation can only be justified as a last resort” and staff that do so should be trained in appropriate intervention techniques.

**Monitoring and inspection**

4. Currently, the use of restraint in residential care is monitored by individual establishments and an annual return made to the Care Inspectorate (S4W-09371). There is currently no similar national monitoring for non-residential schools. Schools are inspected by Education Scotland. Only where a school provides residential accommodation will it also be inspected by the Care Inspectorate.

5. In inspections of mainstream and special schools, whether residential or day special, HM Inspectors currently consider the quality of relationships and management of behaviour in schools and units.

**Committee consideration**

6. The majority of the submissions the committee has received from stakeholders on this petition have been supportive of its aims.

7. The Scottish Government’s letter of 26 July 2015 indicated that it intends to incorporate guidance on restraint and seclusion in a refreshed version of Included, Engaged and Involved Part 2: A Positive Approach to Managing School Exclusions. The refreshed guidance will “have a renewed focus on inclusion”.

8. The Committee sought clarification from the Scottish Government on how guidance on the restraint children with complex additional support needs fits into guidance on exclusion for all children and how seclusion and restraint of those children will be monitored. The Committee also asked that, in drafting the guidance, the Scottish Government consult with the petitioner and other stakeholders who have provided evidence to the Committee in regard to children with complex additional support needs.

9. In its submission of 20 October 2015, the Scottish Government indicated that guidance will make specific mention of children and young people with additional support needs. The Scottish Government indicated that it would seek comments and feedback from the petitioner and stakeholders on the draft of the relevant part of the guidance.

10. The last occasion the Committee considered this petition was on 9 February 2016. On the basis of an email from the petitioner, it agreed to seek further assurance from the Scottish Government that the views of the petitioner and stakeholders are taken into account in drafting the new guidance.
11. The Scottish Government wrote to the Committee on 23 February 2016. The Scottish Government also provided a draft excerpt from the new guidance which relates to teachers using restraint and how this should be planned for an approached. The guidance is designed to cover all mainstream and special schools. The Scottish Government indicated that it was impressed with ‘communication passport’ resource provided to the Government during a meeting with the petitioner and colleagues from the Challenging Behaviour Foundation and the British Institute of Learning Disabilities. The Scottish Government stated that it would share this resource with teachers across Scotland through the Glow network.

12. The Scottish Government confirmed that it has updated its self-evaluation framework for schools, *How good is our school (4th edition)*, which includes a stronger focus on safeguarding and wellbeing of children and young people. The new framework will be used from August 2016. The Scottish Government stated that “HM Inspectors are able to ask about the wider aspects of safeguarding, as detailed in *How good is our school (4th edition)*, which include promoting the welfare of children, and encompasses protecting children from maltreatment”.

13. The petitioner wrote to the Committee on 29 February 2016. She states that she has shared the Scottish Government’s draft guidance with stakeholders with an interest in severely disabled children and will respond to the Government once she has received comments. She noted that her focus and the Committee’s consideration of the petition has been on the treatment of severely disabled children and young people and questions whether the guidance is sufficient to protect that group. The petitioner welcomes the change to the inspection process. The petitioner asks that the Committee writes again to Scotland’s Children and Young People’s Commissioner and seek his views on the draft guidance.

**Action**

14. The Committee is invited to consider what action it wishes to take on the petition. Options include:

   i. To write to the Scotland’s Children and Young People’s Commissioner inviting his views on the proposed guidance in the context of this petition and to include the petition in its legacy paper for consideration by the Public Petitions Committee in Session 5;

   ii. To close the petition under rule 15.7 of Standing Orders on the basis that guidance is being produced for all children and HM Inspectors will have a greater focus on policies relating to the wellbeing of children and therefore the terms of the petition have been met; or

   iii. To take any other action the Committee considers appropriate.
PE1563 – Lodged 16 April 2015
Petition by Doreen Goldie, on behalf of Avonbridge and Standburn Community Council, calling on the Scottish Parliament to urge the Scottish Government to ban the use of sewage sludge on land and to look for alternative acceptable methods of disposal as adopted in other European countries.

Purpose

1. This is the sixth time the Committee has considered this petition. The Committee last considered the petition on 9 February 2016. The Committee agreed to defer the petition to give the petitioners the opportunity to respond to the Scottish Government’s Sludge Review and to write to the Sludge Review Group. Response have been received from the petitioners and the Scottish Government and the Committee is invited to consider what action to take on the petition.

Background

2. Sewage sludge is a by-product of the waste-water treatment process. According to the UK Department for Environment, Food and Rural Affairs, treated sewage sludge - also known as ‘biosolids’ - has several valuable properties. It:

- is a readily available alternative soil-building material
- contains nutrients and valuable trace elements essential to animals and plants
- is a more efficient and sustainable alternative to inorganic fertilisers and mineral fertilisers such as phosphate
- provides a source of slow-release nitrogen ideal for use in land restoration
- is a good substitute for peat in land-reclamation projects thus conserving valuable natural peatland

3. All farmers who apply sewage sludge to land must comply with the Sludge (Use in Agriculture) Regulations 1989 (as amended).

Sludge review

4. In early 2015, the Scottish Government initiated a review of the practice of storing and spreading sludge on the land. The Scottish Government published the recommendations arising from this review on Friday 5 February 2016.
5. The review reconfirmed that the Scottish Government supports the practice of spreading sludge, provided it is well managed. The review made a number of recommendations, including:

- making provisions in the Safe Sludge Matrix statutory in Scotland and improving regulation;
- requiring licenses (including a fit and proper person test) for sludge operators;
- removing legal delays in incidents where SEPA has served a notice for an activity causing a nuisance (e.g. odours from storage of sludge) to cease;
- SEPA to be the lead agency in dealing with incidents and complaints about sludge;
- improving SEPA’s monitoring activities;
- improving the quality of sludge; and
- improving management of information and communications with the public by regulators and operators.

6. When the Review’s recommendations were published, the Cabinet Secretary for Rural Affairs, Food and the Environment said:

“I have approved a wide range of recommendations. Some of the recommendations will require changes to legislation, and we will of course undertake a public consultation on any draft legislative proposals.

“The use of sewage sludge – when well managed – allows us to recycle valuable materials in a way that is safe and environmentally beneficial. I am confident that these actions will address the issues raised by communities and MSPs in relation to the spreading of sewage sludge, notably offensive odours.”

Committee Consideration

7. The petitioners gave evidence to the Committee on 26 May 2015. They explained that their community has suffered very unpleasant odours from the use, storage and transport of sludge. The petitioners also claimed that there are risks to human and animal health from the practice.

8. The Committee took evidence from SEPA and Scottish Water on 23 June 2015. Both organisations supported the continued use of sludge on land, but argued that additional regulatory powers are required. SEPA indicated that it would provide the Committee with additional information in writing on a number of topics.

9. SEPA’s has provided the Committee with four submissions since the start of the petition. The most recent addressed specific questions the Committee asked it following the last consideration of the petition and is included in Members’ papers. SEPA’s earlier submission had provided data on a number issues, including:

- Number of complaints and environmental incidents;
- Change of sludge use over time; and
• Comparisons with other European countries.

10. At its last meeting, the Committee agreed to write to the Sludge Review Group. The Committee asked whether research proposed by the review could be undertaken more quickly; how communities would be made aware of the new reporting mechanisms; and for more information regarding the disposal of sludge in landfill sites. The Committee received a response on 23 February 2016.

11. The Scottish Government stated that it is essential that adequate time is available to conduct robust research and the proposed research could not be accomplished more quickly.

12. The Scottish Government noted that the new reporting mechanism whereby SEPA becomes the main point of contact for complaints will require further work to determine how it will be put into practice, potentially including legislative change. Communities that have previously been affected by the issue will be informed through their community councils and all local authorities will be informed.

13. The letter from the Scottish Government clarified that, while SEPA is aware of only one landfill site in Scotland that is used for disposing sludge, there are a number of landfill sites in Scotland where the license would in theory allow those sites to be used to dispose of sludge. The Review Group was not aware that unlicensed disposal of sludge is taking place, and it noted that such activities would constitute an offence.

14. The petitioners provided a response to the Committee on 1 March 2016. The petitioners cautiously welcome the review. However they reiterate their view, as expressed in the text of the petition, that the practice of spreading sludge should cease altogether. The petitioners also ask a number of questions on the how recommendations will be taken forward.

Action

15. The Committee is invited to consider what action it wishes to take on the petition. The petition is calls for a ban of the practice of spreading sludge. The Scottish Government supports the spreading of sludge on land and the Sludge Review sets out how the Scottish Government intends to improve the practice. The Committee may therefore wish to close the petition, under rule 15.7 of Standing Orders, on the basis that the Scottish Government does not support what the petition is calling for. In closing the petition, the Committee may wish to write to the Cabinet Secretary for Rural Affairs, Food and the Environment to highlight the petitioners’ recent submission and ask that the views of the petitioners and other affected communities are actively sought and taken into account as the recommendations of the Sludge Review are developed and put into practice.
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 9 March 2016

PE1577 Adult Cerebral Palsy Services

Note by the Clerk

PE1577 – Lodged 27 August 2015
Petition by Rachael Wallace calling on the Scottish Parliament to urge the Scottish Government to develop and provide funding for a clinical pathway and services for adults with cerebral palsy.
Link to petition webpage

Purpose

1. The Committee last considered this petition on 12 January 2016. At that meeting, the Committee agreed to write to the Scottish Government. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. At its last meeting, the Committee agreed to ask the Minister for Sport, Health Improvement and Mental Health to confirm the Scottish Government’s view on establishing a clinical pathway and national services for adults with cerebral palsy. The Committee also asked the Minister to confirm when he would meet with the petitioner and Murdo Fraser MSP.

3. The Minister’s update to the Committee was received on 2 March 2016 (the day after he met with the petitioner and Murdo Fraser MSP). The Minister advised that he has funded a pilot project supported by Bobath Scotland for an alternative supported pathway for adults with cerebral palsy. He intends to consider the findings when this project is complete along with options for taking it forward. A timeframe for the project was not provided.

4. The petitioner’s response dated 2 March 2016 argues that the Bobath pilot programme will only address one issue for adults with cerebral palsy (specialist physiotherapy). She considers that this falls considerably short of a national clinical pathway and more work needs to be done to engage with and train staff in the NHS. The petitioner also welcomes clarification from the Minister as to what alternative the Bobath pilot programme is providing in circumstances where specialist NHS services for adults with cerebral palsy do not exist.

Action

5. The Committee may consider that this petition is one which the successor Committee should continue to consider in Session 5. The Committee may therefore consider including this petition in its legacy paper.
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1581 Save Scotland's School Libraries

Note by the Clerk

**PE1581 – Lodged 17 October 2015**

Petition by Duncan Wright, on behalf of Save Scotland's School Libraries, calling on the Scottish Parliament to urge the Scottish Government to set out a new national strategy for school libraries which recognises the vital role of high quality school libraries in supporting pupils’ literacy and research skills.

[Link to petition webpage](#)

**Purpose**

1. This is the third occasion the Committee has considered this petition. The Committee last considered the petition on [26 January 2016](#) when it agreed to write to the Association of Directors of Education Scotland and COSLA. Responses have now been received and the Committee is invited to consider what action it wishes to take on the petition.

**Background**

**SPICE Briefing**

2. A [SPICE briefing on the petition](#) notes that the financing of school libraries is a matter for local authorities. It sets out the statutory duties on local authorities to provide “adequate and efficient education” (Education (Scotland) Act 1980) and “adequate provision for library services” (Local Government (Scotland) Act 1973). There is no specific duty to provide libraries in schools.

3. The briefing quotes a 2013 report of a study carried out by Robert Gordon University on behalf of the Scottish Library and Information Council. The report’s focus was on the impact of school libraries on learning. The report stated that all secondary schools in Scotland had access to libraries, either through a “dedicated school library, a joint school and community library or from a central authority library service.” The report noted that the majority of libraries were staffed by professional librarians which compared favourably to other parts of the UK and led to a wider curriculum-supporting role for school librarians in Scotland.¹ The report identified a number of positive impacts of school libraries on learning.

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Committee action

4. Prior to the meeting on 26 January 2016, the Committee received a number of submissions from stakeholders the majority of which supported the petition and highlighted the benefits trained librarians bring to schools.

5. In its submission of 18 December 2016, the Scottish Government noted that the delivery of education is the responsibility of local authorities. The Government stated that it recognised the importance of school libraries and highlighted the Scottish Attainment Challenge as one way in which the Scottish Government encourages local authorities to make full use of school libraries to improve literacy rates. The Scottish Government did not consider that it was best placed to take the lead on a national strategy for school libraries, but that it would be happy to involved in such a piece of work should it be led by another appropriate body.

6. The petitioners welcomed the support their petition has received and agreed that another body may be best placed to lead on a national strategy for school libraries. However, they noted that such a strategy would need to be appropriately resourced and that there are immediate pressures on school libraries which need to be addressed.

7. In light of the Scottish Government’s response, the Committee agreed to write to the Association of Directors of Education Scotland (ADES) asking whether it would consider leading on the production of a national strategy for school libraries. ADES responded and advised that it does not feel that it is the right organisation to take forward such a project. ADES noted that school libraries are run in different ways across the country and that reforms are taking place within the context of financial challenges.

8. The Committee also agreed to write to COSLA to seek its views. COSLA stated that local authorities recognise the value of library services and trained librarians. COSLA noted that there is already collaboration in relation to libraries through VOCAL Scotland. COSLA argued that the main issue is the funding available to local authorities.

9. The petitioners were disappointed with the responses from COSLA and ADES. The petitioners argue that the situation has become more urgent as local authorities are proposing further cuts to school librarians in setting budgets recently. The petitioners suggest that the Committee could approach the Scottish and Library Information Council (SLIC) and ask that it leads on the production of a national strategy for school libraries.

Action

10. The Committee is invited to consider what action it wishes to take on the petition. Options include:
   a. to close the petition under rule 15.7 of Standing Orders on the basis that the provision of school library services is a matter for local authorities and key bodies do not support the proposal; or
b. to take any other action the Committee considers appropriate.
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1595: Moratorium on shared space schemes

Note by the Clerk

**PE1595** – Lodged 18 December 2015
Calling on the Scottish Parliament to urge the Scottish Government to place a moratorium on all shared space schemes until safety concerns have been addressed.

[Link to petition webpage](#)

**Purpose**

1. The Committee last considered this petition at its meeting on 26 January 2016. The Committee agreed to write a number of bodies in relation to the issues raised in the petition. Responses have been received and the purpose of this paper is to invite the Committee to consider what action it now wishes to take.

**Background**

2. Shared space is an urban design concept that is defined in the Scottish Government’s Designing Streets policy statement as “…a street or place accessible to both pedestrians and vehicles that is designed to enable pedestrians to move more freely by reducing traffic management features that tend to encourage users of vehicles to assume priority.”

3. It is worth noting that this is not a Scottish concept, also featuring in the UK Department for Transport’s Manual for Streets. The idea of shared space is generally acknowledged as originating in The Netherlands as part of the woonerf (living street/recreation area) concept developed during the 1970’s. It is important to note that Dutch traffic law differs from that in the UK so that Dutch pedestrians can use the full width of a road in a woonerf and cars are restricted to walking speed.

4. Designing Streets is the Scottish Government’s key planning policy document on street design. Its policies are used by planning authorities in the drafting of regional and local development plans. They can also be a material consideration in deciding whether to grant or refuse planning permissions for relevant developments.

5. Designing Streets includes a section entitled “Ensuring Inclusive Design”, which states:

“Shared Space, and level surfaces in particular, can cause problems for some disabled people. The absence of a conventional kerb in level surfaces can pose problems for some blind or partially-sighted people, who often rely on this feature to find their way around. The lack of visual cues may also pose
problems for pedestrians with cognitive difficulties. It is therefore important that level surface schemes include an alternative means by which visually-impaired people can navigate. Such elements can be designed in collaboration with local people, including representatives from local disability groups and access panels. Disability groups should also be invited to provide input throughout the Quality Audit stages. Quality Audits are explained in more detail in Part 3 How to achieve better outcomes. Any design solution should be informed by local context and the local community."

6. More detail on the design of shared spaces, principally aimed at highway engineers and urban designers, is set out in the UK Department for Transport Local Transport Note 1/11: Shared Space.

7. The interpretation and application of the policies set out in Designing Streets and associated UK guidance is a matter for individual planning authorities when drafting development plans or deciding on applications for planning permission.

8. The UK Government commissioned transport consultancy MVA to undertake a study into the impact of shared spaces on disabled people, which reported in October 2010. Amongst its conclusions is the following:

   “Among disabled people, visually impaired participants appeared to be the most uncertain in their navigation of streets and tended to have needs and desires that were often different from those with other disabilities. For example, when answering trade-off questions they were more likely to say they would prefer texture defined pavement and road to colour defined pavement and road, whereas mobility impaired and deaf/hard of hearing participants were more likely to say they would prefer colour defined pavement and road. An equal number of those with learning difficulties preferred either option.

   The issue of whether shared space areas should be designed with a level surface or not is clearly key. It is already known and apparent from these research findings, that visually impaired people feel more at ease when there is a kerb and mobility impaired pedestrians find it physically easier when there is none. However, the research suggests, it should be possible to reach workable compromises in street design.”

Responses to the Committee

9. The majority of responses received in response to the Committee’s requests are not supportive of a moratorium on shared spaces.

10. Local authority responses set out some of the issues that are taken into account. For example, Scottish Borders Council notes that in its area, in general, “shared space schemes are implemented as part of new development and are encouraged on lightly trafficked roads where most of the traffic is local in nature.” It also notes that in its own SPG on Placemaking and Design it states “Shared surface streets and spaces can be used where appropriate and should be sensitively designed: without careful consideration vulnerable road users, including those with visual impairments who tend to rely on a kerb line
can feel insecure or unsafe.” Scottish Borders Council “supports the concept of ‘shared space’ so long as they are properly designed in the right situation and have the best interests of all users in mind including those of vulnerable users.”

11. Perth and Kinross Council notes that shared space “is predominantly intended for new developments” but that the “concept can be adapted to existing streets as a balanced compromise, where a formal pedestrianisation scheme cannot be achieved due to maintaining access requirements, such as, entrances to car parks, business and properties, to name but a few.” It goes on to state that—

“The Council takes its responsibilities regards The Equalities Act 2010 seriously when designing improvements to streets, However, due to acknowledged conflicting disability needs and preferences, particularly surrounding kerb use, it is not possible to deliver a street design to meet the specific desires of all disability groups.”

12. Sustrans Scotland was asked for its views on shared space schemes and the place of controlled crossings within them. Its response comments that “controlled crossings...allow and encourage traffic to be the dominant user in a street which is at odds with the principles of shared space.” Sustrans sets out its view that a “good quality place...is one that has been designed from the outset of the process with an understanding of the physical barriers to movement that people with reduced mobility or impaired sense have.”

13. The Mobility and Access Committee for Scotland refers to its response to the 2009 consultation on Designing Streets in which it requested that no new Shared Spaces were agreed until research commissioned by the Department for Transport (DfT) was completed, analysed and commented on. MACS notes that it “appears that consultation on LTN 1/11 (Shared Space) did take place but it was by means of a Sounding Board and Project Board” which were put together by the DfT and that MACS was not presented on either board.

14. The Royal Town Planning Institute for Scotland (RTPI) does not support the call for a moratorium on shared spaces, noting that the “aims of shared spaces are to discourage vehicles from assuming priority, adapting motorist behaviour, encouraging them to drive more slowly and give way as appropriate.” The RTPI believes “that all users of a new development including shared spaces, or a new shared space initiative in a town centre, should be engaged as early as possible in the process, including local authority Design and Access Panels.

15. RTPI considers that clarity is required on the up to date Scottish Government policy and that this should include a formal definition to avoid ambiguity or confusion, suggesting that there should also be reference to the Place Standard tool. The RTPI also notes that LTN 1/11 “makes interesting references to measures that could be put in place to suit blind and partially sighted individuals.”

16. The Scottish Government has confirmed that it has no plans at present to review the Designing Streets policy of to produce supplementary guidance relating to shared space. The Government also notes that “local authorities are
independently responsible for their equality duties under The Equality Act 2010.”

17. East Dunbartonshire Council (EDC) has provided the Committee with two responses, one which sets out its general policy on design and one which details the Kirkintilloch Town Centre Plan and Cowgate Street Design Project. In its general response, EDC sets out the range of policies and guidance it uses and that all “applications and project are decided on merit and through assessment of the context of the site – the Council does not have a ‘one size fits all’ approach to design.” The other response sets out information about the timeframe for development of the Plan and engagement and consultation activities that have been carried out, including Equality Design Forums. In this response, EDC also details additional documentation that has been provided in relation to the development of the Kirkintilloch Town Centre Plan.

18. Glasgow City Council “recognises the need for a safe urban environment to serve the accessibility needs of the visually and mobility impaired and all members of the community. It goes on to outline that—

“In the Council are asked to consider a shared space project, it is considered on its individual merits where we are aware of the need for a safe space within a shared space. Within residential developments the concept of shared surfaces are only considered within very lightly trafficked roads where the people driving on a road would also live on that road.”

19. Lord Holmes of Richmond states that there has been an encouraging response from the UK Government to his report and that the Minister has asked all UK authorities for details of any shared space schemes. The submission also refers to “better guidelines about shared space with the Chartered Institution of Highways and Transportation.”

Response from the petitioner

20. The petitioner’s response restates his opposition to shared spaces and draws members attention to submissions that have previously been received on the petition from a number of individuals and organisations “including RNIB, The National Federation of the Blind, Guide Dogs UK, The Access Panel, Visibility Scotland, Inclusion Scotland, Deaf Blind Scotland”. The petitioner disputes the view of EDC about how views were taken into account in the consultation and engagement work that was undertaken. Mr Taylor also refers to Lord Holmes’ report which “found that over two thirds of respondents reported a negative experience of Shared Space and although perhaps the problems are most obvious for vulnerable pedestrians, the schemes were equally unpopular with drivers.”

21. The petitioner also draws attention to the recent findings in relation to a fatal accident that occurred in Leek (where a shared space scheme was introduced). The coroner has indicated that he is going to request the local authority reinstates sifter barriers at the point where the accident occurred. The petitioner
also refers to a recent decision by Orkney Islands Council not to proceed with a shared space scheme due to public opposition to the proposal.

Action

22. The Committee is invited to consider what actions it wishes to take. Options include—

(i) To include the petition in the Committee’s legacy paper for consideration by the Session 5 Public Petitions Committee;

(ii) To close the petition under rule 15.7 of Standing Orders on the basis that the responses received show there is a lack of support for the action called for in the petition; or

(iii) To take any other action the Committee considers appropriate.

Catherine Fergusson
Clerk to the Committee
Public Petitions Committee
6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1596: In Care Survivors Service Scotland

Note by the Clerk

PE1596 – Lodged 13 January 2016
Calling on the Scottish Parliament to urge the Scottish Government to retain our essential, dedicated In Care Survivor Service Scotland in its current form.

Link to petition webpage

Purpose

1. This is the second occasion the Committee has considered this petition. The Committee first considered the petition on 26 January 2016 when the Committee agreed to write to a number of organisations. Responses have been received and the Committee is invited to agree what action it wishes to take on the petition.

Background

2. In-Care Survivors Service Scotland (ICSSS) provides a number of services, including counselling, advocacy, informal support, group support and access to records. ICSSS is provided by a charity, Open Secret. The petitioners have highlighted the personal nature of the service, and that it especially important in helping survivors to build trust that one person covers all of these roles.

3. The new model proposed by the Scottish Government is expanded and is based on a broker model. The SPICE briefing outlines the process—

“The new delivery model aims to provide a consistent service for survivors throughout Scotland. The model includes that the initial contact for an individual is made with a communication support worker (not a counsellor) who determines the survivor’s eligibility, provides information about the service and registers them. This support worker will then offer an appointment for a conversation with a personal outcome support co-ordinator trained in personal outcomes approaches. The support co-ordinator will then work with the survivor to identify their needs, establish personal outcomes and to create a care, treatment and support plan. They will further work with the survivor to broker or commission services to meet these needs.”

4. The petitioners are critical of the proposed model and in particular that the service will move away from a personal, one-stop service. The petitioners also have concerns that other providers, such as the NHS, will not be able to provide the specialist services for survivors to the standard of the current ICSSS. The petitioners sum up their view in the background section of their petition, saying:
“The current model is the model that survivors trust. For some service users it has taken years to develop that trust. A change in service has a potential to cause harm.”

5. During the evidence session on 26 January 2016, the petitioners clarified that they would like the existing service to continue within the proposed new model.

Committee action

6. The Committee sought views from a number of organisations and responses have been received from most of those bodies.

7. The Scottish Government outlined the consultation work it had undertaken prior to its decision on the model for the new In Care Survivor Support Fund. The Scottish Government provided a briefing on the new model and confirmed that Open Secret, the providers of the current service will be able to work with the new fund to provide services at a local level.

8. Celcis noted that the new model is very different to the current ICSSS and that the two are not comparable and it welcomed the principles of the new model. Celcis stated that in the long term, the ICSSS could be supported through the new model; however it is important that the short-term future of the service is secured.

9. Former Boys and Girls Abused of Quarriers Homes’ (FBGA) submission was supportive of the new model and also argued that “robust transition period has to be implemented” to support those currently using ICSSS’s services. FBGA also stated that it would prefer that the ICSSS seek to provide services within the new model.

10. Open Secret, the current provider for the ICSSS, raised concerns in its first submission over the new model, particularly that the first point of contact will not be with a trained counsellor, equipped to deal with individuals experiencing a crisis; this would also mean that survivors would be required to repeat their story to a number of people. Further, Open Secret warned that the types of services available may be patchy geographically and where there are services, not tailored to the needs of abuse survivors.

11. Many of Open Secret’s concerns of the new model were shared by Dr Sarah Nelson. She also highlighted the importance of group therapy as an effective support to survivors. Dr Nelson cautioned against an approach that treated the experience of childhood abuse as an illness and argued that survivors should have an active input into the support they receive.

12. The Scottish Human Rights Commission wrote to Committee on 1 March 2016. The Commission also highlighted the importance of the participation and empowerment of survivors. The Commission stated,

“Survivor participation in choosing what is right for them, based on access to reliable information and a range of meaningful choices is essential.”
13. Several respondents noted that the uncertainty over the future of the ICSSS is having a detrimental effect on the current users of the service. The Scottish Government stated that it is working with Open Secret “to facilitate and enable current in care survivors to continue to receive support consistent with their needs and with no breaks in service”.

14. The petitioners provided the Committee a detailed response to a number of the submissions and reiterated their view that the ICSSS should be supported alongside the new model. They stated that the future of the current ICSSS was not consulted upon.

**Action**

15. The Committee is invited to consider what actions it wishes to take. Options include—

(i) To include the petition in the Committee’s legacy paper for consideration by the Session 5 Public Petitions Committee. The Committee may also wish to write to the Scottish Government asking that it provides assurance to users of the current In Care Survivor Service Scotland that they will continue to be supported through the transition to the new model; or

(ii) Take any other action the Committee considers appropriate.
Public Petitions Committee

6th Meeting, 2016 (Session 4), Tuesday 8 March 2016

PE1597: Mycoplasma Fermentans in Regressive Autism

Note by the Clerk

PE1597 – Lodged 8 January 2016
Calling on the Scottish Parliament to urge the Scottish Government to commission a properly conducted controlled study (which recognises the intracellular nature of the pathogen) into the presence and role of Mycoplasma Fermentans in regressive autism.

Link to petition webpage

Purpose

1. This is the second occasion that the Committee has considered the petition. The Committee heard from the petitioner on 26 January 2016 when the Committee agreed to write to the Chief Scientist’s Office at the Scottish Government, the European Commission and the Department of Health. Responses have been received and the Committee is invited to consider what action it will take on the petition.

Background

2. The petition refers to a paper by the petitioner, *Mycoplasma Fermentans and Deciliation as a Precursor to Regressive Autism*, published in the Swift Journal of Medicine and Medical Sciences (SJMMS). The paper proposes that the bacteria Mycoplasma Fermentans could possibly be a potential causal factor for autism, and that vaccination (primarily the MMR vaccine) is one likely conduit for how the bacteria comes to be in children.

3. The petitioner’s paper references concerns about contamination that can arise during the process of manufacturing vaccines and the presence of Mycoplasma bacteria in those vaccines. The paper states that a “search of the literature on veterinary vaccines reveals the serious concern that Mycoplasmas have generated over many years which may highlight poor ‘quality control’ and a lack of sufficient care in the manufacturing process.”

4. The petitioner argues that one possible reason for this “autism epidemic” is vaccination and in particular the MMR vaccine. Other organisations such as the National Autistic Society have cited sources which suggest the increasing prevalence of autism is likely to be because of broadening diagnostic criteria, diagnostic switching, service availability and awareness of Autism Spectrum Disorder among professionals and the public.

Scottish Government Funded Health Research

5. The Chief Scientist’s Office (CSO) sits within the Scottish Government Health Directorates. The CSO’s vision “is to support and increase the level of high-
quality health research conducted in Scotland”. The role is not to be confused with the Office of the Chief Scientific Adviser for Scotland which supports the work of the Chief Scientific Adviser for Scotland whose role is to provide strong leadership on science in the Scottish Government.

6. The CSO does not invite tenders for specific research proposals; instead it invites bids for funding through what is known as the Researcher Initiated Grant Schemes. The CSO then provides the funding to those whose research proposals are successful. To be eligible for funding from the Research Initiated Grant Schemes, the Chief Investigator (the person who takes overall responsibility for the design, conduct and reporting of a study) “must be a permanent salaried member of staff at a Scottish Higher Education Institution or NHS Board, or have a contract with a Scottish HEI or NHS Board that extends at least 2 years beyond the expected end-date of any submitted proposal”.

7. Within the Researcher Initiated Grant Schemes, the Chief Scientists Office runs two response mode funding committees which consider the applications for research funding. These are the Translational Clinical Studies Research Committee and the Health Improvement, Protection and Services Research Committee. These Committees meet twice a year and proposals are subject to an external peer review process.

8. The CSO also operates within the wider landscape of UK health research funding and contributes to a National Institutes for Health Research (NIHR) total funding pool in excess of £100m annually. This allows Scottish-based researchers to apply for the majority of the research programmes administered by the NIHR Evaluation, Trials and Studies Coordinating Centre (NETSCC). It is open for anybody to submit an application to the NIHR.

Submissions

9. The Committee received one consolidated letter from the CSO covering the points made to Scottish Government and the CSO. The CSO stated that evidence suggests that the apparent increase in the prevalence of Autism is due to improved awareness and diagnostic facilities. The CSO stated that there is no credible link between vaccines and Autism and that there is no evidence to support the petitioner’s hypothesis. The CSO explained that vaccination policy in Scotland is informed by the Joint Committee on Vaccination and Immunisation, the Medicines and Healthcare Products Regulatory Agency, and Health Protection Scotland all of which constantly review current evidence.

10. The Department of Health (DoH) also suggested that growing recognition of Autism has been interpreted as an increasing rate of Autism. The DoH also noted that rates of Autism have usually being based on surveys of children and different methodologies and sampling have been used over time. The DoH cited data from surveys of people over 16 which did not suggest that

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2 [http://www.gov.scot/About/People/Directorates/ChiefScientificAdvisor](http://www.gov.scot/About/People/Directorates/ChiefScientificAdvisor)
prevalence of Autism had increased over time. The DoH also noted that funding streams for research into Autism are available through the Medical Research Council and National Institute for Health Research and the DoH highlighted some projects that are currently receiving funding.

11. The European Commission advised that there is currently a programme underway to support early diagnosis of Autistic Spectrum Disorders (ASD) across the EU. To support this, a project to test the EU’s approach in a number of pilot zones has been undertaken and this should produce comparable data on the prevalence of ASD in the EU in 2017.

12. The petitioner rejects the suggestion that a rise in rates of Autism is largely due to better recognition and diagnosis. The petitioner also argues that epidemiological studies are unable to disprove a suggested causation where the causation of an illness is unknown.

Action

13. The Committee is invited to consider what actions it wishes to take. Options include—

(i) to close the petition under Rule 15.7 of Standing Orders on the basis that the Scottish Government does not support the specific actions the petition seeks.

(ii) Take any other action the Committee considers appropriate.
Public Petitions Committee

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Draft Annual Report

1. A draft annual report is attached for the Committee’s consideration.

2. Members are also asked to note that the petition figures highlighted in yellow will be finalised before the report is published.
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Introduction

1. This report covers the work of the Public Petitions Committee during the Parliamentary year from 11 May 2015 to 23 March 2016.

2. In this short parliamentary year, the Committee has continued its principal function to consider public petitions addressed to the Scottish Parliament. It also took its work outside the Parliament to conduct two external workshops, as well as a fact-finding visit and an external meeting in Argyll.

3. The Committee also commissioned an independent review of the public petitions process which is discussed later in this report.

Meetings

4. During the reporting period, the Committee met on 19 occasions. No meetings were held wholly in private. On 11 occasions meetings were held partially in private.

Public Petitions

New petitions

5. During the reporting period, 44 new petitions were lodged:
   - PE1560 on local authority planning appeals procedure;
   - PE1561 on pet rabbit welfare;
   - PE1562 on perverse acquittal;
   - PE1563 on sewage sludge spreading;
   - PE1564 on saving Loch Ness and the Great Glen;
   - PE1565 on whole of life sentences for violent re-offenders;
   - PE1566 on a national service delivery model for warfarin patients;
   - PE1567 on investigating unascertained deaths, suicides and fatal accidents;
   - PE1568 on funding, access and promotion of the NHS Centre for Integrative Care;
   - PE1569 on re-introduction of the Scottish Red Ensign;
   - PE1570 on parental rights to child contact;
- PE1571 on food bank funding;
- PE1572 on occupational disclosure in trials and sentencing;
- PE1573 on statutory teaching of LGBTI+ issues;
- PE1574 on HPV vaccine safety;
- PE1575 on accessible rail travel;
- PE1576 on blue badges for children with Autism and Down's Syndrome;
- PE1577 on adult cerebral palsy services;
- PE1578 on a Forth Circle rail link;
- PE1579 on funding for the new Barrhead High School;
- PE1580 on guidance for Parliament staff on international health treaty standards;
- PE1581 on saving Scotland's school libraries;
- PE1582 on compulsory pet insurance;
- PE1583 on primary school playground supervision;
- PE1584 on a new Scottish vaccine and immunisation advisory committee;
- PE1585 on behalf of Flag Up Scotland Jamaica;
- PE1586 on Statutory control measures for Invasive Non-Native Species;
- PE1587 on the Scottish Civic Forum;
- PE1588 on scanning all pets found on Scottish roads;
- PE1589 on an independent review of child contact and financial provision post-separation;
- PE1590 on licences for acupuncturists;
- PE1591 on major redesign of healthcare services in Skye, Lochalsh and South West Ross;
- PE1592 on Group B Strep information and testing;
- PE1593 on a full review of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012;
- PE1594 on specification of 'lying' as an example of public maladministration;
• PE1595 on a moratorium on shared space schemes;
• PE1596 on the In Care Survivors Service Scotland;
• PE1597 on Mycoplasma Fermentans in regressive autism;
• PE1598 on protecting wild salmonids from sea lice from Scottish salmon farms;
• PE1599 on adult consensual incest;
• PE1600 on speed awareness courses;
• PE1601 on European beavers in Scotland;
• PE1602 on ECGs and heart echo tests within antenatal care;
• PE1603 on ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland;
• PE1604 on inquests for all deaths by suicide.

6. The Committee agreed its last opportunity to consider new petitions would be its meeting on 26 January 2016. As such, the Committee considered 39 of the new petitions lodged in this parliamentary year. The remaining new petitions have been included in the Committee’s legacy paper for the Session 5 Public Petitions Committee to consider.

Inadmissible petitions
7. During the reporting period, no petitions were ruled inadmissible by the Committee.

Continued petitions
8. The Committee continued its consideration of the following petitions (carried forward from previous years):
• PE1098 on school bus safety;
• PE1105 on St Margaret of Scotland Hospice;
• PE1223 on school bus safety;
• PE1319 on improving youth football in Scotland;
• PE1351 on time for all to be heard;
• PE1408 on Updating of Pernicious Anaemia-VitaminB12 Deficiency understanding & treatment;
• PE1412 on bonds of caution;
- **PE1431** on a marine protected area for Fair Isle;
- **PE1446** on Scottish standards for the care of adult congenital heart patients;
- **PE1458** on a register of interests for members of Scotland's judiciary;
- **PE1463** on effective thyroid and adrenal testing, diagnosis and treatment;
- **PE1477** on a gender neutral Human Papillomavirus vaccination;
- **PE1480** on Alzheimer's and dementia awareness;
- **PE1482** on isolation in single room hospitals;
- **PE1493** on a Sunshine Act for Scotland;
- **PE1495** on the use of "gagging clauses" in agreements with NHS staff in Scotland;
- **PE1505** on awareness of Strep B in pregnancy and infants;
- **PE1513** on equal rights for unmarried fathers;
- **PE1517** on polypropylene mesh medical devices;
- **PE1522** on improving bulk fuel storage safety;
- **PE1523** on giving the Tinkers' Heart of Argyll back to the travelling people;
- **PE1528** on child court reform;
- **PE1531** on removing charitable status from private schools;
- **PE1533** on abolition of non-residential social care charges for older and disabled people;
- **PE1537** on the proposed energy park at Cockenzie;
- **PE1539** on housing associations to come under the Freedom of Information (Scotland) Act 2002;
- **PE1540** on a permanent solution for the A83;
- **PE1542** on human rights for dairy farmers;
- **PE1543** on investigating parental alienation and reviewing civil legal aid;
- **PE1545** on residential care provision for the severely learning disabled;
- **PE1548** on national guidance on restraint and seclusion in schools;
- **PE1549** on concessionary travel passes for war veterans;
- **PE1551** on mandatory reporting of child abuse;
- **PE1552** on choice of treatment for cancer patients;
- **PE1554** on improving the provision of disabled-friendly housing;
- **PE1555** on electric shock and vibration collars for animals;
- **PE1556** on a national parks strategy for Scotland;
- **PE1558** on American Signal Crayfish.

### Referred and closed petitions

9. The Committee referred two petitions to other Committees of the Parliament and 46 petitions under its consideration were closed.

### Evidence sessions

10. In total, the Committee took evidence from 75 witnesses representing 28 organisations, including: the Scottish Government; Scottish Natural Heritage; the Scottish Environment Protection Agency; the Judicial Complaints Reviewer; the Independent Review on Transvaginal Mesh Implants; the Office of the Chief Medical Officer and Bobath Scotland.

11. In most cases the Committee agreed to invite petitioners to speak in support of new petitions and the Committee heard evidence from petitioners on 30 occasions.

### Engagement and innovation

#### Argyll

12. The Committee held a fact finding visit to Argyll on 7 September 2015. The Committee visited sites which were relevant to two petitions, PE1540 (permanent solution for the A83) and PE1523 (Tinkers’ Heart of Argyll). Later that day, the Committee held an external meeting in Inveraray to consider these petitions, as well as PE1569 (re-introduction of the Scottish Red Ensign). Following the formal meeting, the Committee also conducted a question and answer session with members of the public who observed the meeting in the public gallery.

13. In advance of the Inveraray meeting, the Committee also held a workshop on the public petitions process in Oban on 24 August 2015.
Inward visits

14. The Committee was pleased that its work remains relevant to other legislatures, as evidenced by visits it received from the Petitions Committee of the Baden-Wurttemberg State Parliament, the Petitions Committee of the North Rhine-Westphalia State Parliament and a delegation from the Parliament of Kenya.

Review of the public petitions process

15. At its meeting on 12 May 2015, the Committee agreed to commission SPICe to conduct a review of the public petitions process. This review was carried out by Dr Gareth D. James and his findings were published alongside the Committee’s initial responses to the review on 16 December 2015.

Chamber debates

16. On 19 January 2016 the Committee held a debate in the Chamber on the review of the public petitions process to hear the views of other MSPs on the petitions process.

Dundee workshop

17. The Committee held a well-attended workshop in Dundee on 22 February 2016 to discuss how awareness of the public petitions process could be raised and participation by underrepresented demographics could be increased. The outcomes from the workshop were reflected upon in the Committee’s legacy paper.

18. The comments made in the Chamber debate and the key issues raised by workshop participants have been used to inform the Committee’s final recommendations on how to develop the petitions process. These recommendations are set out in the Committee’s legacy paper to the Session 5 Public Petitions Committee.

Equalities

19. The Committee continues to mainstream equality consideration into its work, specifically about protected characteristics.

20. The review of the public petitions process revealed that the demographic profile of petitioners does not reflect the diversity of Scottish society. The Committee’s legacy paper also makes recommendations to the Session 5 Public Petitions Committee on steps that could be taken to monitor and increase the diversity of petitioners.