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

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.

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

   PE1722 on Parking charges at island lifeline ferry ports.

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

   PE1596 on In Care Survivors Service Scotland and will take evidence from Flora Henderson and Shona MacGregor, Future Pathways;
   PE1548 on National Guidance on Restraint and Seclusion in Schools;
   PE1610 on Upgrade the A75 and PE1657 on A77 upgrade;
   PE1631 on Child Welfare Hearings;
   PE1635 on Review of section 11 of the Children (Scotland) Act 1995;
   PE1637 on Ship-to-ship oil transfers and trust port accountability;
   PE1645 on Review of legal aid in Scotland;
   PE1668 on Improving literacy standards in schools through research-informed reading instruction;
   PE1682 on Access to specialist support for hidradenitis suppurativa sufferers in Scotland;
   PE1698 on Medical care in rural areas;
   PE1699 on Release of murder victim bodies for funeral arrangements; and
   PE1703 on Access to broadband in rural Scotland.

4. **Work programme:** The Committee will consider a note by the clerk.

5. **Business Planning:** The Committee will consider a note by the clerk.
The papers for this meeting are as follows—

**Agenda item 2**

Note by the Clerk  
PPC/S5/19/13/1

**Agenda item 3**

PRIVATE PAPER (to follow)  
PPC/S5/19/13/2(P)

Note by the Clerk  
PPC/S5/19/13/3

Note by the Clerk  
PPC/S5/19/13/4

Note by the Clerk  
PPC/S5/19/13/5

Note by the Clerk  
PPC/S5/19/13/6

Note by the Clerk  
PPC/S5/19/13/7

Note by the Clerk  
PPC/S5/19/13/8

Note by the Clerk  
PPC/S5/19/13/9

Note by the Clerk  
PPC/S5/19/13/10

Note by the Clerk (to follow)  
PPC/S5/19/13/11

Note by the Clerk  
PPC/S5/19/13/12

Note by the clerk  
PPC/S5/19/13/13

Note by the Clerk  
PPC/S5/19/13/14

**Agenda item 4**

PRIVATE PAPER  
PPC/S5/19/13/15(P)

**Agenda item 5**

PRIVATE PAPER  
PPC/S5/19/13/16(P)
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019

PE1722: Parking charges at island lifeline ferry ports

Note by the Clerk

Petitioner
Dr Shiona Ruhemann on behalf of Iona and Mull Community Councils and others

Petition summary
Calling on the Scottish Parliament to urge the Scottish Government to island-proof transport infrastructure to ensure that public bodies do not charge for parking in car parks at island ferry ports, which are essential lifeline services, and any proposed island parking charges are subject to rigorous impact assessment.

Webpage parliament.scot/GettingInvolved/Petitions/PE01722

Introduction

1. This is a new petition that collected in excess of 2,500 signatures and 313 comments in support.

Background

2. The Road Traffic Regulation Act 1984 grants local authorities the power to provide off-street car parks and to charge for their use. As landowners, harbour authorities can levy charges in car parks on their property. Some harbour authorities may also be authorised to levy charges under powers granted through their founding legislation.

3. The Islands (Scotland) Act 2018 has not yet been fully enacted. The current status of the Act is set out below:

   • Section 31 of the Act brought Section 1, 2, 30, 31 and 32 into force on the day after the Act received Royal Assent, i.e. 7 July 2018.

   • The Islands (Scotland) Act 2018 (Commencement) Regulations 2018 brought Sections 3 to 6, 15 to 21 and 27 to 29 of the Act into force on 4 October 2018

   • All other sections of the Act, including those dealing with Island Community Impact Assessments and the duty to have regard to island communities, are yet to be brought into force.
Scottish Government action

4. The Scottish Government has not taken any specific action on the issue of car parking charges at island ferry ports.

Scottish Parliament action

5. The Scottish Parliament has not considered the issue of car parking charges at island ferry ports.

Conclusion

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

• To write to the Scottish Government, seeking its views on the action called for in the petition;

• To identify and write to key stakeholders to seek their views on the action called for in the petition. Stakeholders may include Argyll and Bute Council, Transport Scotland, Caledonian Maritime Assets (CMAL) and CalMac Ferries.

• To take any other action the Committee considers appropriate.

SPICe/Clerk to the Committee
Public Petitions Committee

13th Meeting, 2019 (Session 5)

Thursday 27 June 2019

PE1596: In Care Survivors Service Scotland

Note by the Clerk

Petitioner Paul Anderson

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to retain our essential, dedicated In Care Survivor Service Scotland in its current form.

Webpage parliament.scot/GettingInvolved/Petitions/PE01596

Introduction

1. This is a continued petition, which was last considered by the Committee at its meeting on 24 May 2018. At that meeting, the Committee agreed to invite Future Pathways, Wellbeing Scotland and the petitioner to give evidence at a future meeting.

2. At this meeting the Committee will take evidence from Future Pathways.

3. A written submission has been received from Wellbeing Scotland in advance of today’s meeting and is included in the annexe to this paper.

Committee consideration

4. In its written submission Wellbeing Scotland summarises its role and its interaction with Future Pathways.

5. The submission states that it is “well recognised that Future Pathways’ waiting list is … dangerously long”. It adds that there appears to be “a lack of willingness” to utilise specialist service providers such as Wellbeing Scotland, with an overuse of Future Pathways’ own co-ordinators who, it says, “are potentially providing support for which they are not qualified”. It considers that—

“If Future Pathways enabled the specialist abuse organisations across Scotland to work with new referrals, particularly to ensure stabilisation and risk reduction, the waiting list would be eradicated.”

6. On the issue of referrals Wellbeing Scotland claims that since Future Pathways was established in September 2016 it has made fewer than ten referrals to Wellbeing Scotland. It adds—

“The majority of referrals have been directed to a private counselling network established by Health in Mind, Resolve.”
7. Wellbeing Scotland highlights the importance of building trust and suggests that the current system might negatively impact survivors who have repeatedly highlighted that they do not want to repeat their experiences. It says—

“One of the main issues reported to us by survivors is that they have been provided with a number of organisations to connect with. They find this approach very confusing and stressful.”

8. It also suggests that clients “have felt pressured” to access services other than those provided by Wellbeing Scotland, and that its services “are not being presented as a choice”.

9. Wellbeing Scotland reiterates its acknowledgement that some survivors have benefitted greatly from the introduction of Future Pathways. It notes that there have been “some significant outcomes and positive mutual decisions on how the support fund should be utilised” but consider that “the model of distribution of the support fund is disempowering and humiliating for many”.

10. It outlines its concerns about the model of the support fund, “which emerged from the field of disability and self-directed support”. It adds—

“Models of mental health are also not relevant to many survivors. Survivors have highlighted to their workers that they find the IROC evaluation tool also to be demeaning.”

11. Wellbeing Scotland provides further observations and concerns around the issues of data sharing; relationships; practice issues, and finance.

12. In its concluding comments Wellbeing Scotland states that the concerns outlined in its submission were first raised when Future Pathways was established. It says—

“Survivors were anxious they would lose their valued support through Wellbeing Scotland ICSSS services and others. Unfortunately, those concerns have been realistic. The most appropriate way forward would be through appropriate funding for the survivor support organisations. This should be long term, realistic and sustainable.”

Conclusion

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

- To reflect at a future meeting on the evidence heard, and to invite Wellbeing Scotland to give evidence at a meeting shortly after the Parliament’s summer recess;
- To invite the petitioner to provide a written submission in advance of the Committee’s next consideration of the petition, and to invite him to give evidence at a future meeting;
• Any other action the Committee wishes to take.

Clerk to the Committee

Annexe

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

• PE1596/U: Wellbeing Scotland submission of 21 June 2019 (94KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Petitioner: Beth Morrison

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to

1. 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.

2. 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.

Webpage: parliament.scot/GettingInvolved/Petitions/PE01548

Introduction

1. This petition was last considered by the Committee at its meeting on 24 May 2018. Since this meeting, the Children and Young People’s Commissioner published his report ‘No Safe Place’ on 13 December 2018.
2. Subsequent to the Children’s Commissioner’s report, the Committee has received submissions from petitioner and the Deputy First Minister. These submissions are included in the annexe to this paper.

3. The Committee is invited to consider what action it wishes to take on this petition.

**Committee consideration**

4. In her submission of 12 March 2019, the petitioner welcomes the Children’s Commissioner’s report, stating that she wholly agrees with the points made in the report.

5. The petitioner indicates that she found the Scottish Government’s initial response to the report to be “a weak one”. She says—

   “To simply refer back to IEI2 is disappointing. The Scottish Government’s lack of engagement with the local authorities is surprising, and I agree with [the Commissioner], this is a missed opportunity.”

6. The petitioner also flags up her concern that the Scottish Government’s response “seems to ignore the UNCRC principles” and asks whether they are “being selective over what they will incorporate and what they will not”.

7. The petitioner refers to a report published jointly in January 2019 by her organisation, Positive & Active Behaviour Support Scotland and The Challenging Behaviour Foundation. A summary of the findings and recommendations from that work are included in the annexe to the petitioner’s submission.

8. From the work undertaken and the findings and recommendations in that report the petitioner queries why millions of pounds are being spent on training teachers and staff a “reactive strategy”, rather than using a blend of positive behavioural support and pro-active strategies. She says—

   “I feel the focus is all wrong. The training is wrong, the teachers and support staff are not getting the right support and training to do their jobs.”

9. The Deputy First Minister and Cabinet Secretary for Education and Skills provided an update to the Committee in his submission of 18 June 2019. Within that submission the Deputy First Minister provides copies of—

   - His initial response of 1 February 2019 to the Children’s Commissioner’s report (Annex A)
   - His final response of 17 June 2019 to the Children’s Commissioner’s report (Annex B), outlining engagement with authorities and recommended actions from that engagement; next steps that will be taken, and responding to the nine recommendations in the No Safe Place report
   - A report of the engagement with education authorities on the use of physical intervention and seclusion in schools (Annex C)
10. The Deputy First Minister’s submission summarises the information provided in those annexes, principally focusing on the work on engagement with local authorities and the outcomes or next steps from that engagement process.

11. The Deputy First Minister explains that his officials wrote to all Heads of Education in November 2018 requesting “to engage with them about their current physical intervention policies with a view to considering whether there were any barriers to implementation of IEI2, with a focus on prevention and de-escalation, in order to identify if any support was required”.

12. Engagement sessions were conducted with all local education authorities over the period January to May 2019. The Deputy First Minister states that the sessions “were framed around specific questions, which were used consistently in each discussion”. These questions are included in the report provided at Annexe C. The Deputy First Minister outlines the purpose and intention of the engagement process—

- To collate information on the policies and practice in place, the training programmes being used, the staff members who have been trained and the systems in place to manage the programmes;

- To get a deeper understanding of the factors within each authority which were relevant to their policy’s development and establish, where necessary, appropriate next steps that would be required.

13. The Deputy First Minister outlines the recommended actions and next steps, which have been agreed by COSLA, the Association of Directors of Education in Scotland and the Scottish Advisory Group for Relationships and Behaviour in Schools identified from the engagement sessions. These include recommended actions on—

- Policy guidance
- Policy context
- Physical Intervention and Seclusion Policy
- Reporting
- Monitoring
- Training

14. On the question of whether there should be separate national guidance on physical intervention, the Deputy First Minister states that from the engagement sessions it was “clear” that this should not be the case. He notes—

“All authorities reported that national guidance on physical intervention and seclusion should be located within the wider context of promoting positive relationships and behaviour and preventing the escalation of challenging behaviour. Almost all authorities indicated that they would welcome a refresh of the current guidance on physical intervention and seclusion within the wider context of Included, Engaged and Involved Part 2.”
15. A similar position appears to apply to the issues of recording and monitoring. The Deputy First Minister states—

“Almost all authorities indicated that national data collection on the number of incidents of physical intervention and seclusion would bring significant challenges. Authorities were clear that data on physical intervention should not be analysed in isolation at a national level.”

16. The Deputy First Minister highlights that the collection of data at a local level assists with “effective planning, organisation, control, monitoring and reviewing any incidents of physical intervention and seclusion”. He adds—

“Authorities acknowledged that there were improvements needed in relation to recording and monitoring incidents but that where they were collated at a local level, local authorities and schools are able to identify trends or themes emerging and address issues and make improvements to support the wellbeing of all children and young people.”

17. Addressing a potential risk of stand-alone national guidance leading to “inappropriate or unsafe use of physical intervention and restraint”, the Deputy First Minister states that schools and education authorities should analyse their data to identify areas for improvement.

18. The Deputy First Minister refers to the duty on Scottish Ministers under the Children and Young People (Scotland) Act 2014 ‘to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements’, and indicates that this will be given due consideration when developing action on recording and monitoring processes.

19. To take forward the actions outlined in his submission, the Deputy First Minister states that a short life working group will established. The group will focus on—

- Strengthening the guidance within IEI2;
- The need for a minimum dataset which local authorities will collect against when recording incidents;
- Exploring how local authorities can get a consistent and uniform approach to recording and monitoring incidents.

20. The Deputy First Minister notes that the engagement sessions helped to identify “very good examples of best practice”. A sharing good practice event will be held in October 2019 to showcase these examples.

21. It is anticipated that the strengthened guidance within IEI2 will be published “by Spring 2020”, with guidance implementation events to take place in February/March 2020. Advising that the short life working group will report directly to him, the Deputy First Minister adds—
“The short life group will come together 12 months after the implementation of the strengthened guidance to review the impact that the revised guidance has had on local authority guidance and practice.”

Action

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

- To invite the petitioner to respond to the Deputy First Minister’s submission;
- To invite the Children’s Commissioner’s views on the recommended actions and next steps outlined by the Deputy First Minister in written form, or by way of an evidence session;
- To invite the Deputy First Minister to give evidence at a future meeting;
- To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

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

- PE1548/PP: Petitioner submission of 12 March 2019 (186KB pdf)
- PE1548/QQ: Deputy First Minister and Cabinet Secretary for Education and Skills submission of 18 June 2019 (973KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Public Petitions Committee

13th Meeting, 2019 (Session 5)

Thursday 27 June 2019

PE1610: Upgrade the A75

Note by the Clerk

Petitioner: Matt Halliday

Petition summary: Calling on the Scottish Parliament to urge the Scottish Government to upgrade the A75 Euro-route to dual carriageway for its entirety as soon as possible.

Webpage: Parliament.scot/GettingInvolved/Petitions/PE01610

PE1657: A77 upgrade

Petitioner: Donald McHarrie on behalf of A77 Action Group

Petition summary: Calling on the Scottish Parliament to urge the Scottish Government to dual the A77 from Ayr Whittlett's Roundabout south to the two ferry ports located at Cairnryan, including the point at which the A77 connects with the A75.

Webpage: Parliament.scot/GettingInvolved/Petitions/PE01657

Introduction

1. The Committee last considered PE1610 and PE1657 on 28 June 2018. At this meeting, the Committee agreed to hold a round-table discussion with relevant stakeholders at a future meeting following repeated concerns it had heard including—

- the heavy goods vehicle speed limit not being appropriate, particularly on the A77;
- the quality of the road being poor, and;
- competition from ports elsewhere in the UK threatening the long-term economic future of the ferry ports in the area.
2. It has been drawn to the clerks attention that the Futures Forum\(^1\) is undertaking work in September 2019 that is relevant to the issues raised in both petitions. As part of its Scotland 2030 Programme, which aims to encourage people to look to Scotland’s long-term future, Scotland’s Futures Forum is holding a public debate in Dumfries with the Royal Society of Edinburgh on the afternoon of Friday 20 September.

3. The panel-led debate will use a short film “Our Future Scotland” as a prompt for debate on the changes that can be expected within Scotland and how they might impact on Dumfries and the south-west in particular. The event will be a broad one, taking in the themes of technology, environment, wellbeing and education, and attendees will be given the opportunity to contribute their hopes and aspirations for the future both during the debate and afterwards. A written report that captures the discussion will be published after the event on the Futures Forum website.

**Conclusion**

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

   - To defer holding a round table discussion with relevant stakeholders until after the Future Forum event “Our Future Scotland: Dumfries and the South West” has taken place.
   - To take any other action the Committee considers appropriate.

---

\(^1\) Scotland’s Futures Forum is the Scottish Parliament’s futures think-tank. It works to encourage debate about the long-term issues that face Scotland, holding events both within and outwith Parliament. For more information on its work, visit its website [www.scotlandfutureforum.org](http://www.scotlandfutureforum.org).
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019
PE1631: Child Welfare Hearings

Note by the Clerk

Petitioner Maureen McVey

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to change the laws that govern the recording of discussions at Child Welfare Hearings (CWH) in Scotland so that presiding Sheriffs have access to such records.

Webpage Parliament.scot/GettingInvolved/Petitions/PE01631

Introduction

1. This is a continued petition that the Committee last considered at its meeting on 8 November 2018. At that meeting, the Committee agreed to write to the Scottish Government. A response has now been received as well as a written submission from the petitioner. The Committee is invited to consider what action it wishes to take.

Committee consideration

2. At its last consideration of the petition on 8 November 2018, the Committee noted a suggestion made by the Scottish Child Law Centre to use Child Welfare Hearing decision notes to record discussions at Child Welfare Hearings.

3. The Committee considered the Scottish Government’s response to this suggestion noting that it was the Government’s intention to wait until the outcome of the Scottish Civil Justice Council consultation on the Case Management of Family and Civil Partnership Actions in the Sheriff Court as well as the Scottish Government consultation on a review of the Children (Scotland) Act 1995 and on a proposed Family Justice Modernisation Strategy, in order to inform its policy on the use of Child Welfare Hearing decision notes.

4. In recognising that these consultations had concluded and the petitioner was fully supportive of the use of decision notes, the Committee agreed to seek an update on any action the Scottish Government intends to take, relevant to the petition, in response to the outcome of these public consultations.

5. The Scottish Government’s written submission of 6 December 2018 states that it is considering its next steps following the consultations from last year. The submission goes on to highlight that the Programme for Government announced a Family Law Bill, with the key policy aims to—
• ensure further compliance with the principles of the United Nations Convention on the Rights of the Child (UNCRC);
• ensure that the child’s best interests are at the centre of any contact and residence case or Children’s Hearing;
• ensure that the voice of the child is heard.

6. The Scottish Government have made a commitment to publish a Family Justice Modernisation Strategy when the Family Law Bill is introduced.

7. With regard to the Minister for Community Safety’s response, the petitioner states—

“The Minister states that primary legislation is only a part of the action necessary to improve the operation of family justice. I agree with that and it seems positive that a Family Justice Modernisation Strategy will be published when the Family Law Bill is introduced”.

8. The resulting report from the Scottish Civil Justice Council consultation on the Case Management of Family and Civil Partnership Actions in the Sheriff Court was discussed at the Family Law Committee meeting on 8 October 2018. The Family Law Committee agreed to reconvene its case management sub-group to take forward work following on from the consultation. It is intended that this work will be taken forward in advance of the next meeting of the Family Law Committee which is anticipated will be scheduled for Spring 2019.

9. In response, the petitioner states—

“Delighted to read that The Family law Committee agreed to reconvene its case management sub-group, to take forward work following on from the consultation. Hopefully there will be a positive outcome of the above group in that children will be at the centre of these discussions. Their wellbeing is paramount and as little disruption as possible should become the norm in child contact cases”.

Conclusion

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

• To close the petition under Standing Order Rule 15.7 on the grounds that work is being progressed by Scottish Government and the Scottish Civil Justice Council relevant to the action called for in the petition which the petitioner is supportive of.

• To take any other action the Committee considers appropriate.

Clerk to the Committee
Annexe

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

- PE1631/R: Minister for Community Safety submission of 6 December 2018 (128KB pdf)
- PE1631/S: Petitioner submission of 30 April 2019 (68KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019


Note by the Clerk

Petitioner  Emma McDonald

Petition summary  Calling on the Scottish Parliament to urge the Scottish Government to review the current system and operation of child contact centres and the procedure under section 11 of the Children (Scotland) Act 1995 so that the rights, safety and welfare of children are paramount in relation to child contact arrangements where domestic abuse is an issue, and to ensure that section 11 of the Act is consistently implemented across Scotland.

Webpage  parliament.scot/GettingInvolved/Petitions/PE01635

Purpose

1. This is a continued petition, last considered by the Committee in April 2018.

2. At that meeting the Committee agreed to seek an update from the Scottish Government on its consultation on the review of the 1995 Act. The Committee has received an update and is invited to consider what action it wishes to take on the petition.

Committee consideration

3. In her letter of 7 June 2019, the Minister for Community Safety explains that the consultation on the review of the 1995 Act closed on 28 September, with 250 responses to the main consultation and 300 responses to the child friendly questionnaire.

4. The Minister indicates that there was strong support among respondents for the regulation of contact centres. She states—

   “This would include setting minimum standards for accommodation, laying down training requirements for staff, and laying down a complaints and inspection procedure.”

5. The Minister also refers to the Family Law Bill, which was announced in the Programme for Government 2018/19. She commits to provide the Committee with a further update once that Bill is introduced, and outlines the key aims of the Bill—
• Ensure that the interests of children are at the heart of family justice
• Ensure the voice of the child is heard in contact and residence cases
• Further protect victims of domestic abuse and their children.

Conclusion

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

• To close the petition on the basis that the Scottish Government intends to introduce a Family Law Bill which is expected to address the issues raised in this petition, in particular the regulation of child contact centres and ensuring that the interests of children are at the heart of the system and that their voices are heard.

• To invite the petitioner to respond to the Minister for Community Safety’s submission.

• To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

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

• PE1635/T: Scottish Government submission of 16 May 2018 (6KB pdf)
• PE1635/U: Minister for Community Safety submission of 7 June 2019 (77KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Introduction

1. This is a continued petition that was last considered by the Committee at its meeting on 22 June 2017. At that meeting, the Committee agreed to write to the Scottish Government. This is attached, along with a submission from the petitioner.

2. The Committee is invited to consider the written submissions and what further action it may wish to take on the petition.

Committee consideration

3. At its meeting on 22 June 2017, the Committee agreed to ask the Scottish Government the following questions—

   - What the role of agencies, such as SEPA, SNH and Marine Scotland, is in relation to ship-to-ship transfer licence applications
   - What changes to the process would help the Scottish Government inform the decision in relation to ship-to-ship transfer licence applications
   - What submissions have been made to the UK Government on the licensing process
   - The issues raised by the petitioners in their response about the accountability of trust ports.

Role of agencies

4. The Minister for Business, Innovation and Energy’s submission explains that Marine Scotland, as a Directorate of the Scottish Government does not have any powers in relation to ship-to-ship (STS) transfer licence applications due to the
provisions of The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010. The submission goes on to explain that neither the Scottish Government or SEPA are named under Section 2 of The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended, as consultation bodies, and therefore, have no official role on this matter, “despite this legislation having been introduced via the UK Parliament in response to pressure from Scottish Ministers”.

5. The submission explains that Section 2 of The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended, does define Scottish Natural Heritage as a consultation body providing nature conservation advice in Scottish waters on applications for ship to ship oil transfer licences.

6. In the petitioner’s most recent submission of 16 June 2019, he highlights concerns, uncovered through an FOI request, that while the Maritime and Coastguard Agency (MCA) “are the competent authority for assessing the effect of a proposal on a European protected area…, they state that they do not have the capability to analyse an Appropriate Assessment”. The petitioner explains that this means that—

“…all MCA awarded Ship to Ship (STS) licences for oil transfer in Scotland may well have not undergone the proper environmental scrutiny required by the regulations”.

7. The petitioner goes on to highlight that—

“During the Port of Cromarty Firth 2015 STS application, the MCA…have confirmed that the Scottish Government Directorate, Marine Scotland, were formally consulted during that STS application and as such had full scientific and marine operational input duties.”

8. The petitioner states that Marine Scotland scientists raised concerns and produced a well-developed response that was never submitted to the MCA. The petitioner questions with such scientific evidence to hand, why would the Scottish Government choose not to input to the STS award process. The petitioner also explains that no consideration was given to European Protected Species licensing, which is under the control of Scottish Ministers.

Changes to the process

9. In response to the question, “What changes to the process would help the Scottish Government inform the decision in relation to ship-to-ship transfer licence applications”, the Scottish Government responded as follows—

“Scottish Ministers…have requested on a number of occasions for powers relating to ship to ship oil transfer licence applications under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended, to be devolved to Scottish Ministers. Failing this, the process could be improved if the Secretary of State for Transport were to name the Scottish Ministers as a formal consultation body under Section 2 of the Merchant Shipping (Ship to Ship) Regulations 2010”.
10. The petitioner’s submission also highlights that—

“FOI information shows that the process of devolving STS decision-making powers from MCA to the Scottish Government has been fully considered and the steps required mapped, assessed and made available”.

11. Further, the petitioner states that Scottish Port Policy is devolved to Scottish Ministers “yet this power to intervene in the protection of species has been repeatedly hidden from public view”.

Submissions to the UK Government

12. The Scottish Government was asked what submissions it had made to the UK Government on the licensing process. The Minister’s written submission explains that the Scottish Government have attempted on four separate occasions for the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, to be devolved, or at the least for the Secretary of State for Transport to name the Scottish Ministers as a formal consultation body under Section 2 of the Regulations.

13. The submission goes on to explain that the UK Government has committed to a full review of the Regulations, and as a devolved administration Scottish Ministers expect to be consulted formally on such matters.

Accountability of trust ports

14. In the petitioner’s written submission of 15 June 2017, he states that—

“…there is no independent oversight or accountability to Scottish Ministers or any other public authority” and that the “Scottish Government Guidelines for Modern Trust Ports are not enforceable in law bringing a lack of governance and ministerial accountability.”

15. The Committee therefore asked the Scottish Government to respond to the concerns raised about the accountability of trust ports. The Scottish Government responded as follows—

“Scottish Ministers expect Trust Ports to operate with reference to the guidance and our experience is that Trust Ports across Scotland take this into account. However, the primary requirement is for ports to comply with their own local legislation that sets out their powers and responsibilities. Any party who feels the port is operating outwith it’s legislation should raise this with the Port in the first instance, but ultimately has the option to take this to the courts. Anyone considering court action is advised to take independent legal advice”.

16. The petitioner’s most recent written submission of 16 June 2019 states—

“In 2012 when Scottish Ministers issued “The Scottish Government Guidelines for Modern Trust Ports” they removed all ministerial responsibility from the Scottish Government and, as evidenced by Mr Wheelhouse’s response, have
created a situation where members of the public must attempt to seek redress through the courts at massive costs.”

17. The petitioner also highlights in his submission that—

“Scottish Trust Ports would appear to be able to do whatever they want and the only redress after complaining to the port, is for stakeholders to take legal action. This is inequitable, unjust and simply not feasible due to the financial cost. In England however, stakeholders, if not satisfied with a trust port’s response to a complaint, stakeholders can appeal to the Department for Transport (DfT) to intervene. In Scotland there is no such provision.”

18. The petitioner explains that in relation to Cromarty Rising’s experience, it decided “not to pursue the challenge on the basis of the financial cost” and goes on to highlight that “there is simply no viable procedure to challenge without significant cost”.

19. The petitioner also states that he still has “serious concerns regarding the accountability and regulation of Trust Ports in Scotland as custodians of important public assets”.

20. The petitioner explains in their most recent written submission—

“Scottish Ministers Guidance for Modern Trust Ports indicates that “Trust ports operate in a commercial environment with no direct public funding” However, as an example in the recent expansion of the Port of Cromarty Firth (PoCF) several million pounds of tax-payer money was given for development costs.”

21. The petitioner calls on the Committee to request a review of Scottish Trust Port Governance and to ask, “why Scottish Ministers guidelines are not enforceable by Scottish Ministers”.

22. The petitioner’s submission highlights that it is not just ship-to-ship crude oil transfers that are becoming an issue, but “in recent months various oil rigs and high-speed servicing vessels have been evidence inside the Moray Firth SAC on a regular basis”. The petitioner highlights that “on every complaint, despite the requirements of Scotland’s National Marine Plan and Port Policy power being devolved, the Scottish Government and Highland Council claim they have no powers”.

23. The petitioner provides the example of a large Transocean drilling rig which was moored inside the Moray Firth, as a special area of conservation, “close to the highest population density area of bottlenose dolphin activity”, where a generator ran “24 hours a day and a number of support vessels were around it”. The petitioner states—

“…there has been no consideration of the impact on the interests of the SAC for any of these operations which is contrary to EU law. Furthermore, there has been no consideration of the impact on humans. The matter of the cement release has been raised with SNH who raised the matter with SEPA and the PoCF – no one knows who’s responsibility it is to control and assess
the impact of this operation. Both SEPA and SNH are clear it is not their responsibility. The matter was raised with the MCA - they are unclear and are seeking advice from the Department of Transport.”

24. The petitioner highlights that there appears to be a “complete regulatory vacuum” where oil facilities are docked in Trust Ports which raises the following questions—

- Who approved mooring that rig inside the SAC?
- Who is responsible for the release of material from the rig?
- Which agency is responsible for investigating the incident & regulating the activity?

25. The petitioner suggests that in order to understand how Trust Ports are regulated, especially with regard to oil related structures, the Committee could write to the Maritime and Coastguard Agency, Police Scotland, SEPA, SNH, Marine Scotland, Scottish Government and the Health and Safety Executive to ask these questions.

26. The petitioner also raises concerns about the governance of Trust Ports as being “ineffective” stating that Ports are “accountable to their board yet they appoint their own boards, a process undertaken completely outwith the public appointments process required for other Scottish public servants”.

Conclusion

27. The Committee is invited to consider what action it wishes to take. Options the Committee may wish to consider include—

- To write to the Minister for Business, Innovation and Energy to ask him
  - to respond to the concerns expressed by the petitioner in their most recent written submission and;
  - what engagement it has had with the UK Government in relation to a review of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010.

- To refer the petition to the Environment, Climate Change and Land Reform Committee for consideration.

- Any other action that the Committee wishes to take.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—
• **PE1637/F**: Minister for Business, Innovation and Energy submission of 30 January 2018 (94KB pdf)

• **PE1637/G**: Petitioner submission of 16 June 2019 (291KB pdf)

All written submissions received on the petition can be viewed on the petition webpage: [http://www.parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers](http://www.parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers).
Public Petitions Committee

13th Meeting, 2019 (Session 5)

Thursday 27 June 2019

PE1645: Review of legal aid in Scotland

Note by the Clerk

Petitioner

James Ward

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review legislation relating to access to legal aid in Scotland, particularly in relation to clarity about discretionary powers.

Webpage

parliament.scot/GettingInvolved/Petitions/PE01645

Introduction

1. This is a continued petition, last considered by the Committee in May 2018. At that meeting the Committee agreed to write to the then Minister for Community Safety and Legal Affairs and invited the petitioner to provide a written submission.

2. An update has been received from the Minister for Community Safety, and the Committee is invited to consider what action it wishes to take on this petition.

Committee consideration

3. In her letter of 11 June 2019, the Minister for Community Safety indicates that following the independent strategic review of legal aid, the Scottish Government has made a number of commitments—

   • To set up an expert panel to consider and make proposals on the payment structure and review of legal aid fees. The panel was established in March 2019

   • Has increased legal aid fees by 3%, through the Legal Aid and Advice and Assistance (Scotland) (Miscellaneous Amendments) Regulations 2019, which came into force on 26 April 2019

   • To hold a public consultation to help inform future reforms.

Conclusion

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

   • To close the petition under Standing Order 15.7 on the basis that the Scottish Government has met the action called for in the petition with the
establishment of a panel to review legislation relating to legal aid and intends to consult publicly to help inform future reforms.

- Any other action the Committee wishes to take.

Clerk to the Committee

Annexe

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

- PE1645/H: Minister for Community Safety submission of 11 June 2019 (133KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019

PE1668: Improving literacy standards in schools through research-informed reading instruction

Note by the Clerk

Petitioner: Anne Glennie

Petition summary: Calling on the Scottish Parliament to urge the Scottish Government to i) provide national guidance, support, and professional learning for teachers in research-informed reading instruction, specifically systematic synthetic phonics; ii) ensure teacher training institutions train new teachers in research-informed reading instruction, specifically systematic synthetic phonics.

Webpage: parliament.scot/GettingInvolved/Petitions/readinginstruction

Introduction

1. This is a continued petition, last considered in May 2018, when the Committee agreed to wait for the publication of the self-evaluation framework for Initial Teacher Education, and to seek the petitioner’s view on whether it addressed her concerns. It also agreed to write to the Deputy First Minister and Cabinet Secretary for Education and Skills.

2. Two submissions have been received from the petitioner, as well as a submission from Dr Sarah McGeown and the Deputy First Minister and Cabinet Secretary for Education and Skills.

3. The Committee is invited to consider what action it wishes to take on the petition.

Committee consideration

4. In her submission of 29 January 2019, the petitioner indicates that she had “hoped that this document would help Initial Teacher Education (ITE) institutions evaluate their literacy provision and perhaps ensure that research-informed reading instruction would be included”.

5. She expresses her disappointment that there is only one reference to literacy in the document, stating—

   “Clearly, this does not address the concerns of my petition and does not provide a strategy or a solution as indicated by the Deputy First Minister.”

6. She does indicate, however, that she is encouraged by “the complete about-turn of the Deputy First Minister, who was initially adamant that a phonics
approach was not the way forward”. She refers to the Deputy First Minister’s recognition of the evidence base for phonics by his reference to the Education Endowment Foundation on the National Improvement Hub, which states that “qualified teachers tend to get better results when delivering phonics interventions” and “it is important that teachers have professional development in effective assessment as well as in the use of particular phonic techniques and materials”.

7. The petitioner argues that this is precisely what her petition calls for, but asks—

“If teachers are to follow this advice, where are they supposed to access the professional development required – if it is not routinely undertaken as part of initial teacher education?”

8. Later in her 29 January submission, the petitioner argues that while Scotland may have sector-leading flagship policies, she considers that “without clear, effective education and advice in reading instruction for our teachers, and without a nation of highly literate children, these admirable policies are building on sand”.

9. In her submission of 27 May 2019, Dr Sarah McGeown acknowledges that teacher autonomy is at the heart of Curriculum for Excellence but highlights her concerns that she heard from teachers who indicated that they "received little or no teaching in the 'science of learning to read'”. She adds—

“These teachers also note that current University students on placement in their schools have little or knowledge in this area.”

10. Dr McGeown refers to a “multidisciplinary language and literacy network” that she and colleagues recently established. She indicates that the network’s workshop on improving early reading acquisition and development is "directly relevant to this petition" and she has "no doubt that teachers are increasingly recognising the lack of research-informed guidance they receive during initial teacher education”.

11. In his submission of 17 June 2019, the Deputy First Minister sets out “the consistent position of the Government” on this issue. The Deputy First Minister highlights references from the Education Endowment Foundation and states—

“…phonics approaches are effective but that the phonics approach used should be matched to the needs of individual learners and should be part of a wider literacy strategy. That strategy should include the provision of a rich literacy environment, the teaching of reading comprehension and supporting children to develop their own independent reading for pleasure.”

12. The Deputy First Minister also highlights the report ‘Ending the Reading Wars: Reading Acquisition from Novice to Expert’, in which he states “the authors conclude that ‘phonics is necessary but not sufficient on its own’”. He adds that the authors—
“…promote the need for an agenda for instruction and research in reading acquisition that is balanced, developmentally informed, and based on deep understanding of how language and writing systems work. They argue that evidence is not yet sufficient to conclude that the synthetic phonics approach should be preferred over an analytic approach…”

13. The Deputy First Minister summarises the Government’s position: that it considers phonics instruction “to be an important part of learning to read (and that there is evidence for this) but that this must be part of a wider literacy strategy”.

14. The Deputy First Minister addresses the issue of initial teacher education, stating that the ITE self-evaluation framework will be used “to gather evidence at ITE institutional level on the actions being taken to develop the pedagogical skills of students in the priority areas of literacy, numeracy and health & wellbeing”.

15. With regard to career long professional learning, the Deputy First Minister states that a new national model for professional learning, developed by Education Scotland, was published in September 2018. He adds—

“The Strategic Board for Teacher Education (SBTE), which brings together national organisations, teacher unions, and professional bodies to oversee and evaluate reforms to teacher education, has agreed that all partners involved will adopt this national model of professional learning.”

16. In her most recent submission of 21 June 2019, the petitioner says she has “never claimed” that phonics is not the only part of learning to read but argues—

“The problem we currently have in Scotland is that teachers are not equipped with the required knowledge to deliver all five elements [of a successful literacy strategy] effectively. Crucially, the one that is lacking is phonics”.

17. She refers to surveys from 2014 and 2017, and to the Education and Skills Committee, which indicate “serious gaps in teachers’ knowledge in beginning reading instruction”. She asks—

“How can teachers ‘match teaching to children’s needs in phonics’ when they don’t know how to assess phonic knowledge, blending skills, or teach the alphabetic code?”

18. The petitioner rebuts the Deputy First Minister’s position that evidence is not sufficient to conclude that the synthetic phonics approach should be preferred over an analytic approach by contending that—

“Analytic phonics is, by its nature, an eclectic approach and therefore cannot be delivered systematically or be part of a programme of work. Learning to read in English is best served by logical, step-by-step instruction of the alphabetic code to build up knowledge and skills gradually while all previous learning is practised, reinforced and applied in context.”
19. The petitioner refers to a number of experts in this area, quoting Professor Kathy Rastle whose view is that the first step to address and reduce the gap between the state of research knowledge about learning to read, and educational policy and practice is to “acknowledge and begin to treat learning to read as a scientific problem – it’s not a political issue and it’s not an issue about educational philosophy”.

20. The petitioner believes that there “needs to be an urgent and specific review of ITE provision with regards to literacy and beginning reading instruction”. She adds—

“In the meantime, there needs to be new, clear, comprehensive and accessible national guidance to support schools and teachers, who do not always have the luxury of time to find, explore, or immerse themselves in reading current research and consider the implications for classroom practice.”

Conclusion

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

- To close the petition on the basis that the Scottish Government maintains its consistent position that systematic synthetic phonics does have a part to play in reading instruction, but as part of a wider literacy strategy.
- To refer the petition to the Education and Skills Committee.
- Any other action the Committee wishes to take.

Clerk to the Committee

Annexe

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

- PE1668/L: Petitioner submission of 29 January 2019 (282KB pdf)
- PE1668/M: Dr Sarah McGeown submission of 27 May 2019 (61KB pdf)
- PE1668/N: Deputy First Minister and Cabinet Secretary for Education and Skills submission of 17 June 2019 (143KB pdf)
- PE1668/O: Petitioner submission of 21 June 2019 (144KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019

PE1698: Medical care in rural areas

Note by the Clerk

Petitioners: Karen Murphy, Jane Rentoul, David Wilkie, Louisa Rogers and Jennifer Jane Lee

Petition summary: Calling on the Scottish Parliament to urge the Scottish Government to:
1. Ensure strong rural and remote GP representation on the remote and rural short life working group, recently established as part of the new GP contract for Scotland.
2. Adjust the Workload Allocation Formula (WAF) urgently in light of the new contract proposals to guarantee that both primary and ancillary services are, at least, as good as they are now in ALL areas so patients do not experience a rural and remote post code lottery in relation to the provision of health care.
3. Address remote practice and patient concerns raised in relation to the new GP contract.

Webpage: parliament.scot/GettingInvolved/Petitions/PE1698

Introduction

1. This is a continued petition that was last considered on 9 May 2019. At that meeting, the Committee heard evidence from the Cabinet Secretary for Health and Sport, Jeanne Freeman; Sir Lewis Ritchie, Chair of the Remote and Rural Working Group, and Richard Foggo, Director of Population Health, Scottish Government to provide evidence on the matters raised in the submissions received to date.

2. Today the Committee will reflect on the evidence heard from the Cabinet Secretary for Health and Sport and is invited to consider what action it wishes to take.

Committee consideration

3. At its meeting on 9 May 2019, the Committee considered a number of issues with the Cabinet Secretary for Health and Support including the Rural GP Association of Scotland’s recent resignation from the remote and rural working group; the calculation of the Scottish workload allocation formula; and the implications of the new general practitioner contract in rural parts of Scotland.

4. A written submission from the Scottish Government was subsequently received on 7 June 2019 providing further information on—
The underlying data and methodology used in the development of the Scottish Workload Formula (SWF);

The role of the Technical Advisory Group on Resource Allocation in the development of the SWF and why it was not involved in the later stages of the SWF process, and;

The distribution of the £23 million in additional funding made available to GP practices as part of the updated SWF.

5. Subsequent to the meeting, correspondence was also sent to Rhoda Grant MSP and copied to the Public Petitions Committee and is included in the Annexe to this paper. This correspondence provides further explanation about the costs of providing rural general practice as well as immunisation rate figures.

**Health & Sport Committee – Primary Care Inquiry**

6. The Health and Sport Committee is currently running an inquiry into primary care. The second phase, to begin later this year, will cover issues around service provision in rural areas. The focus on this issue has been prompted by concerns raised through evidence received in relation to the inquiry to date, about the impact of the contract on GP services in remote areas.

7. The Health and Sport Committee clerks have confirmed that the issues raised in the petition will be addressed as part of the inquiry, with its dedicated remit of looking at the future of Primary Care in Scotland.

8. Moreover, the Health and Sport Committee have carried out the following pieces of work relating to the petition—

   - In 2016, a piece of work on recruitment and retention and the issue of remote and rural primary care services was undertaken: [https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/100323.aspx](https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/100323.aspx)

   - Beginning in December 2017, one-off evidence sessions are continuing to be held with each NHS board and issues around provision of care in rural areas have been raised with appropriate boards: [https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/107260.aspx](https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/107260.aspx).

**Conclusion**

9. The Committee is invited to consider what action it wishes to take on the petition. Options include—
To refer the petition to the Health and Sport Committee on the basis that its inquiry into primary health will directly address the issues raised in the petition.

Any other action the Committee wishes to take.

Clerk to the Committee

Annexe

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

- PE1698/Q: Scottish Government submission of 7 June 2019 (319KB pdf)
- PE1698/R: Scottish Government correspondence to Rhoda Grant MSP dated 14 June 2019 (87KB pdf)

All written submissions received on the petition can be viewed on the petition webpage.
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday 27 June 2019

PE1699: Release of murder victim bodies for funeral arrangements

Note by the Clerk

Petitioner
Amanda Digby

Petition summary
Calling on the Scottish Parliament to urge the Scottish Government to change post-mortem examination protocols to allow for the deceased to be released as early as possible to enable families to make funeral arrangements for their loved ones.

Webpage
http://parliament.scot/GettingInvolved/Petitions/PE01699

Introduction

1. This is a continued petition that was last considered by the Committee on 13 September 2018. At that meeting, the Committee agreed to write to the Scottish Government, the Crown Office and Procurator Fiscal Service, the Scottish Criminal Bar Association, the Law Society of Scotland, Faculty of Advocates, PETAL (People Experiencing Trauma and Loss) and Victim Support Scotland.

2. Responses have now been received as well as a written submission from the petitioner. The Committee is invited to consider what action it wishes to take.

Committee consideration

3. At its meeting on 13 September 2018, the Committee agreed to seek views from a range of stakeholders as abovementioned in relation to the action called for in the petition.

Post mortem examination protocol

4. The Committee was particularly keen to gain more information surrounding the timeframe for the review currently being undertaken into post mortem examination protocols. The written submission received from the Crown Office and Procurator Fiscal Service explains that in relation to this protocol—

“COPFS recognises the impact on bereaved families of the post mortem examination process and, in particular, of any delay in the return of the body of their loved one for burial or cremation. In consultation with the Law Society of Scotland, the Faculty of Advocates, and Forensic Pathologists, COPFS has accordingly reviewed the post mortem examination protocols”.

5. The COPFS submission goes on to explain that—
"The review concluded that a complementary Consultation Protocol, supporting effective consultation between pathologists instructed by the Crown and defence may deliver further improvements. Effective consultation would support an informed defence decision as to whether a second invasive post mortem examination was required and may reduce not only the number of required defence examinations but also delays in the return of deceased persons to their families, reflecting the views of families."

6. The Consultation Protocol was published in October 2018.

7. In her written submission, the petitioner explains that she met with the Lord Advocate and the Cabinet Secretary for Justice at the end of 2018 and is “taking comfort in the fact that my petition has urged what once a draft protocol, to now be actioned meaning a more balanced protocol for Procurator Fiscal and forensic Pathologists to work from”.

8. The petitioner highlights that the Lord Advocate explained to her that “only in ‘special cases’ will homicide victims bodies be held for prolonged periods”. However, the petitioner raises concerns that the protocol will result in more homicide victims becoming ‘special cases’ and that bodies are not released any sooner than they would have been before the Protocol.

Protocol used in England and Wales

9. The Committee was also interested in exploring whether the protocol used in England and Wales, could be adopted in Scotland. The protocol in England and Wales is that the Coroner, if after 28 days, there has been no arrest and the Police do not expect to make an arrest, can request a second post mortem be carried out by an independent pathologist, thereafter allowing the body to be released to the family.

10. The Scottish Government’s written submission responded as follows—

“Section 48(5) of the Scotland Act 1998 provides that any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland shall continue to be taken by him independently of any other person. In these circumstances the development of protocols is a matter for the Lord Advocate, and the independent Crown Office & Procurator Fiscal Service which he heads. The provisions of the 1998 Act would appear to make it unlikely that the Scottish Parliament could make any enactment replicating the English system based on the coroner, even if it were minded to do so.”

11. The written submission received from the COPFS explains—

“The two systems are not directly comparable. In England and Wales, a first post mortem examination is instructed by the Coroner. By contrast with the Procurator Fiscal, the Coroner has no prosecutorial function. The first post mortem examination in England & Wales is conducted by a single doctor only. If no person has been charged and the Police do not expect to make an arrest
within 28 days, the Coroner will arrange for a second post mortem to be carried out by a second pathologist. By contrast, in Scotland, the first post mortem examination is conducted by pathologists instructed by COPFS. In the case of a suspicious death, as described above, the post mortem examination is conducted by two independent pathologists and corroborated expert opinion evidence is therefore available as to cause of death. If proceedings have not been commenced within one month, the body will, under the reinforced guidance described above, be released to nearest relatives unless there are exceptional circumstances”.

12. The Law Society of Scotland also express concerns about introducing “a similar system in Scotland to that of the coroner, due to the fundamental differences between the two legal systems and there not being an equivalent to the Procurator Fiscal in England & Wales”.

13. The Law Society’s submission does however suggest some “practical measures” that could be improved upon with regard to public information available in relation to post mortems. For example, the submission states—

“We have located [the Scottish Government publication] Information for Bereaved Family and Friends Following Murder or Culpable Homicide which might well be the best place for additional information to be posted. This may also provide a better route for the sharing of any cultural wishes that the bereaved family may have in relation to funeral arrangements”.

14. The submission also highlights scope to explore the role of new technology in relation to the holding of post mortems in the future, stating that using digital procedures may “speed up the process, obtain the relevant evidence and improve the position in relation to post mortems for families”.

Conclusion

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

- To write to the Scottish Government to seek its views in relation to the suggestions outlined in the Law Society of Scotland’s written submission.

- To close the petition under Rule 15.7 of Standing Orders on the basis that a Consultation Protocol has recently been published by the Crown Office and Procurator Fiscal Service;

- To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—
• PE1699/A: PETAL submission of 13 September 2018 (356KB pdf)
• PE1699/B: Scottish Government submission of 5 October 2018 (389KB pdf)
• PE1699/C: Crown Office and Procurator Fiscal Service submission of 11 October 2018 (746KB pdf)
• PE1699/D: Victim Support Scotland submission of 15 October 2018 (196KB pdf)
• PE1699/E: Law Society of Scotland submission of 15 October 2018 (479KB pdf)
• PE1699/F: Petitioner submission of 22 May 2019 (67KB pdf)

All written submissions received on the petition can be viewed on the petition webpage
Public Petitions Committee
13th Meeting, 2019 (Session 5)
Thursday, 27 June 2019

PE1703: Access to broadband in rural Scotland

Note by the Clerk

Petitioners Hugh MacLellan on behalf of Laid Grazings and Community Committee

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to deliver superfast broadband internet access to every household and business in Scotland, particularly in rural areas, before 2021.

Webpage parliament.scot/gettinginvolved/petitions/PE01703

Introduction

1. This is a continued petition that was last considered on 27 September 2018, where the Committee agreed to write to the Scottish Government, Scottish Enterprise, Highlands and Islands Enterprise and the South of Scotland Economic Partnership.

2. Submissions have been received from the Scottish Government, Scottish Enterprise, Highlands & Islands Enterprise. Requests for a written response have been put to the petitioner but no response has been received to date.

3. The Committee is invited to consider what action it wishes to take.

Background

4. The Scottish Government’s commitment to superfast broadband aims to exceed the UK Government’s broadband proposals, with a promise that, by 2021, the Reaching 100% (R100) programme will deliver access to superfast broadband to all residential and business premises in Scotland.

5. The initial procurement exercise for the R100 programme was concentrated on rural areas which at present have no access to broadband. The procurement exercise, to achieve the R100 target, was based on a definition of white premises, i.e. premises which can benefit from government intervention (state aid) because there are no planned commercial solutions in the next three years. The Scottish Government held a public consultation on its definition of white premises in 2017 and identified about 245,000 white premises in Scotland.

6. On 20 September 2018, Audit Scotland published a progress report on the roll-out of superfast broadband. The report stated that the Scottish Government met its target of providing access to fibre broadband to 95 per cent of premises in
Scotland by 31 December 2017. However, the report also raised concerns that the Government’s more recent ‘Reaching 100 per cent’ ambition, to deliver access to superfast broadband to all residential and business premises in Scotland by 2021, will be more difficult to realise.

Committee consideration

7. In response to questions about the R100 programme, the Scottish Government submission states that despite the complexity involved, it remains committed to the timescale of 100% superfast broadband by 2021. The submission confirms that the £600m of investment as part of the programme will be focussed on rural areas as urban premises have been excluded from the initial R100 procurement process.

8. The submission received from Scottish Enterprise referenced ‘Unlocking the Digital Potential of Rural Areas across the UK’, a report published in 2018 by Scotland’s Rural College et al. The report found that the proportion of businesses with a superfast broadband connection was lowest in Northern Ireland and Scotland. This correlation was further evidenced by Scottish Enterprise’s own research—

“A recent survey of 184 of rural business leaders found that 74% of businesses were impacted by poor broadband and that it was a barrier to growth. Key comments were that they found it slow, frustrating and limiting with alternative options considered to be very expensive and unreliable.”

9. The Scottish Government confirmed that it has undertaken an Open Market Review of broadband infrastructure, identifying where there is already infrastructure in place and where there are plans for investment in the coming three years.

10. The submission from the Government also confirmed that the fibre cable that runs through the village of Laid was “installed as part of the Digital Scotland Superfast broadband (DSSB) programme and is, therefore, owned by BT”.

Action

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

- To close the petition under Standing Orders Rule 15.7 on the basis that the Scottish Government has reiterated its commitment to the delivery of 100% superfast broadband by 2021.

- Any other action the Committee wishes to take.

Clerk to the Committee

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

- **PE1703/A: Donald McHarrie submission on behalf of Stranraer Community Council of 25 September 2018 (104KB pdf)**
- **PE1703/B: Highlands and Islands Enterprise submission of 26 October 2018 (372KB pdf)**
- **PE1703/C: Scottish Enterprise submission of 31 October 2018 (200KB pdf)**
- **PE1703/D: Scottish Government submission of 16 November 2018 (86KB pdf)**

All written submissions received on the petition can be viewed on the petition webpage.