



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### **PUBLIC PETITIONS COMMITTEE**

Tuesday 8 December 2015



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**PUBLIC PETITIONS COMMITTEE**

**21<sup>st</sup> Meeting 2015, Session 4**

**CONVENER**

\*Michael McMahon (Uddingston and Bellshill) (Lab)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

Jackson Carlaw (West Scotland) (Con)

\*Kenny MacAskill (Edinburgh Eastern) (SNP)

Angus MacDonald (Falkirk East) (SNP)

\*Hanzala Malik (Glasgow) (Lab)

\*John Wilson (Central Scotland) (Ind)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Stewart Currie

Angus Files

John Stone (Age of Autism)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Sir Alexander Fleming Room (CR3)



## Scottish Parliament

### Public Petitions Committee

*Tuesday 8 December 2015*

*[The Convener opened the meeting at 10:03]*

### Decision on Taking Business in Private

**The Convener (Michael McMahon):** Good morning, everyone, and welcome to the 21st meeting in 2015 of the Public Petitions Committee. I remind everyone present to switch off mobile phones, BlackBerrys and other electronic equipment, please, because they interfere with the sound system.

Agenda item 1 is to seek the committee's agreement to take in private agenda item 4, which is the review of the public petitions process, and agenda item 5, which is the committee's work programme. Do members agree to take those items in private?

**Members** *indicated agreement.*

**The Convener:** I note apologies from Angus MacDonald, who has the flu this morning. Hanzala Malik will be here as soon as he can. Jackson Carlaw has also had to put in his apologies.

## New Petitions

### Scottish Vaccine and Immunisation Advisory Committee (PE1584)

10:04

**The Convener:** Our next agenda item is consideration of new petitions. The first is PE1584, by Angus Files, on a new Scottish vaccine and immunisation advisory committee. Members have a note from the clerk, the petition and a Scottish Parliament information centre briefing. A folder has also been provided to us all by the petitioner: I thank the petitioner very much for all that information.

To get us going, do you want to take five minutes or so to introduce your petition? We will then discuss it.

**Angus Files:** Yes. Thank you very much for inviting us to the committee. It is a great showcase for Scottish democracy.

I want to speak about Scotland's reliance for vaccine policy on the advice of the United Kingdom Joint Committee on Vaccination and Immunisation. In the brief space that has been allocated, I want to focus on the initial statement in Rachel Smith's letter to me of 29 October, that

"Scottish Ministers are confident in the independence of the JCVI".

The chairman of the Joint Committee on Vaccination and Immunisation, Andrew J Pollard, said on 12 February 2014:

"The Chair explained that it was important for the Committee to be independent and to be seen to be independent when providing advice to Government. This meant not only being separate from the influence of industry, but also being independent from the Department of Health as the recipient of the Committee's advice".

That was said in item 6 in the minute of the meeting.

If the prime reason for trusting the JCVI's advice is that it is an independent body, ministers must, sadly, have failed to do their research. A number of its members, including the chairman, have a concerning catalogue of links to the pharmaceutical industry. Among his other appointments, its current chair, Professor Pollard, is head of the Oxford vaccine group, which owes its continuing existence to accepting contracts for research and clinical trials from pharmaceutical companies and other agencies that try to promote vaccine products. Although he stated in his declaration of interests that he does not receive personal remuneration from the industry, he is the director of an enterprise that acknowledges participation in a significant number of drug trials.

Following those trials, he has co-authored numerous papers on the outcomes. Very recently, he co-authored a paper on trials associated with an Ebola vaccine. He acknowledged a

“research grant and research support”

from Janssen Pharmaceutica, which is a pharmaceutical division of Johnson & Johnson. However, his European Medicines Agency declaration for 2015 said that he had “no interest declared” where he was asked for details of “grant/funding to an institution”.

When Professor Pollard was appointed chairperson of the JCVI in October 2013, he had significant on-going links to the pharmaceutical industry as “Principal Investigator” to a number of clinical trials. However, he stated ambiguously in his EMA declaration that he was not planning to take on any new grants for clinical trials and research. In June this year, his JCVI statement noted:

“Since taking up his role with JCVI he no longer takes on research grants from industry sources.”

That is confusing, as his 2015 EMA declaration includes a clinical trial funded by Pfizer that commenced in November 2013, which was a month after he took up office.

With that background, Professor Pollard has chaired the JCVI for two years now. His June 2013 EMA declaration of interests indicates that he was working as principal investigator from October 2012 for the Novartis rMenB+OMV NZ, or Bexsero, vaccine trial, which was at the time described as “current”, and he had previously done so in a number of trials involving the Bexsero meningitis B vaccine between 2008 and 2012. Under his chairmanship, the JCVI recommended the inclusion of the Bexsero vaccine into the UK immunisation scheme in March 2014, having previously decided against it in July 2013 before he took office. However, in a paper that was published in *Clinical and Vaccine Immunology* dated February 2014 that he co-authored, he declared that he was

“named on patents in the field of group B meningococcal vaccines”.

The JCVI revised code of practice demands that the chair

“cannot have any interests that may conflict with his or her responsibilities to JCVI”

and that

“the JCVI Chair and Sub-committee Chairs cannot have interests that could conflict with the issues under consideration by the JCVI or Sub-committee, respectively.”

The JCVI minute of the meeting on 12 February 2014, in which Bexsero was discussed, does not include a declaration of members’ interests, so it is

impossible to know what conflicts of interest were declared. However, it is clear from the minute that Professor Pollard took declarations and that members with specific interests were excluded from voting. There is nothing in the text to indicate that the chair absented himself.

Five days after that meeting, a clinical trial was lodged involving Bexsero with Professor Pollard as principal investigator. That was partially funded by Novartis vaccines. It is currently described as “ongoing” and is not expected to terminate until December 2015.

In June 2014, while chairing the JCVI and acting as principal investigator for the trial, he co-signed a study information booklet on behalf of the Oxford vaccine group, inviting families with children who were approaching routine vaccinations to participate in the Bexsero trial.

The professor’s JCVI declaration of interests from June this year acknowledges that “other investigators” in his department were undertaking trials in respect of a meningitis B vaccine, which were funded by Novartis and which are said to have ended. There is no indication that that vaccine is Bexsero but, if it is not, one wonders where Professor Pollard noted his involvement in the on-going Novartis Bexsero trial, which was not expected to conclude until December this year. If it is the Bexsero trial that is being referred to, then, according to the clinical trial register, it is still “ongoing” and not “ended”, as stated in the professor’s declaration.

In February 2014 the JCVI agreed:

“any conflict of interest should continue to remain for one year after it ceased”.

It follows that Professor Pollard’s association with Novartis will not be expunged until December 2016.

Of the remaining members on the JCVI, three have declared financial input from pharmaceutical companies to their places of employment. It follows that, although they are not personally in receipt of monies paid directly from the industry, it is the case that their earnings are recovered from that source. That their employment continues is somewhat dependent on pharmaceutical companies continuing to invest money in clinical trials and so on for their products, to be carried out by the members’ institutions.

JCVI members have additionally benefited by advancing their careers as co-authors of numerous publications that are published following trials. It is critical that the chair should be free of conflict, as it is his job to appraise other members of the committee annually. Although the JCVI code of practice dated June 2013, at item 39, includes how

“the minutes of each meeting will include interests that are declared and how they have been handled”,

only once in the past two years and seven meetings have any declarations been published. That was on 3 June 2015.

It is troubling that the actions of the committee could have wider commercial and political implications. In the case of Bexsero, negotiations between GlaxoSmithKline and Novartis for the transfer of Novartis’s vaccine division began the month after the JCVI recommended the vaccine. The Government’s agreement of a price for the Bexsero vaccine was also part of the Conservative Party window-dressing for the recent general election.

Ministers must surely have concerns that the recommendations that are circulated by the JCVI promoting the inclusion of vaccines in the immunisation schedule is not done by a committee that is entirely devoid of influence from the manufacturers. It is hard to understand how officials in the Department of Health and Public Health England, for instance, could have been completely unaware of any of Professor Pollard’s entanglements.

In recent years, a number of serious adverse reactions have been uncovered following receipt of JCVI-advocated vaccines, including Pandemrix and Fluenz, both of which have caused narcolepsy or cataplexy in some recipient children. Cervarix and Gardasil, the human papillomavirus vaccines that are now the subject of thousands of yellow-card adverse drug reaction—ADR—reports of serious lasting conditions in our young women, and Rotarix, with its unacceptable risk of intussusception of the bowel, have already been removed from the schedule in France. Fluenz places immune-compromised people and people with asthma at unnecessary risk by continuing to shed for weeks.

The JCVI has an established history of permitting its members not only to hold consultancies and shares in pharmaceutical companies but to accept remuneration for lecturing and carrying out clinical trials spanning decades. The members of the committee are appointed by the Secretary of State for Health via the Department of Health senior responsible officer, in consultation with PHE, the public health directorate. Sub-committees invite industry representatives to their meetings.

It looks as if, according to its own terms of reference, the JCVI has failed miserably to maintain its independence. It is not good enough simply to state that it is independent when there is much evidence to counter that. I respectfully submit to ministers that they should not be complicit in such practices. As an independent

appointment, Professor Pollard was more unqualified than the chief executive of a pharmaceutical company, being tied, as he was, to several of them. I therefore request that consideration be given to the formulation of a Scottish JCVI to serve the best interests of the Scottish people.

I am sorry if I overran there.

**The Convener:** That is all right. I was prepared to let you go on, as I was interested to hear the background information that you were providing. I was listening intently to hear examples of where you thought that people’s association with pharmaceutical companies had created situations where a decision that had been made against or for a vaccine was directly attributable to the fact of that association. I have to be honest: I did not really hear any compelling evidence that any decision was made because someone’s job required them to work in an establishment with a connection to a pharmaceutical company.

I cannot imagine that there would be many people who would be in a position to make a judgment on a vaccine and who would not at some point have worked in an academic, medical or pharmaceutical area, to get an understanding of the subject matter. How can someone have understanding and knowledge of the issue if they cannot be associated with the industry that makes the medications that are under discussion?

10:15

**Angus Files:** By their own admission, three JCVI members have nothing to declare, as I said in my opening statement, which means that they are completely independent. The chairman has items to declare, as the previous chairman did—this is all in the public domain, so it is easily accessible if you are into this sad subject. The chairman has interests to declare, so he is not the best person to be in charge of the JCVI.

**John Stone (Age of Autism):** He has a patent in a product that, having formerly been refused by the JCVI, is accepted just after he becomes chairman, and which is potentially of great commercial significance, because within a few days GlaxoSmithKline and Novartis are in negotiation for the purchase of Novartis’s vaccine division.

**The Convener:** In essence, you say in your petition that the JCVI cannot be trusted and is not impartial and we need our own version of it in Scotland. I have been in the Scottish Parliament long enough to know that when we deal with issues on a Scotland-wide basis the “Ah kent yer faither” attitude is always lurking in the background. No one in Scotland, whatever sector they work in, can be devoid of knowledge or

understanding of other people. How on earth would a Scottish committee be different from the current committee, given that we would draw its members from a smaller pool of people?

**Angus Files:** The whole system needs a complete shake-up, from the vaccine damage payments unit to the Medicines and Healthcare Products Regulatory Agency and the JCVI because, quite simply, we have a system that depends on our trusting people—who come from a scientific background—but clearly trust has gone. Integrity is lacking big time in the decisions that are being made when someone can say, “I have a vaccine patent” and then introduce that vaccine into the immunisation schedule in Scotland, at a cost to Scotland’s NHS of roughly £27 million.

We could see a way forward if independent scientific evidence was provided, rather than the evidence from the manufacturers of the vaccine, which is spoon-fed to members of the JCVI who have come through pharmaceutical companies and whose institutions are funded by pharmaceutical companies.

**The Convener:** Pharmaceutical companies spend a lot of money on creating and testing vaccines and medications. If companies that invest so much money felt that they were being treated unfairly, we would probably have heard about that, would we not?

**John Stone:** I do not know that we would have done. Through various means they might bring to bear their influence on members of the Government and we would not hear anything publicly about that at all.

In 2005, the House of Commons Health Select Committee said:

“The Department of Health has for too long optimistically assumed that the interests of health and of the industry are as one. This may reflect the fact that the Department sponsors the industry as well as looking after health. The result is that the industry has been left to its own devices for too long. It may be relevant that this is the first major select committee inquiry into the pharmaceutical industry for ... one hundred years”.

It also took the MHRA to task. I doubt that in the intervening decade the situation has improved, but it said:

“The industry is by no means solely to blame for the difficulties we describe. The regulators and prescribers are also open to criticism. The regulator, the Medicines and Healthcare products Regulatory Agency ... has failed to adequately scrutinise licensing data and its post-marketing surveillance is inadequate. The MHRA Chairman stated that trust”—

that is, trust with manufacturers—

“was integral to effective regulation, but trust, while convenient, may mean that the regulatory process is not strict enough. The organisation has been too close to the industry, a closeness underpinned by common policy

objectives, agreed processes, frequent contact, consultation and interchange of staff.”

The JCVI is an example of this can-do culture. As we know, what happens is that it reviews products; new products keep being added, but no one ever considers whether any should be removed. By now, a two-month-old baby gets eight vaccines in one go, including Bexsero, which has, as even the manufacturer’s information insert makes clear, very common and quite unpleasant side effects.

The schedule gets longer and longer, which obviously suits the industry. No one comes back and says, “Hold on—aren’t we overdoing this?” If nothing happens, the list of products will just keep getting longer.

**The Convener:** I understand that. As I have said, I am trying to keep an eye on what your petition is asking for: a separate Scottish version of the JCVI, or whatever it would be called. I am interested in your take on how we would establish such a body and ensure that its independence was retained. You have said that there are people on the current JCVI who are not associated with the pharmaceutical industry in the way that others are, but what knowledge and understanding do they have of the area that reassures you that they have the capacity to make the right decisions while retaining independence from pharmaceutical companies?

**Angus Files:** The job advertisement for the JCVI sets out all the credentials that are needed. The three people in question have said that they have nothing to declare, whereas you can ride a horse and chariot through the declarations that the chap who is in charge of it has made and the conflicts of interest that he has had.

Moreover, as a member of the JCVI, you have to declare any conflicts that you might have had only in the last 12 months of your previous employment—and nothing else. You could have been the head of Merck, GlaxoSmithKline or whatever and get yourself on to the JCVI; provided that you had had no conflicts of interest for the past 12 months, you would be on the committee, dictating immunisation policy for the children of Scotland.

Just two weeks ago, I noticed an article from Argyll, where I come from, stating that one in three children in mainstream schools requires classroom assistance. Never before in the history of the planet has one in three children required a teacher to explain to them what another teacher is teaching the class. How long can the Government sustain the figures and the money to keep supporting the likes of that sort of damage? It is not all linked to vaccines, but there is a correlation.



As the schedule gets bigger, more people are coming up damaged.

**The Convener:** We would have to take evidence on that.

**John Stone:** I would like to come back to you on what Angus has said. The Executive speaking on behalf of the ministers told him that they were confident in the independence of the JCVI but, even if we do not know how to replace the system, I do not know how we can have confidence in it.

**Kenny MacAskill (Edinburgh Eastern) (SNP):** I have listened to your concerns about Professor Pollard and other members of the JCVI. However, I have not yet heard—I seek clarification on this—how the system would be better or how your concerns about the pan-UK body would be avoided by having a Scottish body.

**Angus Files:** At the moment, when a vaccination is given to a child, its code is supposedly written down in their medical file by a doctor, but we all know what doctors' handwriting is like—it could end up being a scribble or whatever. I was involved in the measles, mumps and rubella vaccine litigation, and one of the bits of evidence that I requested was the code of the vaccine that had been given. I deciphered the notes as best I could—several other people said, "Yes, that's what it says"—and I sent the code off to Merck. Merck wrote back saying, "That's not the MMR vaccine—that's the code for a polio vaccine." At the moment, that is what is in place.

In Norway, they have a database in which each vaccine is recorded. To bring up a data page, you need the vaccine's code. The data page gives the code number of the vaccine, the person's date of birth, their national insurance number and the time of day when the vaccine was given. After being given the vaccine, the person is also required to stay in the surgery for 20 minutes to report any reactions. Before the next data page can be brought up for the next vaccine, the first one has to be completed.

**Kenny MacAskill:** That is a systemic issue to be addressed by general practitioners. I was asking about the nature and basis of the advisory council.

**John Stone:** It is quite a difficult issue. The problem is that the people who monitor the policies and who are responsible for the products are the people who license and advocate the products. We do not have monitoring—whether by the JCVI or whatever—that is sufficiently distant.

**Kenny MacAskill:** There are two points to make. First, on what basis do you think that a distinct Scottish council would be superior? Secondly, although I understand your concerns about conflicts of interests, that is why we have

registers of interest and declarations of interests. We are talking about a very specialised field in which there are a limited number of people with the necessary talents and resources. As long as they are open about any potential conflicts of interests, is it not better to have them on the council than people who have no conflicts of interests but who do not have any knowledge of the industry either?

**Angus Files:** No, the point is that the people who are making the decisions are completely tied to the pharmaceutical companies. The system is completely broken. It needs to be fixed; it needs to be changed and completely turned about.

10:30

**John Stone:** Whatever else we say about the system, we cannot say that it is independent. Rachel Smith said that ministers are confident in the independence of the JCVI. Frankly, I do not see who, in all this, with all the expertise in the world, is minding the public interest.

**Angus Files:** There is no one governing the JCVI's independence. Who does it report to? Itself. Its position is like that of FIFA in football—no one governs it.

**John Stone:** It is not only that. In England, the law says that the secretary of state should do what the JCVI tells him to do. That is not your problem, but it is an extreme situation. If you argue as you have done, you have a problem. Politicians are always in the position of having to say, "I leave it to the scientists and the experts; I leave it to the Department of Health and the MHRA. I am never in a position to question anything that they do, because they are the experts." That is quite a dangerous situation to be in.

**John Wilson (Central Scotland) (Ind):** Good morning. You have said that the chair and three members of the committee have what you would consider to be interests in the pharmaceutical industry and therefore should not be allowed to sit on the committee. How many members sit on the committee?

**John Stone:** I do not know.

**Angus Files:** It is 23, I think.

**John Wilson:** There are 23 members. You have said that the chair and three members have declarable interests that show that they have current connections with the pharmaceutical industry and the testing of new drugs in the system. Therefore, based on your statement, 20 members do not have a declarable interest from the past 12 months.

**Angus Files:** Yes.

**John Wilson:** I am trying to get to why you think that the chair and those three members who have declarable interests, which they have declared—

**Angus Files:** The three have not declared their interests; they have declared that they have no interests.

**John Wilson:** Three have declared no interests, so—

**Angus Files:** Yes.

**John Stone:** Yes.

**John Wilson:** I am just trying to get to how many of the 23 members have declared an interest because they have connections with the pharmaceutical industry.

**Angus Files:** There are only three who have not. The rest have.

**John Wilson:** There are only three who have not, so 20 have declared interests.

**John Stone:** It is worrying to have a position in which interests—this often happens—are disclosed in one place and not in another place.

**Angus Files:** And that is just in the past 12 months.

**John Stone:** We know about things, because they have been disclosed to the European Medicines Agency or are in a published article or something. Nevertheless, it is all right for the chairman to preside over things in which he has a connection—or apparently anyway.

**John Wilson:** I am trying to work out how many members are on the committee and how many members can overturn decisions and make recommendations. You have indicated that the JCVI is appointed by the Secretary of State for Health, so all the appointments are made by the UK Government. Surely the secretary of state would have satisfied himself, on advice from officials, that those would be the best-placed individuals to sit on such a committee?

**John Stone:** That is certainly different from saying that they are independent, is it not? Clearly, we are talking about the JCVI's terms of reference. We have the Nolan principles of conduct in public life. The issue is that, however wonderful these people are, they do not meet the criteria, and maybe we ought to think about that. That is one of the issues, and I certainly do not know what the answer is—it might be to have a Scottish institution that has tougher regulation. However, you have to consider the fact that the rules are apparently not being adhered to.

**John Wilson:** Just to get clarification, my understanding is that the code of practice for the JCVI does not say that the members have to be

independent. The appointments are based on merit and in accordance with the code of practice for scientific advisory committees, so I am not sure where the issue of independence comes into the debate. Surely when people are being appointed to such committees, we look to appoint experts in the field. I accept that there might be seen to be a conflict of interest in the appointment of the current chair of the JCVI, as he has direct links with on-going trials in the pharmaceutical industry. However, the reality is that the guidance notes for the JCVI do not say that the members have to be independent.

That goes back to the points that the convener and Kenny MacAskill have made. How would we get people on the JCVI, which makes decisions, if we did not appoint people with experience of or links to pharmaceutical testing or the industry? You have said that the academic interest in the area is crucial to ensure that, hopefully, the vaccines are tested in a way that could be upheld in public.

**John Stone:** That is possible, but the problem is that the only ultimate purpose of the JCVI is to recommend new products, so the list just gets longer.

**John Wilson:** It can also reject products.

**John Stone:** It can reject products but, nevertheless, the JCVI never seems to say that we had better look at the list and see whether we can weed out some of the products, because there are too many. That is a great bias in favour of the industry.

**Angus Files:** Also, there are no tests for the vaccines together. For example, there has never been an MMR vaccine trial. The three vaccines together have never had a population study done on them. The same is the case with the eight vaccines that are given at once just now. All those vaccines have been investigated independently, but they have never been trialled together. All that we have is the car-salesman rhetoric telling us, "These vaccines are okay—pump them up."

**The Convener:** I take your point, but I am not sure that it has any relevance to the petition that we are considering. Surely that is a matter for the JCVI, regardless of its membership. We can question whether there should or should not have been testing of joint vaccination programmes, but that does not get to the heart of the issue that we are considering.

**Hanzala Malik (Glasgow) (Lab):** The integrity of the JCVI is being questioned, which is a very serious charge, particularly when the suggestion is that people on it potentially have a financial conflict of interest.

**Angus Files:** That is declared by themselves.

**Hanzala Malik:** Declaration or non-declaration is not the issue; the issue is that there are people on the JCVI who clearly have a financial conflict of interest. That concerns me. I do not care how expert they are or how few experts there are out there. When such people have a financial interest, I feel very uncomfortable with that, and it needs to be addressed somehow.

**The Convener:** That is a legitimate concern. We are trying to establish what the merits of the petition are. The petition asks specifically for a Scottish version of the JCVI to be set up. I am concerned about how we would avoid such a Scottish version having the pitfalls of the conflicts of interest that have been identified, while maintaining the required level of expertise.

**David Torrance (Kirkcaldy) (SNP):** Mr Files never really answered the question that was asked by the convener and Kenny MacAskill. Given that the petition refers to such a specialised field, how are we going to find people in Scotland who have the skills to take forward what the petition proposes but have never been involved in clinical trials or connected to pharmaceutical companies?

**Angus Files:** I am not saying that. The point is that there are independent scientists out there who have been excommunicated, so to speak, from science departments because they have a different opinion about the tests that have been carried out. Those people have been ostracised by the scientific hierarchy at Westminster and suchlike and they are never asked for their opinion.

Again, there needs to be a lot more openness in the JCVI and its integrity needs to be re-established. I am not saying that we should do away with it, but its integrity is gaping—there is just nothing there. I can go into the specifics of what sort of body we require, if the committee wants me to.

**The Convener:** You have given us quite a lot of information, which we will take on board because we do not dismiss any information that is brought to us.

**Hanzala Malik:** Rather than trying to create a separate JCVI for Scotland, I wonder whether the petitioners would be satisfied if the JCVI could satisfy us all that no member of the board has a financial interest.

**Angus Files:** The point is, though, that they have to declare interests only for the previous 12 months, which means that they do not have to declare anything from previous careers.

**The Convener:** I want to pursue that point. Are you aware of any other boards where appointments are made with that kind of restriction? Have you any evidence that boards

relating to other medical matters have similar strictures placed on them? If so, how do they work?

**Angus Files:** No, I am not aware of any. If somebody had a financial conflict of interest and was biased in any way, I do not think that any board would have them. To put it in the context of vaccines, if someone has a scientific patent for one small part of a vaccine, whether for the preservative, the virus or whatever, it is like winning the lottery every week—they would not be filling in a lottery ticket. That is the kind of money involved in vaccines, because they are used worldwide.

To put that in context, in America, where Congress is lobbied quite openly about vaccines, pharmaceutical companies are the biggest sponsors of lobbying.

**John Stone:** And the media.

**Angus Files:** And the media. The pharmaceutical industry is three times bigger in terms of lobbying than its closest competitor, which is the oil and gas sector. That puts into context the money that is involved in pharmaceuticals.

**John Stone:** To go back to the convener's question on boards, I do not know the answer to that, but I do know that, for example, the disclosure period for anyone writing for journals used to be five years and then that was reduced to three. Disclosure criteria are sometimes weakened, but I would not say that one would necessarily be happy with that. One would have to consider what criteria would be satisfactory for guarding the public interest. People who are more concerned with the institutions than the science might have to answer that question, because, in the end, those are institutional questions. We are told that the institutions are independent, but mostly they are not and mostly it is quite difficult to do anything about it, but one would have to say, "What do we create that could make this a little bit more wholesome?"

10:45

**The Convener:** That is what we have already taken into consideration.

I will open it to colleagues to make suggestions as to how we take the petition forward, because the petitioners have raised a few issues that require examination. I think that we certainly have to write to the JCVI to ask it to comment on the concerns that have been raised this morning. We should also write to the Scottish Government to ask its view of the current situation and whether the idea of having an independent, separate

Scottish JCVI or similar type of body would have any merit.

**Kenny MacAskill:** It might be worth checking with the Commissioner for Public Appointments in England and Wales about the practices. That seems sensible, given the suggestions about new criteria. We could check whether the commissioner feels that they would meet his requirements.

**Angus Files:** The problem is that that has already been done. The JCVI is part of that system, which is left to self-governance, and the self-governance does not work. The departments down in England are taking no notice of what is going on. The problems are based—

**John Stone:** It is not a bad idea to draw it to the commissioner's attention.

**The Convener:** Thank you for making that point, Mr Stone. I was going to make the point that the committee wants to understand the issues, so I think that we need to write to them. Trying to talk us out of doing that is probably not in your best interest, Mr Files.

We will take the issue forward.

**John Wilson:** Given that the Secretary of State for Health is responsible for appointments to the JCVI, it might be useful to write to the secretary of state to make him aware of the petition and the issues that it raises. It is an issue of public transparency in appointments. If the secretary of state is responsible for those appointments, we should give him an opportunity to respond to those issues.

**The Convener:** I think so.

**Hanzala Malik:** Maybe we should write to a health minister here as well, to see whether anything has been brought to their attention and whether they are looking into it.

**The Convener:** I have said that we should write to the Scottish Government; it would be the health minister that we would take it up with.

We will make contact with those bodies, collate the information that comes back, get in touch with the petitioners about the responses that we receive and see how we take the petition forward from that point. Thank you for coming before us this morning.

10:47

*Meeting suspended.*

10:48

*On resuming—*

### **Post-separation Child Contact and Financial Provision (PE1589)**

**The Convener:** Our next petition is PE1589, by Stewart Currie, on an independent review of child contact and financial provision post separation. Members have a note from the clerks, the petition, a SPICe briefing and a submission from Families Need Fathers Scotland.

I welcome the petitioner, Stewart Currie, and invite him to make some opening comments.

**Stewart Currie:** Thank you for allowing me to bring my petition before you today.

As I have stated in the petition summary, I believe that an independent review would be an effective way of ensuring that post-separation child contact and finances are fully investigated and that as many organisations and stakeholders as possible are involved in the process.

Although it would be easier to highlight one or two problematic areas, I feel that a more detailed study of the current situation would help to create a clearer and more balanced picture of how families are affected post separation. It would also, I hope, lead to positive changes.

I have highlighted how engaging directly with organisations such as the National Records of Scotland has helped and that sensitive information relating to divorce cases will no longer be available to the general public. That is only one of a wide range of organisations or groups that might be involved during a divorce.

The 2013 "Growing Up in Scotland" report highlights that the incidence of non-resident parenthood is considerable, so it is important that the issues surrounding people in that situation are dealt with as effectively as possible in order to stabilise families as soon as is practicable after the separation. That can be achieved when things are looked at holistically.

My petition highlights a wide range of issues, including the effectiveness and length of negotiations post separation, health, finances and legislation. Those can all impact on the mental, emotional and physical wellbeing of parents and children. In Scotland, family cases are expensive. The legislation suggests that the best interests of the children are paramount, as they should be, but determining what is best for a child can take a very long time when negotiations are difficult and lengthy.

For cases that proceed to court, engaging parties in a significant way in specialist family courts would help a large number of cases to reach a suitable conclusion, and it might assist in halting unhelpful correspondence between lawyers. Having specialist family sheriffs is, regrettably, not the norm and people need to be involved more at such times. The fact that many pathways can be taken but none are guaranteed to lead to a satisfactory outcome means that it can be difficult for people to determine the best course of action. Should they go to a lawyer? Should they attend mediation or court? With that in mind, signposting to services that could assist is vital along with easier access to information. Unfortunately, services such as the Scottish Child Law Centre are stretched. If such services were better resourced, many cases might not need to proceed to costly court action.

Children spend a significant amount of their time at school and attending youth clubs, so it is also important that guidelines are provided for education authorities and other voluntary organisations and bodies to assist them in ensuring that they are acting within the law and that they are informing and involving both parents appropriately. Documented instances have shown that some schools have excluded non-resident parents. That might be a result of ignorance of the legal position, but it is nonetheless unacceptable and it could be addressed through training and guidelines for staff and volunteers.

Separated people have many issues to deal with, and children are often a major concern. I urge the committee to consider my recommendations, which I have submitted out of a genuine desire to improve the lives of all parties post separation.

**The Convener:** Thank you for your presentation, Mr Currie. There is a submission from Families Need Fathers Scotland; I do not know whether you are involved with that organisation.

**Stewart Currie:** I have spoken to it.

**The Convener:** You have spoken to it but you are not part—

**Stewart Currie:** I am not part of the group, no.

**The Convener:** That does not matter. I just wondered.

Families Need Fathers makes the point that a number of areas are brought together in the petition, and we are dealing with a variety of petitions about this type of issue. How widespread is the specific problem that you have identified? Do you have any statistical information to back up the petition, or is the problem just something that

you have encountered without being aware of a wider issue?

**Stewart Currie:** I have read a lot of reports on the internet. I do not have the details of the specific reports with me, but I have read widely on the internet about people finding it particularly difficult to access information and to know what to do legally. People can spend an awful lot of money on a court case but issues can arise once the case has concluded that mean they have to go back to court, which can cost them more money.

I have also contacted the Scottish Child Law Centre and have attended courses that it has run through my workplace, so I have been made aware of cases in that way. I have spoken to the centre and have found out that it is pretty stretched, but it has lawyers who are able to give people advice that might be helpful. People go to doctors and community centres for advice, so the signposting is a major issue.

What should people do? Is going to a lawyer the first thing that they should do? They may ask themselves, "Which lawyer should I go to?" and "How long will it take?" It is all pretty complex, and the whole procedure is a traumatic time in people's lives. Some people may be able to sort things out relatively quickly, but for others it is not that way.

I have spoken to people in the legal profession and, as I have highlighted in my petition, it is commonplace for the court process to take a year. For some things, a year may not be regarded as a particularly long time but, when children are not seeing one parent or the other, their whole routine is disrupted and people's emotions run high, which can cause huge issues.

**The Convener:** How does the situation impact adversely on the children? Obviously, the situation concerns an adult relationship, but it will have an impact on any children who are involved. How big an impact does dragging out court cases have? Even in the best circumstances, people facing each other in court is not a nice scenario.

**Stewart Currie:** I work with children as part of my job. Children are always going to be aware of things, and the impact is going to be major—we know that because children raise their issues and concerns about things with people at different times.

In education, which is the area that I work in, we think about getting it right for every child and of trying to develop resilience in the children, helping them to be effective contributors, responsible citizens and well-rounded people. We want to give them the best start in life. People will continue to separate and divorce—that is going to happen—but we want to give the children the best start and

to ensure that their relationships with their parents are not ripped apart for too long.

The problem with the current situation is that there does not seem to be a timeframe for proceedings—they take as long as they take—and many people may contribute to the process taking a long time. For example, it is often claimed that one party is being more difficult than another. It is not for me to make that kind of judgment about people, but that is certainly not going to help the children. Organisations need to be proactive. If someone approaches an organisation for assistance, they really need help—they need targets to be set to assist them.

It is a very wide area, but I have highlighted my personal experience of going to the National Records of Scotland and finding out about my own situation. A huge amount of information about that was publicly available, and I had to put a stop to that. I was concerned about that information being available because of my job, the children whom I work with and my desire to do the best for the children. That is why I took the matter up with the Scottish Courts and Tribunals Service. That is just one example of the stumbling blocks that people face. There is a lot to consider and a lot that needs to be addressed. Administrative matters could be tightened up—there could be a tighter timeframe for the process—and there needs to be a change in what is published. At the moment, people can just walk in off the street and pay money to access the information. I was shocked when I found out the things that are published for anybody to read.

As I say, it is a wide area. There are people out there who can provide help, but that provision is very disjointed at the moment. Another area that needs to be addressed is the involvement of the Scottish Legal Aid Board in such situations. The Legal Aid Board has its own legislation that it uses in civil cases—legal aid law—but there is also family law. That can cause issues in divorce cases, because lawyers are working from two sets of guidelines. From speaking to various lawyers, I have found out that it is not always easy to determine what the Legal Aid Board's financial clawback rules are. There are booklets and guidelines, but it is not easy for a layperson—or, indeed, for the lawyers, as they have told me—to read and understand that information, which makes negotiating hard. If people are put on a certain pathway to resolve their finances but the Legal Aid Board has other rules in place that are the law, there is an issue in trying to marry the two together, which can lengthen cases.

11:00

**Hanzala Malik:** Good morning. The convener is absolutely right to say that there are a number of petitions on different aspects of this troublesome

area. I have had first-hand experience of seeing families split up and the children suffering as a result. I have even seen in-laws coaching children, which is not only detrimental but quite cruel, because it denies the child access to one parent. It is absolutely crucial that, if there is a separation, we have benchmarks for how quickly things must turn around, particularly in the interests of the child. Children should not have to suffer the indignity of being separated from one parent unless something can be proven in court. The accusations—which can be quite outrageous—come fast and furious.

I agree with the petitioner and the other petitioners who have come to us on the issue. If the petitioners are happy with the suggestion, perhaps we could put all the petitions together and ask the Government to look at the issue more seriously.

Social work has a very important role to play. When children are involved, I would like the social work department to get involved fairly rapidly. It is in the best interests of the children for that to happen. If the parents are not in a position to bring their grievances to an end, at least the children's interests could be looked at far sooner. That is extremely important.

**The Convener:** I agree with what Hanzala Malik says. We have two other live petitions that deal with other aspects of family law, which have been submitted by fathers who have been affected by their experience of the system. We need to look at all the issues in the round. We will, of course, look at the specific issue that Mr Currie raises; however, if we take an overview by conjoining the three petitions, we will get a fuller picture. We are building up a picture of areas of family law in which we would like the Government to provide answers.

Do you have a question, Kenny?

**Kenny MacAskil:** I do not have a question; I concur with what you say, convener. Mr Currie has made some valid points and I think that we are at a juncture. We have moved on considerably from previous investigations in the Parliament and, indeed, have had legislative change. Changes have been made to the court system and to the appointment of sheriffs and specialisation on the shrieval bench. There are pressures on the Legal Aid Board, but changes are taking place there. There are also changes to benefits, which opens up the question of whether we should stay as we are or go back to the previous position.

I think that this is a juncture at which the Government should seek to bring all those areas together instead of looking at different bits individually. As Mr Currie correctly said, these matters come together. The Government should

be asked whether, rather than look at issues such as contact and child benefit individually, it intends to bring the current changes together and consider where we should go. It is clear that there are issues across the spectrum.

**The Convener:** Mr Currie, I think that you can tell that there is a degree of sympathy for the issue that you have raised. As well as asking the Scottish Government to comment on it, we will raise the concern that there might be aspects of the law that should be looked at in the round in order to get the best system possible. If we are taking the interests of the child into account, we must get the system right for them. You have made valid points about the duration of court cases and the impact that dragging out the process can have. We will write to the Government and get back to you once we have received a response. You will then see how we take forward the petition from that point. Thank you very much for appearing before us this morning.

**Stewart Currie:** Thank you.

11:04

*Meeting suspended.*

11:05

*On resuming—*

### **Barrhead High School (Funding) (PE1579)**

**The Convener:** Our next new petition is PE1579, by Jean Hepburn, on funding for the new Barrhead high school. I have to say that this petition puts us in a situation that we do not find ourselves in very often. Although the petition has been published and would have been discussed this morning, the issue that led to its being brought to the Parliament has been resolved, as the school is now in the new hub funding programme. Given that there is nothing that we now need to do, we will, if members agree, simply open the petition and then close it.

**Members** *indicated agreement.*

## **Continued Petitions**

### **Alzheimer's and Dementia Awareness (PE1480)**

### **Social Care (Charges) (PE1533)**

11:06

**The Convener:** Agenda item 3 is consideration of continued petitions. We will consider two petitions together: PE1480, by Amanda Kopel on behalf of the Frank Kopel Alzheimer's awareness campaign, on Alzheimer's and dementia awareness; and PE1533, by Jeff Adamson on behalf of Scotland against the care tax, on abolition of non-residential social care charges for older and disabled people. Members have a note from the clerk on the committee's previous consideration of the petitions and submissions from the Scottish Government and both petitioners.

With regard to the Government's response, I see what it is saying about Professor Bell's work, but there is other work out there on the care tax and the charges. I am sure that Professor Bell did not pick that £300 million figure out of thin air, but I am not entirely sure that it relates exactly to the issue that we are talking about. It is not necessarily the case that information that you collect on one subject is relevant to the specifics of another.

I would like to get back if not directly to Professor Bell then certainly to the Government to ask about the basis of that figure, because there are questions that need to be asked about it. We have seen information from Scotland against the care tax in particular, and I have spoken to that organisation regularly, and I think that the figures that we are talking about here are quite wide of the mark compared with what that organisation is specifically asking for.

As I have said, I am not querying Professor Bell's £300 million figure. I am just not entirely sure that it relates specifically to this issue and therefore using it as the basis on which to respond to the petition is questionable. Do colleagues have other comments on the information that we have?

**Kenny MacAskill:** Clarification is necessary.

**The Convener:** We need clarification, because of the quite significant disparity in the figures. I know that we always get the Convention of Scottish Local Authorities and others chipping in with statistics and that we always get best-case and worst-case scenarios, but very seldom have I seen figures that are so divergent. In this case, it is suggested that the costs could be as little as £14 million or as much as £300 million. Something

does not add up with those statistics. As I have said, I am not sure that the figures that we have been given are absolutely relevant to the point that has been made, and I would like to get some clarification around them.

**David Torrance:** We should definitely write to Professor Bell to ask what criteria he is using and how he has come up with those figures, because, as you have said, there is a wide difference between the two sets of costs. I would like the committee to do that.

**The Convener:** Members appear to agree. We will ask Professor Bell that question, and we will also continue with the petitions and bring them back at a later date.

### **Concessionary Travel (War Veterans) (PE1549)**

**The Convener:** PE1549, by Alan Young, is on concessionary travel passes for war veterans. Members have a note from the clerk on the committee's previous consideration of the petition and submissions from Transport for London and the petitioner. The petitioner has seen Transport for London's response and has identified a number of questions in relation to it.

I do not think that we ever believed that we could say that the situation in London exactly matched what the petitioner is asking for, but he has identified issues around eligibility and other areas that I think we could ask Transport for London for more information on. We know that we are comparing apples and oranges, but that does not mean that we cannot learn from what Transport for London is doing with its Oyster card and see how it relates to our concessionary travel scheme. Do members agree to ask those questions?

*Members indicated agreement.*

### **Child Abuse (Mandatory Reporting) (PE1551)**

**The Convener:** PE1551, by Scott Pattinson, is on mandatory reporting of child abuse. Members have received the report on the previous consideration and submissions from the Scottish Government and the petitioners.

**Kenny MacAskill:** I appreciate that, at a Scottish level, these things can be double-edged and that there are views about whom the matter concerns. However, given the Prime Minister's commitments on what is going to be done, it might be worth writing to the UK Government to find out more about that. Other than that, I would not, given the potentially unhelpful and dangerous consequences of changing the legislation, be inclined to venture further in that direction.

**The Convener:** I do not think that we should close the petition. I agree with Kenny MacAskill that we should find out the UK Government's position on the matter so that we know that our decision is based on the full information that is available to us.

*Members indicated agreement.*

### **Disabled-friendly Housing (PE1554)**

**The Convener:** PE1554, by Jacq Kelly on behalf of Leonard Cheshire Disability, is on improving the provision of disabled-friendly housing. Members have received a note on the committee's previous consideration of the petition and submissions from the Scottish Government and the petitioner.

**Kenny MacAskill:** I think that we have done what we can with this petition. We have not arrived at the outcome that the petitioner wanted, but we have consulted those who have an interest in the matter. It seems to me that, as we approach the election period, it is for people to raise the issue and make it a matter of public policy. Beyond that, I do not think that there is anything that we can do, apart from sending letters that would not take matters further.

**The Convener:** There is a degree of understanding for this petition—I certainly support its intention—but the question is how we can get to a situation in which what the petitioner is asking for can be delivered. I personally believe that we should be building houses that are fit for disabled people and that we have to make that commitment. However, I do not think that we will achieve that by taking this petition further forward. All we can do is support the petition's intentions as individual MSPs so that we can get these types of issues addressed by political parties and ensure that they are party policy.

**Hanzala Malik:** In a members' business debate in Parliament on the lack of housing in Scotland and the type of housing that is available, it was noted that many rooms are small and inadequate and that there are not enough large houses, and there was a suggestion that the Government should consider having percentages for the types of houses that there should be. We could consider having a certain percentage of houses that are specifically designed or adapted to be user-friendly for people with disabilities, and it might be worth going back to the Government to ask whether it has any thoughts in that regard.

At the end of the day, people need these facilities and redesigning houses is an expensive way of doing things. It would be better if the Government had a policy of building a certain number of houses that are suitable for people with disabilities.



**The Convener:** I do not disagree with you. This is a good petition that raises an important subject. It was Alex Johnstone who secured the members' business debate that you have referred to, and there was a lot of discussion of the issues during it, with the Minister for Local Government and Community Empowerment responding.

I agree with Kenny MacAskill. We know the Scottish Government's view on the issue. We as individuals should, with the support of organisations such as Leonard Cheshire Disability, now try to put together party policies on it, because that is how change will come about. We have had the Government's response and, to be perfectly honest, I do not think that we are going to get a different one. We now have to take a view on whether its answer is acceptable or whether, in a more positive vein, we can do something to address Leonard Cheshire Disability's concerns.

11:15

**Hanzala Malik:** Do we have any information on the number of houses for people with disabilities that we would require annually? That is the sort of evidence that any political party looking to take up this cause would need.

**The Convener:** There are organisations out there that have an idea. Off the top of my head, I remember a figure of one in 10 new builds being cited, but I am not entirely sure that there is a general consensus on that among the organisations. *[Interruption.]* I am advised by the clerk that a note in the briefing paper gives some indication of the figure. There are organisations that have produced an analysis of what will be needed in the future, but it is up to us to see whether we can get that information.

As Kenny MacAskill has pointed out, we have to decide whether we can take the petition any further. We have established the Government's position on it. It is not the outcome that the petitioners wanted, but sometimes we have to accept that we have exhausted the questions that we can ask the Government. If we are not happy with the response, it falls to the rest of us to do something about it.

**Hanzala Malik:** It is sad that the Government has taken that position, given that we know that there is a need out there. I think that the Government is morally obliged to try to reduce the gap.

**John Wilson:** In the minister's response to the committee, he says:

"Local housing and Planning authorities are responsible for assessing all housing requirements in their areas and planning to meet those through their Local Housing Strategies ... and Local Development Plans".

How accountable are local authorities for their local housing strategies and local development plans? It is fine to say that the local authorities are responsible for delivering them, but how can we check whether they are or not?

We have previously discussed the fact that some disability groups feel that greater consultation at a local level might help identify and deliver what is needed at the local development planning stage. One of the local authorities in the area that I represent, North Lanarkshire Council, is about to go through its local development plan, and I am not sure whether it will consult disability groups or look at the number of houses—the one in 10 new builds—that would be required.

I am keen to write back to the minister, asking how local development plans are tested. Given that such plans are approved by ministers, it would be useful to find out how ministers test them against the demand that we think exists and how local authorities show the demand levels. Like all committee members, I want to ensure that that provision does not become simply the responsibility of social landlords and the housing association and housing co-operative sector. The responsibility should be on all housing developers. Unfortunately, we all too often find that local authorities, social landlords and housing associations are the ones who are left to pick up the tab for adaptations or the building of appropriate housing for people with disabilities.

I suggest, therefore, that we write to the minister, asking for clarification of how the Government tests whether local authorities include that housing demand in their local development plans and their consideration of future developments.

**The Convener:** That is a good question, and I take the point on board. I do not think that it will change the outcome of the petition, but we can certainly establish just how the Government does that. I am more than happy to keep the petition open until we get that answer. Is that fine with members?

**Members indicated agreement.**

### **Sewage Sludge (PE1563)**

**The Convener:** The next petition is PE1563, by Doreen Goldie, on behalf of Avonbridge and Standburn community council, on sewage sludge spreading. Members have a note from the clerks on our previous consideration of the petition and submissions from the Scottish Government, the Scottish Environment Protection Agency and the petitioner. What do members think?

**Kenny MacAskill:** We should press the Government on this long-standing issue a wee bit

more. It has been an issue since the Parliament was re-established. The petitioners and the committee are entitled to know what is happening, so it would be useful to press the Government.

**The Convener:** We can get back to the Government on the issue, if everyone is agreed.

**John Wilson:** We also need to press SEPA. I welcome the response from SEPA, which gives a list of the organisations that currently operate sludge production and treatment facilities. However, SEPA states that the list does not include details of certain companies, and it sets out what those are in three bullet points. I am particularly concerned about

“companies involved in alternative end uses of sludge such as incineration or landfill”.

In my area, landfill is a particular issue and licences for landfill dumping of sewage are a concern to residents and others. That is also a concern for residents of the Avonbridge area, where the petition was raised. There is a concern about what some would describe as indiscriminate landfill dumping of sludge. It would be useful to get an indication of how widespread the use of landfill dumping is in Scotland and the proximity of that to residential areas. The issue might come back to haunt us if we do not start to deal with it.

**The Convener:** I am happy for us to go back to SEPA with those questions, if members agree. Are we agreed?

*Members indicated agreement.*

### **Violent Reoffenders (Sentencing) (PE1565)**

**The Convener:** The next petition is PE1565, by James Dougall, on whole of life sentences for violent reoffenders. Members have notes on the petition so far and the submission from the Lord Justice Clerk. What do members think that we need to do with the petition?

**Kenny MacAskill:** I am minded to close it, on the basis that it has gone to the Scottish Sentencing Council. If the petitioner does not like the Sentencing Council's view, it is a matter of public policy—as I said regarding a previous matter—and it might very well form part of various parties' law and order manifestos for the 2016 election. It seems to me that the Sentencing Council is the place for the petition to go. Either the council satisfies the petitioner or it does not and, if it does not, by the time that the petition came back here, all that we would do is say that it is an election issue.

**The Convener:** Okay. Do we agree to close the petition?

*Members indicated agreement.*

### **National Service Delivery Model (Warfarin Patients) (PE1566)**

**The Convener:** The next petition is PE1566, by Mary Hemphill and Ian Reid, on a national service delivery model for warfarin patients. Members have papers before them on the previous consideration of the petition, as well as submissions from the University of Birmingham, the petitioners and Dr David Patterson.

I think that we need to go back to the Government to get information on Healthcare Improvement Scotland's guidelines on self-testing and ask whether the Scottish Government would commit to consulting the petitioner and NHS Greater Glasgow and Clyde on evaluating the efficacy of the local self-management service delivery model that they have developed together. We need to find out what they think of it. Do members agree to do that?

*Members indicated agreement.*

### **NHS Centre for Integrative Care (PE1568)**

**The Convener:** The next petition is PE1568, by Catherine Hughes, on funding of, access to and promotion of the national health service centre for integrative care. Members have a note on the committee's previous consideration of the petition and submissions from a number of NHS boards, the Scottish Government and the petitioner. Members should note that the petitioner made an additional submission, which has been circulated and put on members' desks this morning.

I should say that before I came in this morning I received an email from Dr Jacqueline Mardon, who has raised a couple of issues about evidence on the website. Just for clarification, she has identified issues in paragraphs 2 and 3 of the SPICe briefing that she considers to be inaccurate; I want to put on record that the briefing was produced at the outset of the petition and information that has come to light since the petition was submitted has led to things being updated. It does not change the original SPICe briefing, but we know that the two issues that she considers to be inaccurate—the range of conditions and in-patient homoeopathic beds—are, indeed, inaccurate and we are taking that on board in our considerations.

This might be a result of my not having been a member of the committee when the petition first came out, but I have had discussions with local people who have received support from the service in question and I would like to request that the committee invites some of the health boards that are making these decisions to come and speak to us. I have been told that the waiting lists for these services are going through the roof, and there are real concerns about the types of support

that are being given to people with chronic pain issues. I wonder whether we need to hear from representatives of the health boards that are deciding not to support the funding of the integrated care service so that we can have a fuller understanding of why they are doing that. Obviously, writing back and forth helps in getting us information, but I think that that information is just raising more and more questions.

Do members agree that we should try to get the health boards to come and speak to us at a future meeting?

**John Wilson:** I support the suggestion that we get the chief executives to come along, but before they do so, we should make them aware of the issue of the decisions not to refer any more patients to the CIC. Although NHS Lanarkshire has committed to continuing the treatment of patients who started it prior to 1 April 2015, it has not committed to making any referrals after that date. The waiting list issue that you have raised is a result of patients no longer being referred from NHS Lanarkshire, and the same might be the case in other health board areas.

NHS Greater Glasgow and Clyde has said that it will maintain the service, but the question is how long it will do so. It might be saying that it will maintain that commitment, but the concern that is being expressed by the petitioners and others is how long it will do so if other health boards start to reduce their reliance on the service in question. NHS Lanarkshire has made it clear that it will continue the treatment of those patients who started it prior to 1 April 2015 but that the situation will be reviewed if it is felt that patients no longer require treatment beyond that period. There is an issue with the CIC's sustainability, but the underlying issue is the lack of referrals from other health boards.

**The Convener:** On the question of who would be invited, we have received submissions from Lanarkshire, Greater Glasgow and Clyde and Highland. Do members agree to invite those health boards?

*Members indicated agreement.*

**The Convener:** That will certainly give us an idea of what is going on out there. We will write to them and ask whether they are prepared to come along and discuss not just the negative aspect—that is, what they are not doing—but what they are doing to replace the services and to address in a more constructive way people's concerns, or what we might call the health promotion aspect. We will be not just challenging their decisions but asking them, if they have made those decisions, what alternatives they are putting in place and what they are doing to replace the services that they no longer want to support.

Do members agree to take the matter forward with that request?

*Members indicated agreement.*

### **Parental Alienation and Civil Legal Aid (PE1543)**

**The Convener:** The final petition is PE1543 by Stephen Salters on investigating parental alienation and reviewing civil legal aid. The petition was originally lodged in November 2014 and was subsequently taken down for legal reasons, which were that the petitioner was involved in outstanding legal proceedings to which the subject matter of the petition was relevant. The legal proceedings have been concluded, and the petitioner has requested that his petition be published and considered by the committee. Having had sight of the petition and being aware of the outcome of the proceedings involving the petitioner, which have resulted in a non-harassment order being put in place, the committee will now consider what action we can take.

I suggest that we close the petition under rule 15.7 of standing orders on the basis that the outcome of the legal proceedings and the issues involved mean that, in this instance, it would not be appropriate for the committee to consider the petition further. Are members agreed?

*Members indicated agreement.*

**The Convener:** As agenda items 4 and 5 are to be taken in private, I close the meeting to members of the public.

11:30

*Meeting continued in private until 11:43.*



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