



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 8 December 2016**

**Session 5**



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**PUBLIC PETITIONS COMMITTEE**  
**8<sup>th</sup> Meeting 2016, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Tim Baynes (Scottish Moorland Group)

Alison Johnstone (Lothian) (Green)

Dr Colin Shedden (British Association for Shooting and Conservation)

Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

## Public Petitions Committee

Thursday 8 December 2016

[The Convener opened the meeting at 09:30]

### Continued Petition

#### Game Bird Hunting (Licensing) (PE1615)

**The Convener (Johann Lamont):** Welcome to the eighth meeting of the Public Petitions Committee. I remind members and others in the room to switch phones and other devices to silent.

I welcome Alison Johnstone MSP, who is here for the first agenda item, which is consideration of continued petitions. The first of those is PE1615, on a state regulated licensing system for game bird hunting in Scotland. This is our third consideration of the petition, having previously heard evidence from the petitioner on 27 October and considered a further paper at our meeting on 10 November. At that meeting, we agreed that, in the interest of balance and impartiality, we would invite representatives of the Scottish moorland group and the British Association for Shooting and Conservation to provide evidence to us to assist with our consideration.

As the witnesses and members know, the petition relates to issues of wildlife crime, and "Wildlife Crime in Scotland: 2015 Annual Report" will be considered by the Environment, Climate Change and Land Reform Committee. However, in taking evidence and then considering what action we wish to take, it will be helpful if the ground that we cover today focuses on the issues as they relate to the call for a licensing system.

I welcome Tim Baynes, director of the Scottish moorland group, and Dr Colin Shedden, Scotland director for the British Association for Shooting and Conservation. Thank you for attending today. You have an opportunity to provide a brief opening statement, after which we will move to questions from the committee.

**Dr Colin Shedden (British Association for Shooting and Conservation):** Thank you, convener. We are grateful for the opportunity to be here this morning.

The petition calls for a state-regulated licensing system for game bird hunting in Scotland. In reality, such a system would license all game bird hunting, which would include rough and walked up shooting as well as driven shooting, and the shooting of pheasant, partridge, ptarmigan, woodcock and snipe as well as grouse. It would

affect all who shoot game, whether reared and released or wild. It could affect the vast majority of the 49,000 shotgun certificate holders in Scotland and many thousands of people who come to Scotland from all over the world to shoot each year.

Shooting is a substantial rural industry in Scotland that influences the management of about two thirds of the land and supports 8,800 full-time job equivalents. More important, the conservation work that is carried out by shooters from all walks of life is equivalent to 3,900 full-time workers.

The argument has been made that game bird hunting in Scotland is the least regulated in Europe and North America. Game bird hunting is regulated in Scotland; initially, it was regulated by the game acts that date back to 1832 and, more recently, it has been regulated by the Wildlife and Countryside Act 1981, as amended, and the Wildlife and Natural Environment (Scotland) Act 2011, which introduced vicarious liability.

Those who participate in game bird hunting are regulated by some of the toughest firearms legislation in Europe; they must have a shotgun certificate, which means that they have been vetted by the police. As noted in the wildlife crime report for 2015, such certificates can be revoked, with wildlife crime considered relevant in such a revocation, at a civil burden of proof. Although shoot licensing does not exist in Scotland or anywhere else that I know of in Europe, game bird hunters are, in effect, licensed very much in the way that the petitioners desire.

In addition, Scottish Natural Heritage now has powers to withdraw the general licences that allow essential management activities to take place; those can be withdrawn from landholdings that are suspected of involvement with wildlife crime—and that has happened.

We therefore have a wide range of both civil and criminal law, including vicarious liability, which amounts to unusually stringent legislation. We are also waiting for the introduction of stiffer penalties for wildlife crime. As I have outlined, contrary to the petitioners' claim, game shooting in Scotland is well regulated, and the regulation has been updated regularly.

The petitioners claim that shooting is underpinned by illegality and that persecution is endemic. Shotgun certificate holders are among the most law-abiding sectors of society; any hint of illegal activity can lead to the withdrawal of the right to hold a certificate and the ability to shoot. In recent years, there has been an average of about five poisoning incidents a year in Scotland. We agree that that is five too many, but that number is considerably fewer than the petitioners suggest.

The fear of the cost and the bureaucracy surrounding any shoot licensing scheme on top of the current legislation and regulation that land managers face could act as a disincentive and may lead to shoots being abandoned and important conservation work being deserted. Much of the existing stringent legislation that is in place is recent. We suggest that it will continue to make a significant contribution to efforts to eradicate wildlife crime without the need for further regulation at this time.

**The Convener:** You said that the current legislation is “unusually stringent”. Is that compared with the legislation in other countries?

**Dr Shedden:** The legislation that affects those who shoot in Scotland is tougher than the legislation that applies in England, Wales and Northern Ireland. In a United Kingdom context, Scotland probably leads the way in effective legislation to tackle wildlife crime.

**The Convener:** In what circumstances and with what type of evidence have general licences been withdrawn?

**Dr Shedden:** General licences have been withdrawn recently in two areas in Scotland. SNH has withdrawn them because of the suspicion of wildlife crime having taken place on two properties. Those general licence withdrawals are being challenged, and I believe that the matter is going to judicial review in January.

**The Convener:** When proposals for the current regulated scheme were being introduced, was your organisation in favour of them, or did it resist them at that time?

**Dr Shedden:** We had certain reservations about the restrictions of general licences, but we recognised that the approach was probably a reasonably cost-effective way to ensure that wildlife crime was properly addressed. As I said, a judicial review is coming up that relates to two sites. I had probably better wait until that has been heard before I say any more. However, we are generally supportive of any steps that are taken to fight wildlife crime. I would be happy to expand on that later.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I note that Scottish Land & Estates considers that the new penalties regime arising from the review of wildlife crime penalties in Scotland is the “icing” on the legal structure. Do you share that view? If you do, will you expand on why you share it?

**Tim Baynes (Scottish Moorland Group):** Yes. We generally support the outcome of Professor Poustie’s review because, having looked at the issue, it came up with a number of solutions and imaginative new penalties, and it recommended

that the tariffs, which had got very out of date, be toughened. I think that they were previously renewed in the 1990s. We generally support that as a measure to deter wildlife crime. It seems entirely sensible. I know that the tariffs have not been announced yet, but there is a general assumption that they will be adopted as recommended. However, I cannot be sure of that.

**Rona Mackay:** Do you think that that regime goes far enough?

**Tim Baynes:** Yes. It is the icing on the cake because, as Colin Shedden said, there is a pretty tough wildlife crime regime. There will be an extra disincentive or deterrent if the tariffs are increased.

**Rona Mackay:** Thank you.

**Angus MacDonald (Falkirk East) (SNP):** Good morning, Dr Shedden and Mr Baynes. I think that it is fair to say that there has been a mixed reception for vicarious liability since its introduction in the Wildlife and Natural Environment (Scotland) Act 2011. In his preamble, Dr Shedden referred to the “unusually stringent legislation”. I am keen to know what your views are on the impact of the vicarious liability provisions in the 2011 act and how that is progressing. In particular, I would be interested in getting a picture of how the act has impacted on land management practices.

**Dr Shedden:** I am sure that Tim Baynes would like to answer that question. He also has a short opening statement, which maybe could be heard at some point.

The main impact of vicarious liability has probably been to ensure that any contract of employment is explicit about the fact that no wildlife crime and no use of poisons will be tolerated. Practically every gamekeeper in Scotland and everyone who is employed in the land management sector will have a contract that is explicit that there will be no tolerance of wildlife crime.

I am sure that that will have a considerable impact in the coming years. Those who employ land managers have to protect themselves, and the main defence will be to ensure that the contract is in place and that there is on-going training to ensure that everything is above board.

**The Convener:** Mr Baynes, do you wish to respond? You may add your statement at this point, if you want to.

**Tim Baynes:** I would like to make a brief opening statement. Much of the evidence behind the petition seems to revolve around grouse moors, although the petition covers all kinds of shooting, and I would like to cover one or two points in that regard.

Thank you for the opportunity to come here today. I am talking on behalf of the 2,500 or so people who operate Scotland's 140 grouse moors. They are passionate about the work that they do looking after the uplands, the birds and the habitats. The petitioners say that environmental concerns are behind their call for licensing, but there is solid evidence that the muirburn, the predator control and the other work that goes on around moorlands is a positive net contribution to the environment—for example, it helps waders, whose numbers are fast declining elsewhere.

Colin Shedden has outlined the regulations, and there is a long list of other things that keepers have to abide by every minute of the day—what they do is heavily regulated. The petitioners have not put forward any detail about how a licensing system could add benefit to all the regulation that is already in place.

The petition rests mainly on grouse moors, but we do not recognise the picture that the petitioners paint about how grouse moors are managed. We condemn any form of wildlife crime. Like the petitioners, we are members of PAWS—partnership for action against wildlife crime Scotland—and share the same objectives. However, the evidence shows that grouse shooting is not “sustained by criminality”, as the petitioners allege.

We would like to mention the positive impact that the tighter regulation has had, particularly in the past five years, and the actions of PAWS. There is a lot of partnership working on this issue.

We question why the RSPB chose to refer to its own report, which goes back over the past 20 years, rather than focusing on the most recent five years, which is the most relevant period.

Earlier, the new Government wildlife crime report was mentioned. I do not think that it had come out the last time the committee met. Broadly speaking, it shows that there has been a gradual decrease in wildlife crime over the past five years. We think that the figures for crime relating to raptors in the past three to five years are the lowest that they have been. That suggests to us that the current measures are working.

The petitioners also said that crimes were going undetected. That is often mentioned. However, earlier this year, in his evidence to Parliament, Assistant Chief Constable Graham did not accept that we were seeing only the tip of the iceberg. He said that the police were not missing the vast majority of what is going on.

On the other side of the coin, we have helped to develop voluntary schemes, such as the wildlife estate Scotland Initiative, which is supported by Government. Currently, 43 estates, covering 1.1 million acres, are accredited, and another 29 are

under assessment or are getting ready to be assessed in the next year or so.

We work in partnership with PAWS and SNH in the heads up for harriers project, and we are also involved with the south of Scotland golden eagle project, which is just getting going after many years of gestation, and the east Cairngorms moorland partnership. All those projects have raptor conservation at their core. We are doing everything that we can through voluntary initiatives to help with raptors in particular.

We do not recognise the impression that is given by the petitioners that grouse moors are raptor deserts. Since the committee last met, the golden eagle survey has been published. It shows a 20 per cent increase in golden eagles since 2003, many of which are on managed grouse moors.

The committee might be interested in hearing about our positive four-point plan, which we think could deal with the issue once and for all, hopefully. I would be happy to discuss it with the committee.

09:45

**Angus MacDonald:** It would be good if you could share that four-point plan with us. In fact, it would have been good to have had that in advance.

**Tim Baynes:** Okay. I was not sure how much time there was to spare.

The first point in the plan is that we very much support the continued enforcement of the law on wildlife crime. That is essential. There is a tough regime, and it needs to continue to be enforced. The tougher penalties that we were discussing earlier would help that and would ensure that the current momentum is maintained.

Secondly, we ask for support and development of the wildlife estates initiative and the other collaborative schemes and projects that are going on. Other sectors, such as farming and forestry, have their own accreditation schemes, which I think are very effective. The wildlife estates initiative is a rigorous accreditation scheme. It cannot be done in five minutes. It started slowly, but it is on the rise, and more and more estates are signing up and are being accredited. Those sorts of formal initiatives make working together with people at RSPB Scotland and the raptor study groups much easier, as there is a formal framework that we can operate in together. We would say that that sort of co-operation is the way ahead.

Thirdly, you may be aware of the understanding predation project, which was run by Scotland's moorland forum. All stakeholders across the board

came together to consider the whole question of predation and how it can be managed. It was a groundbreaking scheme. At the moment, they are working on the next stage of it, which will be a big, live management project, with everybody involved. It will draw on the proven methods of environmental conflict resolution. We think that that is a very important way for everybody to move forward together on an understood scientific basis to deal with the issue of predation.

Finally, on the fourth point, we would very much like there to be greater co-operation between ourselves, the raptor study groups and the RSPB. We have tried hard on this. For instance, just this year, with the help of SNH, we developed a new protocol for national bird surveys. Last year it was the golden eagle; this year it has been the hen harrier. The aim was to build better working relationships and better trust between the people on the ground and the people doing the surveys, which has become a bit strained over the past few decades. We are keen to rebuild that relationship. It is only by working positively together that we are going to deal with those issues.

That, in a nutshell, is our four-point plan.

**Angus MacDonald:** Thank you.

**The Convener:** That is very useful—thank you very much.

**Maurice Corry (West Scotland) (Con):** On the question of accreditation, gentlemen, the Scottish Land & Estates submission referred to the wildlife estates Scotland accreditation programme, which I understand is administered by Scottish Land & Estates. What external input was there from other organisations or groups into developing the accreditation requirements or assessing applications?

**Tim Baynes:** The programme is initiated and supported by Scottish Land & Estates, but it had support from the outset from Scottish Natural Heritage, which has been very much behind it, and from the Cairngorms National Park Authority, which was also very supportive. As for the expert panel—the specialists who helped with it—the RSPB has been on it right from the outset, as has the Game and Wildlife Conservation Trust. The accreditation is run by a professional accreditation body, which used to be Scottish Food Quality Certification, although it now has another name. It is the same organisation that does some of the farming schemes. The idea at the outset was that there should be as broad a church of support as possible. That is still happening. There are discussions with other organisations and agencies to support it.

**Maurice Corry:** So it might well spread, given the input into the accreditation programme.

**Tim Baynes:** We very much hope so. It is a slow burn—the number of estates taking part is building up slowly. As the number of estates increases, the bank of data that is produced becomes more and more helpful. As the years progress, one can see patterns in wildlife species. We have mentioned that the number of golden eagles on accredited estates can now be counted. That sort of thing is developing.

**Brian Whittle (South Scotland) (Con):** Good morning. Do you accept that, given the relatively small numbers of raptors, any persecution is significant? Do you accept that those who break the law are almost forcing the hand of legislators? There have been discussions on the efficiency of self-regulation. How is that working in practice? Is there any liaison or engagement with enforcement agencies?

**Dr Shedden:** Yes, raptor population numbers may be relatively low compared to the numbers of other bird species, but they tend to be top predators and Scotland has reasonably healthy populations of most raptor species. As Tim Baynes alluded to, golden eagle numbers have increased by 20 per cent since 2003. There have been a couple of good breeding seasons for hen harriers, so we expect that, when the hen harrier survey completes, it might indicate an increase in that population, too. There are over 500 pairs of hen harriers and over 500 pairs of golden eagles, so we are not talking about small numbers. They are territorial birds, so they are usually well spread out.

We accept that the killing of any bird of prey is very damaging for the shooting industry. I work for an organisation that deals with shooting and conservation, and people ask how I can do that when some who are involved in shooting are allegedly involved in any form of wildlife crime. It is in our best interests to stamp out the issue as best we can. That is why we work with as many other agencies as possible.

Tim Baynes mentioned that our organisations are members of the partnership for action against wildlife crime. We hope that we work very effectively with the partnership. An example of that is a sharing best practice event that was open to the general public to demonstrate to people how to identify wildlife crime if they come across it. I was certainly happy to take part in that process and to point out to the general public legitimate land management tools such as trapping and snaring and how they might be abused in certain situations. The public were trained to recognise when abuse is taking place. We are happy to work with the public and other agencies to ensure that as many people as possible know what is a legitimate wildlife management activity and what is potentially illegal and should be brought to the

attention of the police. We also train the police in those management techniques.

**Brian Whittle:** In the foreword to the “Wildlife Crime in Scotland 2015 Annual Report”, the cabinet secretary welcomed the reduction in raptor persecution offences but she did so with caution, making reference to the review that she has instructed into missing satellite-tagged birds of prey. Can a clear trend in raptor persecution be demonstrated until the findings of that review are known?

**Tim Baynes:** Since the Government statistics started to be produced—the 2015 report is the fourth annual report—there has been a definite downward trend in bird of prey crime. The way that some of the statistics and the police and other figures are worked is quite confusing but, underneath, there is a definite downward trend, and that is definitely what we see on the ground as well.

On the point about the minister’s foreword, we welcome the examination of satellite tagging, because we need evidence. In the whole field of wildlife crime and in particular in raptor crime, we often lack hard evidence as to what has happened, so we think that that is the right approach. We note that, in recent cases of satellite tags stopping working, no bird of prey was found dead and the police did not treat those as crimes. We do not know why the RSPB collected the data for five years and never came to speak to the people who owned the land where the satellite tags were last recorded. If the RSPB had spoken to the relevant landowners, we might well have been able to find out what had happened. We support finding more evidence.

**Brian Whittle:** Do you have a view on whether the increase in recorded raptor persecution offences illustrates that there are valid concerns about raptor persecution?

**Tim Baynes:** We recognise the valid concerns—we do not deny them—but we think that the figures show a downward trend. That seems very obvious.

The committee’s meeting paper 1 mentions Police Scotland’s disaggregated offence data. I do not want to get into the technicalities of the 2015 report, but there is a time lag between the police calculations and the figures. I refer the committee to page 37 of the report, which shows that the number of incidents of bird of prey crime has decreased from 19 in 2013-14 to 18 in 2014-15. That follows a general downward trend over the past five years.

**Angus MacDonald:** Your earlier comments regarding the RSPB are noted. Some of the decisions that have recently been taken by the RSPB have been a mystery to many of us.

You will be aware that game bird hunting has recently been considered through the UK Parliament’s petitions system, and that one petition called for a ban on driven grouse shooting. As you know, SLE questioned whether the potential environmental, economic, community and cultural impacts had been taken into account in that petition. However, the petition that is before us calls for licensing, rather than for a ban. Do your concerns about licensing cover the same potential impacts as those that SLE identified?

**Dr Shedden:** The petition calls for a state-regulated licensing system for game bird hunting in Scotland, which confuses me—as does some of the evidence that has been presented—because I am not sure whether that is set at the individual level or at the collective level for a shoot. Is the shooter to be licensed or the shoot itself, which could mean the land or the collective group of people who have come together, formally or informally, to shoot?

I have been trying to make the point that, at the individual level, the shooter is already licensed. It is a state-run scheme that is administered by the police and the civil burden of proof is used, which is exactly what the petitioners want. My argument is that a shotgun certificate is, in effect, a shoot licence in itself.

If we are talking at a more collective level, it is difficult to see how a shoot licence could be administered, for example we do not know whether it would be based on land or on people coming together, formally or informally. If it is on the collective basis, that would be new territory as it has not occurred in Europe before—as far as I am aware—and it concerns me, because it would be a bureaucratic and costly form of licensing that would be another burden on shoots. The majority of shoots are small and informal and licensing could lead to their being totally disbanded and to landowners thinking that shoots are not worth the trouble. The shoot could collapse and the conservation benefits that come from shoot management would also disappear.

**Tim Baynes:** What seemed to come out of the Westminster debate was that the impacts are unknown and unquantified, although, obviously, a ban on driven grouse shooting would have a very serious impact on the uplands in England. I echo what Colin Shedden said—there would be a loss of confidence and of the willingness to go out and do that unpaid conservation work. It would be another reason for people not doing it and it could undermine all sorts of aspects of rural life.

**Alison Johnstone (Lothian) (Green):** Thank you for your statements this morning, some parts of which I agree with whole-heartedly—for example, your four-point plan might work very nicely alongside a licensing regime. Some other

views—on muirburn—are perhaps not shared by everyone as there are concerns about the deterioration of soil, the degradation of peatland and so on.

I want to focus on licensing. You said yourself that two thirds of the land is impacted by shooting activities, and there is growing public interest in that—I am certainly aware of it through the contents of my mailbag and I am sure that colleagues are, too.

On the specific issue of raptor persecution, the 2015 national golden eagle survey informed us that golden eagle range occupancy is only 39 per cent in the east of Scotland where the dominant land use is driven grouse shooting. There is a good food supply there compared to the north-west Highlands where range occupancy is 95 per cent. Why do you think there is a difference?

10:00

**Tim Baynes:** That is what was seen. I had a look at the summary report on the survey. The east of Scotland has had that level of occupancy for decades now. In fact, the level of breeding success in the east of Scotland is the highest anywhere. The highest occupancy levels are in the west of Scotland, such as in the Western Isles, and the levels gradually decrease to the east.

An interesting thing that came out of that report is that the south central Highlands has had the highest increase in occupancy. I think that the figure is 70 per cent. That area, which runs down the spine of the Highlands, includes a lot of driven grouse moor areas as well. Like all these things, it is a really complicated picture, but grouse moor managers are passionate about golden eagles. They really do want them.

There are many things happening in the eastern Highlands, and the reason for low occupancy could be many things other than just that there is grouse shooting there.

**Alison Johnstone:** Perhaps, but the relationship seems to be something that we need to investigate seriously. If the issue goes to the Parliament's Environment, Climate Change and Land Reform Committee—I hope that it does—perhaps that committee could look at it further.

A recently published scientific report that was commissioned by SNH points out that there has been no decline in levels of illegal killing of red kites in the north of Scotland. Does that not fly in the face of your assertions that raptor persecution is in decline?

**Tim Baynes:** That report looked all over Scotland. The red kite in other parts of Scotland were doing very well, but they could do better in the north of Scotland.

I can only echo what has been said. If there is raptor persecution, it needs to be condemned and stopped. We were quite clear about that when that report came out.

**Alison Johnstone:** You have suggested that we are more regulated than other parts of the UK. I know that SNH is undertaking a review of our European neighbours' systems, but it appears that we have the least regulated and most intensive game bird shooting system in Europe. In a recent article in *Shooting Times*, the British Association for Shooting and Conservation suggested that a licensing system in which a right to shoot is dependent on legal and sustainable management would be a threat

"to the socio-economic and environmental benefits of game bird shooting in Scotland".

Do you agree?

**Dr Shedden:** Yes. As I pointed out earlier, I have argued that there is already a lot of licensing in Scotland, and the introduction of another tier might just replicate what we already have in place, if it is at the individual level. I feel that it would be going a bit too far for an individual to have to apply for a shotgun certificate to get the tool to allow him to go and shoot, then to apply for a separate licence, and to get the permission of the landowner.

There are other impositions coming through just now. All owners of land are faced with the prospect of sporting rates being introduced from next year, and the licensing system relating to air weapons will come into effect on 1 January 2017. Those who shoot in Scotland are being faced with a number of financial impositions, and we see shoot licensing as another one. As I said, it could lead to the end of some of the smaller informal shoots that are the mainstay of shooting for ordinary people.

**Alison Johnstone:** Clearly, this activity has an impact on the entire ecosystem. A system should be in place whereby we understand how many animals have been shot—how many hares have been culled, for example—and so forth. Any well-designed legislation would take account of the concerns that you have about duplication. However, if you maintain that the regulation of shooting is a threat, is that not an acknowledgement that the current shooting management system is undermined by unsustainable and illegal practice? Surely well-run estates have nothing to hide.

**Dr Shedden:** Estates that are well run have nothing to hide, but they may have difficulty in accommodating increased bureaucracy. The voluntary approach is working well; the wildlife estates Scotland initiative is a good example of the

voluntary approach that shooting has been built on over the past 150 years in this country.

Things have improved enormously; there has been legislation as and when required. Scotland is well-regulated now with respect to shooting, and the voluntary approach takes it much further forward. There is the code of good shooting practice, and there are codes of practice for all sorts of different aspects. We promote those codes of practice—we write most of them—and we expect all our members to abide by them, as well as by the law.

**The Convener:** Thank you. I think that we have come to the end of our questions, although they may have raised more questions in everyone's minds. Before we think about how we deal with the petition, are there any final points that the witnesses want to make?

**Dr Shedden:** I have no further points, thank you.

**The Convener:** Okay. I ask committee members for their views on what action to take on the petition.

**Angus MacDonald:** We have spent longer considering this petition than we normally would, because we asked for the alternative view to the petitioner's view. I think that we should refer the petition to the Environment, Climate Change and Land Reform Committee for consideration as part of its scrutiny of the "Wildlife Crime in Scotland 2015 Annual Report" and other upcoming work that the committee may have after the Christmas recess. I know that that committee has followed the progress of the petition at this committee up to now.

**The Convener:** It has been useful to hold today's session, which highlights the range of issues that we have focused on. It does not feel to me that it is necessarily the role of this committee to pursue the petition. What do other members think about Angus MacDonald's proposal?

**Brian Whittle:** We have been through the issues from every angle and made sure that we have very balanced views from both sides. I cannot see how much further we can take this. I agree with Angus MacDonald about passing it on.

**Rona Mackay:** I agree that we should pass the petition on to the ECCLR Committee to take forward. We have exhausted it as far as we can go.

**Maurice Corry:** I welcome the information that we received from Dr Shedden and Mr Baynes. It gives us a good, balanced view of where we are, what is in place and what needs to be put in place in relation to some of the issues that the petitioners have made. It is now a matter for the ECCLR Committee to consider; we have

exhausted what we can do. I appreciate the reports that the two gentlemen gave; it was useful to see the balance and I commend them.

**The Convener:** Members are in agreement that we refer the petition to the ECCLR Committee for its consideration as part of its scrutiny of the annual report on wildlife crime. That means that the petition will not come back to this committee, but the issues that have been highlighted today and at previous meetings will, at the discretion of the ECCLR Committee, be explored further.

I thank our witnesses for attending. We will suspend briefly.

10:08

*Meeting suspended.*

10:10

*On resuming—*

## New Petitions

### Recycling (PE1622)

**The Convener:** Agenda item 2 is consideration of new petitions. PE1622, by Stephen Duff, calls for the failure to recycle to be made a criminal offence. The petition has collected 10 signatures in support of it.

Members have a copy of the petition and background information in the Scottish Parliament information centre briefing, which also provides information on the progress that has been made on managing household waste in Scotland and how it measures against the Scottish Government's targets, and on recycling arrangements elsewhere in the UK and Europe.

Do members have any views on what action we should take on the petition?

**Brian Whittle:** I just wonder how it would be enforceable.

**The Convener:** There is an enforcement issue, but I was quite intrigued. I confess that, when I first looked at the petition, I thought that the failure to recycle could not be made a criminal offence but, as the background information makes clear, different countries have moved to create not just incentives to comply but disincentives for not complying. I found that quite interesting.

**Rona Mackay:** The issue is very complex and enforcement would be very difficult. It is really up to the local authorities to address the need to bring recycling in their areas up to the targets. It is not realistic to say that we should introduce legislation in that respect.

**The Convener:** I wonder about support with regard to local authorities. We and the local authorities have to meet what are quite significant targets. I presume that, if a target is established, there must be a means of reaching it. I do not know what the answer is, but I feel that the petition at least asks questions that might be worth pursuing.

**Rona Mackay:** I think so, too. I live in a flat, and we cannot recycle as we have no recycling facilities. I do not know how these things would be done, because providing that service would mean an enormous change in approach from the local authorities. I am not saying that they should not do so, but I do not think that what is proposed is the way to do it.

**Brian Whittle:** I am interested in hearing thoughts on the kind of legislation that can be brought into play and what that would mean for

local authority enforcement. I am not particularly knowledgeable on the matter, but I would be interested in finding out where people think that legislation would take us.

**The Convener:** We could ask the Scottish Government how it proposes to reach the astonishing target of 70 per cent by 2025 for

"recycling/composting and preparing for re-use ... waste from households".

The petitioner has said that, with the recent rate of increases in recycling, it would take 42 years to achieve the Scottish Government's target. I will not be here to see that, but there you go. I will have been recycled myself by that point.

**Brian Whittle:** No, convener. You will have been pickled and put in the foyer.

I have five recycling bins in my house, and I pretty much recycle everything. I sometimes find my kids in them—it is ridiculous.

**Rona Mackay:** We have to do our own recycling, because bins are not provided to us. Obviously, sorting all of that out is a massive undertaking. There is also an issue to do with deprivation and affluence; more affluent areas are better at recycling than more deprived areas. The issue is huge.

**Brian Whittle:** Yes. That is a good point.

**The Convener:** Of course, issues such as littering and not using bins properly are sometimes related to antisocial behaviour. Am I right in saying that although we are not convinced that making the failure to recycle a criminal offence is the way to go, the petition raises quite interesting questions, and that it might be worth asking the Scottish Government for its views on the action that is called for in the context of its targets on recycling and the reuse of waste from homes?

**Rona Mackay:** That would be worth doing.

**Maurice Corry:** Argyll and Bute Council, in which I am a councillor, has just gone through a massive change, and we are now going down the route of giving much better information to all the communities and towns. That approach is beginning to work well, and we have quite a high record of recycling.

For example, we looked at our own household recycling rates. I have one ordinary bin for standard waste—we call it the green bin—and it now has only a quarter of what was in it at the beginning of the year. We can recycle so much more, but the problem is that people are not being told by individual councils exactly what they can recycle.

10:15

**The Convener:** So it might not be about legislation.

**Maurice Corry:** No. It is about empowering local authorities. That is what we have done—we have empowered officers to go out and persuade people. If necessary, local authorities can bring in byelaws or regulations at that level. It is down to the local authorities to do it, because they have teams that can go around. We are not quite into photographing bins and warning people, although that happens in some areas. It is an education process. This proposal is really taking a sledgehammer to crack a nut, whereas education and communication could be done. In my area, more things are coming out over the course of the year. I do not know whether the same is happening in other areas, but certainly my council has made a big effort on the issue.

**Brian Whittle:** I would just like to know which bin I am supposed to put out each week. That would be really helpful.

**Angus MacDonald:** I concur with Maurice Corry that this is the responsibility of the local authorities. I am aware that there is a pot of money sitting at Zero Waste Scotland that local authorities can tap into to improve the education of residents on recycling. There is money for that, but it is up to local authorities to tap into it.

**The Convener:** The story is not entirely a negative one. People recycle more than they have ever done in the past. I expect that my children's generation is much more aware of the issue than the previous generation was, which is something.

As well as writing to the Scottish Government, we might also write to the Convention of Scottish Local Authorities to clarify the issue. COSLA might feel that it needs some legislative support. I note that, according to evidence that we have been given, the idea of giving people incentives—carrots as opposed to sticks—does not work. We could usefully flag up those issues and see what response we get. Is that agreed?

*Members indicated agreement.*

**Maurice Corry:** Absolutely—COSLA should be brought into the issue.

**The Convener:** Thank you. We thank the petitioner for raising the issues.

### **Adultery (Definition) (PE1624)**

**The Convener:** The next new petition is PE1624, by Akri Jones, on the definition of adultery. Members have a copy of the petition and a briefing note. The briefing explains that the issues raised in the petition were considered in the Marriage and Civil Partnership (Scotland) Bill,

which became an act in 2014. The petitioner brought a petition in substantially similar terms in the previous session of Parliament after that bill was passed, and that previous petition was closed on 31 March 2015 on the basis that there was no intention to legislate further in the area in session 4.

The petitioner contends that the current definition of adultery breaches equalities and human rights law. As the issues were considered by the Parliament fairly recently, I suggest that, in the first instance, we write to the Scottish Government seeking its current view on the issue raised by the petition and asking whether there is an intention to consult or legislate on the issue in the current session.

I am happy to hear members' views.

**Angus MacDonald:** That is the best course of action. We had clarification in the previous session that there was no intention to legislate, but there is every possibility that that could change.

**Rona Mackay:** I agree. I have some sympathy with the petition and I think that there is definitely merit in pursuing it, on the basis of equality.

**Maurice Corry:** I agree with Rona Mackay. Times have moved on, and we are where we are with civil partnerships and marriages between same-sex couples. We just have to move forward. I agree that it has to be a Government issue.

**The Convener:** In that case, do we agree to write to the Scottish Government, seeking its view on the petition and asking whether it intends to legislate on the issue in the current session of Parliament?

*Members indicated agreement.*

**Maurice Corry:** Brian Whittle and I are named in the petitioner's comments. We were written to, but that was as far as it got. We did not express views one way or the other on the issue.

**Brian Whittle:** I received an email from the petitioner, and I acknowledged receipt of said petition. All of a sudden, my name and that of Maurice Corry appear as names of people whose support has been sought by the petitioners. I just wish to note that—it is slightly misleading.

**The Convener:** I think that most people will be aware of the distinction between seeking and receiving support.

## Continued Petitions

### School Bus Safety (PE1223)

10:20

**The Convener:** Agenda item 3 is consideration of continued petitions.

We will deal first with petition PE1223, by Ron Beaty, on school bus safety. I welcome Stewart Stevenson MSP, who has a long-standing interest in the issues that we are going to discuss. At our previous consideration of the petition, we agreed to write to Transport Scotland. We sought clarification from it on its response to a pilot programme on school bus signage that was conducted by Glasgow City Council. Transport Scotland has provided a response indicating that it considers that a one-size-fits-all approach to the issue is not merited, and that the case has not been made for a national roll-out. Members will see from the clerk's note that Transport Scotland has undertaken a range of measures, including contacting the UK Government to enhance awareness of the school bus sign in the "Highway Code" and the driving test.

As members know, we received the very sad news that Mr Beaty has passed away since we last considered the petition. I am sure that members will wish to join me in expressing our condolences to Mr Beaty's family and in recognising Mr Beaty's efforts in raising the issue with the Scottish Parliament over many years. It is worth noting that Transport Scotland's submission dated 21 September commended Mr Beaty for his achievements in influencing Scottish policy on the issue. I am sure that members will agree with me that, even from reading the evidence that he provided, we can acknowledge what is a very powerful message about the need for action.

Do members have any comments or suggestions on how we take forward the petition? It might be worth while for Stewart Stevenson to make some comments at this point.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Thank you very much, convener. I am sure that Ron Beaty's family will very much appreciate the kind remarks that you have made, and indeed the comments that Transport Scotland made before he died, which, being prospective, are possibly even more highly valued.

It is worth making the general comment that Ron Beaty, following an accident involving his granddaughter, first petitioned the Scottish Parliament on the issue of school bus safety in 2004. He was, beyond doubt, the most persistent and one of the most effective petitioners, and his would be a good model for others to pursue. He

had a proper and mannerly way of dealing with difficult issues, which this one is.

Turning to the subject before us, the response from Transport Scotland is perfectly proper. In relation to school bus signs in particular, which is one of the two topics of the petition, it identifies that, in its tests, only 11 per cent of people identified the signs in hazard perception tests in daylight conditions, and 8 per cent or so did so in darkness. That broadly leaves open the question whether more can be done but, noting that the "Highway Code" has been amended at rule 209 and that the test is being amended to raise awareness, we can count that as a substantial and real achievement, although it is perhaps not the closing of the issue in the long term.

The committee may also care to consider the other matter that is addressed by the petition, which is that of making overtaking a stationary school bus a criminal offence. I am not sure that that is within the gift of the Scottish Parliament—I believe that it is not. I suggest that the only further thing that the committee might consider doing—I am not urging; I am merely informing—is to ask the Rural Economy and Connectivity Committee, which has responsibility for transport this session, whether it might care to consider issues arising from the petition, including stationary school buses and defences associated with that. I suspect that, for this committee, given that the petition has gone on since 2009 and has notched up a fair number of achievements and changes, you may be running out of options.

**The Convener:** I understand that the question of overtaking is reserved. I think that there is a broader issue about the mindset of drivers. In my time as a schoolteacher, we lost young people because they were knocked down coming round the front of a bus. I do not know whether we can legislate for driver mindset, but I am sure that even the fact that the issues have been discussed and raised over a period of time will have had an impact on public perceptions.

What are members' views? It feels to me that we would want to close the petition under rule 15.7, on the basis that Transport Scotland has identified alternative measures to address the issues raised by the petition. Do members have views on Stewart Stevenson's specific suggestion that we flag up to the relevant committee those broader questions that he has identified?

**Brian Whittle:** The point about overtaking a stationary bus makes the assumption that people can identify the bus as being a school bus and whether schoolchildren are aboard the bus at the time. It is almost a dual issue; I feel that being able to properly identify the bus as a school bus is key, but it would be problematic to make the overtaking of a stationary bus a criminal offence. The

convener talks about addressing the mindset of drivers. That issue is probably more akin to issues to do with the “Highway Code”.

**The Convener:** In Glasgow, very few schoolchildren are on school buses, because most are on regular buses. The examples that I could give from my teaching career involve youngsters who were on regular buses. None of the suggestions really addresses that question, which is that, at certain times of the day—quarter to 9 in the morning and half past 3 or 4 o'clock in the afternoon—drivers should be very alive to the fact that large numbers of young people are getting on and coming off buses. That does not feel to me to be a matter that even Transport Scotland could address.

**Brian Whittle:** It feels to me that we should be doing something but, unhelpfully, I cannot think what.

**Rona Mackay:** I am minded to say that the petition should go on to the Rural Economy and Connectivity Committee but, to clarify, would it just be the issue of overtaking school buses that is the reason that it would go there? Is there any other reason why it would go there?

**The Convener:** If we close the petition, we would recognise that it includes transport issues, and we would write to the committee that is responsible for transport, perhaps capturing this debate and saying that we would welcome it if the committee looked at the issue further.

**Rona Mackay:** I definitely support that suggestion. From reading the background, Ron Beaty had some fantastic achievements. It is a good idea to move the petition on to the relevant committee. I do not think that we can take it any further.

**Maurice Corry:** I have a question. Do we have any statistics showing the occurrence of municipal and rural accidents?

**The Convener:** I think that there are some figures in the papers.

To clarify, if we close the petition, we would write to the relevant committee to say that we have considered the issues. We cannot direct that committee as to what it might do with the information, but it may wish to look at those matters as part of its work programme. Stewart Stevenson will know better than I do what figures are available, but I am not sure that they capture youngsters travelling on school transport and those travelling on regular buses.

**Maurice Corry:** Stewart Stevenson said that the rural aspect is important, and that is something that the Rural Economy and Connectivity Committee can look at.

I am sorry to come back to my council, but I know that Argyll and Bute Council has started to put wardens on the buses at school time, which has helped.

**The Convener:** It is not so much that it is a rural issue—the point is that the rural committee is also responsible for transport.

**Maurice Corry:** Sorry—I beg your pardon.

**The Convener:** Do members agree to close the petition and take the actions that have been discussed?

**Members** *indicated agreement.*

**The Convener:** I thank Stewart Stevenson for his attendance. I think that members will again wish to acknowledge the work of Mr Beaty and his family. His legacy is certainly one to be proud of.

**Stewart Stevenson:** Thank you, convener.

### **Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)**

10:30

**The Convener:** The next petition is PE1408, by Andrea MacArthur, on updating pernicious anaemia and vitamin B12 deficiency understanding and treatment. The committee has a copy of the Scottish Government's latest response and a submission from the petitioner. Members will recall that, since the petition was lodged, the British Committee for Standards in Haematology published guidelines in June 2014 on the diagnosis of B12 and folate deficiency. The Scottish Government received advice from the diagnostic steering group that those guidelines were not suitable for the Scottish practice setting, so it commissioned the Scottish Haematology Society to prepare a summary document based on the guidelines to provide to general practitioners in Scotland.

The session 4 Public Petitions Committee considered the draft guidelines for the first time at its meeting on 1 December 2015. The committee sought further information from the Scottish Government and the Scottish Haematology Society on the draft document to clarify a number of the petitioner's concerns about it. The Scottish Haematology Society has since withdrawn from the process, citing its limited resources as the main reason for doing so. The latest submission from the Scottish Government advises that no further work will be done on the draft summary document and that there are no plans to publish it, so Scottish clinicians will be expected to refer to the British Committee for Standards in Haematology's guidelines. In her latest

submission, the petitioner has expressed her disappointment with that news.

Do members have any suggestions for action?

**Brian Whittle:** Given the petitioner's disappointment at that outcome, why do we not write to the Minister for Public Health and Sport to ask why Scottish clinicians are expected to refer to the BCSH's guidelines, although they were previously considered not suitable for use in the practice setting in Scotland?

**The Convener:** Yes, it struck me as odd that, although it was said previously that those guidelines were not suitable for Scotland, they are deemed suitable now, following the withdrawal of the Scottish Haematology Society from the process. Is it agreed that we write to the Minister for Public Health and Sport as suggested?

*Members indicated agreement.*

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

**The Convener:** The next petition is PE1463, by Lorraine Cleaver, on effective thyroid and adrenal testing, diagnosis and treatment. Members will be aware that this issue is of interest to Elaine Smith MSP, although she is unable to be with us today. Members will recall that, at our meeting on 29 September 2016, we agreed to request a briefing from SPICe and to consider at a future meeting our approach to the petition. A copy of the SPICe briefing has been provided to members. Since then, we have also had a chance to consider our approach to the petition within the context of our work programme. Do members have any suggestions for action?

**Rona Mackay:** The petition is on a hugely important issue. I agree with the suggestion in the briefing paper that we prepare a report on the issue and seek a debate in the chamber on it. It is a fairly long-standing petition and we need to try to move it on somehow.

**The Convener:** There is no doubt that, over a period of time, the Public Petitions Committee has accumulated a range of information on the issue that would be useful to draw together in the one place. Further, if we had a debate in the chamber on the issue, we would secure a response from a Government minister on it. That would allow members across the chamber or groups beyond the Parliament to highlight the issues involved and to pursue them. Are we agreed on that?

**Angus MacDonald:** I agree with what has been suggested. As you said, convener, we have accumulated a massive amount of evidence on the issue and it would be good to collate that information in a report. Clearly, a debate in the chamber would help to keep what is a major issue

on the radar, particularly the Government's radar. I, for one, do not understand why T3 is not available through GPs, and we need to get to the bottom of that once and for all.

**The Convener:** Okay. Does the committee agree to prepare a report and seek a debate in the chamber?

*Members indicated agreement.*

### **School Libraries (PE1581)**

**The Convener:** The next continuing petition for our consideration is PE1581, by Duncan Wright, on behalf of save Scotland's school libraries. We considered the petition at our meeting on 29 September, when we agreed to write to the Scottish Government and the Scottish Library and Information Council. The responses are included in our briefing pack and the note by the clerk provides a summary of the responses.

The Scottish Government appears not to object specifically to the development of a national strategy for school libraries, but it considers that ministers are not necessarily best placed to lead on that.

Do members have suggestions on next steps?

**Maurice Corry:** In light of the Scottish Government's response, we should write to COSLA and the Association of Directors of Education in Scotland, because there are big issues running throughout Scotland's 32 local authorities just now, certainly in their budget setting. This has come up time and time again, and we need to get a central view on it from COSLA.

**Rona Mackay:** I agree. We need to go to COSLA on this one.

**Brian Whittle:** I am intrigued to know why ministers believe that they are not best placed to deal with this, given that it is an education matter.

**The Convener:** It is interesting that the Government recognises that there are issues but does not see its responsibility while, equally, the Scottish Library and Information Council recognises that there is a need for a strategy but does not really identify what should be the next step. It seems that everybody agrees that there is an issue.

Working on the assumption that people are not wilfully refusing to have school libraries and librarians, it would be interesting to know why people are making the decisions that they are making, what the pressures on them are, and what the core things are that we would expect from schools and education and the role of libraries within that.

We can write to COSLA, and the Association of Directors of Education in Scotland might also have a view.

**Maurice Corry:** Absolutely. One of the issues behind the petition is that there is now so much referral to the internet for the collection of information. Kids are encouraged to use it. One of the dilemmas that councils are facing is the reduction in the use of libraries in schools, yet there are some towns where the municipal libraries are well used. There is a real dichotomy at present.

**Rona Mackay:** Ideally, a combination of books and the internet, working together, would be good.

**Maurice Corry:** Yes—exactly. That is why I think we should go to COSLA and get a steer on this from the directors of education.

**The Convener:** Many school libraries will also have facilities with computers and so on. It is a question of the level of professional that is required. When I was teaching, we were still using the Dewey decimal system. I do not know whether that still happens in schools given that people can just Google most things now. I have no doubt whatsoever that librarians, in their profession, will have moved on along with technology. It would be interesting to know more about that.

Do we think that there is a role for the Education and Skills Committee to look at the matter?

**Brian Whittle:** I do. As you said, convener, everybody recognises that there is an issue but nobody seems to be able to take on the responsibility. I am interested to see who is making the decisions and to whom the responsibility ultimately falls.

**The Convener:** Okay. We can refer the petition to that committee and write to COSLA and ADES. I do not know whether there is anything else.

We have a choice. I am advised that, if we refer the petition to the Education and Skills Committee, it will not come back to us. Do we want to let it go at this point?

**Maurice Corry:** No—certainly not.

**Brian Whittle:** No.

**Rona Mackay:** No. We should write to COSLA and ADES.

**The Convener:** Okay. We will write to them, and we will reflect on the responses at a later stage. Thank you for that.

### Speed Awareness Courses (PE1600)

**The Convener:** PE1600, on speed awareness courses, was lodged by John Chapman. We considered the petition on 29 September, when

we agreed to write to the Lord Advocate to seek his views on the petition and any concerns that his office might have about the effectiveness of speed awareness courses. We have now received the Lord Advocate's response, which is included in our papers. He indicates that he would be happy to consider a detailed proposal and looks forward to the Department for Transport's report on its three-year evaluation of speed awareness courses.

Do members have any suggestions for action?

**Brian Whittle:** We should defer the petition until the Department for Transport has reported on its evaluation.

**Maurice Corry:** I agree.

**Rona Mackay:** I do not think that we can make any other decision at this stage.

**The Convener:** We could also write to the Scottish Government seeking an update from its strategic partnership board following its meeting on 28 September. I think that everybody recognises the significance and importance of the petition. If we are going to hold on to the petition until the DFT has reported back, we could seek an indication from the DFT about the timescale for publication of the report. Is that agreed?

**Members indicated agreement.**

### Deaths by Suicide (Inquests) (PE1604)

**The Convener:** We move on to PE1604, by Catherine Matheson, on inquests for all deaths by suicide in Scotland. We have received a range of responses, including from national health service boards, the Scottish Government and the Scottish Association for Mental Health. We should acknowledge the seriousness with which the people who have responded take the issue and the substantial number of papers that are associated with the petition. The petitioner has provided a submission to address the points raised in the responses. The petition raises a number of issues about the process that health authorities employ to review the circumstances leading to a patient on a community treatment order committing suicide.

The overarching issue is whether the Scottish Government is minded to extend the scope of the review under section 37 of the Mental Health (Scotland) Act 2015. Following the Mental Health Commission's recommendation, the Scottish Government has already agreed to extend the scope of the review to include the suicide of patients on suspension of detention. The Minister for Mental Health did not comment in her submission on whether she is minded to extend the scope of the review to include patients who were released from hospital or were receiving care in the community under a compulsory treatment

order, as called for by the petition. The committee might wish to explore that further with the minister.

Members will see that a number of stakeholders do not agree with the petition's suggestion that there should be an inquest for all deaths by suicide. However, there was some agreement that there might be merit in reviewing or reforming particular aspects of the NHS's review process that the petitioner has highlighted. That includes appointing independent chairs to conduct the reviews and sharing experience of how families can be successfully included in the review process.

We were struck by the power of the petitioner's evidence and the dignity with which she gave it, and I am struck by how seriously respondents take the issue. It is just a question of how we take the petition forward. Do members have comments or suggestions for action?

**Rona Mackay:** I have had a message from Catherine Matheson to offer, on behalf of her family and all other families who have lost someone to suicide, her sincere gratitude to the committee for taking the issue forward. She is very grateful.

**The Convener:** Thank you.

**Rona Mackay:** We should write to the Minister for Mental Health to ask her whether she will expand the scope of the review and why this issue was not included. It is vital to do that. We should write to Healthcare Improvement Scotland to ask for its views on the guidance provided to NHS boards and a number of other points in the recommendations. We need as much information as we can get, and we also need to clarify many of the points made in the information that has already been provided.

**Maurice Corry:** The Mental Welfare Commission is also important.

**The Convener:** We could write to the MWC to ask for its views.

**Maurice Corry:** Absolutely.

**The Convener:** I have had experience of this in the past. When NHS professionals are dealing with these issues, they do not want to feel unable to explore what happened, address it and improve the way in which they act. They almost feel that, because the families will be there at the inquiry, they will become defensive. However, the families feel that their individual circumstances are not being addressed fully and that, rather than a proper open and accountable process, it is only about lessons that can be learned for the future. There is a tension that comes through in the responses that says, "We can't have the families present because it will make people defensive." If you were the family, though, you would think,

"What have you got to be defensive about?" It is a very delicate area.

10:45

**Brian Whittle:** That is not just the case with suicides; it applies across a number of areas in the NHS. All that the family is looking for is closure. As you said, convener, the evidence that was given was very powerful and moving. It leads to some of the conclusions that the committee has already made that the petition should continue to be taken forward.

**Rona Mackay:** The families are looking for closure. They are also looking for reassurance that things will change and improve for other families who are in that situation. It is very brave of the petitioner to fight on the issue, given the tragic circumstances.

**The Convener:** Families also want justice. I do not want to put words into people's mouths but, in my experience of dealing with such cases, people want to be assured that things will not happen again for others, but they also want to know what happened and why it happened and, if people are culpable or have been neglectful, they want that to be addressed, as would happen in other circumstances.

**Maurice Corry:** It is interesting that five NHS boards—Ayrshire and Arran, Highland, Forth Valley, Dumfries and Galloway and Tayside—all have slightly different approaches to their review panel structures. That might well need to be looked at, to consider best practice. I am not saying that they are doing anything wrong; it is just that maybe something could be tightened up.

**The Convener:** We could flag that up to the minister and to Healthcare Improvement Scotland.

**Maurice Corry:** Yes.

**Rona Mackay:** Definitely.

**The Convener:** To summarise where we are, we are agreeing to write to the Minister for Mental Health asking whether the Scottish Government will expand the terms of section 37 of the Mental Health (Scotland) Act 2015 in the way called for by the petitioner; how the findings from the review into the arrangements for investigating the deaths of patients will feed into national policy, including the Scottish Government's new 10-year mental health policy, which is due to be published this year; and what the timetable is for bringing forward the regulations in relation to section 22 of the Health (Tobacco, Nicotine etc and Care) (Scotland) Act 2016 regarding the procedure to follow on the duty of candour. That point is specifically about the fact that the petitioner's son was still under the care of the hospital, although

not resident in it—it is not about the broader question of suicide.

We will also write to Healthcare Improvement Scotland to ask about guidance to NHS boards and how it feels about the fact that the boards have slightly different approaches.

**Rona Mackay:** It is about whether there is some uniformity and how the boards deal with it.

**The Convener:** Yes.

We will also ask for HIS's views on the petitioner's suggestions on improving guidance and requiring review panels to be led by independent persons. One response talked about the importance of an independent chair because that gives confidence. We will also ask HIS for its views on how health authorities can share ways in which families have been successfully engaged with in the review process, including directly in review meetings—again, that is a tension that has been highlighted—and whether there would be value in the action that the petitioner calls for to expand the remit of the review under section 37 of the Mental Health (Scotland) Act 2015. We have already agreed to Maurice Corry's suggestion that we should write to the Mental Welfare Commission for Scotland.

A fairly substantial number of issues have emerged. Thank you very much.

That concludes our business, so I now close the meeting.

*Meeting closed at 10:48.*



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