



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 19 September 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**

**16<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*David Torrance (Kirkcaldy) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Sarah Boyack (Lothian) (Lab)

Puneet Dwivedi

Elaine Smith (Central Scotland) (Lab)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

The Sir Alexander Fleming Room (CR3)



# Scottish Parliament

## Public Petitions Committee

Thursday 19 September 2019

*[The Convener opened the meeting at 09:30]*

### New Petitions

#### Hate Crime (Security Funding Scheme) (PE1737)

**The Convener (Johann Lamont):** I welcome everyone to the 16th meeting in 2019 of the Public Petitions Committee. Our only agenda item is consideration of new petitions.

The first new petition today is PE1737, on a review of hate crime legislation and a security funding scheme in Scotland. The petition was lodged by Puneet Dwivedi on behalf of the Hindu Forum of Britain and calls for the Scottish Government to address increasing levels of hate crime in Scotland by providing security funding similar to the scheme that is in place in England and Wales.

We will take evidence from the petitioner. I welcome Puneet Dwivedi to the meeting and invite him to provide a brief opening statement of no more than five minutes before I open up the meeting to questions from the committee.

**Puneet Dwivedi:** I thank the honourable members of the committee for inviting me to give evidence. My name is Puneet Dwivedi and I belong to an organisation called the Hindu Forum of Britain, which is an umbrella body for more than 300 organisations across the country.

The main theme of my petition is that all communities should be able to worship at their place of worship free from intimidation, violence or any abusive behaviour. Acts of hatred against anybody based on religion, faith or ethnicity must not be tolerated and the Government must protect those who are vulnerable.

In England and Wales, there is already a place of worship scheme, which was announced in 2016. Last year, it had funding of £1.6 million to improve security to counter the threat of hate crimes at places of worship. I request that the Scottish Government implements the same scheme in Scotland.

The Government should treat all forms of hate crime equally. I have seen politicians being selective and choosing special treatment for particular hate crimes such as Islamophobia or Hinduphobia. Such a myopic view will continue to

disregard the prejudice and hate crimes that people of other faiths face. I request that the committee considers the idea of a place of worship scheme. A scheme would be important in providing congregations with peace of mind when attending their place of worship.

On behalf of the Hindu community in Scotland and people of all other minor religions, I urge the Scottish Government to build a strong legislative framework to protect communities from hostility, violence and bigotry, and to constantly review such legislation with regard to emerging threats.

**The Convener:** Thank you. We will now ask questions to help us in our consideration of how to take your petition forward.

It would be interesting to know the extent of the issues that you raise in your petition. We are aware of some examples from news reports, but could you provide examples of the hate crime incidents that you refer to in your petition and the impact that they have had on the people who have experienced them?

**Puneet Dwivedi:** I will give you some examples. Last year, the door of the Sikh temple, or gurdwara, in Edinburgh was burned, and there have been several instances of the Edinburgh Hindu temple, of which I am a board member, being broken into, followed by robbery and theft. Members must have heard of the recent attack in the Glasgow gurdwara, too.

On Sundays, when the congregation meets in the Edinburgh temple, there have been many incidents with people's cars being vandalised, although they were parked properly. The organisation that I belong to did a hate crime survey at various places of worship, including the Glasgow and Edinburgh Hindu temples, and a lot of people said that they had faced hate crime, which went unreported. That is the evidence that we have collected.

**The Convener:** You talked about hate crime incidents going unreported. Why would people not report hate crimes? How big a problem is that? Can you quantify the number of incidents that go unreported?

**Puneet Dwivedi:** I do not have the numbers at the moment. However, when there was an open discussion and people felt comfortable, they said that they had been involved in incidents of hate crime. If it is just a one-off incident, people probably just ignore it. Another issue is that people think that they will be judged. We do not have much openness and people do not talk about these things openly. People just ignore it, because they might be judged.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Your petition calls for a review of the hate

crime legislation in Scotland. What form would you like that review to take? Is there anything that you would like to happen that is not currently in the law?

**Puneet Dwivedi:** As I mentioned in my opening remarks, there are a few things that I would like. The first is to have a place of worship fund.

I follow the news and have seen that all political parties have accepted a new definition of Islamophobia. I think that all religions should be considered equally and that there should be no special treatment for any religion. I belong to a religion where people never come out and speak about things because we are just busy. I work full time and I have taken half a day off to present the petition to the committee. No religion should be treated specially. Followers of every religion can be vulnerable to any kind of hate crime. If there is specific provision for a certain religion, the other issues will never be highlighted and will be disregarded.

**Gail Ross:** I want to follow up on the convener's question about specific examples of hate crimes that you have experienced or that you know about. We have heard about the £1.6 million that has been allocated in England. If money had been allocated in Scotland, how would that have prevented those crimes?

**Puneet Dwivedi:** We have to police it every day. Two years ago, I wrote about an issue to the First Minister and the Cabinet Secretary for Communities and Local Government, Aileen Campbell, and they suggested that I should report the matter to the police. I am very thankful to Police Scotland. We work closely with the police—whenever there is a big gathering, the police come and review and they are present when required. However, they cannot police all the time. The fund that I mentioned can be used to upgrade security systems, cameras and grills and so on. That has helped churches, gurdwaras and mosques in England to upgrade their security systems. The presence of cameras and all those things will make people hesitant to commit hate crimes. In that way, the fund will help places of worship to be more secure.

**David Torrance (Kirkcaldy) (SNP):** You say that you contacted the Cabinet Secretary for Communities and Local Government. What was her response to the issues that you raised?

**Puneet Dwivedi:** That was on the back of the incident that happened in 2016 in the Edinburgh gurdwara—our temple. The priest in the temple was really scared. He stays there and, during weekdays, not many of the congregation come into the temple, so he was really scared. He came from Nepal with a visa as a priest and he wanted to go back. It is difficult to find a priest here for the

Hindu faith. That led me to research what we could do to improve security. We already have a camera in the Edinburgh Hindu temple, and I think that the Glasgow temple has one, too, but I wondered what I could do. I wrote to the police and to the ministers. I had seen on the United Kingdom Government's website that a places of worship fund was available, and I asked whether it was available in Scotland as well. I said that we had had an incident of hate crime and I wondered whether we could use the fund. When I asked whether the fund is available in Scotland, I was told that currently it is only for England and Wales.

**Brian Whittle (South Scotland) (Con):** The places of worship protective security fund scheme was launched in England and Wales in 2016. Are you aware of the impact that the funding has had on combating hate crime?

**Puneet Dwivedi:** Are you asking whether I have any evidence of that?

**Brian Whittle:** What impact has that funding south of the border had?

**Puneet Dwivedi:** I think that research must have been done before the scheme was launched. People must have thought that there would be positives from the scheme, but I do not have any data with me on the impact that it has had. I do not know whether hate crime went down after the legislation was implemented, but I am sure that people feel secure and think that, if they are a target of hate crime, it will be reported, because there will be video evidence and so on.

**Brian Whittle:** You think that the scheme has had a positive impact on people who come to worship by providing them with a feeling of safety.

**Puneet Dwivedi:** Definitely. People feel secure if the environment in which they come to worship is secure.

**Maurice Corry (West Scotland) (Con):** You have obviously looked at the results—positive and negative—of the law in England and Wales. Should there be any changes to reflect the situation in Scotland? Is anything specific happening here that is not happening in England, which would mean that something needed to be changed?

**Puneet Dwivedi:** I repeat that the system should be for all religions; it should not be specific to particular religions. All minority and majority religions should be open to everybody. The system should cover anyone who has been a target in the past or who is vulnerable to hate crime.

**Maurice Corry:** I understand that. However, you have studied what has happened with the law in England and Wales, and you have seen the cause and effect. Are there any issues that are

unique to Scotland that mean that something should be added to the law, should the changes be implemented?

**Puneet Dwivedi:** Can I come back to you on that point and give you the details in an email?

**Maurice Corry:** Yes.

**The Convener:** Of course.

**Brian Whittle:** Earlier this year, the Scottish Government consulted on amendments to hate crime legislation. Will the proposed amendments have a positive impact in improving Scotland's hate crime legislation and, in turn, protecting people who are the victims of hate crime?

**Puneet Dwivedi:** Yes, I think that those will help. I have filled in a lot of the surveys that the Government puts on its website, but the way in which the questions are presented is very convoluted. The surveys do not use simple words, so it is very difficult for somebody to interpret what is meant and write something down. One of my suggestions is to keep the questions in the surveys very simple, so that anyone can understand them and write something down. Some of the questions in the hate crime survey that I looked at are so convoluted that people do not know how to respond.

**Brian Whittle:** Perhaps that relates to the fact that a lot of hate crime goes unreported and that it is not particularly easy to report.

**Puneet Dwivedi:** No, I am saying that it is sometimes very confusing for people to respond to the questions in the surveys and consultations that the Government puts on its website. I suggest that we keep the questions very simple, so that people can respond to them.

**The Convener:** Perhaps the Government should be more proactive by meeting various groups and talking to them about potential legislation, rather than simply putting out a survey.

**Puneet Dwivedi:** Yes.

**The Convener:** Given the issue of people not reporting hate crime, do we need to do more to encourage people to speak up about instances of hate crime? How do we do that in a way that makes people feel safe?

**Puneet Dwivedi:** A detailed study of religion would help. When I came to Scotland from England 12 years ago, somebody shouted "Paki" or something like that when I was driving once, but I just ignored it. There was another incident involving my wife.

My point is that the majority of people do not understand the difference between different religions. There should be detailed study. My daughter goes to school and I know that schools

teach about the different religions, which is really good. There should be more detailed study of the different aspects of religions so that people are educated and know that there are differences.

09:45

**The Convener:** If funding is provided, how should it be shared out? I hear what you are saying about how there should be no hierarchy and that all faiths should be treated equally. I have seen some correspondence in which the Jewish community has expressed concern about security in schools, so the issue is obviously something that people across faiths are concerned about.

**Puneet Dwivedi:** Yes, it is.

**The Convener:** Should groups have to bid for the money if people think that there is an issue, or do you see a different way of sharing the money?

**Puneet Dwivedi:** If there has been an incident in the past that has been investigated by the police, who think that it was a hate crime, or if there is enough evidence that the group or the area where the place of worship is found is vulnerable to hate crime, that should be considered under the scheme. That is my suggestion.

**The Convener:** Members have no further questions, but you said that you would come back to the committee with some information. After the meeting, when you have had time to reflect, if you want to add anything further, please feel free to contact the clerks. That would be useful.

These are important issues. People have spoken about hate crime, about the vulnerability of churches, synagogues, temples and so on, and about the vulnerability of young people who go to those places at other times, not just for worship but for education. You make an important point about people feeling insecure and not reporting incidents. Such issues have been addressed elsewhere, but we want to get a sense of how the scheme works. There is some information in the papers, but perhaps we need a little more.

What else do members think we should we look at?

**Brian Whittle:** I am interested in gathering some information about the impact that the funding scheme has had south of the border. That would be a good starting point. I am also interested in the idea that extra security gives people a certain perception—that should not be underestimated. I also think that it is really sad that we have to deal with the issue in this day and age.

We should perhaps write to all the stakeholders—the variety of religious groups

within Scotland and Police Scotland. That would be a good place to start.

**The Convener:** There are also quite a number of interfaith groups that we could contact. We should try to get a sense of different people's experiences, and we should recognise that there are hate crimes, which are expressed in various ways, as has been described. Some of them are expressed through violence against places of worship. Sadly, such crimes happen in everyday life.

As it has not gone down the route of having a scheme, we could also write to the Scottish Government to ask whether it is something that it has considered, or whether there is a reason why it has not done so, and whether it is considering other options.

**Maurice Corry:** I have a question for Puneet Dwivedi. I know that some faiths have security teams in their places of worship—I have been to one or two in Glasgow that had their own internal security because people are so concerned. Is that approach prevalent among other faiths in Scotland? I am not saying that they are vigilantes—I am not using that word—but you can clearly see six or seven people from the organisation that is holding an event who are there with a watching brief.

**Puneet Dwivedi:** I cannot speak about other religions but I have not seen such a thing in the Hindu faith.

**Maurice Corry:** You talked quite knowledgeably about the other faiths, but you cannot say anything about them at all.

**Puneet Dwivedi:** I go to all these places because I am part of the Edinburgh Interfaith Association and I have seen what you are talking about, with members of the community there.

**The Convener:** Okay—we will write to the Scottish Government and it would be worth while writing to the United Kingdom Government about its scheme. There are quite a number of things that we can take forward.

**Puneet Dwivedi:** I have a question. When the fund was released by the UK Government, why was Scotland excluded? Do you know why the fund was just for England and Wales, not for Scotland?

**The Convener:** I suspect that it is because of devolution; if we wanted it in Scotland, it would be done through the Scottish Government. The question that we need to ask is whether the Scottish Government looked at the scheme and decided not to do it here, or whether it has not considered it yet. It would be useful to know that.

I thank Puneet Dwivedi very much for coming along. We will get a response to our questions and then the petition will come back for the committee's further consideration. If, at any point, you want to add to the information that you have already provided to us, that would be welcome.

I suspend the meeting briefly.

09:50

*Meeting suspended.*

09:51

*On resuming—*

### **Care Charges (Protection of Crofts) (PE1729)**

**The Convener:** PE1729 is on legal protection of crofts from local authority care charges. The petition, which was lodged by John Maciver, calls for the Scottish Parliament to urge the Scottish Government to ensure that crofting tenancies are exempt from local authority financial assessments for care charges.

The petition has collected 552 online signatures and 415 offline signatures in support. In the petition, John Maciver states that there are inconsistencies in how the National Assistance (Assessment of Resources) Regulations 1992, which allow local authorities to charge for care that they provide or arrange in residential care homes, are applied. Those inconsistencies are caused by what the petitioner refers to as

“a grey area in the law with regard to whether or not a croft and croft property should be deemed to be ‘capital assets’”.

The Scottish Government updated its charging for residential accommodation guidance in July 2019 and has no current plans to change it again to add crofting specifically. Its position is that

“It is for local authorities to interpret the Regulations in applying their policies.”

Do members have any comments or suggestions for action?

**Gail Ross:** I find this quite troubling. When I was on the Rural Economy and Connectivity Committee, we committed to a complete overhaul of the crofting legislation. That the law is being inconsistently applied over local authority areas is a real worry.

The petitioner has a valid point, and we should definitely progress the petition. We should write to the Crofting Commission and the local authorities to find out their stances. Once we get that information back, we can think about taking the petition further.



**The Convener:** I am a bit concerned that the Scottish Government has basically said that it is not a matter for the Government because it is up to local authorities to interpret the law. I am surprised that that would be possible. Crofting legislation is not my area of expertise, but I remember being told that a croft house is deemed to be an improvement on a croft; it is not seen as something separate unless the land has been decrofted, in which case it becomes a different matter.

We do not want anybody to lose their house because of care charges. The possibility of someone of losing their croft house and their croft does not seem to sit comfortably with crofting legislation and its purpose. This is obviously a live issue. Other members might have had correspondence from people on this.

It is evident from the strength of feeling on and support for the petition that it strikes a chord with people. I think that we should agree to write to the Crofting Commission and local authorities to ask on what grounds they have the authority to make such a decision. It comes through in the submission to the committee that the basis for making such decisions is not strong and clear.

**Brian Whittle:** As with many similar issues, I am interested in what the intention of the legislation is and how interpretation of it by local authorities, which Gail Ross mentioned, differs from that. There is a tension around devolving power to local authorities, but I would have thought that there must be an intention behind the legislation that can be enforced.

**The Convener:** The difficulty arises in the interplay between crofting legislation and the legislation on care charging. It might not be unacceptable for somebody to lose their home, but the issue here is the status of a croft house on a croft, which is different from that of a house that was, in the past, part of a croft. It feels as though a different step is being taken.

**Gail Ross:** Reference is made to a case on Skye that was not followed through. I am extremely worried that if the case in question goes through, that will set a precedent and the same thing will happen to loads of other people.

**The Convener:** I presume that, if the proposal goes through in one area, other local authorities that are strapped for cash might continue the approach.

We will write to the Scottish Government to seek its views on the action that is called for in the petition. We do not want to be told that it is a matter for local authorities; we want to find out from the Government its view of the interplay between the different pieces of legislation.

I have mentioned that we will write to the Crofting Commission and local authorities. Obviously, people who are interested in the petition can make submissions, too: that is a matter for them. We want to understand how the different bits of legislation relate to one another in the context of supporting the sustainability of crofting in fragile communities.

There are no further points. We thank the petitioner very much for bringing the issue to our attention. As we get responses from the Scottish Government and others, the petitioner and others will be able to respond to them before we consider the petition again.

### **Home-educated Children (Registration) (PE1730)**

**The Convener:** PE1730, which was lodged by Kenneth Drysdale, is on registration of home-educated children. The petition calls for the Parliament to urge the Scottish Government to conduct an urgent review to identify children who are not registered with an education authority and are being denied a basic human right to access education that is suitable to their age, ability and aptitude.

The briefing that has been prepared by the Scottish Parliament information centre and the clerks outlines the current Scottish Government guidance on home education, which was published in 2008. It sets out the responsibilities of local authorities regarding education of children.

The clerks have received an email from Alison Preuss, who is the co-ordinator of the Scottish home education forum, who wishes to make the committee aware that

“the duty to provide education during the compulsory years lies entirely with parents, not with ‘individual local authorities’ who are simply obliged to provide school education to those who delegate that duty.”

The briefing also highlights work that the Education and Skills Committee undertook on home-educated children in 2017 and 2019, in which the committee looked specifically at children with additional support needs who were being home educated when their parents felt that the mainstream school was not supporting them or could not support them.

As a result, the Deputy First Minister and Cabinet Secretary for Education and Skills wrote to the Education and Skills Committee to say that the current home education guidance

“would benefit from significant updating to reflect changes to the education landscape in recent years”.

In his letter, he also stated that Scottish Government officials would review the guidance

during 2019, and that they plan to engage with home education stakeholders.

Do members have any comments or suggestions for action?

**Maurice Corry:** If the Government is already looking at the issue, we should await the outcome of that. We would not want to set another hare running and duplicate the Government's work.

**The Convener:** Can we write to the Scottish Government to highlight that aspect?

**Maurice Corry:** Do you mean to get information on progress?

10:00

**The Convener:** Yes. What struck me is the question how we ensure that children who are home educated get good-quality education. We know that some children are home educated because the mainstream system will not support them in the way that they need to be supported. For others, it is an active choice.

The petitioner makes a slightly different point, which is that if a child is educated in school, both parents have a right to be kept informed about the child's progress—for example, they can go to parents' nights. However, if one parent is home educating, the other parent, if estranged, has no influence. That is a separate argument about the rights of the parent with whom the child does not reside. That is a difficult area, so we could flag up to the Scottish Government the issue of access for parents who are not the parent with whom the child resides, when that child is being home educated. I suspect that that is what is driving the petition.

**Maurice Corry:** The other issue that concerns me is learning support for home-educated children who have learning difficulties or disabilities. I am not saying that parents do not understand the child. However, professional input gives an understanding of what a child might need. If such children are to be home educated, there needs to be a way of finding that information out.

**The Convener:** There is an issue about ensuring the quality of the education of children who are home educated. I was making a different point, which was that parents of children who are not having their needs met in school, who are on part-time timetables and expect to be in school for only an hour a day, might choose to home educate because of the failures of the system, not because of inadequacies. They feel that the school is not meeting their child's needs: they come to that conclusion rather than it being the starting point.

From the Scottish home education forum, we know that home education is an active choice for

other folk. They have to be supported in doing that, with the protections that we would expect.

We will write to the Scottish Government. When it comes to stakeholders, we might want Schoolhouse, the home education charity for Scotland, to respond to the petition with its view on confidence in the system and access for non-resident parents.

**Brian Whittle:** I would like clarification. Is the suggestion that, for children who are home educated, no checks and balances are required? I note that parents do not have to register with the education authority a child who has never been in state education, but can just home school them. It would worry me if there are no checks and balances in relation to the quality of the education that the child receives.

**The Convener:** I am sure that there are such checks and balances: we can establish whether there are. The home education charity Schoolhouse and others will be able to give us information on that.

We recognise that there is a general issue. However, in relation to the petition, the issue about access of the non-resident parent to information about the child's education is an interesting area on which we will ask stakeholders to comment.

**Maurice Corry:** Paragraph 18 in our papers is on a question that Liz Smith asked about home-educated children's entitlement to access Scottish Qualifications Authority qualifications. If a child is home educated, in order to do their exams, they have to be registered with an SQA-approved centre. If the parents, because of a difference of opinion in the marriage, have not registered the child, the child might not do the various exams at the appropriate age. That needs to be addressed. Liz Smith raises a pertinent point on page 4.

**The Convener:** The committee wants to be confident that young people are not, because of parental choice to educate them at home, being denied access to the exam provision that other young people get.

I thank the petitioner, who will have an opportunity to respond to the submissions that we receive on the petition before we consider it again.

### Local Authority Public Meetings (Audio Recording) (PE1731)

**The Convener:** Our next petition was lodged by Tom Taylor. PE1731 is on permitting audio recording of local government public meetings. The petition calls for the Scottish Parliament to urge the Scottish Government to amend the Local Government (Scotland) Act 1973 to permit audio recording of all public council meetings, by members of the public.

Our paper on the petition states that most council meetings are open to the public, but whether to allow or to provide sound and video recordings of their meetings is at the discretion of local authorities. Currently, 10 local authorities broadcast all their public meetings, eight broadcast full council meetings only, and 13 provide no broadcasts at all. A number of councils have debated the cost implications of broadcasting their meetings as a potential barrier.

Do members have any comments or suggestions for action?

**David Torrance:** It would be interesting to get the views of the Convention of Scottish Local Authorities on the matter. As the convener said, the cost could be prohibitive, and we know that local government finances are tight. It would therefore be interesting to get COSLA's views.

**The Convener:** We could ask COSLA what it considers to be good practice in respect of transparency, and what it would regard as a basic minimum, even with limited resources.

**Gail Ross:** The petitioner would like members of the public to be able to audio record public council meetings. I do not see an immediate issue with that, because the public have a right to know what elected officials discuss in public meetings. Elected officials also have private meetings to discuss sensitive matters, which are often to do with staff and which do not need to be in the public domain.

As David Torrance said, we could write to COSLA. Maybe we could also write to individual councils to see why such recording is not permitted. Even councils that webcast still do not allow members of the public to record meetings. That might be because they are afraid of interruptions, such as phones going off accidentally. I do not think that there is a confidentiality issue, but I would certainly like to know why such recording is not allowed at the moment.

**Brian Whittle:** Parliament does not allow the public to record our meetings; rather, they are recorded for them. As Gail Ross said, the petitioner is not asking the council to record; he is asking that members of the public be allowed to record. However, we do not allow the public to record in Parliament. Members of the public can tweet and do whatever they like on social media, but they do not record in Parliament.

I have no problem with the premise, although there have to be exemptions. Sensitive issues should not be in the public domain.

**The Convener:** First, we need to establish whether the ability of local authorities to provide people who are unable to attend meetings with an

audio recording of what was said is an issue. I find the argument that people who were not able to make it to a meeting could thereby hear what had been said quite strong, but I am not sure why it would be necessary for a person who is at a meeting to record it. If there is to be no official record of a meeting, I can see why people might want to record it—to prompt their memory, for example.

We might want to ask questions about the constraints and limitations on what has been proposed. My sense is that the committee is comfortable with the idea that local authorities, like us, should be transparent in their discussions. We recognise, however, as Gail Ross said, that there are occasions on which it would—just as committees in Parliament go into private session—be appropriate for local authority business to be taken in private, particularly when sensitive cases are being dealt with.

**Maurice Corry:** The note by the clerk says:

“This is a new petition that collected 2 signatures and 1 comment in support.”

I know from my years as a councillor that we discussed ad infinitum whether proper records were kept. Gail Ross and others might have done so, too. We were very conscious of the issue of confidentiality in those days.

**The Convener:** You know that we do not give particular weight to the number of signatures.

**Maurice Corry:** I understand that.

**The Convener:** Obviously, some petitions will come from direct experience that illuminates an issue that people are not aware of.

Let us agree to write to the Scottish Government and COSLA to ask for their views. We can look at whether we want to highlight the issue to individual local authorities, which could respond with their approaches, if they wish. To me, the question is not so much about how local authorities make themselves transparent and make recordings available, but about resisting the idea of individuals who attend council meetings being allowed to record them. What are the concerns about that?

We thank the petitioner. There will be an opportunity for the petitioner to respond to the submissions that are received before we consider the petition again. Do we agree to take that approach?

**Members indicated agreement.**

### **Pathological Demand Avoidance (Diagnostic Toolkit) (PE1732)**

**The Convener:** The next petition, PE1732, which was lodged by Patricia Hewitt and Barbara

Irvine, is on a toolkit for working with the pathological demand avoidance profile of autism spectrum disorder. The petition calls for the Scottish Parliament to urge the Scottish Government to

“1. Draw up in co-operation with others, a toolkit for professionals to assist in diagnosing and designing therapeutic support for children, young people and adults who have Pathological Demand Avoidance, a profile within the autism spectrum

2. Offer training in the use of such a toolkit and additionally to signpost, promote and facilitate other training by those who have successfully developed therapeutic programmes

3. Provide access to appropriate education, therapies and interventions to reduce or minimise the effects of the condition for the individuals and their families and carers.”

In its latest classification of diseases, the World Health Organization classifies autism spectrum disorders as one of 11 neurodevelopmental disorders, but it does not list any sub-categories, such as PDA.

In March 2018, the Scottish Government published a refreshed strategy for autism, which included several commitments. For example, there was the commitment to increase investment in the work that is done by NHS Education for Scotland on the autism training framework; the commitment to further development of the autism toolbox, which is aimed at the education workforce; and the commitment to explore the introduction of a Scottish autism research consortium, which would consider how autism research is translated into practice.

Do members have any comments or suggestions for action?

**Brian Whittle:** We have looked at the issue previously. During our previous discussion, the issue was that some local authorities did not recognise the condition and that the way in which it was treated depended on the local authority area that a person happened to be in. I think that I am right in saying that people moved house to live in another local authority area, so that the condition would be recognised.

It is interesting that the subject has come back. To me, that means that the issue has moved on and that there is recognition and acceptance of the condition. It would be interesting to see what the Scottish Government and the National Autistic Society Scotland have to say on the issue. I am still interested in whether there has been recognition or acceptance of the condition.

**The Convener:** We closed the previous petition on the basis that work on the Scottish strategy for autism was on-going. However, as we have heard, the strategy does not identify sub-groups of ASD. The issue for people who have family members with PDA is the sense that PDA is still not really

acknowledged as a condition in its own right, so there is not the training to go alongside it.

There was something in paper 1 about reference to pathological defiance disorder instead of pathological demand disorder, and the idea that the issue is all about defiance, rather than it being a condition that a young person cannot help but have. It would be useful to find out whether the Scottish Government's refreshed strategy addresses that point, and whether it is willing to highlight the particular condition.

As Brian Whittle said, it would be useful to write to the various groups that have an interest in autism, including the National Autistic Society. That would be a useful starting point, because the petition's emphasis is on how we let people know how the condition is experienced and how that informs good practice. Do we agree to take that approach?

**Members indicated agreement.**

**The Convener:** We will wait for a response. The petitioners will be able to respond to the submissions before we consider the petition again.

### Human Right to Food (PE1733)

**The Convener:** The next petition for consideration, PE1733, which was lodged by Peter Ritchie on behalf of the Scottish Food Coalition, is on the human right to adequate food. The petition calls for the Scottish Parliament to urge the Scottish Government to make the right to food part of Scots law.

I welcome Sarah Boyack MSP and Elaine Smith MSP, who have an interest in the petition.

The right to adequate food is an aspect of article 25 of the Universal Declaration of Human Rights, article 11 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the United Nations Convention on the Rights of the Child, all of which the United Kingdom has signed up to.

10:15

The Scottish Government's "Programme for Scotland 2019-20" includes a number of statements on human rights. It says that the national task force for human rights leadership

"will continue its work to establish a legislative framework for a Scottish Bill of Rights",

which will be preceded, by the end of the current session of Parliament, by legislation to incorporate in Scots law the United Nations Convention on the Rights of the Child.

In December 2018, the Scottish Government consulted on proposals for legislation on the good

food nation policy. The consultation document stated:

“The option of exploring a right to food which is directly enforceable as a matter of Scots law has not been ruled out. It is best considered, however, as part of the wider work on incorporation currently being done by the First Minister’s Advisory Group on Human Rights Leadership.”

We have had correspondence from Rhoda Grant, who has expressed an interest in the issues to which the petition gives rise, which will be highlighted by her colleagues.

At this point, it might be useful for our consideration of the petition if I ask Elaine Smith and Sarah Boyack to make their contributions, after which we can have a discussion.

**Elaine Smith (Central Scotland) (Lab):** Thank you, convener. I want to speak in support of the Scottish Food Coalition petitioners who are campaigning for a right to food. I am aware that Scottish Labour colleagues, such as Sarah Boyack and Rhoda Grant, are doing the same. The committee has received a letter from Rhoda Grant, who supports the petition. She could not be here because of prior engagements, but I will incorporate some of her points into my remarks.

There is a right to food in international law, as the convener has outlined, but as we know, the current system has not prevented people in Scotland from going hungry. Enshrining in law in Scotland the right to food would enable the Government to be held to account and to be required to ensure that everyone had the ability to access good food. We could also consider introducing statutory targets for reducing food insecurity.

I emphasise that enshrining in law the right to food is not about handing out food. The Food and Agriculture Organization of the United Nations states:

“The right to food is not a right to be fed. It is about being guaranteed the right to feed oneself, which requires not only that food is available—that the ratio of production to the population is sufficient—but also that it is accessible—i.e. that each household either has the means to produce or buy its own food”.

It is clear that legislating for the right to food is a popular option among human rights organisations such as the Scottish Human Rights Commission, as well as civic Scotland and the Scottish public. The petition has gained 1,365 signatures, and a number of respondents to the good food nation consultation asked for a right to food to be included in Scots law. On 13 September 2018, the Parliament unanimously backed a Labour amendment that called for a good food nation bill that had the right to food at its heart. In addition, Scottish Labour has called for a strategy to ensure that all food-related policy areas are coherently

managed in a way that enables people to access nourishing food.

The Government has a number of options with regard to how it could implement a right to food. Such a right could form part of the good food nation bill, it could be implemented as part of a future implementation of human rights through framework legislation or we could have a bill specifically on the right to food. I add that I have been working on a proposal for a member’s bill on the issue.

I respectfully ask the committee, in the event that it decides to write to the Government, to ask it whether it has made a decision about what its preferred approach is and, if not, when we can expect such a decision to be made, because that will have implications for how long the process of implementing any legislation might take.

**Sarah Boyack (Lothian) (Lab):** I, too, very much welcome the Scottish Food Coalition’s petition, which highlights the need for legislation. Its calls for a fairer, healthier and more sustainable food system in Scotland are relevant and timely. There needs to be an explicit duty on Scotland’s food system to deal with our social and environmental challenges, as well as our economic goals. As a member of the Co-operative Party, I strongly support the coalition’s calls for food justice.

It is clear that there is support for legislation. The right to food needs to be enshrined in law. In addition to the petition, there have been representations to the First Minister from 70 leading charities, academics and special interest groups, as well as the UN rapporteur on the right to food. There is widespread support for action, so it is a question of bringing it forward.

As Elaine Smith said, a growing number of people and families are reliant on food banks and councils are setting up summer food schemes to ensure that kids do not starve during the summer. Those are great initiatives and lots of good work is being done by volunteers, but that is not the same as everybody in Scotland having a proper right to food.

I highlight the research that was published this week by the University of Dundee, which demonstrates that dealing with hunger would make an impact on and contribute to young people’s learning and life chances and the productivity of workers. The issue involves human rights, but there are also wider benefits to society.

I welcome the petition. I hope that it is taken forward by the Scottish Government and I am keen for committee members to ask the Scottish Government to act on it. If we had legislation, we would get action, a strategy and a planning system that would deliver more growing opportunities for

people. It would be rolled out around the country and there would be support for community gardens and allotments, and a policy on food and agriculture that would deliver those aims.

The petition is timely and it pulls together all the support that is out there. I hope that the committee will support taking it forward to the Scottish Government.

**Gail Ross:** It is an absolute disgrace that, in this day and age, we have to look at legislation to give people the right to food. However, as Elaine Smith and Sarah Boyack said, the petition is timeous with the good food nation bill and the programme for government. We need to follow up with the Government to find out where it fits in—if it does—with the good food nation bill, whether it would sit better in a member's bill and what exactly the Scottish Government is doing about it. I support action on the issue.

**Brian Whittle:** Sarah Boyack made the point that basic good nutrition has a major knock-on effect on physical and mental health and educational ability. Members are aware that that is the one issue that I always talk about—I bore you all to death about it.

**The Convener:** Not at all.

**Brian Whittle:** As the good food nation bill is back in the Parliament, it is a good opportunity to explore the issue properly. I note that Mark Ruskell asked whether a right to food would be in the good food nation bill, and Joe FitzPatrick said that the Government would look at how it would be done in practice. The key element that we would have to consider in proposed legislation would be the repercussions of non-compliance and who would be responsible for ensuring delivery. The petition is completely right and nobody in their right mind would argue with what it is trying to do, but the issue is massively complicated. If the right to food is to be enshrined in legislation, that legislation would have to be incredibly watertight to make it effective.

**The Convener:** I declare an interest as a Labour and Co-operative Party member. I am very aware of the food justice campaign and how it fits with the general issue of fairness and justice in society. At what point is it about income? We can simply say that people have a right to food, but that is not really about them having the right to an income that allows them to feed their children in a nutritious way. Perhaps Elaine Smith or Sarah Boyack will comment on that.

**Elaine Smith:** It is my understanding that it would be enabling legislation, so it would not be about providing people directly with food. However, if there were statutory targets in right-to-food legislation for reducing food insecurity, we could use it to argue the case for a proper living

wage, because a proper living wage would help us to fulfil our duties under the legislation.

I am not convinced that it is complicated. It is enabling and could be quite simple as part of a member's bill, although I would like the Government to take it forward as part of the good food nation bill. If the Government was prepared to do that, it would make sense. Although it may sound slightly complicated, I do not think that it has to be; if it is enabling, it allows other things to happen.

**The Convener:** My sense is that the committee is in agreement—as Gail Ross said, it is a scandal that, in this day and age, in a country as prosperous as ours, people cannot feed themselves. We need to ask what we can do to support the petition and perhaps, as Elaine Smith described it, that will have implications elsewhere.

**Sarah Boyack:** To respond to that point directly, the Co-operative Party published research earlier this year that showed that at least 70,000 families are currently receiving support from Scottish local authorities through the Scottish welfare fund, at least in part due to a lack of food. It is not the case that nothing is happening; it is just that we need a much more proactive approach. If there is a rights-based approach at the heart of that, that will lead to other initiatives.

As Rhoda Grant says, we need a strategy that goes across all the different policy areas—employment, land, education and health. We need a joined-up approach. Once the right to food has been established, a series of other legislative approaches and Government initiatives can follow. That picks up on Brian Whittle's point that legislation is important, but that a whole raft of other things then need to be looked at. There is an urgency here; that is why the petition is so important.

**Brian Whittle:** We are probably all violently agreeing with one another on this. Some of the things that I have been working on and which really drive me along, along with the idea that we have food poverty, are around the massive amount of food wastage that we have. Those two things just do not balance. Some fantastic work is being done out there. A school in Cumnock was throwing out about 30 per cent of its food, but now it boxes up the food in portions and freezes it. The boxes with yesterday's food come out the next day and they are just left on the table for people to take, so there is now no food wastage. That is under the banner of the environment.

I said that the area is complicated; that does not mean that we should not do anything, but there are a lot of moving parts to the issue and it is not just about one bill—it goes across a lot of portfolios and a huge amount of work is needed.

**Maurice Corry:** I agree entirely with Brian Whittle, and indeed with both our fellow MSPs Sarah Boyack and Elaine Smith. I would like there to be regulations on domestic science and home economics being taught in schools as part of the curriculum, because I think that people need more encouragement to do that. That relates to the themes of food wastage, nutritious food, growing your own and so on. I agree entirely about community gardens and allotments. In some cases, there are issues with councils—people have difficulty getting access to allotments or people even lose allotments because of other planning requirements being placed on the area for building or development. I think that the issue goes across different areas. I am very supportive of the petition and I think that it should be looked at.

**The Convener:** Thank you very much—as Brian Whittle says, we are violently agreeing with one another, which makes some of us feel a bit uncomfortable, but there you go.

We will write to the Scottish Government to seek its views on the action that is called for in the petition, on the bill and on its broader strategy. The campaigners will have the opportunity to respond to any submissions that we receive ahead of our next consideration of the petition. I thank Sarah Boyack and Elaine Smith for their attendance.

### **Hysterectomies (NHS Guidance on Age) (PE1734)**

**The Convener:** The next petition, PE1734, is on lowering the age at which women can get hysterectomies. The petition, which was lodged by Megan Archibald, calls for the Parliament to urge the Scottish Government to urgently review current national health service guidance surrounding the age and status at which women are considered for hysterectomies for chronic medical reasons. The petitioner states that women who are suffering with chronically painful periods are being denied a treatment option that could relieve their pain—a hysterectomy—until they are around 35 years old. In the petitioner's case, that is 13 years away.

The briefing that has been prepared by SPICe and the clerks outlines the treatments that are available for primary and secondary dysmenorrhoea. It states that there is no nationally prescribed age restriction for undergoing a hysterectomy, although clinicians would discuss the implications of the procedure for a woman of childbearing age.

Do members have any comments or suggestions for action?

10:30

**Brian Whittle:** Members might not think that I would get involved in this petition, but I will comment. I saw the issue on the news fairly recently when a young woman described her horrendous experiences. The cycle was destroying her life and she was almost begging the medical profession to allow her to have a hysterectomy so that she could live a normal life. I think that she was only 21 or 22, so I can imagine a general practitioner's gut reaction to that and their suggesting that she was too young. However, there must be circumstances in which other things are brought into consideration.

I am interested in finding out the chief medical officer's thoughts on the petition. It seems to me that we need to discuss the issue.

**Gail Ross:** I agree. It is a difficult situation, and I have absolute sympathy for sufferers. I was interested to learn that there is actually no prescribed age restriction. Obviously, the matter is dealt with on a case-by-case basis. I just think that a woman knows her own body. We definitely should write to the chief medical officer to find out what the guidance is. It is a hugely difficult situation, and a difficult decision.

**The Convener:** I am interested in the extent to which serious attempts are made to address the problem, short of hysterectomy, although I do not think that we can ask the Government to comment on that at this stage. The petitioner makes the point about the impact of drugs, but I wonder whether, if the condition was better known, more investment would be made to address it. A hysterectomy feels drastic, and the decision that feels right to someone when they are 21 might not feel right when they are 31. I presume that that is why doctors are so risk averse.

I think that we agree to write to the chief medical officer to seek her views. Gail Ross is right that there seems to be a contradiction between the statement that women cannot get a hysterectomy until they are 35 and the fact that that is now what the guidance says. We could ask the chief medical officer to comment on that and on what other work has been done on the condition, given that it can lead someone to want to make that decision when they are so young. Do members agree to take that approach?

**Members indicated agreement.**

**Maurice Corry:** I agree entirely. We could also try to tease out a bit what research is happening—perhaps we could have a paragraph in the response on that.

**The Convener:** We recognise that there is a dilemma on the issue and we want clarification on what the best practice is.

We thank the petitioner for bringing the issue to our attention. She will have the opportunity to comment on any responses that we receive before we consider the petition again.

### **Baby Box Scheme (Pelvic Floor Education) (PE1735)**

**The Convener:** The next petition for consideration is PE1735, by Elaine Miller, which calls for the Scottish Parliament to urge the Scottish Government to include pelvic floor education in baby boxes in order to reduce stress incontinence among new mothers and improve women's lifelong health and wellbeing.

Our briefing for the petition explains that, although there is no information on pelvic floor exercises in the baby box, NHS Scotland's guide to pregnancy, labour and birth, "Ready Steady Baby!", which is distributed to all new mothers, has information on pelvic floor exercises and urinary incontinence.

Neil Findlay MSP was unable to attend our meeting, but he has passed on the following comments in relation to the petition:

"I fully support this proposal. Having worked for many years with women who have suffered a pelvic prolapse or incontinence after child birth and seen the disability and suffering caused by mesh implants that were supposed to repair this condition, it is essential that women are offered advice on restoring and maintaining good pelvic health. The baby box offers the opportunity to pass on advice and practical support about these issues to new mums. If this advice is followed then it could prevent more women from having to experience surgery, continued pelvic problems or having to live with incontinence. This is a common sense preventative proposal that I hope the committee will support."

Do members have any comments or suggestions for action?

**Gail Ross:** When I read the petition, I was completely supportive and thought that it was an excellent idea. However, the briefing refers to a written answer from the Minister for Children and Young People in which she says that women are provided with the information at the first midwife check-in. It is almost a flip scenario, because not everybody gets a baby box but every new parent gets the guide. I wonder about the efficacy of putting the information in the baby box if women are already getting it. However, as it is a new petition, we should write to the Government.

**The Convener:** I agree. When someone has just had a baby and is rummaging through their baby box, I wonder whether they will be looking for advice on pelvic floor exercises if that advice has been emphasised again and again in the early stages and throughout the pregnancy, through antenatal classes and health systems. However, I do not think that there is necessarily a

contradiction; it would not be one or the other. The petitioner seems to be saying that this is another opportunity to highlight to a mum that they could be doing such exercises.

**Brian Whittle:** I agree with you, convener—I have done that twice.

**The Convener:** It will never catch on.

**Brian Whittle:** I know—or I will get fired.

My daughter is a midwife, and I think that there is the opportunity for such education to be provided throughout a woman's pregnancy. When the baby arrives, some sort of literature should be available to back up the learning that has been given throughout the pregnancy. I do not think that providing that information would be a particularly hard thing to do in practice. It would not be hugely expensive, and it would not change the way in which services are delivered. It would just mean that another piece of information was available. We should ensure that such information is made available as soon as possible, so I do not see any problem with the idea.

We should write to the Scottish Government to see whether the idea has been considered. I know that Maree Todd, the Minister for Children and Young People, has said that information is available in other places, but that does not mean that it should not be available in the baby box.

**The Convener:** We will write to the Scottish Government to ask for its views on the action that is called for in the petition. As Gail Ross said, given that not everyone takes up the baby box, it might not be a universal approach. However, we should also contact the Royal College of Midwives and the Chartered Society of Physiotherapy to ask about the extent to which they are confident that the messages on preventative action get through to women who are expecting babies. Is there enough time in the system to ensure that such health messages are given at a point when potential new mums will be receptive to them? There is not a contradiction in having both messages. We do not want the baby box message simply to be a substitute for the other advice.

There is clearly an issue relating to stress and continence, so we should look at whether other things could be done. Neil Findlay's commitment to people with mesh implants is evident, and he sees the consequences of something that has been treated poorly. Anything that prevents the need for such treatment is obviously very important.

We will write to the Scottish Government and the other relevant bodies. There will be an opportunity for the petitioner to respond to those submissions once they have been received. Do we agree to take that approach?



**Members indicated agreement.**

### **Vehicle Collisions Involving Cats (Reporting) (PE1736)**

**The Convener:** The next petition for consideration, PE1736, which was lodged by Mandy Hobbs, on behalf of CatsMatter, is on making vehicle collisions that involve cats a reportable offence. The petition calls for the Scottish Parliament to urge the Scottish Government to introduce legislation to require the driver of a vehicle who is involved in an accident that results in injury or death to a cat to stop and report the accident to the police.

Current legislation requires the reporting of incidents that cause “damage” to a number of animals, including pigs, sheep and dogs. The Road Traffic Act 1988 requires a driver to stop and give their name and address, the name and address of the owner of the vehicle and the identification marks of the vehicle to any person with reasonable grounds to require that. If that is not done, the driver must report the incident to the police within 24 hours. The 1988 act is reserved, with the exception of matters relating to the parking of vehicles on roads.

Do members have any comments or suggestions for action?

**Gail Ross:** As the mother of four cats, I completely understand where the petitioner is coming from and I have a lot of sympathy with the petition. I understand that people need to report accidents involving animals that are on the list because those animals are classed as livestock or working animals, so people might lose money or whatever.

I think that we should write to Police Scotland and the Scottish Society for the Prevention of Cruelty to Animals almost more than I think that we should write to the Scottish Government—although we should write to it, as well. It is awfully sad that we are talking about running over cats. We should write to all three organisations and simply ask whether we can have any bearing on changing the law, why the law is there in the first place, and how enforceable the proposal would be. That is a difficulty, with cats being so small. *[Interruption.]* You might hit one and not know, Brian.

**The Convener:** Your point about working animals is a throwback to another time. In rural or remote areas, losing a sheep, calf or working dog would, of course, have been quite significant, but we live in a different world now, and I think that people see pet cats and dogs in the same way. I am aware that folk who are close to me have very strong views on these things; they think that cats should almost be afforded the same respect as

other domestic animals are. Gail Ross has made an important point.

I suppose that the question for Police Scotland is how enforceable the proposal would be. We could write to the Scottish SPCA and to Cats Protection, because I know that it does a lot of work on saving cats that have gone wild. It believes that they should be protected in law as well.

**Gail Ross:** People have to compulsorily microchip their dog, but people do not have to compulsorily microchip their cat. I wonder whether we might cover that in the questions. Obviously, it is very difficult to identify a cat that has been hit by a car and has not been microchipped. That issue goes hand in hand with the proposal, and it is included in the background information.

**The Convener:** The campaign groups are very keen for cats to be microchipped.

**David Torrance:** Is the Road Traffic Act 1988 not a reserved matter? If so, there is nothing that the Scottish Government could do about the issue. We would have to write to the UK Government.

**The Convener:** Let us write to the Scottish Government and ask it. Even if it makes representations at the UK level, it would be useful to know that. I presume that there are not restrictions on Police Scotland, as it would act under that legislation.

**Brian Whittle:** I have had a knock on the door by someone who said, “I’ve run your cat over.” My daughter has had that, as well. Cats are more likely to be victims of road traffic accidents, given how we look after them and how they are allowed out. My cat disappeared, as did my daughter’s. The likelihood is that, in such circumstances, the cat has been run over. It should be remembered that cats are family pets, and people do not know what has happened. We would have to look at the practicalities of the proposal. I presume that that is why we should write to Police Scotland and the Scottish SPCA.

**Maurice Corry:** There is also the issue of companionship. I am dealing with veterans and dogs, for example. Cats can be very therapeutic for people, and that can lessen the health bill—the bill for mental health, for example. The suggestion is not bad; the question is how it would be implemented.

**The Convener:** We agree to write to the Scottish Government to explore the limit of its powers in relation to the issue, and to Police Scotland, the Scottish SPCA, Cats Protection and any other organisations that we think might have a view. The petitioner will have the opportunity to respond to their submissions before our further consideration of the petition.

10:44

*Meeting suspended.*

10:49

*On resuming—*

### **Full-time Placement Student Teachers (Bursaries) (PE1738)**

**The Convener:** Our next new petition is PE1738, on student teacher bursaries for full-time placement students, which was lodged by David Molloy on behalf of future teachers of Scotland. The petition calls for the Parliament to urge the Scottish Government to provide bursaries to undergraduate teaching students who are undertaking full-time work placements.

The petition highlights the workload of teaching students when on full-time placements and argues that financial aid would ease the financial burden on students who will struggle to find the time to undertake additional part-time work. The briefing that was prepared by SPICe and the clerks outlines the placement and academic study time commitments for students. It also details living cost support that is available for full-time undergraduate study.

Do members have any comments or suggestions for action?

**Brian Whittle:** Any way in which we can take down barriers to people entering the teaching profession would be extraordinarily welcome. As we know, we are short of teachers, so my first thought is that the petitioner has a very good point.

Am I right in saying that in England and Wales, there is a bursary system to help people who already have a degree to come back into teaching? One of my friends has just gone through that.

**The Convener:** There are two things to consider. There is the extent to which if you are a student teacher on a four-year degree, you are able to work like other students to supplement your finances. If you are working full-time on a student placement in teaching, you cannot do that. There is a separate argument about people who have a degree and want to become a teacher. It is a one-year qualification. Are people put off doing that because they cannot afford to give up work to do it for a year?

I noticed in the papers that there is actually a bursary for nurses, and in the past, nurses would often have been on the ward for longer than the equivalent period in teacher training. I am not sure, but I wonder whether that is the difference that is being highlighted and whether that is something that we could flag up to the Scottish

Government. The idea of creating an incentive for people to come into teaching is important. There is not a financial equivalence between doing a teaching degree and doing a degree that does not require placements. Is that something that the Scottish Government has looked at?

**Brian Whittle:** We should be looking at removing the “I would like to, but—” barrier.

**The Convener:** There was an event last night about young students who have no financial support from their families—I think that the organisation was called Stand Alone. How could someone do a university degree that involves substantial placements that preclude them from working part time anywhere else? Does that mean that such people who are trying to get into teaching are already at a disadvantage?

**Brian Whittle:** I do not want to drag this out, but we are getting into the argument around bursaries versus student loans and balancing them. That is for the Education and Skills Committee, not us. However, I have sympathy for the petition. My question was to be about whether the Education and Skills Committee looked at this issue. Is there anything that we can pull out of that?

**The Convener:** I am no longer on that committee, but when I sat on it, we did a bit of work on understanding initial teacher education and the disincentives and barriers to people coming back into teaching—particularly folk who had already had a career and would have liked to go into teaching. The barrier of having no income for a year was quite significant, as was the fact that a student on a degree that has placements has quite different opportunities from a student on a degree that does not. Creative work is being done on how the diploma in education can be done over a longer period than one year, and that is something else that we should ask the Scottish Government to look at.

I think that we should write to the Scottish Government about the petition. We might want to refer the petition on to the Education and Skills Committee at some point, but we should look at it ourselves first.

I also suggest that we write to the Scottish Council of Deans of Education and the National Union of Students Scotland. The teaching unions might also have a view. They might have a sense from their members about the extent to which the situation has created problems.

**Brian Whittle:** I am pretty sure that south of the border, there are different rules and regulations about the one year of teacher education. I would be interested to hear whether that has had an effect on teacher numbers.

**The Convener:** Historically, of course, there was a distinction in that, in England, it was possible to teach without a teaching qualification. I am showing my age, but non-certificated teaching was ruled out in Scotland a long time ago. There is a difference, which would be worth looking at.

I think that we recognise—this does not apply only to the individuals who are highlighted by the petitioner—that student teachers who have a lot of responsibility in their placements face greater challenges in trying to manage their finances than students in other professions such as nursing. It would be worth exploring whether that is a barrier to the recruitment of more teachers.

When we have received responses, the petitioner will be able to respond to those before we consider the petition further.

### **Weight Loss Surgery (Access) (PE1739)**

**The Convener:** Our next petition, PE1739, by Tom Aldridge, is on improving access to weight loss surgery. It calls for the Parliament to urge the Scottish Government to amend its qualification criteria for bariatric surgery—which is also known as weight loss surgery—in line with the National Institute for Health and Care Excellence guidance.

The briefing that has been prepared by SPICe and the clerks outlines the NICE guidance, the guidance for Scotland and the treatment pathways prior to bariatric surgery.

Since lodging the petition, Mr Aldridge has contacted the clerks to say that he has been advised by national health service officials that the policy that the petition is seeking to change has been amended, but that he has been unable to see an updated copy of the guidance for confirmation of that change.

Do members have any comments or suggestions for action?

**Gail Ross:** We absolutely need to see the policy change before we can decide whether it is adequate. The petitioner also needs to see it to decide whether it is adequate for his needs.

**David Torrance:** We should write to the Scottish Government to find out whether the guidance has been changed.

**Brian Whittle:** I might be making myself more unpopular here, but I think that although there are people for whom bariatric surgery is essential because of the conditions that they have, there has been a huge rise in the use of the procedure, and I am concerned about those for whom it is not essential and who have not been offered other treatments. For such people, it can become a fallback—they can think, “I’ll be okay, because I can get that procedure.”

It says in our papers that bariatric surgery is available only to people in Scotland who have type 2 diabetes, but I am not convinced that that is right; I would like to check that. It is an extremely serious form of surgery, but although there are people who must have it because of the conditions that they have, the way in which we view the procedure is starting to change, and that concerns me a lot.

Like Gail Ross, I would be interested to understand what changes have been made to the guidance by the Scottish Government.

**Gail Ross:** The petitioner says:

“To be clear, the Bariatric Surgery Pathway should be for patients who have exhausted all other pathways”.

He has made that clear in his petition.

**The Convener:** I think that the petitioner would want us to find out whether people are being unnecessarily excluded from bariatric surgery. It looks as though there has been a change in the guidance, but in order for us to continue the petition, it is important that we understand exactly what the situation is.

Do members agree to write to the Scottish Government to seek its views on the action that is called for in the petition and clarification of what the guidance says before we take any further action?

**Members indicated agreement.**

**The Convener:** Again, we thank the petitioner, who will be able to respond to any submissions that are provided.

### **Public Services (Complaints) (PE1740)**

**The Convener:** The next petition, PE1740, which was lodged by Rachel Lowther on behalf of Accountability Scotland, is on improving the handling of complaints about public services. It calls for the Scottish Parliament to urge the Scottish Government to improve complaints handling by allowing the Scottish Public Services Ombudsman to take complaints in any format and by requiring bodies under the SPSO’s jurisdiction, and the SPSO, to permit complainants to audio-record meetings and phone calls and use that as evidence in any subsequent complaint.

Legislation limits the formats in which individuals can submit complaints to the SPSO. That is done predominantly in writing, and a complainer is required to demonstrate exceptional circumstances in order to be able to submit a complaint or evidence in a format other than in writing. Our paper states that the SPSO has said that it would like legislative changes to be made in this area so that submissions can be made in

various formats, without there being a need to demonstrate exceptional circumstances.

Members may wish to note that we have received written submissions from the chairperson and secretary of Accountability Scotland, who are both supportive of the action called for in the petition. Members may also wish to note that although our papers state that the petition did not collect any signatures or comments, that is because the petitioner elected not to collect signatures and comments.

Do members have any comments or suggestions for action?

11:00

**Gail Ross:** I think that it is quite straightforward, to be honest. The legislation seems to be a little bit out of date, given the digital age that we live in. For the process to be open and accountable, there should be legislative change. In our papers, the SPSO states that it has had positive discussions with the Scottish Government. I think that we need an update on those discussions and the outcomes, if there have been any—if there have not been, we need to know when we can expect them. We should also write to the SPSO and Accountability Scotland to seek their views.

**The Convener:** I suppose that there is a question of balance. To make sure that the complaint is a serious one, it should be provided in a way that shows that the people who are making it regard it as serious. I very much agree with Gail Ross that technology has moved on from the days when people would be asked to provide something in written form. Maybe even just on that basis, the legislation needs to be addressed.

I think that Gail Ross has comprehensively outlined the action that we would want to take. As nobody else wishes to comment, do we agree to write to the Scottish Government, the SPSO and Accountability Scotland, seeking their views on the action called for in the petition?

**Members indicated agreement.**

**The Convener:** Again, the petitioner will have an opportunity to respond to those submissions ahead of further consideration of the petition by the committee. I thank the petitioner for submitting the petition.

### **People with Lifelong Learning Disabilities (Needs and Rights) (PE1741)**

**The Convener:** The next petition for consideration is PE1741, on human rights, citizenship and legal protection for people with lifelong learning disabilities, which was lodged by Keith Lynch on behalf of People First (Scotland). The petition calls on the Scottish Parliament to

urge the Scottish Government to introduce a new law addressing the needs and rights of people with lifelong learning disabilities in Scotland.

In 2017, NHS Health Scotland published “People with Learning Disabilities in Scotland: 2017 Health Needs Assessment Update Report”, which aimed to provide

“policy makers, service planners, service commissioners, and funders and practitioners with a broad overview of the current ... evidence on the health needs of adults with learning disabilities.”

The Scottish Government’s learning disability strategy—the keys to life—was launched in 2013 and was refreshed in March 2019, with an implementation framework and priorities set for 2019 to 2021.

There is currently an independent review of learning disability and autism provision in the Mental Health (Care and Treatment) (Scotland) Act 2003. Part of the review’s remit is to look at whether the law needs to change for people with learning disabilities and/or autistic people with regard to the 2003 act’s ability to support people’s human rights. Recent reporting from the review has concluded that

“autistic people and people with learning disability are not well served overall by the Mental Health (Care and Treatment) (Scotland) Act 2003”.

The review’s final report and recommendations will be submitted to the Minister for Mental Health in December 2019.

Do members have any comments or suggestions for action?

**Brian Whittle:** I am really interested in this petition, because I happen to work with a young lad in track and field who has lifelong learning disabilities and has gone through the process. He was in care and then was adopted, and now he has got to a level where he has left home and is in his own place. Even though he asked for his adoptive parents to manage his finances, the system railed against that.

I am interested in the petition and I would like us to get information from the key stakeholders, such as the Scottish learning disabilities observatory, the Scottish Commission for Learning Disability, the Mental Welfare Commission for Scotland and the Law Society of Scotland. The Scottish Human Rights Commission also has a role. That would be over and above writing to the Scottish Government, as we normally do, to get its thoughts. I think that there are holes in legislation that need to be filled. I know that a lot of work is being done on the area and that the system is starting to improve, but my sense from adoptive parents and from the people whom I have worked with is that there is still more work to be done.

**Maurice Corry:** I understand where the petitioner is coming from. It is important that we have regard to further and higher education, because there is certainly a shortfall in that respect. I know about that, because my son is dyslexic. We have managed to sort things out and the college that he attends has been fantastic. However, there is an issue about education, because that is not happening everywhere. The support stops or is delivered in a different way and is not as successful as it is in primary and secondary education.

**The Convener:** We have made huge progress on the issue in my lifetime. We have taken people out of long-stay hospitals and we understand that people with a learning disability can achieve their potential and can work and learn and all the rest of it. The issue is whether the legislation has the person with a learning disability at the centre. Is there legislation that specifically understands the connection between mental health and the right to education, employment and so on?

I am particularly exercised by the transition stage from secondary school into adult life. There is an issue there that the petition is perhaps trying to deal with. We need the progress that has been made in our understanding of the capacity of people with learning disabilities to achieve all sorts of amazing things to be matched by systems that support them.

I think that we all agree with the suggestions about writing to the Scottish Government and the key stakeholders. The question is whether there should be legislation that outlines the rights of people with learning disabilities or whether their needs should be mainstreamed into other legislation. It would be useful to have a view on that.

**Maurice Corry:** To go back to my earlier point, I suggest that we write to the SQA. I have recently been campaigning on the need to have some exams taken orally, and that request has not fallen on stony ground. I have spoken to the Cabinet Secretary for Education and Skills about that and I have met the chief executive of the SQA on the issue. The issue goes further than that, though, because it relates to the institutes that set the parameters for jobs such as chartered accountants and engineers or for apprenticeships. It is a big area. We should write to the SQA to get its views. It has a new chief executive officer, who I have not met, but I hope that she has the same views as the previous one.

**The Convener:** I think that we are agreed on that approach. There is a substantial bit of work to be done to understand the extent to which the system meets the needs of people with learning disabilities throughout their lives.

We thank the petitioner, who will have an opportunity to respond to the submissions ahead of any further consideration of the petition.

### **Antisocial Behaviour Legislation (Household Odours) (PE1742)**

**The Convener:** The next petition is PE1742, which was lodged by Michael W Pringle. The petition calls for the Scottish Parliament to urge the Scottish Government to create a new antisocial behaviour order that is designed to tackle situations in which a neighbour repeatedly refuses to deal with odours or pollution leaking into neighbouring properties.

Our paper on the petition details a number of ways in which councils can deal with antisocial behaviour, including using mediation, agreeing an acceptable behaviour contract, obtaining an ASBO and referring the matter to the police. The paper also makes clear that an ASBO is a civil court order but that breaching it is a criminal offence. Under current legislation, local authorities have a duty to inspect their areas to detect whether a nuisance exists or is likely to occur or recur. An authority must also take such steps as are reasonably practicable to investigate any complaint of statutory nuisance from a person living in its area. Evaluating the existence of a statutory nuisance is a matter for a local authority.

Do members have any comments or suggestions for action?

**Gail Ross:** I found the petition particularly difficult because it seems to have arisen from a planning issue. An adaptation was made to a neighbouring property that resulted in various odours—mostly cooking odours—permeating the petitioner's house. The issue has gone on for a long time, and I absolutely have sympathy with the petitioner. We need to find out how such instances can be dealt with.

I understand that the petitioner's relationship with the neighbour has broken down irreparably, which is disappointing. However, I am not sure whether it is an antisocial behaviour issue—I do not know whether the issue fits into that box—and I wonder whether there is a local planning issue that prevents the neighbour from being compelled to make adaptations that would stop what is happening. We need to get clearer guidance on where the particular case falls.

**The Convener:** Obviously, it is not the committee's place to deal with an individual complaint and concern; the issue is the policy conclusions that come from the petition. You are quite right to say that there are questions around whether it is a planning issue or whatever.

Having looked at the report on the legislation, I have two questions. First, does the legislation recognise that odour or smell can be antisocial? It seems that, if rotting stuff is left out in a garden and it creates rotten smells rather than a health issue, legislation does not deal with that in the way it does with noise. Maybe that was simply not considered when the legislation went through. Is there a view in the Government that it will at least look to review that?

Secondly, there is an enforcement issue. Although there are a lot of responsibilities relating to antisocial behaviour on local authorities, the question for me is whether they have the capacity to enforce them, given the pressure on local resources. I wonder whether some of that has fallen away. If somebody does not follow planning guidance, who will enforce it? Who will ensure that the obligations are pursued? If we agree that odour and smell from somebody's property is a local authority issue, do local authorities think that they have the capacity to deal with that?

**Brian Whittle:** I agree. I would be surprised if current legislation does not cover the matter.

**The Convener:** It does not.

**Brian Whittle:** Does it not?

**The Convener:** From what I read in the SPICE paper, noise is identified, but not odour. It may be that odour from fly-tipping and other things is identified. I suppose that it is a question of asking the Scottish Government whether it thinks that the legislation needs to be changed.

**Brian Whittle:** We are not just talking about local authorities. Where does the Scottish Environment Protection Agency sit? Does other environmental legislation cover the matter? I would be surprised if it is not covered in some way. It comes down to the ability to enforce.

**The Convener:** The question is whether the issue falls within environmental health. Even if it does—without dealing with the individual issue—the question is whether environmental health could deal with the circumstances.

**Brian Whittle:** That is what I am saying. We are looking at specific legislation, but I am not convinced that the issue does not sit within wider legislation. I would like to at least explore that first and foremost.

**Maurice Corry:** I agree with Brian Whittle. SEPA comes to mind straight away. If odours go to a property through the air or whatever medium, I think that the issue is its responsibility.

The other issue is enforcement officers. There is a general shortage of enforcement officers in local authorities in Scotland. That is down to things such as funding. I know that there are only two or

so in Argyll and Bute, and it is very difficult for them to cover that area. Legislation is therefore difficult to enforce, and we need to highlight that.

**The Convener:** I think that we agree that there is an issue. Where does the responsibility lie? It may not be an antisocial behaviour issue, but it still has to be addressed. In what way could it be addressed?

I think that we agree that we should write to the Scottish Government and COSLA to seek their views on the action that the petition calls for and to ask whether they are confident that the issue would be covered in the normal run of things.

**Maurice Corry:** Could we write to SEPA?

11:15

**The Convener:** I suppose that we could ask SEPA to clarify its role, but I do not think that SEPA deals with individual households. If I remember correctly, it intervenes in issues of odour only in relation to business premises, not domestic premises. We could look into that.

We recognise that there might be an issue here with something falling between areas of responsibility. We will write to the Scottish Government and give the petitioner the opportunity to respond to the responses at a later date.

### **Listed Buildings (Financial Viability) (PE1749)**

**The Convener:** The final petition today is PE1749, on the financial viability of listed buildings, which was lodged by Ronald Morrison. The petition calls for the Scottish Parliament to urge the Scottish Government to ensure that financial viability studies are conducted on listed buildings requiring restoration and/or maintenance; that responsibility of ownership is established for that work; and that financial assistance is provided where listed buildings are at risk of falling into disrepair.

Our paper for the petition makes clear that responsibility for the repair and maintenance of a listed building lies solely with its owner. However, Historic Environment Scotland operates a historic environment repair grant scheme that can support the cost of conservation-standard repair projects for listed buildings that meet certain eligibility criteria.

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides planning authorities with powers to issue urgent works and repairs notices to owners of listed buildings. In addition, the Building (Scotland) Act 2003 grants local authorities powers to deal with dangerous and defective buildings, either

themselves or through the issuing of notices requiring works to be undertaken by the owners of the building.

Our paper also highlights that local authorities can have problems in establishing who ultimately owns a building or in recovering costs incurred in exercising their statutory repair functions from a property owner who is based overseas. Concerns about not recovering costs can act as a disincentive to local authorities using all of their available statutory powers.

Do members have any comments or suggestions for action?

**Brian Whittle:** This issue is pertinent in my area, particularly with regard to the Ayr Station hotel, which is owned by somebody in Malaysia and is currently costing the public purse somewhere in the region of £5,000 a day to keep it standing until people work out what to do with it. This petition interests me, as it involves the legislation that affects listed buildings, such as the Ayr Station hotel. I am interested in what powers the local authority has over it, given that the owners have allowed it to fall into serious disrepair over the past 10 years, which is having an impact on the area—for example, Ayr station has had to be closed on occasion because of the state of the hotel. The local authority has had to rent scaffolding to put up around the building, which is where the cost of £5,000 a day comes from.

I definitely think that we should write to the Scottish Government about the action that the petition calls for. There is a load of other people we could write to. It would be interesting to see what Historic Environment Scotland, the Royal Town Planning Institute and the Built Environment Forum Scotland have to say about what the petition asks for.

**The Convener:** I suppose that there is a dilemma about where the responsibility lies and what incentive there is on an owner to maintain or repair a property if the public purse is going to pick up the cost at a later stage.

**Brian Whittle:** In the instance that I am talking about, there is a danger to the public and a threat to the connectivity of the whole of the south-west of Scotland. It is not a question of someone being able to say, “This is not my responsibility.” The current owners bought that property with the intention of redeveloping it, but they have just left it, and it has got to the point at which it is a danger to the public.

**The Convener:** I think that we agree that there is an issue here, but we are not clear what the solution would be in terms of the public purse taking on responsibility, the enforcement of obligations on owners and our not losing important properties because the owner is indifferent.

As Brian Whittle has suggested, we will write to the Scottish Government and key stakeholders. I think that they will reflect those concerns, too.

**Maurice Corry:** I suggest that we write to COSLA, too, because we need to get the views of the 32 local authorities. We have had similar issues with listed buildings in my area. It is a particular issue in the west of Scotland, because we have quite a lot of sandstone buildings—with our wet climate, we should have granite rather than sandstone—so we will face this issue more often as we go forward.

**The Convener:** We will also write to COSLA. We thank the petitioner for the petition, and he will have an opportunity to respond once we have received the responses from those organisations, ahead of our further consideration of the petition.

We have done a substantial amount of work today. We are grateful for all the new petitions, which have provided us with plenty of challenges for the future.

*Meeting closed at 11:20.*





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