



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 24 September 2020**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**

**14<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

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

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*Tom Mason (North East Scotland) (Con)

\*David Torrance (Kirkcaldy) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Rory Maclean

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

Virtual Meeting



# Scottish Parliament

## Public Petitions Committee

*Thursday 24 September 2020*

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

### New Petitions

#### Paramedic Students (NHS Bursary) (PE1819)

**The Convener (Johann Lamont):** Welcome, everyone, to the 14th meeting in 2020 of the Public Petitions Committee. The meeting is being held virtually.

The first item on our agenda is consideration of new petitions, the first of which is PE1819, on a national health service bursary for Scottish paramedic students, which was lodged by Rachel Taylor. The petition calls on the Scottish Government to introduce a bursary for paramedic students in Scotland.

The committee was due to take evidence from the petitioner, but she is, owing to unforeseen circumstances, unavailable to join us today. In her place, her fellow campaigner, Rory Maclean, will give evidence. Welcome, Rory, and thank you very much for joining us—it is appreciated. I invite you to provide a brief opening statement on behalf of the petitioner, before we move to questions.

**Rory Maclean:** Thank you. It is a pleasure to appear in front of the committee virtually. I am standing in for Rachel Taylor, who is, unfortunately, unable to make it to the meeting. I have a statement to read, after which I will be happy to take questions.

It is important to open about the premise of the campaign, which is something that we all believe: Scotland fundamentally values diversity and the development of a safer, stronger and more inclusive society, where everyone can live in peace and realise their potential. As a society, we recognise that everyone should be provided with a fair opportunity to reach that potential.

However, student paramedics in Scotland are faced with a challenge. It is a challenge that students face after competing with hundreds of others to achieve a spot in a highly competitive area of study, and one that creates a barrier to achieving the goal that they work so hard for. Student paramedics face the barrier of financial restrictions.

Financial restrictions should not pose a barrier to higher education in Scotland. Ordinarily,

students would be able to work part time during their studies and full time during the summer months. However, like student nurses and midwives, student paramedics do not have that ability, because we must complete more than 2,500 unpaid placement hours to complete our course. That makes students from a paramedic science background seem unreliable to businesses and employers. Those who are able to get a job are working a huge amount—in their studies, their placement and their job.

The Scottish Government created the nursing and midwifery bursary to make nursing a more accessible field of study, and to help to fill the acute occupational shortage that is faced by NHS Scotland, as is highlighted by publicly available reports. Paramedics are on the same shortage occupation list, which is published by the Scottish Government, and are on the United Kingdom Government's shortage occupation list.

Paramedic studies and nursing studies are similar, although the courses differ somewhat, but despite the similarities between the courses, the support that is received is not similar. For example, an adult learner over the age of 25 who studies nursing or midwifery would receive a minimum of 900 per cent of the support that a student paramedic of similar age gets, based on the basic non-repayable bursary alone.

The Scottish Government has brought the nursing and midwifery bursary up to £10,000 of financial support per year, as of academic year 2020-21. None of that is repayable, which allows student nurses and midwives to enter their new career path debt free. We believe that that difference in funding does not reflect the Scottish Government's faith and beliefs, and that student paramedics should also receive that kind of excellent support in order to avoid facing personal austerity.

The similarities are evident—a demanding schedule and a desperate need to increase numbers in the workforce apply to nurses, midwives and paramedics alike. With an excellent support system already in place for student nurses and midwives, it seems obvious that the next logical step for the Scottish Government would be to extend that support to student paramedics.

The Scottish Ambulance Service is severely understaffed and the in-house training that ambulance technicians can undergo to train as paramedics is soon to become redundant. Previously, becoming a paramedic was an occupational route; however, the professional standards that are set by the Health and Care Professions Council have changed and will, from 1 September 2021, require all new registering paramedics to have an HCPC-approved degree from one of five Scottish universities.

Our campaign is already fully supported by several ambulance service workers unions, including the GMB, Unison and Unite. Their members know better than anyone else how desperately the service needs more staff, because they are the staff of the service. We want to become life-savers and care-givers—the people on whom you know you can count in the hour when you most need help. We are ready and willing to take on the challenges of the work, and to dedicate our lives to helping others, and we are asking for help in achieving that.

It is not only the trade unions that support our campaign—we also have support from the College of Paramedics, which is the national professional body that represents all paramedics across all four nations of the United Kingdom. Its chief executive, Tracy Nicholls, was one of our earliest supporters, and we are really proud that the professional body also backs our campaign for student paramedics in Scotland to get a bursary.

It does not stop there. We also have the backing of the National Union of Students in Scotland, which recognises the large amounts of placement work and study that make paid work inaccessible for student paramedics.

Since we launched our campaign, the response has been fantastic. We now have the backing of all but one party in Holyrood: the Pay Student Paramedics campaign is supported by the Scottish Greens, the Scottish Liberal Democrats, the Scottish Conservatives and Scottish Labour. We have backing from the trade unions, the professional association for paramedics, NUS Scotland and four political parties in Scotland. The Scottish Government states that student paramedics already have several aspects of their course paid for, including tuition fees and occupational health checks. That is true, but nurses and midwives also receive that support, and are better supported than student paramedics, on top of that.

Creating a student paramedic bursary or matching us with the existing nursing and midwifery bursary would open the doors to so many more caring and committed people who want to become paramedics. Recruitment is difficult and the job is tough, but the call for more paramedics now, and for the future, is something that the Scottish Government should be striving to answer.

That is why we are pleading for change and asking the Scottish Government to establish a bursary for student paramedics that is equal to the support that nursing and midwifery students in Scotland currently receive. We believe that that would, in turn, strengthen our national health service for generations to come.

**The Convener:** Thank you for that—we very much appreciate your being here today, even if it is a virtual appearance. Before I ask a substantive question, I would like you to clarify something. How many students go through the training in any year?

**Rory Maclean:** We do not have the exact numbers at the moment. The numbers that we have been working with for our financial projections are based on current student numbers at the one university in Scotland that runs the course. Last year, 100 students were training, but there will now be 50 students at each university, so the cost of the bursary would be £3.5 million going into this year, going up to £5.5 million and then £7.5 million to reflect increasing numbers. There will be 350 student paramedics training in Scotland this year, 550 the year after that and 750 in the subsequent year.

**The Convener:** As the petition highlights, and as you say in your statement, nursing and midwifery students can access a bursary that, from this academic year, is worth £10,000, in recognition of the fact that they spend up to 50 per cent of their course on placement. Is the purpose of the petition to seek the same level of bursary for student paramedics, or should there be a difference in the level of commitment?

**Rory Maclean:** Through the petition, we are seeking from the Scottish Government the same level of commitment as is given to nursing and midwifery students. The reason why is that we see a clear similarity between how their and our courses are structured. We spend the same amount of time on placement and we even take some of the same modules in our first year of study, so there is a definite crossover between the courses. We are asking for the same amount.

**The Convener:** I am trying to understand why the Scottish Government has not simply recognised that parity. Given the current funding that is available, is there a perception that nurses and midwives are valued more highly than paramedics, or that it is easier to recruit paramedics for training?

**Rory Maclean:** It is hard to say. I recognise that nurses and midwives are incredibly valuable, and they definitely deserve their bursary. We have a lot of time for them and always work with them.

There is a perception among some student paramedics that we are not as highly valued, but I believe that the Scottish Government has made an oversight. Becoming a paramedic used to involve an occupational training route, through which people would be paid by the Scottish Ambulance Service as they trained. Only very recently has training moved to a professional route through university. The Scottish Government has changed

the procedure for becoming a paramedic, but the funding has yet to catch up.

**The Convener:** That is very helpful.

**Maurice Corry (West Scotland) (Con):** Good morning. I thank Mr Maclean for appearing before us today. Although I appreciate that the bachelor of science in paramedic science course starts this month, it is clear that the petitioner anticipates significant financial and non-financial challenges ahead for paramedic students. Will you walk us through the degree programme and explain where you expect challenges to lie, particularly when students are on placement?

**Rory Maclean:** The programme is three years long. Like most programmes in Scotland, the programme is slightly unusual this year, because of the Covid pandemic. Teaching in the first part of the year will be online, through theoretical learning. As we go through the course, student paramedics are expected to get closer and closer to being independent paramedics. At the end of our first year, we should be doing 75 per cent of the job of a paramedic, under minimal supervision; by the end of our second year, we should be doing 80 per cent of the job, under almost no supervision; and we would, by the end of the third year, obviously be expected to practise fully as a paramedic.

The problem is that we are on placement for sometimes 16 to 20 weeks. During those placements, we shadow paramedics who work shifts. The shifts are 12 hours long, and we might do them for three or four days in a row, which means that we would be unable to work during that week. It would be very unreasonable to expect a student paramedic to do a 12-hour shift, go to another job, sleep and then go back to work. I wish that there were that many hours in the day, but there are not.

The problem is that the struggle comes primarily in the second and third years, and in the latter half of the first year of the degree. Unlike normal students, many student paramedics do not work over summer; we are unable to do so because we are on placement. A high number of the hours for which we are on placement are unsociable hours, which means that we cannot gain regular employment.

To answer the question, the largest problems will happen when students are on placement. Placements can sometimes be with the Ambulance Service, but we also have placements on maternity and mental health wards and in care homes. Paramedics are not just running around on the streets. We have a wide variety of skills that take a long time to learn. We need the bursary so that we can fully commit ourselves to the role.

09:45

**Maurice Corry:** I have a supplementary question. My daughter has just gone through an occupational therapy degree at Glasgow Caledonian University, so I am aware of the hours of placement that are part of that course, as well as the strains and stresses of trying to earn money in between.

Rory Maclean is saying that paramedic students cannot work in a job to earn money—as a normal student would during his or her degree course—and that that impinges on your ability to look after yourselves financially. Is that correct?

**Rory Maclean:** Yes, that is definitely correct. I could not have put it better, myself. We recently conducted a report on a survey of student paramedics. Many said that they feel financial strain and are unable to work, because they have to do the placements. Because of our service to the Scottish Ambulance Service, we feel constrained from being able to get regular work.

**Maurice Corry:** Thank you.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Thank you for joining us. You made a compelling opening argument. We have had a written submission from the Cabinet Secretary for Health and Sport, who has said to us that the Scottish Government will soon commence a review of the education that is provided to allied health professionals, including paramedics. The review will include the financial support that is offered to students. This is your chance to tell the cabinet secretary what you would like to see in that review for paramedics.

**Rory Maclean:** Thank you. We have written to the cabinet secretary a couple of times to tell her what we would like, so I thank you for presenting me with the opportunity to tell her virtually.

We would like recognition of the hard work and training that we put into becoming paramedics. No one takes up the job for the pay or for the hours, or because it is easy. We take it up because we care. We want to be there for the Scottish people when they are struggling. We want to be there to pick your granny up off the floor when she has had a fall, to hold your hand when you are delivering the baby at home on your own, and to give you support in those heart-wrenching moments. All we are asking is for a bursary, so that we can focus on that and not have to worry about our finances and where we will get money.

I say to Jeane Freeman that we are not asking for a lot, but for just enough to get by—£10,000 would give us equality and parity with student nurses and midwives. I appreciate that the Scottish Government is undertaking a review at the moment. That is fantastic; I am glad to see that

it is being proactive. However, student paramedics are struggling now; classmates in the years above mine are having a tough time. I have welcomed the review, but it needs to happen now and not in the future.

**Gail Ross:** Your main message to the cabinet secretary is not to wait for the review, because we do not know what the timescale for that will be. You want action now.

**Rory Maclean:** Yes, that is exactly it. We need action now to stop student paramedics living on the poverty line.

**Gail Ross:** Okay; thank you.

**Rory Maclean:** Thank you.

**Tom Mason (North East Scotland) (Con):** In her written submission, the cabinet secretary states that the nursing and midwifery bursary was maintained on the grounds of workforce planning, to ensure that there was a steady flow of people coming into nursing and midwifery. Do you have the same concerns about planning for the paramedic workforce?

**Rory Maclean:** Thank you for that question. We have concerns about that as well. There was a report in *The Times* in, I think, January 2020—it has been a strange year, so forgive me if I do not get the dates right—that said that the ambulance service failed to cover 42,000 shifts. That shows that there is a shortage of paramedics. We worry that, without a bursary, we will not be able to fill that gap, which puts current paramedics under a huge amount of strain.

One reason why we need the bursary is to ensure that student paramedics can complete their training and take some of the pressure off regular paramedics. In May 2019, Unison released a report called “An emergency but no accident—A UNISON survey of Scottish Ambulance Service staff”. I would like to read one statement from it that I think is telling in relation to the workforce. It says:

“Despite a small increase in numbers 98% of paramedics said their workload was heavier including 83% who stated it was much heavier, It’s not just about call numbers but also about the nature of those calls.”

That is one of the big issues for us. We need to get a proper bursary scheme in place so that we can get trained paramedics, in the numbers that the Scottish Government has asked for, into the Ambulance Service as soon as possible.

**Tom Mason:** Is the number of places available on the BSc paramedic science courses around the country sufficient to ensure a steady flow of new recruits into the profession?

**Rory Maclean:** I cannot comment on that, because I do not have a good enough

understanding of the workflow programming for the Ambulance Service. However, no matter what the numbers, if they are to be higher, we need a bursary to ensure that people do not drop out. No matter how many places there are, if students are not properly funded and cannot complete the course, we will encounter workforce problems. Although I cannot comment on the number of places, a bursary is essential if we are to increase the number of students reaching matriculation and confirmation by the HCPC to become paramedics.

**Tom Mason:** You have compared paramedics with nurses and midwives. How does it sit with other professions such as physiotherapists, occupational therapists and other professions?

**Rory Maclean:** I am sorry, but how does what sit with them?

**Tom Mason:** At the moment, all the examples that you are giving are comparing with nurses and midwives. How do paramedics compare with physiotherapists, occupational therapists and the like?

**Rory Maclean:** I see what you mean.

The reason why we make a comparison with nurses and midwives is that they currently receive a bursary. One reason why that bursary was put in place is because those jobs are on an occupational shortage list. The job of paramedic is also on an occupational shortage list. The reason why we make that comparison is that we are looking to achieve the same thing, and the programme structures are the most similar, due to the unsocial hours.

**David Torrance (Kirkcaldy) (SNP):** Given the challenges that have been outlined to the committee, what impact would the introduction of a bursary have on students who are currently taking the BSc paramedic science course and on those who may pursue the course in future?

**Rory Maclean:** It would have a massively positive impact if the bursary were to be introduced. I outlined previously, in answer to Gail Ross, the emotional reasons why we want it, but there is also a question of accessibility. There used to be an occupational route in which people were paid, which meant that the course was open to anyone, because people did not have to worry about how they were going to pay for their kids or about caring responsibilities.

The problem now is that, without proper funding in place, we limit the type of people who can become paramedics. Because paramedics interact with people from all walks of life, we need people from all walks of life to become paramedics if we are to be successful. The bursary is important for accessibility so that people who are having a career change later in life can do the course, or so



that people with children or caring responsibilities can do it.

A bursary would not only make things easier for those who are currently doing the course and relieve the financial burdens and emotional pressures on student paramedics; it would make the course more accessible for anyone who wants to do it in future.

**The Convener:** I have a couple of final questions although, if members want to come back in, I will allow that.

Do you have figures on the drop-out rate? If that is an issue, do you have a sense that people are deciding to drop out because of the costs and pressures on students?

**Rory Maclean:** I do not have any figures on that, but I can try to get some and come back to the committee with them, if that would be helpful.

**The Convener:** It would be, although I do not want to create a huge amount of work for you.

Is the average age of a paramedic student higher? Are paramedic students more likely to have already been working in the field and gone on to do a degree? I sense that the pressures on them are different from those on a person of 18 or 19 who is perhaps still supported by their family. Do you have a sense of the group of people who are doing that degree?

**Rory Maclean:** From the people with whom I have interacted who are going into the five universities in Scotland, it would definitely be accurate to say that paramedic students are older and have already been working. When I did my first degree, my cohort was very young—it was homogenous in that sense. However, I know of parents with two kids, people who are in their 40s and 50s, and people who have served in our armed forces as medics and are now training to become paramedics who are currently on the course. I know that NHS nurses who are changing profession are on the course. Unlike on many courses, the age range of the people on the course is very diverse. There are people who have come out of college and people who are changing their career later in life on it. A large proportion of people on the course are over 25 and are not supported by their parents. We would class them as independent students.

**The Convener:** I have two final points. You think that there is an argument for saying that the old system was better because of the points that you have made about accessibility and because insisting on somebody doing a degree with all the costs is a less fruitful way of training people than bringing them in and training them up and seeing people with the capacity to go a wee bit further as a paramedic.

**Rory Maclean:** It would be hard for me to give an answer to that, because I am only just beginning the journey. Obviously, the Health and Care Professions Council made the decision for a reason, and it would be foolish of me to try to second-guess people who are very experienced in making those decisions. However, it seems to me that the changeover from an occupational route to a university-based route has happened without necessarily the funding to follow that.

**The Convener:** Even if that was the right route to go, there has not been transition planning.

**Rory Maclean:** Yes. It seems that there has not been transition planning in terms of funding. The cost is very small. We have worked out that 0.04 per cent of the current health budget would be needed for funding in the third year, when we would have the maximum number of paramedics training in Scotland. It is important to note that it is not an expensive transition.

**The Convener:** That figure will be important in conversations that we will have with the Scottish Government, because it is clear that people will ask where the money will come from. You have identified that the money is a small part of the budget. Have you identified benefits to the system from funding in that way? In a cost benefit analysis, what would be the benefits of doing it in that way in securing planning for paramedics in the future?

**Rory Maclean:** We have not planned that yet; we hoped to plan it more in our conversations with the Scottish Government. The benefit that we can immediately see is that, by having a properly funded paramedic course and having more paramedics graduate, fewer shifts would miss being covered and there would be better response times. There is also a human factor that we cannot put into a cost analysis. Stress would be taken off current paramedics, and a better service would be delivered to our users. We cannot put a cost on a paramedic getting there 10 minutes earlier and perhaps making a life-saving difference.

**The Convener:** Okay. Thanks very much for that—it is immensely helpful. Again, I appreciate very much your standing in for the petitioner.

I want to take views from committee members. Maurice Corry has requested to speak.

**Maurice Corry:** You have made some very interesting comments, Rory, about the age range of the students on the courses, and also in response to the questions that the convener has just asked on that subject. I know that you will come back with some data, which will be very interesting.

From your experience, can I take it as read that the course is more suited for mature students,

rather than being an undergraduate degree course?

10:00

**Rory Maclean:** Yes. My experience is slightly more limited than that of the petitioner—I am only just going into my first year—but, from the interactions that we have had with the campaign and the people involved, I would say that it is definitely a mature course. Although there are younger people on the course, I would definitely say that it is a course for people who are coming to it a little bit later. Being a paramedic requires life experience. The applications for the courses are at a very high level. I am studying at Glasgow Caledonian University, and only 4 per cent of the people who apply are accepted on to the course. That trend comes out at the application and interview stage, too.

**Maurice Corry:** That is very interesting: it casts another light on what the Scottish Government needs to consider in its review, and that is something that I think you should push hard on to ensure that the message gets across.

**Rory Maclean:** Thank you, Maurice.

**The Convener:** I will go round the committee so that people can make particular observations on what we should do with the petition. I find the arguments compelling. The cost does not seem a huge amount. It feels as though the matter has just not been thought of, rather than being actively resisted, although the cabinet secretary's views are quite robust.

We might want to ask the Scottish Government whether there are workforce planning issues for paramedics and, if so, why there is not parity. People who make a transition from one job to another when they are slightly older need to be supported if we are going to get them in. That is my view, and I think that we should write to the Scottish Government, emphasising the urgency. I am interested to hear other people's views.

**David Torrance:** I agree with you: we should write to the cabinet secretary to see what the timescale is and how long things will take. As you know, any review could take from two or three months to two or three years. The situation needs to be sorted soon for the sake of the students there now and for the sake of keeping up the throughput of students. I would be happy to write to the cabinet secretary to get her views on the matter.

**Tom Mason:** I agree with that. It is clear that there is a gap. It could be an oversight, but the matter needs to be addressed. Only the Government can do that, so we need to write to it and insist that it gets on the job and sorts out the

problem now, even if there is to be a bigger overall review later on.

**Gail Ross:** Our thanks again to Rory Maclean, who has made some compelling arguments. Rory spoke at the start about all the support that the campaign has received. I point out that, just because a political party has not come out to support the campaign does not mean that there are not individual supporters within that party. We definitely need to follow up the petition, and David Torrance is absolutely right that, as Rory Maclean also said, a review could take a while, but the matter needs addressed immediately.

I was interested to note the change from learning on the job, when trainees got paid, to their being students on a university course. It is right to say that the problem might just be something that has fallen through the cracks, but it needs to be addressed even so. I would back that course of action—we should write to the Scottish Government again.

**The Convener:** We appreciate that there are different pressures on members of the governing party than on others. Some of us have been here before. You are quite right, Gail, to highlight that that does not necessarily mean that there is not a great deal of recognition of the questions and the challenges that have been put to us in the petition.

We agree to write to the cabinet secretary, saying how compelling the argument is and expressing concern about the remit of the review and about its timescale, which will be too slow. When the transition was made, the planning behind it was not done. The students coming into the degree may be older people who have family commitments that young people do not. We hope that the cabinet secretary will engage directly with the petitioner, with Rory Maclean and with his colleagues—we will want to flag that up.

I am interested in asking whether the Government accepts that there are workforce planning arguments in favour of the petition, too, that the courses are not oversubscribed, and that there are current pressures on paramedics. We have the papers on that and you referred to it, Rory. We would be interested to know whether those points have been factored in.

There are no further points from members; we are agreed on the action to take.

I thank Rory Maclean very much for coming along. He has made an excellent case. We will consider the evidence that we have heard and the response from the cabinet secretary at a later stage.

I thank everyone for their attendance, and I will now suspend the meeting until ten past 10.

**Rory Maclean:** Thank you very much, everyone. It has been a pleasure to appear before the committee today. Thank you all for putting your questions in such good faith. I really hope that we can work to get the situation sorted out for student paramedics in Scotland.

**The Convener:** Thank you.

10:06

*Meeting suspended.*

10:11

*On resuming—*

### **NHS Hospitals (PE1805)**

**The Convener:** The next new petition for consideration is PE1805, on the provision of national health service hospitals in Scotland, which was lodged by Gillian MacKay. The petition calls on the Scottish Government to increase the number of hospitals in Scotland, particularly in towns that have no hospital or out-of-hours provision or transport links that enable people to access such services.

We have received a submission from the Scottish Government, as well as a response from the petitioner. The Scottish Government notes that

“The location and nature of healthcare facilities is a matter for each territorial Health Board to consider for its own area, taking into account the needs of its population, the geography of its area and NHS Scotland’s clinical strategy.”

It also notes that it does not believe that towns with a certain number of residents should automatically qualify for a hospital but believes that the system based on an assessment of need should remain.

In her written submission, the petitioner states that, although

“government strategy may well have been to reduce the need for secondary care through measures to prevent ill health and support early intervention, such changes take generations to implement if they are at all successful and in the meantime secondary care is imperative especially in light of the recent pandemic”.

It is an interesting petition. I do not agree with the solution that is proposed, but I recognise that the petition relates to a specific decision about a particular hospital. The petitioner talks in some detail about the impact of the relocation of Monklands hospital on Cumbernauld. There is no doubt that that is a highly contentious local issue. In our work, all of us will have had experience of the fact that issues such as where to put services and where to locate hospitals are extremely sensitive.

I do not think that the solution to the problem is to say that there should be a hospital in every town, but that is not to disrespect the petitioner’s strongly held view about the need for a hospital in her locality. Therefore, I think that there is not much more that we can do with the petition, but I underline that I recognise that there are strong local campaigns on the location of hospitals, and that will always be the case.

I invite comments and suggestions for action from members.

**Gail Ross:** I totally agree. I know from experience in my area that the siting of health centres and establishments is an extremely emotive issue, and I completely understand where the petitioner is coming from.

However, I agree with the convener in that I do not think that the solution that is called for would be good Scotland-wide. I know that there are different sizes of hospital in different places—there might be a minor injuries unit in one place and a health hub in another, with a central hospital that they both feed into. Health boards take such decisions based on local need. From the submissions that we have received, I do not believe that the Scottish Government will change that model at all. I have every sympathy with the petitioner but, unfortunately, I do not think that we can take the matter forward in any meaningful way. I suggest that we close the petition, under rule 15.7 of the standing orders.

10:15

**Maurice Corry:** I agree with both my colleagues. There are concerns in several regions—there are similar cases in my West Scotland region. We have to leave it to the health and social care partnerships to make such decisions. The Government clearly does not agree with pursuing the policy and actions that are called for in the petition, so I agree that we should close the petition, under rule 15.7, on that basis. We should leave the matters to be resolved depending on the local situation, and we are aware of several campaigns going on throughout Scotland.

**David Torrance:** I agree with my colleagues about closing the petition.

**Tom Mason:** I agree with what has been said. In health generally, it has always worried me that it is not clear to the population what people can expect in every area; hence, there are always campaigns to change the position. The mechanisms by which that is done are not available. Local health boards do not have democratic accountability. The great and the good are stuck on the boards and are quite often remote from the population. That general issue has always worried me, but that does not resolve this

particular case. We have no alternative but to close the petition.

**The Convener:** I get the sense that the committee understands that local communities will campaign. The responsiveness of individual health boards is a big issue, and I know that people are actively engaged in the specific area that the petitioner has identified. We do not want to suggest that such campaigns should not happen or that it is not important for health boards and others to reflect on the decisions that they make.

I agree completely with Tom Mason's point. I live in the city of Glasgow, so my expectation about the proximity of a hospital is completely different from the expectation of family that I might have on some of the islands. They recognise that a lot of their care will be done on the mainland, so the perception is different.

Nevertheless, we have to separate the rights and wrongs of individual local campaigns from what the petition asks. I think that we agree that it would not be sustainable or represent good health policy to simply say that, based on its size, a town should automatically qualify for a hospital, because that does not reflect the way in which the population is spread.

I think that we agree that we should close the petition. We recognise the strong feelings that have motivated the petitioner, and we thank her for bringing the issue to our attention. There will no doubt be an on-going campaign, because people across the area who will be served by the new hospital will have very strong views on it.

Given that I see no disagreement in the chat box, we agree to close the petition on the basis that has been identified. Again, we thank the petitioner for engaging with the Public Petitions Committee.

### **Pancreatic Cancer (PE1806)**

**The Convener:** The next new petition for consideration is PE1806, on improving survival from pancreatic cancer, which was lodged by Emily Waller on behalf of Pancreatic Cancer UK. The petition calls on the Scottish Government to produce a national plan to make pancreatic cancer a survivable disease. The petition wants the plan to focus on three areas: investment in strategic pancreatic cancer research to save lives; the delivery of faster and better treatment and care across Scotland; and a national campaign to raise public awareness of pancreatic cancer symptoms.

Our papers explain that difficulties in diagnosing pancreatic cancer, and its stage, size and position, mean that treatment might not be successful. In its written submission, the Scottish Government recognises the importance of early diagnosis,

stating that it has invested significant resource in improving Scotland's pancreatic cancer services and outlining some of the actions that it has taken, including addressing strategic pancreatic research and updating referral guidelines to raise awareness of the potential signs and symptoms.

Again, this is an interesting petition. We recognise that the petitioner is petitioning on behalf of a charity that, clearly, has a great deal of expertise in this field. Reading our papers, I was troubled by the survival rates for this cancer, which are poorer than those for many other cancers. There is a recognition of the importance of acting in this regard. My sense from reading the papers is that the Scottish Government recognises the challenge of this cancer and has been taking action on it. I invite members to give their views.

**Maurice Corry:** This is an interesting petition, and I must say that the issue has come up in parliamentary debates before.

It is good to see that, in the past year, there has been a big investment in the Beatson Institute for Cancer Research in Glasgow to create a world-class pancreatic cancer centre. I am confident that the Government is pulling together the health and research side of this area to consider the issue in detail. We have seen some wonderful research being done.

My position is that we must deliver paths for better treatment but that can come only from the research that is being done, and I note that the first pancreatic cancer research centre in the world has been set up at the Beatson in Glasgow. Therefore, I think that we should close the petition under rule 15.7 of standing orders. Of course, if the petitioner is not happy with progress, she can submit another petition after a year. However, the Government is addressing the investment in strategic pancreatic cancer research, and we hope that that will lead to quicker diagnosis and treatment.

**David Torrance:** I agree with Maurice Corry. The Government has set out a list of things that it is doing to try to achieve what the petitioner has asked for. What is more important for me is that the Government is engaging directly with the petitioner, which means that her views will be heard. I am, therefore, quite happy to close the petition under rule 15.7 of standing orders.

**Tom Mason:** If only we could make some progress with this issue. The only way in which we can make some progress is to keep at it and keep close to the issues while maintaining the resources going into research and co-operating effectively on the international scene. It will be a worldwide solution, if we get there, but we need to keep the pressure on. However, I do not think that

we can do more with regard to this petition, so I agree that we should close it.

**Gail Ross:** I agree with what has been said so far. The Scottish Government has updated the referral guidelines, the research project has been established and the cancer strategy has been updated. I think that we should thank the petitioner and close the petition under rule 15.7 of standing orders.

**The Convener:** There is a consensus that we wish to close the petition. We recognise the importance of this area of work, and we are content that the Scottish Government understands that as well. As David Torrance said, we are particularly encouraged by the fact that the petitioner will be engaging directly with the issue, through the less survivable cancers task force. Pancreatic Cancer UK, the charity on behalf of which the petitioner has lodged the petition, has a role to play in that, and we are glad that the Scottish Government has recognised that.

We thank the petitioner for taking the opportunity to highlight these important issues. As has already been said, if she feels that there has not been progress in a year's time, she can submit another petition to the committee.

### Sports Ombudsman (PE1811)

**The Convener:** The next new petition for consideration today is PE1811, on an independent sports ombudsman, lodged by Ken White. The petition calls on the Scottish Government to establish an independent sports ombudsman to provide a duty of care to all participants, coaches, officials, support staff, volunteers and clubs, ensuring that all are treated fairly and without prejudice, and to review and arbitrate on disputes with Scottish governing bodies of sport—SGBs. We have received written submissions from the Scottish Government and the petitioner. The Scottish Government notes that all SGBs that receive public funding via sportscotland are required to have open and transparent policies and procedures in place. Sportscotland contracts auditors to undertake external development audits of SGBs in which they invest. Those examine governance, financial management, risk management, planning and reporting, human resource management, policies, communication and information communication technology. The Scottish Government does not note any opinion on the need for an independent sports ombudsman in its submission.

The petitioner agrees with the Scottish Government that everyone must be treated equally and issues should be able to be addressed, but he notes that, if an SGB refuses to

discuss anything, the Scottish Government must appoint an independent sports ombudsman.

Sport is an important area. Sport engages a lot of young people and involves a lot of volunteers. There have been controversies in the area; in the past, issues in cycling have been flagged up and recently gymnastics has had issues that have been flagged up at a UK level. We also know from our work that the way in which young footballers were treated historically is a current issue.

The petitioner says that there is an issue; I do not know whether there is or not, but I know that we have a duty of care to young people who engage in sport and to make sure that there is transparency. We also know that the governing bodies do fantastic work in supporting and sustaining their sports and engaging with volunteers, so I am not suggesting that there is a huge issue here that has to be investigated, but we need to have some confidence that there is rigour in that area of work. We maybe need to ask a few wee questions before we dispose of the petition altogether.

I will ask members in turn for their views.

**David Torrance:** I register an interest: I have met the petitioner and club members about the decisions that the governing body in question has taken against individuals and the club. The club has appealed to it on several occasions, but the responses have been a fob off. Even when I intervened for the club, the response that I got back from the governing body was ridiculous. There is a need for somebody to arbitrate, because when club members or an individual cannot get anywhere with a governing body when they raise concerns with it, and when they are ignored by the hierarchy of that governing body, there are real issues in the sport and the clubs that make up those organisations.

I would like to see Ken White and members of the club come in and give evidence, but I would also want the Government to come in and say why there should not be an independent sports ombudsman, so that those questions could be put to the cabinet secretary or minister, because trying to deal with the governing body on behalf of the club and its members, and the response that I got back, raised my eyebrows. How they have been treated is not right, and that is all I will say on that, convener.

**The Convener:** I should highlight that the role of the committee would not be to arbitrate in that particular case. We can look only at the general issues that could be extrapolated from that. I appreciate that you have flagged up your direct experience, but we would obviously want to look at whether there is a general need for what is proposed, rather than dealing with the individual

case that has prompted the petition in the first place.

**Tom Mason:** I sense that there are frustrations in getting resolutions to various problems from governing bodies, but because there is no higher authority that clubs can go to, those frustrations will continue. It would be a good solution to have a general ombudsman who could resolve issues when the governing bodies of the various sports cannot do so. We should get the Government's views on having a body that can arbitrate on some of the issues. We will not be able to set that up in the short term, but we should request the Government's views and hope that it can take something forward.

10:30

**Gail Ross:** The petitioner makes a good argument, and I heard what David Torrance had to say. We should write to the Scottish Government to ask for its views on whether an ombudsman is needed and, if the Government does not think that it is, where clubs such as the one that David Torrance talked about can go if they do not get a satisfactory response from a governing body. There is definitely a gap, so I am interested in hearing the Scottish Government's views on that.

**Maurice Corry:** I agree with all the points that my colleagues have made. Obviously, the committee's experience on youth football has taught us many lessons about issues with governance. I certainly agree that, at this stage, we should write to the Scottish Government to get its views on the petition and the concerns. Some sports do not have a governing body, so there is a gap and something needs to be done about that to allow individuals to raise issues. The issue needs to be addressed quickly. I agree that we should write to the Scottish Government.

**The Convener:** I think that, again, there is consensus on the petition. We recognise that there is a general issue, rather than just the specific one that David Torrance flagged up, and we want clarity from the Scottish Government on its views. We want to know whether the Government thinks that we need an independent sports ombudsman, as has been suggested, and where concerns about a Scottish governing body should be raised if there is no independent sports ombudsman. We are agreed on that, so we will take that action.

## **National Curriculum (African Scottish History) (PE1813)**

## **National Curriculum (Black, Asian and Minority Ethnic History) (PE1814)**

**The Convener:** The next new petitions for consideration are PE1813, on reforming the national curriculum to include all African Scottish history, lodged by Eunice Olumide, and PE1814, on compulsory education of black, Asian, and minority ethnic history in Scottish schools, lodged by Tobe Amamize. PE1813 calls on the Scottish Government to reform the national curriculum to include Afro-Scottish history, including artefacts of the African diaspora, cultural and economic contributions, the role of the British empire and the benefits to Scotland from colonies in the Caribbean and Africa. PE1814 calls on the Scottish Government to embed black, Asian, and minority ethnic history into the school curriculum.

A Scottish Parliament information centre briefing and a Scottish Government submission have been provided for the two petitions jointly, so I suggest that we consider them together. We have not received a submission from either of the petitioners, but we have received a submission from Andrew Strachan. On 14 July, the Deputy First Minister and Cabinet Secretary for Education and Skills issued a public statement setting out the Scottish Government's position on the issues, and the Scottish Government submission expands on that.

The submission advises that the Government considers that the education framework already provides opportunities for young people, as part of the broad general education and as part of courses at national 5, higher and advanced higher level, to learn about all aspects of Scotland's history, heritage and culture, including the role that Scotland played in the slave trade.

The submission states:

"To support schools to make diverse choices about how they approach the curriculum, Education Scotland officials are in the process of working to exemplify how race equality can be addressed through whole school approaches".

The Government also advises that an external reference group that includes BEMIS and the Coalition for Racial Equality and Rights is informing the work, and that a race equality in education resource for practitioners is nearly complete and is due for launch in September.

Obviously, there are important issues here, and we will want to get an update on progress, given what has been happening in the last wee while.

**Tom Mason:** A lot is going on and a lot of work is in progress, so it would be a mistake to make a

decision before we have an update. Therefore, we should ask the Government to tell us about the progress of the various groups so that we can consolidate our thoughts and come to a conclusion at a later date.

**Gail Ross:** The Scottish Government has done a lot of work in the area. I know that individual MSPs have had a lot of correspondence on the issue. I certainly wrote to Mr Swinney on behalf of constituents who got in touch with me. Tom Mason is right that it is worth asking the Scottish Government about what progress has been made with stakeholders. I am interested in the external reference group with BEMIS and CRER and in the education resource that is due for launch this month, so perhaps we could get an update on that. Tom Mason is correct that we need to get more information on where we are before we decide what we are going to do with the petition, so I advocate that course of action.

**Maurice Corry:** I agree with what has been said. So much is moving in the area—practically every six months—so we need to write to the Scottish Government and request an update on progress with the stakeholder group and the discussions that it is having, and progress in the wider circle. Obviously, the issues are coming up internationally and nationally, and we need to address them.

**David Torrance:** I agree with the other committee members. We need to write to the Scottish Government to ask for an update so that we can see where we are and how the issue is progressing.

**The Convener:** I think that we all recognise the importance of the issues that have been flagged up, and that we are agreeing to write to the Scottish Government to get an update on progress.

Can we also agree that, in future, the committee will consider both the petitions together, given how closely related they are in the issues that they flag up? As no one has any comments, that is agreed.

I suspend the meeting briefly—for no more than five minutes—before we move to the next agenda item.

10:37

*Meeting suspended.*

10:40

*On resuming—*

## Continued Petitions

### Private Criminal Prosecutions (Legal Aid) (PE1766)

**The Convener:** The first continued petition is PE1766. The petition, which was lodged by Andrew Buchan, calls on the Scottish Government to change the law to provide free legal aid to people who are unwaged and/or learning-disabled victims of abuse who wish to bring private criminal prosecutions.

The Government's submission outlines the recent action that it has taken to review how legal aid operates in Scotland. The submission also outlines the process for seeking a private prosecution. Members may wish to note that the Government's response concludes by stating that

"the system of public prosecution in Scotland works well, and we have no plans to"

change the ways

"by which private prosecution can be initiated."

The petitioner's written submission outlines his personal experience of trying to raise a private prosecution. He is of the view that he should have access to legal aid to challenge "Classism and corruption."

The question of legal aid and access to justice is a difficult area of work. It always has been. I am not convinced that the main focus of the argument is about private prosecutions. I think that we would want to be confident that the public prosecution system is working fairly and that people have access to justice.

I will call members—first, Maurice Corry.

**Maurice Corry:** It is an interesting petition. I understand the Government's position, which is that it has

"no plans to adjust the current process by which private prosecution can be initiated."

However, there are questions to be asked. Rather than close the petition, I am minded to get more information from appropriate bodies, including the Law Society of Scotland and others that would be deemed to be sensible by the committee.

**David Torrance:** I would be quite happy to close the petition under rule 15.7 of standing orders. If the Scottish Government has no intentions of changing the law, the petition will not go anywhere. I am quite happy to shut it down.

*[Temporary loss of sound.]*

**The Deputy Convener (Gail Ross):** We seem to have lost the convener. I call Tom Mason.

**Tom Mason:** We are on plan B, obviously.

This is a difficult one. Clearly, the petition has two parts. One part is about the private prosecution system and the other part is about legal aid generally.

There are huge problems across the board with the legal aid system. As a justice of the peace, I have seen legal aid problems. I have also represented a number of cases. It was incredibly difficult to sort out the problems.

As far as the petition goes, I do not think that we can make much progress unless we examine legal aid generally, which is a far bigger issue than that which the petition addresses.

I think that closing the petition is the only thing that we can do, at this stage. I think that a new petition about legal aid would be much more appropriate.

10:45

**The Deputy Convener:** Certainly, the evidence that we have had suggests that the issue hinges on the Legal Aid (Scotland) Act 1986. We have no legislative powers to provide legal aid for representation in private prosecutions.

Maurice—are you happy to go along with the other two members and to close the petition on that basis?

**Maurice Corry:** I hear what the other members are saying, and I very much take on board their points. I also take on board the point about the Scottish Government's position, as I said earlier. I just have a hunch that maybe we should tease something more out of the Law Society. However, as you rightly point out, the 1986 act is in place. On that basis, I agree that we should close the petition.

**The Deputy Convener:** Thank you. I appreciate your coming back in.

We therefore agree to close the petition under rule 15.7 of the standing orders, on the basis that the Scottish Government has no plans to adjust the current process by which private prosecutions can be initiated. We thank the petitioner, who can come back in a year's time if they feel that their issues have not been addressed.

### **Children's Hearings (Record of Proceedings) (PE1768)**

**The Deputy Convener:** The second continued petition for consideration is PE1768, which was lodged by James A Mackie. The petition calls on the Scottish Government to ensure that all

proceedings in children's hearings be minuted or recorded.

We have received the Scottish Government's response, which contains further information on the Children's Hearings Improvement Partnership, including on why parents and children are not involved in it, as we requested. The Scottish Government has explained the background to the recording process for decisions, and it has highlighted the low number of appeals. It acknowledges that although there is no direct representation by children and families on CHIP, they are involved in the group's work.

The petitioner's response states that the Scottish Government's response does not reflect the reality of experiences in the children's hearings system, and it highlights the

"glaring gaps in procedures that could be amended now".

He does not agree with the Scottish Government that there is sufficient input by families and children in CHIP and says that

"parents and families are demonized and ignored".

He states that there are few appeals because the process is difficult and confusing and there is but little guidance on and difficulty in finding support from a solicitor.

In the evidence that we have been given, it has been explained to us quite clearly why children's hearings are not minuted. I would like to hear members' views on the petition, starting with David Torrance.

**David Torrance:** The Scottish Government's response to the petition states that what it calls for

"could undermine the ethos of the system, making exchanges more formal and possibly inhibiting young people when asked to give their views",

and that it could reduce

"the current participative approach."

That approach is crucial to getting young people to take part in hearings and give their views. If hearings were to be minuted, they would become very formal, so it could be difficult for some young people to give their views.

In the appeals system, the judge's decision would not be based on what would be in the minutes, but on the decision that is made by the panel.

I am quite happy to close the petition under rule 15.7 of the standing orders, on the basis that the Scottish Government has no plans to change how children's hearings are recorded.

**Tom Mason:** This is a very difficult area, and I fully appreciate why such proceedings are not recorded at the moment. However, there is the



great issue of how to know what has gone on before when carrying adjourned cases forward from one meeting to the next. It could be quite gruelling to have to go through the issues again. Decisions might change as a result of not knowing what has happened previously.

I would have thought that it would be perfectly possible to have a recording system that is not intrusive. Surely somebody taking minutes in the background would not impede what goes on.

I think that we should keep the petition open so that we can explore what is going on and to strike the best balance between the two opposing views. It is incredibly frustrating when children's hearings cases are perceived not to be well understood and dealt with when it comes to appeals and the like. Some families become desperate as a result of the situation being perceived to be unfair.

I think that we need to investigate matters further and keep the petition open for the time being.

**Maurice Corry:** I agree entirely with Tom Mason. I do not think that we have got to the root of the matter. I am keen that we write to the Scottish Government to highlight the petitioner's continued concern, and that we keep the petition open for now.

I have heard of cases in which things have slipped through the net and there has probably not been enough understanding. Do not get me wrong; I understand that such cases can be difficult. There should be a better way of recording key points, over and above the decisions that are taken, although that is a matter for the legal system and the Scottish Government.

I agree that we should keep the petition open and write to the Scottish Government.

**The Deputy Convener:** I will come back to David Torrance to find out whether he agrees that we should write to the Scottish Government to find out whether, as Maurice Corry suggests, there is a way in which key points could be recorded if there is a contentious issue, without that impinging on the willingness of the child and the other people involved to open up and be comfortable in the meeting. Would you be happy with us taking that course of action, David?

**David Torrance:** For the sake of consensus, I will agree with the other members of the committee.

**The Deputy Convener:** That is very good of you. Thank you.

On the basis of the discussion that we have had and the comments that I have made, we agree to write to the Scottish Government to ask whether

the proposal that specific pieces of information be recorded is being considered.

### Higher Education (PE1769)

**The Deputy Convener:** The next continued petition for consideration is PE1769, on higher education in Scotland, which was lodged by Marie Oldfield. The petition calls on the Scottish Government to review the way in which higher education is set up and delivered in Scotland, including how students' rights are enforced and whether there is scope to allocate more power to the Scottish Public Services Ombudsman.

I welcome Jackie Baillie, who has joined us for consideration of the petition.

Since our most recent consideration of the petition in January of this year, we have received written submissions from the Minister for Further Education, Higher Education and Science, the Quality Assurance Agency Scotland, the Scottish Public Services Ombudsman and the petitioner. The submissions are summarised in our papers.

Since the publication of our papers, the petitioner has provided a further submission that highlights that, as most people are not able to bring matters to court,

"there is no way to achieve a reasonable result on a complaint if the SPSO is not able to provide one."

I invite Jackie Baillie to inform the committee by speaking about the petition.

**Jackie Baillie (Dumbarton) (Lab):** I thank the committee for allowing me to take up some of its time this morning.

The petitioner, Marie Oldfield, is my constituent. She was engaged in a course of postgraduate study, which she funded herself, at the University of Glasgow. She is a former teacher and validator of university degree courses, so I hope that you will agree that she has a rounded perspective of university education. However, her experience at the University of Glasgow was not good. A number of lectures and tutorials were abandoned as a result of industrial action at the time.

I will not dwell on the specifics of Marie's case, because the committee will not discuss individual cases. Instead, I will focus briefly on her experience of the complaints process, because it seems that it is not robust and that there are few external checks on it. As the committee knows, the Scottish Public Services Ombudsman does not look at the substance of complaints; it looks at the process and appears rarely to uphold higher education complaints. However, I understand that, in the past, it has raised issues about the University of Glasgow's complaints process.

The enhancement-led institutional review—that is quite a mouthful—which is carried out by the Quality Assurance Agency Scotland, looks at academic standards and the student experience. In 2014, it identified that there were issues at the University of Glasgow in relation to postgraduate students. Some five years later, in a 2019 technical report, the agency established that the same issues remained, so little had changed.

Ms Oldfield's experience was that, while she was engaged in the complaints process, the university sent her threatening letters and refused her offer of mediation with a local law centre. There appears to be little accountability or external oversight. The reality of her experience is that universities appear to be left to their own devices.

Ultimately, the Scottish Funding Council might have a role in the matter, so I would be grateful if the committee could take it further.

**The Deputy Convener:** Thank you. I ask members for their comments and suggestions.

**Tom Mason:** I agree with Jackie Baillie. I was an academic for 27 years and I understand how these things can come about. I had a number of experiences in university in which bullying, in effect, took place. It was up to the academics to get solutions, and I managed to resolve most of those situations myself. I used to carry my resignation letter in my pocket; occasionally, I had to throw it on the desk, in order to make a point.

We should seek more information from the Scottish Funding Council, keep the petition open and press for a sensible solution. I am not for completely dominating the process from outside—that would not be constructive. However, we have to progress from where we are to something better, and the petition could be a vehicle for doing that.

**Maurice Corry:** I thank the petitioner for a detailed and highly interesting submission; I also thank Jackie Baillie for highlighting various points. I do not know the petitioner but she is from my region, too. I thank Tom Mason for his comments about his experience and for highlighting those points.

I am minded to keep the petition open; there is something there that we need to resolve, and I have heard of similar instances in my work. We should write to the Scottish Funding Council, as Tom Mason said, to seek its views, and to the Minister for Further Education, Higher Education and Science, because his submission does not give enough information that is to the point. Let us see what comes out of that.

**David Torrance:** Like my colleagues, I would like to keep the petition open. We need to write to the Scottish Funding Council, and we definitely

need to write to the minister to ask for his response to the points that the petition raises.

**The Deputy Convener:** I thank Jackie Baillie, whose evidence has been extremely important. I also have a sense that we need to follow up the petition. I thank the petitioner for the substantial information provided.

11:00

The committee agrees to write to the Scottish Funding Council to seek its views, and to the Minister for Further Education, Higher Education and Science. We will get back to the issue at a later date. Again, I thank the petitioner and Jackie Baillie.

### Rape Law (PE1773)

**The Deputy Convener:** The next continued petition for our consideration is PE1773, on reforming rape law, which was brought by Sarah Takahashi. The petition calls on the Scottish Parliament to urge the Scottish Government to update the Sexual Offences (Scotland) Act 2009 to include the offence of a man being raped by a woman.

Since our most recent consideration of the petition in January, the committee has received submissions from the Scottish Government, the Crown Office and Procurator Fiscal Service, the Law Society of Scotland and Police Scotland. The submissions are summarised in our meeting papers. The petitioner was invited to respond to the submissions, but a response has not been received.

I found the evidence, particularly from the Law Society, to be quite stark. The society said, of the offence of rape:

“The Petition would seem to seek removal of the distinctive elements of the crime”—

that is, penetration.

All our submissions pointed out that the conduct that the petitioner highlighted would be a criminal offence under sections 3 or 4 of the 2009 act, which the petitioner has asked to be updated.

I invite members' views.

**Maurice Corry:** This is a complicated one, but I think that there are enough legal powers in place in Scotland at the moment. I am minded to recommend that we close the petition under rule 15.7 of standing orders, on the basis that the written submissions have explained why the offence of rape is confined to crimes of penile penetration. There is enough information in that evidence to enable us to recommend closing the petition.

**David Torrance:** I agree with Maurice Corry. We should close the petition under rule 15.7. The Law Society of Scotland does not agree with the call in the petition and says that the law is adequate to protect everybody.

**Tom Mason:** I agree with my colleagues. We have had enough information to assure us that the law should not change, so it would be appropriate to close the petition under rule 15.7.

**The Deputy Convener:** Okay. I thank the petitioner, who raised an extremely emotive issue. When emotion runs up against legislation, the situation is very difficult, but I think that the committee agrees that we should close the petition under rule 15.7 of standing orders, on the basis that all the written submissions that we received explained why rape is confined to crimes of penile penetration; the conduct that was highlighted in the petition can currently be punishable to the same degree as rape; and the Law Society of Scotland states that it does not consider that there is

“any failure to prosecute offending sexual behaviour affecting male complainants”

under existing legislation.

### **Vaping-related Illnesses and Deaths (Recording) (PE1774)**

**The Deputy Convener:** The final continued petition for consideration today is PE1774, on formally recording vaping-related illness and death, which was brought by Craig Edward. The petition calls on the Scottish Government to collect data on vaping-related illness and vaping during pregnancy, to ensure that the best health interventions are provided to all.

Since we last considered the petition, we have received submissions from the Scottish Government and the UK Government. We requested a submission from the petitioner but did not receive one.

The UK Government advised that, in 2016:

“the Medicines and Healthcare products Regulatory Agency (MHRA) launched Yellow Card reporting for nicotine containing e-cigarettes. The Scheme collects reports of suspected adverse reactions associated with e-cigarettes.”

The Scottish Government advised:

“The national Scottish Clinical Coding Review Group of National Services Scotland ... has recently approved the use of the ICD10 emergency code for coding vaping related disorder for hospital admissions across NHS Scotland”.

The petitioner’s point has been addressed in the submissions and is dealt with in Scottish and UK Government systems that are currently active. I would like to hear committee members’ views.

**Maurice Corry:** The matter has been addressed at UK Government level as well as Scottish Government level. I am minded to close the petition under rule 15.7 of standing orders, on the basis that data on vaping-related illnesses and vaping during pregnancy is collected at both levels, through the yellow card scheme and clinical coding. There is a grasp of the issues.

I note that the petitioner commented that a report in the *Daily Record* on 29 September 2019 found that

“children are now being targeted and vaping oils were marketed at children and sold on online auction website E-Bay without any age checks.”

That concerns me. I hope that the point will be picked up by both Governments in the context of various checks and balances that are put in place. At this stage, although it would be sensible to close the petition, we should maybe write to the Government to ask for its reaction to that point and to ask how it proposes to mitigate the issue and prevent such marketing to young people.

**David Torrance:** Given that the data is being collected through the yellow card scheme and Scottish clinical coding, I am happy to agree with Maurice Corry that we should close the petition under rule 15.7.

**Tom Mason:** I agree with my colleagues. The matter has the attention of both Governments, which have it well under control. However, it might be appropriate and a good idea to write to the Governments to remind them of the issues to do with children. The Governments are on the right lines, and we can close the petition under rule 15.7.

**The Deputy Convener:** We thank the petitioner and we agree to close the petition under rule 15.7 of standing orders, on the basis that data on vaping-related illness and vaping during pregnancy is collected at both Scottish and UK Government levels, through the yellow card scheme and Scottish clinical coding. However, we will write to the relevant minister about the advertising and promotion of vaping products, if no member disagrees.

That concludes our meeting. I thank all the petitioners, I thank Rory Maclean for giving evidence at the start of the meeting, and I thank all members for their important contributions. I also thank the convener, who is somewhere watching us; I hope that she will be able to join us again next week.

*Meeting closed at 11:09.*



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