



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 22 February 2023

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

3rd Meeting 2023, Session 6

CONVENER

Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness and Nairn) (SNP)

*Carol Mochan (South Scotland) (Lab)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Stephanie Bonner

Murdo Fraser (Mid Scotland and Fife) (Con)

Rhoda Grant (Highlands and Islands) (Lab)

Laura Meikle (Scottish Government)

Lorna Slater (Minister for Green Skills, Circular Economy and Biodiversity)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 22 February 2023

[The Convener opened the meeting at 09:46]

Decision on Taking Business in Private

The Deputy Convener (David Torrance): Welcome to the third meeting of the Citizen Participation and Public Petitions Committee in 2023. I have apologies from Jackson Carlaw, so, as deputy convener, I am convening today.

The first item on our agenda this morning is a decision on whether to take item 4 in private. Do we agree to do so?

Members indicated agreement.

Continued Petitions

Unexplained Deaths (PE1948)

The Deputy Convener: Our first continued petition today is PE1948, lodged by Alex O’Kane, which calls on the Scottish Parliament to urge the Scottish Government to encourage Police Scotland to review its practices for dealing with unexplained deaths, from initial recovery through to the support that is offered to family members.

We are joined this morning by Stephanie Bonner, who is here to tell us about what change she believes is needed, following her own personal experience. Thank you for your courage in coming to give evidence this morning, Stephanie. We appreciate you taking the time to speak with us.

I also welcome members of the public who are here to support the petition and Stephanie.

Stephanie, I believe you have a brief opening statement. Would you like to read it out? Just take your time.

Stephanie Bonner: It is a few pages. Is that okay?

The Deputy Convener: That is okay.

Stephanie Bonner: I thank the committee for giving me this opportunity to speak and share my experience and journey with you.

Before I continue, I want to assure you that I will not go off track and that I intend to use this valuable time wisely, so please bear with me. I intend to cover the following: who Rhys Bonner was—he was my son; what happened; what I believe went wrong; how this has impacted my family and me; and what changes could be made for the better.

When I speak, you will hear my voice. When I speak, I hear my son Rhys Bonner’s voice coming within my heart. *[Interruption.]* I am sorry.

The Deputy Convener: It is okay. Just take your time.

Stephanie Bonner: Hopefully, both voices can be heard as one today. Hopefully, changes can be made for the better after today.

Who was Rhys? Rhys was my first-born child. He was healthy, he was happy and he was loved by his family and friends. He looked forward to living his life to the fullest and shared the ambitions and dreams of many 19-year-olds, but his life ended at 19, just before his ambitions and dreams could start to come to fruition. Rhys was a loving, caring boy. He did not bother anyone, no one bothered him and he did not get into trouble. He was a happy-go-lucky teenager who had his

whole life ahead of him. He had a career to establish, he had a future, he had true love to find and a family to build—he had his whole future ahead of him.

Rhys was 19 years old when he was taken from me. The day he went missing was the day that my nightmare started and my world changed for ever. The loss of a child is every parent's worst nightmare.

What happened? Rhys went missing on 24 July 2019. His half-naked teenage body was later discovered on Thursday, 8 August 2019. Items of his clothing were scattered and missing. Police Scotland closed the investigation into the death on Monday, 12 August 2019—four days but only one full working day later. I believe that those times speak volumes. That was one day spent investigating my son's death. My son's life was worth one full working day to Police Scotland. Just to repeat that: Rhys's half-naked teenage body was found on a Thursday afternoon and the investigation was officially closed on the following Monday. It was categorised as a missing person now found with no suspicious circumstances. My family and I were left to conduct door-to-door inquiries and build up a timeline of Rhys's final movements. We were also left to chase and secure closed-circuit television footage and statements from different local sources.

We discovered video footage of my son Rhys's body being dragged by ropes across open land—two football yards—in broad daylight by the police. I will never forget seeing these images as they will haunt me for ever. The police did not bother to try to prevent the public from filming this.

If the body of a half-naked 19-year-old girl had been discovered in an affluent area, I believe that the investigation would have looked a lot different. I believe that the victim's family would have been treated a lot differently. I believe that the approach of the police would have been completely different.

What do I believe went wrong? When a body is initially discovered, there is a vital window of time where important decisions are made by the police. At this point, if the police cannot see any obvious signs of criminality or a clear cause of death, they have to make a decision despite the cause of death being unknown or, as they say, "unexplained". In other words, the police have to form a theory based on what they see at the time at the scene, what evidence is clear to them and what the circumstances seem to be. This is where the theory is often made without the cause of death actually being officially established, without post-mortem and toxicology results being consulted. In fact, the investigation into Rhys's death was closed before he was even formally identified.

I believe there is pressure on the police in terms of time and resources to make those decisions quickly and move on, and that is where mistakes can be made, which cannot be undone, leaving families without answers or closure—leaving families tormented forever.

I believe that postcodes play a significant factor in the decision making of the police and the theories that they form. I also believe that what is going on at the time of a discovery influences the police's theory. For example, in the summer of 2019, when Rhys's body was discovered, there seemed to be a high number of suicides and drug-related deaths being reported in the media and many of those involved younger men. So, I believe that, given the climate at that time, when they discovered Rhys's body in that postcode area, the police's theory was drawn towards a suicide or drug-related death. I think the police thought, "Just another young man from a housing scheme who lost his life through suicide or an overdose, so let's not waste any time—just close the investigation and move on".

Police Scotland failed to fully investigate Rhys's death. That is not my opinion; it is a fact, as it was upheld by Police Scotland within my complaint in December 2020. Police Scotland did not even bother to conduct door-to-door inquiries. It is the basic stuff like that that could have made a difference both in terms of securing vital evidence and trust and confidence in the police investigation. My family and I were left to conduct door-to-door inquiries and build up our own timeline of my son Rhys's last movements. Police Scotland then failed to fully investigate my complaint regarding the flawed investigations into my son's death. Four key points were upheld by the Police Investigations and Review Commissioner recently.

How has this impacted my family and me? I am a mum from a housing scheme—a wee mammy from Barlanark—and I am not accustomed to talking to politicians, especially in such surroundings. I want to connect with you and describe my pain, the void left when a child, a loved one, dies and there is no explanation given. I want to try to explain what it feels like when a loved one is the subject of an unexplained death.

Take a few seconds to think of someone you love, bravely hold that image of that person in your minds, concentrate on that person's image. As distressing as this may be, imagine the police contacting you and informing you that the person is dead and their body has been discovered half naked in open land—in my case, after the initial shock, I felt like I had been struck by a bow and arrow straight through my heart. The first question you would ask is, "What happened?" You have lost your loved one. You need answers. You need

an explanation. You need closure. You need that to start the grieving process and try to move on.

But imagine that there was no explanation given to you. Imagine how you would feel. You have lost your loved one forever and there is no explanation whatsoever. That is what the families face when they lose their loved one to an unexplained death. They cannot move on. They are left thinking about every possible scenario, night after night, week after week, as months turn into years.

Imagine discovering that the police had closed their investigation into the death of your loved one four days—or one working day—later, even before the body had even been formally identified, before a pathology report was made, before a toxicology report was made, before establishing a timeline of your loved one's last movements—[*Interruption.*] Sorry.

The Deputy Convener: Just take your time. It is okay. Do not worry. You have as much time as you want.

Stephanie Bonner: Imagine discovering that the police had closed their investigation into the death of your loved one before doing all of that, before establishing who they were with or why they were with them. Imagine discovering that the basics like door-to-door inquiries were not even carried out. I ask you to consider how you would feel. Would you consider that to be reasonable? Would you accept that? In my case, I did not consider that to be reasonable. I did not accept that, so I made a formal complaint. Three years later and the complaint has still not fully been concluded. This is all part of the journey that I have travelled due to my son's death being unexplained.

I still do not know with any certainty where my son's body was discovered. Police Scotland have at least two different sets of co-ordinates. I tried to leave flowers and tributes at the location I was told about, only to be informed by local people that I was at the wrong location.

When Rhys's body was found, I asked the police to show me where the body had been discovered. I wanted to know where my son took his last breath. I wanted to see where his eyes closed for the last time. As a mother, I wanted to know that, but I was paralysed by grief.

A police sergeant ended up giving us a map with an X marking the spot where Rhys's body was discovered. Think about how insensitive that is. I would never have been able to find the place, so my father asked a police sergeant to take him to an open space where Rhys was discovered. The sergeant took him to an area and pointed, saying, "Just over there."

Could I get a tissue, somebody, please?

10:00

That sergeant gave me misleading information and tried to stop me getting representation of my choice. I hold that sergeant responsible for causing me a lot of confusion, distress and anguish, and he is directly mentioned in my complaint against Police Scotland. While that complaint was being investigated, that sergeant starred as a contestant on the "Countdown" television game show, boasting about now being an inspector and being in command of officers in my area of the city. I felt physically sick, seeing that man on TV, playing games while at the centre of a high-profile complaint, and knowing that he had been promoted to the rank of inspector.

At this point in time, I have lost all faith in Police Scotland. No matter what the police tell me, no matter what they say, I will struggle to accept it as credible. That is what happens when you are left without answers and are given the wrong information over three years. So, I have lost my son and lost my faith in the organisation that is there to serve and protect my family and me.

To add insult, I have watched Police Scotland repeatedly giving statements to the media about how sympathetic they are towards me and how much support they have offered my family. Every time I read that, I feel like I have been stabbed through the heart again. Police Scotland has not supported me in any shape or form. The second I made a formal complaint, the police closed ranks and I met a wall of silence. I was offered to attend one meeting in December 2022 or request a PIRC review. When I requested a PIRC review, the meeting was taken off the table. I faced a wall of silence for another two years while the police continued to suggest otherwise to the media. I have faced obstructions, and my representative has faced one obstruction after another. It has not stopped.

After PIRC upheld the four key failings—a few weeks ago, in fact—Police Scotland decided that they did not recognise my mandated representative. He had been mandated to represent me for more than three years but all of a sudden the police did not recognise him. He put in a formal complaint and contacted PIRC, and then the police suddenly did a U-turn and recognised him.

So, nothing has changed. I believe that Police Scotland has not learned from past failings and resents the bad publicity that it received due to its failure to fully investigate the death of Rhys Bonner, my son. Both my family and I have lost all confidence and trust in and respect for Police Scotland.

Bear with me. I have nearly finished.

The Deputy Convener: Stephanie, just take your time.

Stephanie Bonner: Thank you so much.

What changes can be made for the better? When a body is initially discovered and the police do not know the cause of death, a reasonable level of evidence should be secured if there are no obvious signs of criminality. In this way, the police can go back after pathology and toxicology findings are available. The basics, such as door-to-door inquiries, should never have been missed. The window of time between when a body is discovered and a theory is formed and a decision is made must be looked at and be improved. It is better to gather evidence and not to have to use it than not to gather evidence and lose it.

Postcode policing has to be acknowledged and addressed. Every life matters, no matter what the postcode is. Right now, I do not believe that Police Scotland accepts that postcode policing exists. Until Police Scotland accepts that, this problem can never be addressed. Do you really believe that if Rhys was the son of a lawyer from an affluent area this investigation would have looked like this? Police Scotland has not supported me or communicated with me or my family. Police Scotland has to support and communicate with families impacted by unexplained deaths. In my case, Police Scotland has spent more time trying to convince the media how much they have supported me than they actually have spent with me. Police Scotland has displayed more spin-doctoring than sympathy.

Finally, I believe that someone had a level of culpability in the death of my son. As the cause of the death cannot be medically determined, and as the police never fully investigated my son's death or secured potential evidence, I will never know with certainty what happened or be able to prove what happened to my son. That is the conclusion that I face. That is the conclusion that I have to live with every second. That is the conclusion that I will take to my grave. That is what happens when a death is unexplained and a death is not fully investigated by the police.

I want to thank you for this opportunity and for your time. Thank you, each and every one of you.

The Deputy Convener: Stephanie, thank you very much for your opening statement, which must have been really heartbreaking and emotional for you to read out. Members have a number of questions that they would like to explore. If you are happy, I will ask the first question. What are your main concerns about Police Scotland's current handling of unexplained deaths?

Stephanie Bonner: It is about the impact on families—it is soul destroying. I have four other kids and there are lots of people in my place who

do not have an Alex O'Kane in their lives and who do not have trust. It impacts the families tremendously; no one has an idea.

The Deputy Convener: Thank you. I will move to my colleagues.

Carol Mochan (South Scotland) (Lab): Thank you, Stephanie. I really appreciate you coming along and sharing your story with us.

I am interested in two things. First, could you tell me a wee bit about your experience of the postcode lottery that you felt? It stands out in your statement. Have you made contact with any other families that have had the same experience?

Stephanie Bonner: Yes, I have had contact with a lot of families. When the police said, "Where are you from?" and I said, "Barlanark", they went, "Oh!" I went, "What is it?" and they went, "So why would your son be in Easterhouse?" I went, "Because his college and other things are up there—that's why he goes." The police said, "Oh, you don't get young boys his age going to Easterhouse and places like that." I said, "What dae ye mean?" and they went, "Well, it's different schemes and things." I went, "I know, but ma son needs tae go up there. That is his library and things." I was shocked by that. I said, "Does it really matter where we stay?" I stay in a back and front door house, and it is fully decorated and comfortable for my kids.

When they came in, they went, "Oh!" I went, "What is it?", and they went, "Oh, we didnae expect that; we thought we were gonnae be going up a close. We didnae expect tae be coming in a house. Aw, yer wee house is nice. We didnae expect that." They were like that. I was just taken aback by their answers to that kind of question. What has anybody's house or where they live got to do with it?

Carol Mochan: Okay. Thanks for explaining that a wee bit. I appreciate you doing that.

If there were one, two or three steps that you thought would be important for us to discuss as change, what would those be?

Stephanie Bonner: Every life matters—treat every life the same. Ma boy never drank or anything like that, but they kept on saying, "Will yer boy be out?" and I said, "No, he'll no be oot wi friends." I had tae go and find oot who ma son was with, and it was a very bad person, who I have heard lots of things about. I showed the police—sorry about this.

Carol Mochan: No, take your time.

Stephanie Bonner: What was it you asked me again? Sorry.

Carol Mochan: It was just if you had one or two things that you would like us to put forward as ideas to change the system at that very first bit.

Stephanie Bonner: I had just had a wee baby. Ma wee baby was four months old. I didnae have a liaison officer—somebody outwith the police. Ma son wis missing for 15 days and a police officer would only call me every two days at 10 o'clock at night, and they didnae interact with me. I used tae say, "Please," but nobody from CID would come, but the police would come tae ma house. One time—this really impacted me—they came wi a bullet-proof vest, and I was really scared. I was just sitting there myself wi ma wee baby. I was so shocked, so I cried and they went, "Sit down right now." It was just the way I was treated—nobody ever helped or had any empathy or compassion.

Carol Mochan: Was that the initial contact with the police?

Stephanie Bonner: Aye. The CID never came to see me and I begged the CID to come and help me.

Carol Mochan: Thank you.

Alexander Stewart (Mid Scotland and Fife) (Con): Stephanie, thank you for your bravery today. That is much appreciated.

You talked in your statement about the failings and the trust that has been lost. I can very much appreciate that being the case, but what would you like to see improved with families? That is what you want to see here—that nobody else is put through a similar situation to what you had.

Stephanie Bonner: Yes. See if something is unexplained and there is no circumstance, I want it to be treated like other deaths. My son was found in open land. I do not want things to be treated as unexplained. I want it to be treated as an investigation straight away, so the police have everything they need. I want the family to get a liaison officer. That really needs to be in, because they said, "You're dead strong," and they were making me feel, "Oh, I'm a strong mum—I don't need this." That is the way they made me feel. You really need a liaison officer.

I had a wee baby, and he was premature, or he wouldnae have met Rhys. It was so hard, so I was just clinging on to my baby. I said, "So what does a liaison officer do?" They said, "Oh, they'll just come intae yer life, and you don't really want people in and oot yer hoose and that." I wisnae aware that a liaison officer would tell me what was happening. It was only every two days that the police would phone me—they didnae want to come to see me. I was looking for my son myself. No police were ever out, and they lied to me. They said that 30 officers were going door tae door that

day. Nobody ever went door tae door, and he was only a wee 19-year-old boy.

Alexander Stewart: So you really want to see it embedded in the process that there should be a liaison officer who is seconded and then given the opportunity to support.

Stephanie Bonner: Yes, please.

Alexander Stewart: And support the family.

Stephanie Bonner: Yes.

Alexander Stewart: You also talked about people closing ranks and your belief that you were not given all the facts or information.

Stephanie Bonner: Yes.

Alexander Stewart: As a mother of a family—a grieving mother—it is so important that you are given that respect and support. We have to trust organisations like the police to deliver that service, but obviously in this situation that was a massive failing.

Stephanie Bonner: Oh, yes. I felt like the criminal. Ma wee baby was only four months old and they werenae understandin that he was premature and that I could have other feelings goin through ma body and things like that anaw. They just kept on sayin tae me every day, "Where dae ye think he is?" I said, "Ma son's up in the field. I know he is. Please gonnae help me—it's no that big."

I said, "Where is this lady in question?", and they would say, "It's okay, she's got a red alert on her if she goes and shoplifts or something." I said, "But please help us. I've got kids and I'm terrified. Gonnae go and get her—gonnae get the CID in tae investigate hard so ye can get ma son back tae me just now, please."

Alexander Stewart: Thank you.

Fergus Ewing (Inverness and Nairn) (SNP): Thanks for coming today, Stephanie. It must be very hard.

Stephanie Bonner: Thank you for the opportunity. I appreciate it.

Fergus Ewing: You are doing very well. We appreciate that this is, as I think you said, every parent's nightmare. I think we all feel that very profoundly for you.

It seems to me that you have been very badly let down by people who were supposed to help you. We have not heard from the police, so we have not heard what they have to say, but it feels that way to me.

Stephanie Bonner: They do not communicate, ever. I have a representative, Alex O'Kane, and he helps me. The police have just never tried tae help

me. They have never come out. They just told me, "This has happened to your son. Ye'll need tae accept it, and that's it."

Fergus Ewing: Yes. I think we heard that Mr O'Kane was very helpful to you.

Stephanie Bonner: Yes. Oh, God, I wouldnae have been here without him.

Fergus Ewing: That was very good that he did that.

Stephanie Bonner: Oh, yes. I am so proud of him.

Fergus Ewing: I am not in the same party but that does not really matter. We can imagine that he would have done that.

Stephanie Bonner: Oh, yes.

Fergus Ewing: This next question might be too difficult for you to answer.

Stephanie Bonner: No, it is okay.

Fergus Ewing: Have you ever been offered any explanation by the police about why they did not carry out the investigation that you felt was basic—namely, door-to-door inquiries and things of that nature?

Stephanie Bonner: I have never had an answer. I put in complaints with PIRC, and when PIRC came back, they upheld the four complaints—that the police had dragged ma son and different things—but I have never had any answers. Never. My son just went out that day to go to McDonald's and I am left wi that. It was a lovely summer's day. They said there was lots of water up there. It is open—nurseries and that came up through it, and it was a really nice summer, so it was all very dry. They never put out any helicopters. I was scared to speak up in case they didnae want tae look for ma son, so one day my partner said, "Can you get sniffer dogs, helicopters and that?" and they went, "Oh, that's resources." Someone said to ma partner, "That's resources—it's too much money and that." Ma partner said, "But it's ma son—ye need tae dae something." Naw, there was never any officers.

10:15

Fergus Ewing: Our purpose is not to carry out an investigation. We cannot do that. I feel guilty saying that, but that is just the way it is. We cannot do that.

Stephanie Bonner: Yes. I just want other families to be helped to not go through this, ever.

Fergus Ewing: We cannot start an investigation now, and I am not proposing to, but what troubles me about the issue is that the evidence that we have had from the police—they put in a written

submission—basically says that they have a duty to provide family liaison support in certain circumstances. My question is how, in your case, did they determine that you were not entitled to more support? If it had very clearly been a homicide or if there had been a fatal accident inquiry to be held, the submission we have had is that there would be an obligation to provide support, but it seems that, in your case, from what I have gleaned from the evidence, the police decided that there was not that obligation. Victim Support has also said that it does not provide help. It seems that you fall between the cracks here, between the police and Victim Support. Do you have a sense of what you would like to have happened? Would you have liked the police to have done more?

Stephanie Bonner: Did I tell ye they done nothing?

Fergus Ewing: Can you say what would have been better?

Stephanie Bonner: Somebody coming to my house to see me and somebody to go through things. It is nearly four years now and when my son was just missing for the 15 days, that is the only time I seen the police, as well as the two months after that. I have not seen the police or heard from them for just over three year. They do not talk to me. I have always had just a complete wall of silence, and I do not know why.

Fergus Ewing: So lack of communication was the common theme.

Stephanie Bonner: Yes—100 per cent. There was no communication whatsoever.

Fergus Ewing: And there was no apparent desire to communicate either.

Stephanie Bonner: No.

Fergus Ewing: In fact, it was quite the opposite. Is that right?

Stephanie Bonner: Yes, that is right.

Fergus Ewing: That really is wrong, I think. I would imagine that many of us here feel that way. Thank you again for answering my questions.

The Deputy Convener: Stephanie, before we draw the evidence session to a close, is there anything that we have missed or that you would like to say?

Stephanie Bonner: See the video of them dragging ma son? I think something has to be done about that, please. Please, because it is on video and they have not told me that is ma son, and I want tae know where ma son's body is, please. I am begging, because they will not tell us where it is. They will not tell me anything. I am begging—please help him. Please have just a bit

of empathy and some compassion for ma wee 19-year-old boy. He did matter. He was beautiful.

Can I tell you one mair thing about him? He left school and had a job right up tae he passed away, the wee soul. He didnae drink or things and he never had a chance tae. He had a wee brother—I have four other kids. I am scared, and the person still walks about the streets and they have a large family and aw that. I am just left there worrying every time there is a knock at the door. I am terrified—that is aw I can say.

The Deputy Convener: Stephanie, thank you very much for coming and giving us evidence. I know it is a really difficult time for you and it is difficult to go back through it.

Thank you also to the people in the public gallery for coming to support Stephanie Bonner and the petition—it is greatly appreciated. I suspend the meeting to allow Stephanie to leave.

10:18

Meeting suspended.

10:22

On resuming—

Reusable Water Bottles (PE1896)

The Deputy Convener: The next item is petition PE1896, on providing every primary school child in Scotland with a reusable water bottle, which was lodged by Callum Isted. The petition calls on the Scottish Parliament to urge the Scottish Government to replace the disposable water bottles that are provided with primary school lunches with sustainable, reusable metal bottles.

We previously considered the petition at our meeting on 23 November 2022, when we agreed to invite the Cabinet Secretary for Net Zero, Energy and Transport to give evidence to the committee. We have instead the Minister for Green Skills, Circular Economy and Biodiversity, Lorna Slater, giving evidence on the petition this morning. I thank the minister for coming.

Members have a number of questions that they would like to explore, but first I believe that you have an opening statement, minister.

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): I do. Thank you very much.

I congratulate Callum Isted on the incredible effort that he has put behind the petition and the campaign, and for raising £1,400 to buy reusable bottles for his school. His work has been an inspiration to us all.

I and this Government are committed to this agenda and are seeking to dramatically reduce the amount of single-use plastic products that we consume and throw away in Scotland. That is why we are working hard right now to implement Scotland's deposit return scheme, have banned some of the most problematic single-use plastic products and are introducing a minimum charge on single-use beverage cups by 2025.

Scotland's deposit return scheme, which will cover the kinds of single-use bottles that we are talking about today, will alone reduce littering by a third and cut emissions by the equivalent of 4 million tonnes of carbon dioxide over 25 years. That is an average of around 160,000 tonnes of CO₂ each year, which is the equivalent of taking 83,000 cars off the road in the United Kingdom. However, I agree that that is only part of what we need to do. Education authorities and schools have a key role in leading the way.

Callum's petition has requested that the Scottish Government provides local authorities with funding to enable schools to give reusable metal water bottles to schoolchildren when they start in primary 1. Although I welcome the spirit of the request made in the petition and absolutely share the same ultimate goal—to reduce to a minimum the consumption of single-use plastics in schools—it is for local authorities, as autonomous and democratic organisations, to agree their annual budgets, taking into account their statutory duties and national and local priorities.

The law says that all schools must make sure that drinking water is available free of charge for all pupils at all times of the day, including at meal times. It is for each education authority and school to decide how drinking water is provided, and it is important that we respect that, so that they can provide water in the way that works best for their school and their pupils.

The Scottish Government is clear that that decision, like others made by schools, should support our broader environmental goals. I know that those who provide catering in schools actively consider sustainability as part of their thinking about the delivery of their services. Sustainability is also reflected in the learning for sustainability cross-curricular theme, which encourages schools to take a whole-setting approach to it. That means that all school buildings, grounds and policies in the school should support learning for sustainability, including making sure that the school is taking steps to be more sustainable, which includes reducing the use of plastic.

I know that, in practical terms, local authorities use sustainable approaches to reduce the use of single-use plastic in schools. That includes the provision of water fountains, ensuring that water jugs and reusable cups are available in dining

halls, and encouraging pupils to bring in and use reusable bottles. Furthermore, in direct response to the petition, my colleague Shirley-Anne Somerville wrote to the directors of education at all local authorities, drawing their attention to the petition and their obligations to provide drinking water to pupils, and further encouraging them to do so in an environmentally friendly way. We will continue to build on that progress.

Thank you for inviting me here today. I look forward to answering your questions.

The Deputy Convener: Thank you, minister. Several members have questions. I will start.

Has there been any further engagement with local authorities' directors of education following the cabinet secretary's letter regarding the issues raised in the petition?

Lorna Slater: I am happy to pass that to my colleague Laura Meikle.

Laura Meikle (Scottish Government): Following the letter, we have not had any further engagement with directors of education. As part of the preparation of the letter, we engaged with the Convention of Scottish Local Authorities, the representative organisation for local authorities, in order to garner its support for it. We have not engaged further with local authorities at this point.

That is partly because there is an on-going duty on education authorities to provide water. Education authorities are also required to have due regard to any guidance provided by the Scottish ministers in relation to the provision for sustainability under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007. That guidance has been in place for some time and, therefore, we would regard that as an on-going requirement of directors of education, rather than something that is new and has arisen specifically in response to the petition.

Carol Mochan: You spoke about the responsibility of local government to provide water for young people. I am interested to know to what extent that is monitored. Do we have any evidence that water is freely available and how well young people can access it?

Laura Meikle: There is on-going monitoring of the duties under the 2007 act. There is formal monitoring and there are specific nutrition inspections as part of the inspection arrangements for schools.

We engage regularly with catering services and education authorities as part of our on-going support for implementation of those provisions. You will recognise that provision of food and drinking water is a very important area and our nutritional standards have been revised recently. We have had significant engagement with

educational authorities recently about the standards, and that engagement is on-going. We are well sighted on those provisions.

Our understanding of the position is that there was, of course, an impact on the provision of drinking water during the Covid-19 pandemic, because specific guidance was in place for education authorities at that time. That guidance has been removed now and catering services are returning to a more normal provision in schools. We are still engaging on that as part of our other commitments on the provision of food and drink in schools.

10:30

Carol Mochan: You talked about changes in the guidance. Do you know whether schools still give out disposable bottles or whether the provision is more sustainable now?

Laura Meikle: The petition suggests that single-use plastic bottles are provided in Callum Isted's school. That is not necessarily the practice in every school in Scotland, so we do not start from the position that it is. We are aware that there are other approaches. For example, instead of bottles, there may be reusable cups, cups made out of corn starch or a variety of other options. Single-use plastic is not quite as widespread as might have been presented.

Fergus Ewing: We are pleased that the extent to which schools provide water for pupils is monitored, but what is the upshot of that provision? What evidence do you have from each local authority on it?

Laura Meikle: I do not hold specific evidence. There is on-going monitoring and engagement by nutrition inspectors and we have on-going engagement with catering services. We have not done a specific exercise to monitor the provision, because it is a legal requirement of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 and the specific regulations.

Fergus Ewing: If you are not able to say what evidence there is, how do we know that children get water?

Laura Meikle: We know that from our discussions with catering services and education authorities. When you used the term "evidence", I thought that you meant a specific exercise that had been undertaken to establish the position in each education authority, rather than the evidence that we gather through our own on-going and regular engagement with education authorities. We get feedback in that way.

Fergus Ewing: That is appreciated, but what Callum Isted has asked for—the minister said that he has done well, and we all recognise that—is

that every primary school child should have a reusable water bottle. If you have your own water bottle, you carry it with you and you have it all day. If it is anything else, whether a fountain or a cup in the canteen, you do not always have that with you.

We are fortunate and privileged here in the committee room, where we all have water at the table, but they do not have that in schools. My point is twofold. First, every child should have access to water—you say that you do not know whether that is the case or not—and secondly, the point of the petition is that that access should be through means of a reusable bottle, so that there is less repetitive use of paper or plastic cups and so on, which are bad for the environment. The sum total of your evidence is that you do not know what is happening and you have not said yes to Callum's petition. There have been some warm words, but Callum has not really made any progress, has he?

Lorna Slater: I do not think that that is an accurate representation of the situation at all. There are other sustainable ways of providing water and it is up to schools to provide it in the way that works best for them. For example, if schools and local authorities have invested in water fountains and their maintenance and upkeep, that is how they have decided to meet the statutory requirement to provide water and that is how they have decided to spend their budgets. It is for them to make that decision. Equally, if schools have invested in jug and cup schemes, it is absolutely within their purview to decide how to spend that money and how to make the provision. It is not for us to impose upon them how to interpret the requirement to provide water.

We know that water is being provided, as my colleague said, because of our on-going conversations with education authorities.

Fergus Ewing: I would quite like to see the evidence, because it does not seem to me that there is clarity. There really should be clarity from each local authority, which should provide a simple explanation of what it does in each case.

My final question is this. If every child were to be provided with such a reusable bottle, that would enable a form of national procurement for every local authority. The way that procurement goes is that you get a better price with a national procurement scheme, because you are buying many more of exactly the same thing rather than having possibly 32 separate procurement exercises for bottles. Have you considered that? Has the minister had or sought advice about whether a national scheme would offer not only those cost benefits, because you get cheaper unit costs for larger procurements, but certainty that children actually get personal access to a reusable source of water, which they can have all the time?

That would provide an answer to Callum's petition and provide near certainty that every child is properly hydrated, which, with respect, you are not able to say is the case at the moment.

Lorna Slater: Callum Isted's petition is specifically about a proposal to replace single-use bottles, which were what were being used in his school. Many schools already have in place solutions to that, such as water fountains or jug and cup schemes. That provision is already in place and we do not want to solve a problem that has already been solved in many schools. We know that schools are working towards the sustainability objective. We also have in place national programmes to tackle single-use plastics, such as our deposit return scheme. The process to move away from single-use plastics is well under way.

I recognise Callum Isted's hard work on the issue and the work that he has done with his school, but it is not necessarily the correct solution for every school, and it is up to schools and local authorities to put in place the correct solution for them.

Fergus Ewing: Thank you for those remarks, but, with respect, you have no evidence and I would suggest that you get evidence from each local authority to find out what is actually happening.

The Deputy Convener: Could the statutory guidance on nutritional requirements for food and drink in schools be revised to address the concerns that Callum Isted raised in the petition?

Laura Meikle: The requirements in the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 and the food and nutrition regulations are already aligned to ensure that sustainability is considered as part of the approach to the provision of food and drink in schools. We would not need to amend the regulations to in order to address sustainability matters or the use of single-use plastic, because that arrangement is already built into the existing legislative arrangements. We have significant on-going engagement with education authorities and catering services on the issue and their arrangements for promoting sustainability.

Alexander Stewart: Minister, you have touched on the deposit return scheme. How would the deposit return scheme operate in schools and what impact could it have on the use of bottled water?

Lorna Slater: Schools may interact with the deposit return scheme in several ways. Large schools that have, for example, a cafeteria that sells drinks would be part of the scheme. They would charge the 20p, as any shop or cafeteria of that style would, and they would have an

obligation under the scheme to decide whether they would operate as a return point. They would have the same options as any other cafeteria or similar venue: to operate as a manual return point, to install a reverse vending machine or to apply for an exemption from being a return point based on health and safety grounds or any of the other grounds that are available.

Schools that, for example, do free school meals and provide a free bottle have a couple of options. They could run as a closed-loop system, as many restaurants will. For example, when you buy a bottle of wine in a restaurant, you do not take that bottle away with you—the restaurant takes it back—so you will not pay a deposit on it. That is called a closed-loop system. If schools were to offer an open-loop system with free school meals, they would have to incorporate the price of the deposit in the cost of the meal, because the child would be able to take the container away and collect the 20p when they returned it.

There are different ways in which schools may interact with the scheme. Of course, if schools moved away from using single-use plastics as a way of providing drinks, specifically water, that they are required to provide, they would not be required to participate in the deposit return scheme.

Alexander Stewart: Is any other legislation in Scotland or the UK been raised with the petitioner? He is trying to achieve something, and we know that people are trying to achieve other things as well, such as through the circular economy bill and the UK extended producer responsibility scheme. What impact could they have on the petition and on how you plan to go forward?

Lorna Slater: The member raises excellent points. Those are exactly the sorts of tools that we have as we move towards a circular economy and begin to get rid of waste. We are talking particularly about plastic waste, but waste of any materials or energy in our society is no good.

The extended producer responsibility scheme for plastic is a UK-wide initiative. It was two weeks ago, I think, that we passed at the committee the Scottish statutory instrument to start collecting data for the scheme. From 2024, large packaging producers will need to report on what their packaging is made of and how much packaging they produce—that sort of thing—and in 2025 they will pay fees based on how much packaging they produce. Those fees will be collected and distributed to local authorities to help them pay for recycling. It is another producer responsibility scheme in which the cost of handling materials at the end of their use will be passed to the producers of the materials, rather than being borne by the public purse. It is an exciting initiative

that will, I hope, transform our recycling and the design of packaging materials, because it will incentivise producers of packaging to use more sustainable materials, more recyclable materials, and, I hope, less material altogether. It will be advantageous to them to do that under the fee scheme.

The other thing that you touched on was the circular economy bill, which is largely about establishing new powers. One of the things that was consulted on for the bill was powers to put charges on single-use items, and one of the things that we will look at next in the single-use space is single-use beverage cups. The bill is intended to establish powers so that we can be adaptable as we go forward and use targeted approaches, much like was done with plastic bags under our current powers. We know how effective that was in reducing litter and damage to the environment.

The Deputy Convener: Before we conclude taking evidence, is there anything else that you would like to add?

Lorna Slater: I would just say thank you very much to Callum Isted for bringing the matter to our attention. He is absolutely right: we should all be working towards using fewer single-use plastics and using reusable, long-term containers and packaging. I thank him so much for his work.

The Deputy Convener: Minister and Laura Meikle, thank you very much for your time. Members, are we content to consider the evidence that we have heard at a future meeting?

Members indicated agreement.

The Deputy Convener: I now suspend the meeting for a short while.

10:42

Meeting suspended.

10:44

On resuming—

Island Community Representation on Boards (PE1862)

The Deputy Convener: Welcome back, everybody. We will now consider PE1862, lodged by Rona MacKay, Angus Campbell and Naomi Bremner on behalf of the Uist economic task force, which calls on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018.

10:45

At our previous consideration of the petition on 9 November 2022, we agreed to write to the Minister for Transport to seek information on the process for appointments to the board of David MacBrayne Ltd, and to seek an update on communication between the minister and Highland and Islands Airports Ltd—HIAL—about the proposal in the petition.

I am pleased to say that we have now received a response from the minister that sets out details of the advertising campaign to recruit two non-executive directors to the board of David MacBrayne Ltd. The minister highlights that an understanding of island life is a key criterion for those roles and that that will be fully explored and assessed throughout the recruitment process.

On HIAL, the minister notes that an understanding of the communities in which HIAL airports are located is an essential requirement for all board members. It also noted that HIAL has recently recruited a new finance director, who has also been appointed to its board. That person is an island resident.

The committee has also received a submission from our colleague Alasdair Allan MSP. He has reiterated his support for the petition and notes that, although progress is being made, individual appointments to the boards of HIAL and Caledonian Maritime Assets Ltd do not necessarily mean the issues have been resolved.

Do members have any comments or suggestions?

Carol Mochan: I have been approached by people who, although they acknowledge that there has been some movement, consider that there is no great urgency to see the issue as a key priority. I have been asked to raise with the committee that having an islander on HIAL's board should be a priority. Beatrice Wishart from Shetland has spoken to me about how the community there feels that it is imperative that that happens. I want to share that with the committee.

Alexander Stewart: Progress is being made, but we require more information. I suggest that we write to the Minister for Transport encouraging the Scottish Government to continue to make progress on the issue, which has already been raised by other MSPs and not just by those on this committee. We should also recommend that it explores all available options to formalise the role of community representation on boards of public organisations providing a lifeline service to island communities. We have discussed some of those organisations in the past, when we have talked about the representation on HIAL, David MacBrayne Ltd or CMAL. It is those types of organisations that we would be requesting the

minister to give us more information about. With that information, we can then assess what progress is really being made.

Fergus Ewing: I support the recommendation that Alexander Stewart has just made. I would add that specific reference in the letter to the minister could be made to, and perhaps a copy appended of, Alasdair Allan's submission, because he makes several very good points about the value of having island residents on boards relating to ferries, transportation and health.

Alasdair Allan goes into a couple of reasons for that, which I will briefly set out. First, he says that organisations are improved by having people who rely on the services rather than outsiders who do not use the services. That is a commonsense point and seems to be a practical example of the benefits of having local residents on the boards rather than—without being pejorative—outsiders.

Secondly, he says:

"Having ... island-based board members would also make for a better flow of ideas from communities at an early stage, rather than consultation taking place after decisions have, essentially, already been made."

That, too, is a very good point, convener, and one that perhaps we could ask that the minister bear in mind with further future appointments to public bodies.

The Deputy Convener: Thank you for that. Do we all agree on those recommendations?

Members indicated agreement.

Adult Disability Payment (People Undergoing Cancer Treatment) (PE1913)

The Deputy Convener: PE1913, which was lodged by Wendy Swain, calls on the Scottish Parliament to urge the Scottish Government to create a separate department in Social Security Scotland that will fast-track future adult disability payment applications for people with a cancer diagnosis while they are undergoing treatment.

At our previous consideration of the petition, we agreed to write to Social Security Scotland highlighting the concerns of the petitioner and the recommendations for system improvements that are set out in Macmillan Cancer Support's submission.

In response, Social Security Scotland has confirmed that it will publish quarterly statistics and that the information that is available will be expanded as it continues to collect more data. That will include information on processing times. The response outlines its work to address the issues that are raised by Macmillan Cancer Support's recommendations.

The petitioner's recent submission highlights her on-going concern about rejected applications for disability payments through the personal independence payment.

Do members have any comments or suggestions for action?

Alexander Stewart: We have asked questions about the petition in the past and we have received some assurances. However, there are a number of issues that we might still want to ask about. It might be advantageous to write to Social Security Scotland to ask whether it intends to set targets for application processing times for special and normal rules cases. That is vitally important for an application process. If we have targets, we will get an answer as to where we are, and there are other options that we can look at thereafter.

The Deputy Convener: Thank you. Does everybody agree to take that approach?

Members indicated agreement.

High-caffeine Products (PE1919)

The Deputy Convener: PE1919, which was lodged by Ted Gourley, calls on the Scottish Parliament to urge the Scottish Government to ban the sale of fast-release caffeine gum to under-18s for performance enhancement due to the risk of serious harm.

At our previous consideration of the petition on 28 September 2022, where we agreed to seek information from the Scottish Government on when the report on the consultation on ending the sale of energy drinks to children and young people will be published.

We have now received a response from the Government, which states that it will publish an independent consultation analysis report and set out its policy response "in due course." The response also suggests that the evidence base in relation to caffeine, and caffeine gum specifically, continues to develop. Furthermore, it will look to the European Food Safety Authority and others as the evidence base evolves to consider the implications for the current advice on caffeine products. At this stage, the Government is not considering a ban on the sale of fast-release caffeine products to under-18s.

We have also received two submissions from the petitioner in which he raises concerns about the lack of available evidence to understand the impacts of high-strength, fast-release caffeine products on athletes of various ages. Mr Gourley also offers suggestions for further information gathering by the committee, as well as drawing our attention to advice that the US Anti-Doping Agency provides in relation to caffeine.

Do any members have suggestions?

Alexander Stewart: I think that we should write to the Scottish Government requesting an update on when the analysis report and policy response to the consultation into ending the sale of energy drinks to children and young people will be published. In addition, I would suggest that we recommend that it commissions further research into the effects of fast-release caffeine products on children and young people, particularly those participating in physical activity.

It might also be useful to seek some clarity from UK Athletics, to seek its views on where we are in relation to the issues that are raised in the petition. Information on any action that it is undertaking to address the potential risks to athletes under 18 using fast-release caffeine products for performance enhancement would give us an indication as to how that is being managed and processed.

Fergus Ewing: In backing that recommendation, I note that the information that we have been provided with states that there have been sudden cardiac deaths at races where caffeine gum was promoted, although there are no investigations of any potential link. Scottish Athletics and sportscotland have warned of health risks. I mention that because, plainly, if cardiovascular risks are involved and death has occurred, that is a very serious matter. We should get that further evidence in some detail.

Carol Mochan: I support that. If the athletics associations are already looking into the issue, bringing the evidence to the committee would be very worth while.

The Deputy Convener: Thank you for that, colleagues. Do we agree to take that approach?

Members indicated agreement.

Universal Free School Meals (PE1926)

The Deputy Convener: PE1926, which was lodged by Alison Dowling, calls on the Scottish Parliament to urge the Scottish Government to expand universal free school meals provision for all nursery, primary and secondary school pupils.

When we previously considered the petition on 28 September 2022, we agreed to write to the Cabinet Secretary for Education and Skills seeking an update on the work that is being undertaken to expand the provision of free school meals, specifically on where priority is being given to extending the provision to pupils in secondary schools.

In response, the cabinet secretary notes that £30 million of capital funding has been allocated to support the expansion of catering and dining

facilities to help plan for the expansion of free school meals to pupils in P6 and P7. The cabinet secretary also states the Government's commitment to running a pilot of free school meals in secondary schools to support its consideration of further expansion.

Do members have any comments or suggestions?

Fergus Ewing: The £30 million of funding is welcome, but what is it being spent on, and when? What is the timetable? Can we write to the Cabinet Secretary for Education and Skills to seek further information on the planned pilot of free school meals in secondary schools, especially on the anticipated timescale for carrying out the pilot?

Carol Mochan: Similarly, my point is that it is very disappointing that we do not have a timeframe. There is a growing body of evidence that that is an important policy to progress. Commitments have been made on school meals but nothing has come forward. We should send a strongly worded letter to the minister asking that the Government please sets out an exact timeframe for the measure.

The Deputy Convener: Do we agree with those recommendations?

Members indicated agreement.

Gender-based Violence (Education) (PE1934)

The Deputy Convener: PE1934, which was lodged by Craig Scoular on behalf of Greenfaulds high school rights and equalities committee, calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop an educational resource on gender-based violence for all year groups in high school. The resource should educate on the causes of gender-based violence and ensure that young people leave school with the tools to help them to create a safer society for women.

At our previous consideration of the petition, the committee agreed to write to the Cabinet Secretary for Education and Skills and to COSLA. We requested information from COSLA on the current provision of gender-based violence lessons across local authorities. COSLA's response details a number of on-going workstreams that schools are delivering in partnership with local rape crisis centres and Rape Crisis Scotland.

The submission from the Cabinet Secretary for Education and Skills states that recording and monitoring of incidents in schools is essential, emphasising the importance of a consistent and uniform approach. SEEMiS, which is a local authority-owned tool, provides a function to record

instances of sexual harassment. An evaluation was due to take place in 2022 to assess the success of the system. The submission also highlights upcoming reviews of personal and social education and prevention practices.

Does any member have any thoughts?

Alexander Stewart: I think that we need to write to COSLA to ask which of the local authorities are yet to roll out the mentors in violence prevention programme in secondary schools, requesting information about what challenges have prevented implementation and details of work planned to address those. We should ask what challenges local government faces in embedding schools-based prevention of violence against women and girls.

We should also write to Rape Crisis Scotland to request information on its reporting mechanisms for its equally safe at school—ESAS—strategy and whether its planned work with local authorities has resulted in an increase in ESAS activities across Scotland. That information would be very useful and clarify where we are in this whole process. As you have indicated, convener, this is an immensely important issue. If measures are embedded at school level, that will help to prevent gender-based violence once pupils have left school.

Carol Mochan: We will all be aware that there has been significant debate and discussion on violence against women and girls in Parliament. Do we have any information about whether any of the other committees have done any work around education, either in the Equalities, Human Rights and Civil Justice Committee or the Education, Children and Young People Committee? If so, it would be interesting to look at that evidence.

The Deputy Convener: I am sure we can find that out, Carol. Do we agree to take forward Alexander Stewart's recommendations?

Members indicated agreement.

New Petitions

Abortion (Full Decriminalisation) (PE1969)

11:00

The Deputy Convener: Item 3 is consideration of new petitions. I will begin this item as I normally do by saying that, before the committee considers a new petition, we send it to the Scottish Government to request an initial view on the petition, as well as asking for a briefing from the Parliament's impartial research service, the Scottish Parliament information centre.

Our first new petition today is PE1969, on amending the law to fully decriminalise abortion in Scotland, which has been lodged by Gemma Clark. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to fully decriminalise abortion services in Scotland and make provision to ensure that abortion services are available up to the 24th week of pregnancy across all parts of Scotland.

Gemma highlights that, although the Abortion Act 1967 sets out criteria making abortion permissible, such as the requirement for two doctors' signatures, it does not explicitly decriminalise abortion. Gemma believes that that leaves women open to the risk of prosecution if they choose to end their pregnancy.

In responding to the petition, the Scottish Government makes clear its view that all women should be able to access abortion services, as set down within the limits of the law, where they wish. The Government's response refers to work being undertaken with national health service boards to ensure that services up to 24 weeks are established in Scotland. It also makes reference to the support that is being provided to Gillian Mackay in drafting her member's bill on safe access zones for abortion services.

The Scottish Government has indicated that, although it may be open to reviewing the law on abortion in the future, it has no immediate plans to amend the Abortion Act 1967.

The committee has also received a submission from the Scottish feminist policy and advocacy organisation Engender, which briefly sets out its argument in support of decriminalising abortion.

Members should also be aware, as highlighted in both the briefing we received from SPICe and the Scottish Government response, that the Offences Against the Person Act 1861 mentioned in the petition does not apply in Scotland.

Do members have any suggestions or comments?

Carol Mochan: I am quite supportive of the general principles of the petition about decriminalising abortion. In a modern society, it seems right that the Abortion Act 1967 should be updated. I would be interested to know why the Government says that it is supportive of that but has not set out any plans to do it. Can we explore that?

I know that there is medical support behind changing the law, so it would be interesting to ensure that we have all that information. I would like us to take the petition forward.

The Deputy Convener: We could write to the stakeholders involved, such as the British Pregnancy Advisory Service, Sexual Health Scotland, the British Medical Association, the Scottish Human Rights Commission, Abortion Rights Scotland and faith organisations—Interfaith Scotland, the Society for the Protection of the Unborn Child and the Humanist Society Scotland—to seek their views on the actions that are called for in the petition.

Alexander Stewart: It is important that we collate as much information on this topic as we can. If we contact those agencies and organisations that you indicated, convener, they will be able to give us their views on any action that may be required. That will enable us to take a much better and a more holistic approach to challenging the issues raised by the petition. As Carol Mochan has said, the law requires updating. It has been decades since the issue has been examined in that way. By collecting that information and putting it all together we will have a much better picture as to how the issue is being approached across those organisations in Scotland.

The Deputy Convener: Does the committee agree to all those recommendations?

Members indicated agreement.

Child Arrangement Orders (PE1984)

The Deputy Convener: Our next new petition is PE1984, on introducing the C100 form for child arrangement orders in Scotland, which has been lodged by Amy Stevenson.

The petition calls on the Scottish Parliament to urge the Scottish Government to reduce the financial barriers that prevent parents from having contact with their children by introducing a Scottish equivalent to the C100 form, with a fixed fee for making applications for child residence or child contact orders.

Members may recall that we previously considered a petition from Amy Stevenson, which focused on the provision of legal aid to parents fighting for access to their children. Amy has

followed up on that petition with this call for the introduction of a form similar to the C100 form used in England and Wales when applying to the court for a child arrangement order. Amy suggests that introducing a similar form in Scotland, along with a fixed fee for submitting it, would help to reduce the financial burden on parents seeking child residence or contact orders.

In responding to the petition, the Scottish Government set out the current process for applications to the court for child residence and contact orders, and the fees associated with that.

While accepting that the current procedures for lodging writs and defences in Scotland are viewed as difficult to understand, the Scottish Government highlights a range of issues that it would require to consider before moving to a forms-based system, including criticisms that the C100 form is too lengthy and can be difficult for vulnerable applicants to complete without assistance; the fact that the form may not capture all the relevant issues for the court to consider; and concerns that a forms-based approach may not be focused on the best interests of the child. It is also noted that a forms-based process may reduce costs at the initial application stage but would not rule out the need for applicants to access legal advice at other stages of the process.

The committee has also received submissions from Shared Parenting Scotland and Claire Baker MSP, copies of which are included in our meeting papers. I briefly highlight that Shared Parenting Scotland has suggested that the introduction of a C100 form, or something similar, would remove some barriers for parents who are trying to restore or establish a schedule of contact with their children, but that wider improvements are necessary to provide support to parents in those circumstances.

Do members have any suggestions or comments?

Alexander Stewart: This is a very important issue. We have heard about some areas in the submissions that we have already received, but we need to get more information. We should write to the Scottish Government highlighting the online systems that have been introduced in Australia and in the Netherlands and seek information on what considerations have been given to developing a similar service in Scotland for parents who have separated. It would be very useful for us to collate information on other countries that have put that in place.

It might be quite useful for us to seek the views of some of the organisations that we have here in Scotland, such as the Law Society of Scotland, the Family Law Association, the Scottish Legal Aid Board, the Scottish Courts and Tribunals Service,

Relationships Scotland and the family law committee of the Scottish Civil Justice Council, to find out where we can take the petition. Those are my suggestions, convener.

The Deputy Convener: Do members agree with those suggestions?

Members indicated agreement.

Garage to Home Developments (Evaluation) (PE1985)

The Deputy Convener: PE1985 is on evaluating garage to home developments and has been lodged by Darren Loftus. The petition calls on the Scottish Parliament to urge the Scottish Government to commission an independent evaluation and provide national guidance on garages to homes developments.

The Scottish Government's response to the petition notes that the proposed garages to homes project meets the Scottish Borders Council's local housing strategy objectives and is supported by both the Scottish Borders Council and South of Scotland Enterprise. It states that the buildings will be permanent, high-quality homes, designed for wheelchair users and/or people with limited mobility.

On the issue of community engagement, it highlights a public consultation that was held in November 2022 and plans for consultation events in the future. The submission concludes by stating that the

"Scottish Government does not prescribe, nor enforce, particular housing solutions, but rather it provides the planning framework against which developments are tested."

The petitioner's recent submission asks:

"Is the aspiration of the Scottish Parliament to move their citizens, specifically older adults and people with a disability, into housing units converted from garages?"

His submission questions the quality of the feasibility study for the project, stating that no social factors or identifiable local housing needs were factored into the study.

Do members have any comments or suggestions?

Alexander Stewart: We need to write to the Scottish Government to seek some more clarity on what consideration is given to the national impact of garages to homes developments in the Scottish Borders, whether it believes that a broader evaluation of such developments is required, and whether it recognises the value in assessing factors such as social impact as part of any evaluation of such developments. It is perhaps an opportunity to get COSLA's view on the petition from a planning and local authority perspective.

That would give us a flavour of how it sees the process.

The Deputy Convener: Does the committee agree to those suggestions?

Members indicated agreement.

Drug Testing Kits (PE1986)

The Deputy Convener: PE1986, on the provision of testing kits for drugs in public spaces, has been lodged by Andy Paterson on behalf of the help not harm campaign. The petition calls on the Scottish Parliament to urge the Scottish Government to provide free testing kits for drugs in public spaces such as local pharmacies, libraries and university buildings.

The SPICe briefing for the petition highlights recommendations of the Scottish Drug Deaths Taskforce, which states that drug testing should be supported and that current drug-checking facilities should be reviewed to ensure that they are open, transparent and accessible. The briefing points to a research project on licensed drug-checking facilities, which was due to report in January 2023, and another related project, which is due to conclude in March 2023.

The Scottish Government's submission shares its reservations about the simplicity of the testing kits proposed in the petition. It highlights the planned establishment of drug-checking services in Dundee, Aberdeen and Glasgow through upcoming pilots. That approach includes laboratory testing and links to other drugs services and provides wider public health information about the drugs in circulation.

Do members have any comments or suggestions for action?

Fergus Ewing: I suggest that we write to the Scottish Government to ask for a summary of the evaluation report, for the programme of implementation of licensed drug-checking facilities, and an update on the status of its licence application to the Home Office for the establishment of drug-checking facilities. We should also ask who the target service users of the facilities pilot will be and request information on how health boards will engage with those groups. Finally, we can ask what considerations have been given to ensure that drug-checking facilities will be made accessible to people who are not already in touch with other health services, especially young adults, as highlighted by the Scottish Drug Death Taskforce.

The Deputy Convener: Do members agree with that suggestion?

Members indicated agreement.

Automatic By-elections (PE1987)

The Deputy Convener: Our next new petition is PE1987, on amending the Scotland Act 2016 to automatically trigger a by-election if an MSP or councillor leaves their party, which has been lodged by James Cassidy. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Scotland Act 2016 to automatically trigger a by-election by compelling an MSP or councillor to resign if they leave the party that they belonged to when they were elected.

The Scottish Government's response to the petition states that the terms of membership of the Scottish Parliament are a matter for the Scottish Parliament. On the issue of councillors, the Scottish Government states that it has no current plans to change the electoral system in the way that is called for in the petition.

Do members have any comments or suggestions?

Alexander Stewart: We have heard that there is no need for a change and no information that it will be a reality. I suggest that we close the petition under rule 15.7 of standing orders on the basis that the Scottish Government does not plan to change the electoral system to prevent a councillor from remaining in post following their resignation from the political party that they represented when elected.

The Deputy Convener: If members do not have any other comments, do we agree to close the petition?

Members indicated agreement.

Abortion (Educational Resource) (PE1991)

The Deputy Convener: PE1991, on developing an educational resource on abortion, has been lodged by Gemma Clark. The petition calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop a health-focused and stigma-challenging educational resource on abortion and make it available to all secondary schools in Scotland.

Gemma believes that it is essential for all young people to receive medically accurate and health-focused education on abortion and that challenging the stigma around abortion is also essential for a well-rounded sexual health curriculum. In a written submission in support of her petition, Gemma has also raised concerns about anti-abortion groups visiting schools, and the importance of ensuring that young people are provided with factual information regarding their healthcare.

The Scottish Government has responded to the petition, as it often does in such cases, to state that the curriculum is not mandatory. It does not, however, share details of the relationships, sexual health and parenthood resources that are available to teachers.

11:15

It is noted that the resources have been developed and peer reviewed in partnership with educators, health professionals and third sector organisations, with the intention of providing young people with learning that is factual and objective and that enables them to make informed choices about their sexual health and wellbeing.

The committee has also received submissions from the Humanist Society Scotland and Scottish Teachers for Positive Change and Wellbeing, as well as a joint letter from the British Pregnancy Advisory Service and Back Off Scotland. The submissions are broadly supportive of the petition's aim to ensure that pupils receive medically accurate and health-focused education on abortion.

Do members have any comments or suggestions?

Carol Mochan: I am broadly supportive of the petition, and I have been approached by other members of the Parliament to suggest that we could seek further information on what happens within the school education system and how we could support proper education around what is often a sensitive issue for young people at school, particularly for young women. I would be keen to see whether we could get together some of the information and see how the issue is taken up in the school curriculum.

The Deputy Convener: Do colleagues have any other suggestions? We could write to organisations including COSLA, the Association of Directors of Education in Scotland, the General Teaching Council for Scotland, the Scottish Catholic Education Service and the Society for the Protection of the Unborn Child to seek their views on the issues raised within the petition. Do members agree with those suggestions?

Members indicated agreement.

A9 (Dualling) (PE1992)

The Deputy Convener: Our final new petition is PE1992, lodged by Laura Hansler, which is on dualling the A9 and improving road safety. I welcome to the committee Murdo Fraser and—a regular visitor to the committee—Rhoda Grant.

The petition calls on the Scottish Parliament to urge the Scottish Government to deliver on the commitment that it made in 2011 and address

safety concerns on the A9 by publishing a revised timetable and detailed plan for dualling each section; completing the dualling work by 2025; and creating a memorial to the people who have lost their lives in road traffic incidents on the A9.

As I said, we are joined in our consideration of the petition by our colleagues Murdo Fraser and Rhoda Grant.

The petition has been somewhat superseded by the Minister for Transport's statement to the Parliament on 8 February, in which it was confirmed that the 2025 completion date is now "no longer achievable". Nevertheless, I will set out some of the background to the petition, before opening it up to wider discussion.

In the background information to the petition, the petitioner, Laura Hansler, tells us that the A9 dual action group was formed to raise awareness of the number of people who have lost their lives on the A9 and of the need for a mandatory safety feature to be deployed to reduce further loss of life, as well as to explore whether there should be an investigation into the procurement procedures that are associated with the project.

In its initial response to the petition, which was received prior to the minister's statement, the Scottish Government highlighted the short-term road safety measures that have been developed by Transport Scotland to take account of the recent trend of fatal accidents on the A9.

The response states the Scottish Government's firm commitment to completing the dualling of the A9 between Perth and Inverness, albeit without providing a revised timetable on when the work is likely to be completed.

Following the minister's statement, the committee received a submission from the petitioner in which she calls on us to consider a public inquiry into the matter.

I open up the discussion to members.

Fergus Ewing: I commend Laura Hansler for bringing the petition to the Parliament. I believe that it has been signed by several thousand people.

Last year, 13 people lost their lives in incidents on the A9, and 12 of those occurred on sections of the A9 that are single carriageway. There is evidence that the risk of fatality or incapacitating injuries as a result of incidents is three times greater on single carriageway than on dual carriageway, and the risk is 10 times greater on single carriageway than on motorway. There are no dual carriageway links in the Highlands; therefore, for a Highlander—a Highland resident—the chance of dying on the road is between three and 10 times greater than for people living in the central belt. Every death has been a tragedy for

families and has caused absolute devastation. That is the backdrop that has brought representatives from nearly all parties to the conclusion that we need to get to the bottom of what is happening.

My suggestion is that there should be a parliamentary inquiry. Perhaps the Net Zero, Energy and Transport Committee could be approached privately to see whether, if it wishes, it has the time to undertake such an inquiry, given its busy work schedule. If the net zero committee is not able to undertake such an inquiry, I suggest that this committee carries it out.

The important point is that an inquiry is required. Why? There are several questions to be considered, but there are two main ones. I would be interested to hear what Murdo Fraser and Rhoda Grant say about this, because we have been working cross party—including with the Liberal Democrats—on the issue, which is good.

The first of the two main questions is about what exactly went wrong with the Tomatin to Moy section. Around the spring of 2021, it was announced that the work would be going ahead, and it was only fairly recently that we heard that it would not go ahead. What happened in that intervening period? Why did it go wrong, and will a retender solve the problem or could it lead to the same situation, with apparently only one bidder left, at a price that was reported to be unacceptably high?

The second and perhaps the main question—and this is the thrust of my recommendation—is about the scope of the inquiry, which should be on how we can most swiftly complete the dualling of the A9 between Perth and Inverness. How can that be done and what procurement options and choices should be carried out?

I have had extensive discussions with people in the civil engineering sector, including the Civil Engineering Contractors Association, which is the representative body. Those discussions have led me to the conclusion that the industry believes that, if things proceed as they do at the moment, where we procure one section consecutively after another and only build one at a time, given that it takes three years minimum for each section—one year to procure and two years to build—and there are nine remaining sections, the work will be completed in 2050, because nine threes are 27 and 2023 plus 27 years is 2050. The prospect of the road not being dualled until 2050 is utterly unacceptable to all parties and certainly to my constituents in the Highlands.

This is the final point that I will make, convener, because I appreciate that you have given me some latitude. The very same senior industry insiders tell me that, if everything is done as swiftly

as it could be done, and if companies—if they can be persuaded to do the work by Transport Scotland—have the capacity to do it, the dualling could be completed by around 2030.

The key is the procurement options, and I think that Transport Scotland recognises that the current model of procurement, in which all the risks are passed to contractors, has resulted in a situation with one company leaving Scotland entirely and another company no longer bidding for roads, leaving a limited pool of potential bidders from whom competitive bids can be acquired. In that circumstance, competitive bidding might well again lead to a scenario with no competitive bids, particularly since it costs about £500,000 to prepare a bid and four or five companies would have to do the same preparation work four or five times over. Therefore, a framework contract, which I understand is applicable in Highways England, some local authorities and Scottish Water, would seem to be the way ahead. That would allow the dualling of several sections of the road to be done, as well as parts of the A96, which should also be dualled and the dualling of which from Smithton to Auldearn, including the Nairn bypass, is another Government commitment.

An inquiry into all those things by a parliamentary committee would allow us all to display critical but supportive forensic questioning of Transport Scotland, the minister and industry figures in order to get the work done. Frankly, people in the Highlands and throughout Scotland have been frustrated and, in many cases, angry that the pledge that the Scottish Government made has not been kept and, furthermore, that there has not even been an apology for that.

The Deputy Convener: Perhaps Murdo Fraser would like to comment.

Murdo Fraser (Mid Scotland and Fife) (Con): Thank you for letting me come to the committee, convener. I endorse everything that my friend Fergus Ewing has said. He is absolutely right to say that there is strong cross-party concern about the issue. My colleague Jamie Halcro Johnston apologises—he would have been here this morning to support the petition, but he has been detained elsewhere.

We are holding a debate on the issue in the chamber this afternoon, so I will say more about the matter then. However, briefly, to summarise, I have a strong personal interest in the matter. More than 30 years ago, I was involved in a head-on collision on a single carriageway section of the A9, which left me with multiple fractures. I spent weeks in hospital recovering. However, I was one of the lucky ones, because many other people who have been involved in similar accidents have not survived, as Fergus Ewing made clear when

stating the stark figures for the past year, during which 12 people died on single carriageway sections.

There is little doubt that, if we had had a dual carriageway with central barriers between the lanes, there would not have been the same level of serious fatality and accident on the A9 as we have seen. It is a crucial issue from a road safety perspective. There was a lot of celebration in the Highlands and across Mid Scotland and Fife—the area that I represent—particularly in Perth and Kinross, when the current Scottish Government announced in, I think, 2011 a timetable for progressing the A9 dualling project to complete by 2025. We know that that will not now happen, which was confirmed by the minister just two weeks ago.

It is important that we keep on the pressure and press for a completion date and that we better understand the reasons why there is not faster progress. I entirely endorse the call for a parliamentary inquiry to be done by a committee of this Parliament. Such an inquiry could drill down into the issues and ensure that we have a proper understanding of what exactly is holding up this vital road safety project. If it does not progress, there will, sadly, be more fatalities over the next few years.

Rhoda Grant (Highlands and Islands) (Lab): I, too, thank the committee for allowing me to speak to this petition. I agree with what colleagues have already said.

The A9 is a road that impacts not only on constituents in Inverness, but on the whole of the Highlands and Islands. I pay tribute to Laura Hansler for lodging the petition and all those who are campaigning to improve the road.

A lot of people say that there is no such thing as a dangerous road, and there are only dangerous drivers, but the road plays a huge part in mitigating driver error. I think that everybody can admit to driver error at one point or another, but the design of the road can keep people safe. I drive the A9 weekly and I see very strange driver behaviour, most of which would not happen if it was a dual carriageway.

Last year, there were eight deaths on the 25-mile stretch near the Slochd in just three months, and that was tragic. The total amount of deaths last year was 13. The deaths of those people are losses to not only their families but their communities. We all lose out, as we lose their contribution to society, so the issue impacts on everybody.

The Scottish National Party made dualling the A9 a manifesto commitment back in 2007. In December 2011, ministers confirmed the commitment and they put the timeframe of 2025

on it at that point. Sadly, progress has been slow, and I do not believe that the war in Ukraine, Brexit, Covid or inflation is the underlying reason for that. Had that target of 2025 been a goal, the contracts would have already been issued, the land would have been purchased, and we would probably be on the last stretch rather than looking towards the third stretch.

Eleven sections of the road still have to be dualled and we have no timeframe for them. The closest timeframe that we have had is the one that Fergus Ewing alluded to—an industry representative said 2050. I would say that it might even be longer than that, because the stretches that have been dualled have not been done back to back. There have been gaps between that work, so we need an investigation into the matter.

11:30

If we look at the cost to the public purse, we see that every fatality costs about £2 million to investigate, so last year the total for that was £26 million, and the loss of life is a loss to the public purse as well.

I am keen to see an inquiry. Like Fergus Ewing, I think that it would be worth while for the committee to see whether the Net Zero, Energy and Transport Committee had space to do that. I also wonder whether this committee would want to get its teeth into the matter and carry out an inquiry. You might have the scope for it. I know that, from time to time, the committee likes to look into an issue that a petitioner has raised. Will you consider that? Certainly, a committee of this Parliament should carry out an inquiry that would tell us what has gone wrong and what progress has been made, and give us realistic timescales.

The Deputy Convener: Thank you, Rhoda Grant.

I suggest that the clerks continue to discuss with the Net Zero, Energy and Transport Committee the possibility of an inquiry, and in the meantime we continue to gather evidence on the matter. We could also invite the petitioner to provide evidence to the committee and invite the Minister for Transport to provide evidence at future committee meetings, if that is acceptable to committee members.

Alexander Stewart: That would be very acceptable. The strength of feeling on the matter is immense, and we have found out today that there is cross-party support for the petition. Thousands of individuals have made the petition part of their process and there is no doubt that there has been neglect of that process. That is coming through very strongly from the petitioner. Having the petitioner here would give us much more clarity. I also think that your idea of having

the Minister for Transport come to the committee would be useful.

We need to get information from other organisations that are affected by the situation. Organisations such as the Society of Chief Officers of Transportation in Scotland have a part to play in this, as does the Chartered Institution of Highways and Transportation and even the Road Haulage Association. Those are the organisations whose members are using the road and are suffering from the situation. This morning, we have heard MSPs speak eloquently about the dangers on the road and what is possible.

I like the idea of this committee considering an inquiry if it is not possible to for another committee of the Parliament to do one. That could be investigated by the clerks, as you suggest. We should not lose sight of the fact that this committee has an opportunity to ensure that something is done on the matter. That would be my suggestion, as well as your own.

Fergus Ewing: If there is an appetite—I obviously have the appetite, as do others—for this committee to do the inquiry, we would be well placed to do it. I know that the Net Zero, Energy and Transport Committee is very busy, but because it is the lead committee on the matter it would be politic to have discussions.

I think that Alexander Stewart is right: we could do a good job and we would be assisted by visiting members, I am perfectly sure. I would be more than happy if the Citizen Participation and Public Petitions Committee did the inquiry. Practically, it might be easier for us to play our part that way.

We should write to the chambers of commerce in Inverness and Perth, which have been very active on the matter, and to community councils. I can supply the clerks with information about who to write to in Badenoch and Strathspey, for example; I think that Sandy McCook chairs a group of the community councils there. We should also write to the Civil Engineering Contractors Association, which can provide expert evidence. It would be good to contact it.

I should apologise to my constituents that I am not able to attend the debate on the A9 this afternoon, because I will be in the dental chair having my teeth drilled. I hope that nobody connected with Transport Scotland is doing the drilling. It will be a bit like perhaps not Hamlet without the prince, but, given my age, Hamlet without Polonius, but Laertes will be there to fill the breach. I just thought that I should state that out of courtesy, because normally I participate in such debates, and it is a matter of disappointment that I am not able to do so today, because I could not get any other appointment. I state that for the record and as a courtesy to other members who

might wonder why I am not making my views known.

The Deputy Convener: Thank you, Fergus Ewing. Is the committee happy with those recommendations?

Members indicated agreement.

The Deputy Convener: I thank Murdo Fraser and Rhoda Grant for their attendance. That concludes the public session of the meeting. Our next meeting will be on Wednesday 8 March.

11:34

Meeting continued in private until 11:57.

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