



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Citizen Participation and Public Petitions Committee

Wednesday 8 March 2023

Session 6



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Pàrlamaid na h-Alba

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**Wednesday 8 March 2023**

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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**  
**4<sup>th</sup> 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 PARTICIPATED:**

Alanis McQuillen (Clerk)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 8 March 2023

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

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, everybody, and welcome to the fourth meeting of the Citizen Participation and Public Petitions Committee in 2023. I thank my colleague David Torrance for convening the previous meeting, when I was, unfortunately, off ill.

Our agenda is largely to consider seven continued petitions and five new petitions. We will not take any external evidence.

Our first item of business is to agree to take item 4 in private. Are we content to do that?

**Members indicated agreement.**

## Continued Petitions

### British Sign Language (National Qualification) (PE1867)

09:30

**The Convener:** Item 2 is consideration of continued petitions, the first of which is PE1867, lodged by Scott Macmillan and calling on the Scottish Parliament to urge the Scottish Government to encourage the Scottish Qualifications Authority to establish a national qualification in British Sign Language at Scottish credit and qualifications framework level 2.

A BSL interpretation of our discussion will be on the Parliament's BSL channel following today's meeting.

We last considered the petition in November 2022, when we agreed to write to the Cabinet Secretary for Education and Skills to seek an update on the development of the next BSL plan and an exploration of how BSL national qualifications might be developed. We have received a response from the cabinet secretary that suggests that the Scottish Government will undertake engagement and consultation work to inform the priorities of the BSL national plan for 2023.

The cabinet secretary has also provided details on BSL awards currently available at SCQF levels 3 to 6. While delivery of those awards is still at an early stage, the cabinet secretary has indicated that uptake is increasing. The cabinet secretary goes on to state that, while the Scottish Government shares the petitioner's vision for BSL to be more widely taught in schools, having qualifications in place does not necessarily lead to the language being offered at level 2 by schools and it remains the choice of schools to decide which languages to teach. The Scottish Government, therefore, does not believe that the steps sought by the petitioner are necessarily sufficient to support an increased take-up of BSL.

We have considered the petition on a number of occasions. Do colleagues have any suggestions in light of the cabinet secretary's letter and her commitment to consult further on the 2023 plan?

**David Torrance (Kirkcaldy) (SNP):** Might the committee be minded to keep the petition open and to write to the Scottish Government to seek details of the engagement and consultation that it plans to undertake when developing the new BSL national plan?

**The Convener:** Are we content to do that? These are vulnerable communities, and it would be too easy for us to say, "Let's just close the

petition". We should keep up what pressure we can to see what changes we can help to facilitate.

**Members indicated agreement.**

### **Digital Exclusion (Rural Households) (PE1931)**

**The Convener:** PE1931, lodged by Ian Barker, calls on the Scottish Government to prevent the digital exclusion of rural properties and households by giving priority in the reaching 100 per cent—R100—programme to properties with internet speeds of less than 5 megabits per second.

At our previous consideration of the petition, the committee agreed to write to the Scottish Government and the relevant contractor—BT Openreach—to seek further information about how work is sequenced and prioritised. The Scottish Government's response explained that it conducted an open market review to identify the premises that would be eligible for public investment through R100. The intervention area identified was tested through a public consultation to confirm that it was accurate. The Scottish Government also weighted the scoring for some rural locations as part of the bidding process to encourage deployment in those areas. The submission provides information about the full fibre charter for Scotland, which aims to extend build further into remote, rural and geographically challenging areas.

BT Openreach's response to the committee explains its inside-out approach to sequencing works, whereby build begins from the primary exchange location, where the main fibre controls unit is located, out into the communities. The rationale for that is to make the most use of public subsidy and extend the network as much as it can with the funding that is available.

Finally, a recent parliamentary question from Willie Rennie MSP highlighted an FOI that, he said, reveals that the full R100 programme will not be delivered until March 2028.

The subject has entertained the chamber with a degree of controversy for as long, frankly, as I can recall. Colleagues, have we any comments in the light of the evidence that we have received?

**Alexander Stewart (Mid Scotland and Fife)**  
**(Con):** As you say, this is a very topical issue and members and communities have been sceptical about what is taking place. More requires to be done. We should keep the petition open. It might be useful to find out from the Scottish Government what proportion of Scotland currently has superfast broadband and when it is anticipated that all households will have it. In your comments, you touched on rural locations and geographical

challenges. It is vital that we find out whether the Government has evaluated the full fibre broadband charter in Scotland and the efficacy of extending and expanding the build into remote, rural and geographically challenging areas. That is the crux of it. It is those locations that have the problem. Those communities and their representatives are sceptical about where things are going and how they are progressing. If we can get some of that information from the Scottish Government, it will help our deliberation.

**The Convener:** Are there any other comments? Are we content to proceed as Mr Stewart suggests?

**Members indicated agreement.**

### **Scottish Ministerial Code (Independent Committee) (PE1935)**

**The Convener:** Next is PE1935, which is not the year in which an infringement was last upheld, just the number of the petition. Lodged by Dillon Crawford, it calls on the Scottish Government to create an independent committee outside the Parliament to judge whether ministers have broken the Scottish ministerial code.

The committee, at our last consideration, agreed to request a Scottish Parliament Information Centre briefing on the ministerial code equivalents in the partner nations: England, Wales and Northern Ireland. The SPICe briefing provides detail of the processes followed across the UK. In Scotland, the First Minister is the only MSP who assesses and decides action for a breach of the ministerial code.

All MSPs, including ministers, are expected to abide by the "Code of Conduct for Members of the Scottish Parliament". The briefing states that that is consistent with arrangements at a UK level and in the other devolved nations, where there are separate codes of conduct for members of the Government and members of the respective legislatures.

While there are similarities, the briefing notes that there are differences between Governments in how alleged breaches of the relevant ministerial code are dealt with, the status of the independent advisers and the sanctions available to the Prime Minister or the First Minister in relation to breaches of the relevant ministerial code. Have members any comments or suggestions for action?

**David Torrance:** We can take the petition no further on the evidence that we have, so I would like to close it under rule 15.7 of the standing orders, on the basis that an operational system of independent advisers on the ministerial code exists; the Scottish Government has no plans to amend the decision-making process in any way

proposed by the petitioner; and no current examples of independent committees in UK legislatures exist in any way proposed by the petitioner.

**The Convener:** It is a controversial subject. Has anyone anything else that they would like to contribute? If not, are we content to thank the petitioner for raising the issue and to point out that, in view of the information that we have received and the responses that we have been given, it seems that we are unable, through petition at least, to effect a change and that therefore we will close the petition?

*Members indicated agreement.*

### **Physical Education (Privacy) (PE1937)**

**The Convener:** PE1937, lodged by Gillian Lamarra, urges the Scottish Government to implement the option across all schools for primary school children to wear their physical education kit to school on the days when they have PE.

At our meeting on 28 September 2022, we agreed to write to the Convention of Scottish Local Authorities and the Children and Young People's Commissioner to seek their views on the action called for in the petition. I had not realised that it was as long ago as that; it seems fresher in my mind. In response, the commissioner set out their view that primary schools should adopt a flexible approach to policies on changing for PE classes. The commissioner's response also highlights long-standing concerns about other parts of the learning estate, such as school toilets. The response also suggests that, although different PE changing practices among primary schools may be justified, the Scottish Government should explore whether national guidance is required to help create some degree of consistency.

We have also received a response from COSLA that highlights that extensive work is under way across councils and schools to support the vision of a Scotland where children's human rights are embedded in all aspects of society and public services. COSLA goes on to state that local government believes that it would not be appropriate for the important matters raised in the petition to be subject to national-level policy or guidance, with schools best placed to determine the design and delivery of policy around wearing PE kits.

I imagine that the school estate across Scotland will be hugely varied, so some schools will find it easy to make different arrangements, while others will probably have to plan over a longer period to make such arrangements possible.

Colleagues, in the light of the submissions that we have received, what do you suggest would be an appropriate way forward?

**Alexander Stewart:** There is no doubt that COSLA has a strong case with reference to the estate, but the Children and Young People's Commissioner also gave us some suggestions. It might therefore be useful to not close the petition at this stage but seek more information. I suggest that we write to the Scottish Government to ask what consideration has been given to reviewing and updating the learning estate strategy in the light of the comments that the Children and Young People's Commissioner has made. That might give us further indication. I acknowledge what COSLA says and that the petition may not be able to progress after that, but, at this stage, it might be useful for us to get some of that information.

**The Convener:** Colleagues might agree with your suggestion. I was minded to close the petition, given the difficulties with the school estate, but I take your point. It may well be that, given the strength of expression from the Children and Young People's Commissioner, it would be useful to see the Scottish Government's response to that. I still think, however, that it is unlikely that it will choose to err on the side of a national directive, but it is worth seeing that response. Are we content to make that further inquiry?

**Carol Mochan (South Scotland) (Lab):** I just want to support Alexander Stewart. If the Children and Young People's Commissioner has indicated that there may be more that we can do, it would be useful to explore that to its end point.

**The Convener:** I am happy that we do so.

*Members indicated agreement.*

### **Cats (Compulsory Microchipping) (PE1938)**

**The Convener:** PE1938, lodged by Carlie Power, calls on the Scottish Parliament to urge the Scottish Government to introduce the mandatory microchipping of cats in Scotland and to assess the effectiveness of current microchip-scanning processes.

The Scottish Animal Welfare Commission has informed the committee that microchipping domestic cats has been identified in its recent work programme as an issue to potentially focus on in the medium term. The Scottish Government has stated that it does not consider that microchipping or the scanning of microchips should be made compulsory for cats at this time. The recent submission raises concerns shared with UK counterparts that it could create an enforcement role for veterinary surgeons or result in pet owners avoiding taking their cat to receive

medical attention if the animal is stolen or unchipped.

The petitioner has provided two further written submissions to the committee. She notes that owners of 71 per cent of cats have accepted the recommendation on voluntarily microchipping cats but that that statistic brought the Department for Environment, Food and Rural Affairs to the conclusion that advisory action is not enough. She raises concerns about road traffic accidents that result in euthanasia for minor injuries because locating the cat owner had not been possible. It is highlighted that waste departments often take a role in the disposal of cat remains but do not always have access to a microchip scanner or an understanding of the scanning process.

Christine Grahame MSP, owner of Mr Smokey, has provided a written submission as she is unable to attend the meeting this morning. Her submission states that compulsory microchipping would enable negligent cat owners to be more easily identified and help to avoid ownership disputes. Her submission concludes by highlighting the fact that the number of unchipped cats in Scotland is higher than the UK average.

We have also received a late submission from Cats Protection that was circulated to members for consideration.

In the light of the Animal Welfare Commission's identifying this as a potential medium-term issue and the other evidence that we have received, including Christine Grahame's submission, do members have any comments?

09:45

**David Torrance:** Christine Grahame will be extremely disappointed with me because I do not think that we can take the petition any further on the evidence that we have received.

I ask the committee to close the petition under rule 15.7 of the standing orders on the basis that the petitioner is satisfied that the Scottish Government's current approach will adequately address the issue of mandatory microchipping of Scotland's cats; the Scottish Government does not consider that the scanning of microchips should be made compulsory for cats at this time due to concerns about the potential impact on the welfare of cats and veterinary surgeons; and microchipping domestic cats features in the Scottish Animal Welfare Commission's work plan as a medium-term issue.

**The Convener:** The fact that the petitioner is satisfied with the progress and the response received gives weight to that recommendation. Are we agreed?

**Members indicated agreement.**

**The Convener:** We thank the petitioner for raising the issue with us. As with all petitions that are closed, if, in due course, the petitioner feels that the commitments or evidence that we have received do not lead to a satisfactory outcome, they are entitled to bring the issue back by way of a fresh petition after 12 months.

### HPV Vaccination Programme (PE1939)

**The Convener:** PE1939, lodged by Suzanne Thornton, calls on the Scottish Government to demonstrate a commitment to health equality for young males born between 1 September 1997 and 1 September 2006 by allowing them to access the human papillomavirus vaccine via the national health service.

We previously considered the petition on 26 October 2022. At that point, we agreed to write to various organisations to gather further information on the issues raised. Members will be aware from our papers that we have received responses from the Joint Committee on Vaccination and Immunisation, Young Scot and the Teenage Cancer Trust. Importantly, in its response, the JCVI set out the reasons why a time-limited catch-up programme for boys was not pursued when the HPV vaccination was extended in 2018. The reasons provided included the different epidemiological situation now compared with when the programme for girls was launched; the good levels of herd immunity as a result of the girls' programme; and the priority of extending the routine adolescent programme to boys while maintaining high uptake among girls. The JCVI also states that it has no plans to review the need for and value of a catch-up of the HPV immunisation programme for males aged 25 and under, as it believes that that would not be cost-effective.

I also draw members' attention to the response from the Teenage Cancer Trust, which notes a disparity between the uptake rates of vaccination between males and females of 7.9 per cent and calls for the Scottish Government to include plans for monitoring uptake to be included in the 10-year cancer strategy.

Do members have any comments or suggestions?

**Alexander Stewart:** At the previous meeting, I asked for some of that information, which we have now received. In the circumstances that we now find ourselves in, I propose that we close the petition under rule 15.7 of the standing orders on the basis that the JCVI has no plans to review the need for or value of an HPV vaccination catch-up programme for boys due to the indirect protection offered through herd immunity. We have collated and brought forward information, but I do not

believe that it will change the direction of where we are.

**Fergus Ewing (Inverness and Nairn) (SNP):** From reading the papers, I can see that, in June last year, the petitioner argued that young males living south of the border are afforded protection that is not available for young males in Scotland. I looked at the JCVI response to see what it said about that. Maybe it is my failure to comprehend some of the medical information in that, but I could not see a direct response on why it is fine in England but not in Scotland.

I was looking for the answer to the question that the petitioner has posed. I do not know whether the clerks can help me—maybe it is hidden in here somewhere—but I did not see any reference to what is, according to the petitioner at least, a situation in Scotland that is different from that in England. We are probably reaching the end of the petition, but I wonder whether that is something that the clerks might clarify with the JCVI. Perhaps I have missed something.

**The Convener:** No, that is a fair point. Mr Stewart, are you happy for us to leave the petition open while we pursue that point?

I note also the Teenage Cancer Trust recommendation in relation to the 10-year cancer strategy and the disparity that the trust had identified. That is not so much something for a response, but we should certainly write to the Scottish Government to draw its attention to the Teenage Cancer Trust's representation.

**Carol Mochan:** That is a relevant point. We should raise that with the Government as something that it must make sure that it monitors in its cancer plans.

**The Convener:** We will defer closing the petition, Mr Stewart, if you are content, although I think that your analysis is largely correct. It would be interesting to put that question more directly back to the JCVI. Mr Ewing is correct: I do not think that, in all the representations that the JCVI has made, we have a specific explanation of why it is right in one place and wrong in another.

**Alexander Stewart:** I am more than happy to take the views of the committee, convener.

**The Convener:** Okay, are we agreed on that basis?

**Members indicated agreement.**

## New Petitions

### Courts (Transparency and Accountability) (PE1983)

09:51

**The Convener:** As always when we consider new petitions for the first time, it is important to say to anybody who might be tuning in because we are considering their petition that, prior to our consideration, we do a certain amount of background work in relation to the petition. Often, we seek the Scottish Government's view, although any position that we might take thereafter is not conditional on that. I assure petitioners that we will have begun the process even before our first consideration in public.

The first of the new petitions is PE1983, lodged by Daniel Osula and calling on the Scottish Parliament to urge the Scottish Government to improve the transparency and accountability of the Scottish legal system by ensuring that clear information is provided to members of the public about how their case will be considered and that information is made available to members of the public about the processes for making a complaint about court staff.

In the petition's background information, Mr Osula raises concerns about the transparency and accountability of court staff when cases are being prepared and allocated to judges. He notes that he has pursued complaints about the issue directly with the Scottish Courts and Tribunals Service. In a response to the petition, the Scottish Government states that it considers both matters raised by the petition to be operational matters falling under the statutory responsibility of the Scottish Civil Justice Council and the Criminal Courts Rules Council. The Scottish Government also highlights that the operation of the courts is the responsibility of the Scottish Courts and Tribunals Service under the leadership of its independent board, headed by the most senior judge in Scotland and the head of the Scottish judiciary, the Lord President.

Do members have any comments or suggestions for action?

**David Torrance:** I wonder whether the committee can write to the Scottish Courts and Tribunals Service to ask what steps it is taking to ensure that the procedural rules and practices of the courts and their complaints procedures are transparent and accessible to members of the public.

**The Convener:** Colleagues, are we content to keep the petition open and to write as recommended by Mr Torrance?

**Members indicated agreement.**

### **Raw Sewage Discharge (PE1988)**

**The Convener:** PE1988, lodged by Sue Wallis, calls on the Scottish Government to review the process for allowing raw sewage discharge from homes into Scottish coastal waters; provide additional funding to the Scottish Environment Protection Agency for enforcement; and introduce legislation to ban households from discharging raw sewage.

The SPICe briefing states that financial responsibility for the provision of private sewage treatment rests with the individual home owner or community. The Scottish Government response states that there are no plans to provide additional funds to Scottish Water to provide connections to households with private sewerage arrangements during the current investment period but households have the option to connect to the public network at their own expense and Scottish Water will make a reasonable contribution towards the costs of that project, should a new main be required. The submission states that the current register of septic tanks held by SEPA is incomplete and the number of unauthorised discharges is likely to be high. The Scottish Government notes that SEPA is reviewing its regulation of private sewerage systems.

The petitioner highlights the difference in approach to unauthorised disposals compared with that to dog fouling, where fines are issued to those who do not clear up after their dogs. She shares her experience of reporting issues to SEPA in 2019 and expresses concern that nothing has changed in almost four years. The petitioner questions the method of registering private water discharge with SEPA at the point of house sale: in her experience, several of the properties have been sold, but no change has happened as a result.

Do members have comments or suggestions for action?

**Alexander Stewart:** The petitioner makes some valid points. It is apparent that things have not really changed in that time. It would be useful to write to SEPA to highlight the issues that have been raised by the petitioner, seek information about the review of the regulation of private sewerage systems and ask whether consideration has been given to alternative approaches for identifying and authorising private sewage discharges. As I said, the petition makes some valid points, and I would keep it open in order to ask SEPA to clarify those issues.

**The Convener:** Are there any other comments? I have to say that, because the dog fouling issue was before the public eye, it led to a change in

practice. I cannot help but feel that, if every member of the public was similarly subjected to the voiding of raw sewage into water, there would be much more public concern and engagement on the issue. The parallel that has been drawn is certainly valid. It is quite a visual parallel, and it leads me to believe that we should pursue the issue quite a bit further to see where we get with it.

**Fergus Ewing:** I agree with what both you and Mr Stewart have advocated. I add that I am slightly puzzled about how properties without a connection to either the main sewerage system or to a private septic tank can be sold. In house conveyancing in Scotland, it is standard for there to be a series of conditions about this without which it is difficult to see how anyone can purchase a house or, indeed, get a mortgage over a house. That might be of concern to lenders because there may not be a valid security.

I wonder whether, in addition to writing to SEPA, we could write to the Law Society to ask for its guidance about how, in practice, properties in this category are dealt with. I would be interested to see what is happening out there. If houses have no access to a sewage facility, I am not sure how they can be transacted on the market. I think that the petitioner refers to some properties having been sold.

**The Convener:** Yes.

**Fergus Ewing:** That point is ancillary to the petition, but it is part of the overall issue.

**The Convener:** That is helpful. Thank you for the suggestion. Having seen that concern, I was not sure where we would write to to resolve it, but that is a good suggestion.

Are members of the committee content to proceed on the basis of those recommendations?

**Members indicated agreement.**

**The Convener:** We will keep the petition open and write to the organisations accordingly.

### **Defibrillators (Public Spaces and Workplaces) (PE1989)**

**The Convener:** PE1989 is lodged by Mary Montague, who, I suddenly recognise, is the provost of East Renfrewshire Council and a constituent. The petition calls on the Scottish Government to support the provision of defibrillators in public spaces and workplaces.

The SPICe briefing states that people living in Scotland's most deprived areas are twice as likely to experience an out-of-hospital cardiac arrest but that public spaces in those areas are significantly less likely to have defibrillators.

The Scottish Government's response highlights the delivery of the initial out-of-hospital cardiac arrest strategy, noting that survival rates have risen from one in 20 to one in 10. The Scottish Government highlights the refreshed strategy for 2021 to 2026, in particular its aim of increasing the percentage of OHcAs that have a defibrillator applied before the ambulance service arrives from 8 to 20 per cent. The response also highlights work that is being undertaken by the University of Edinburgh resuscitation research group to analyse the placement of defibrillators across Scotland and map it against the areas that have the highest risk of cardiac arrests occurring.

I should note that Mary Montague is the Labour provost of East Renfrewshire, in case anybody thought that I was getting a bit cosy in that respect. She is well respected and regarded.

Do members have any comments or suggestions on how we might proceed?

10:00

**David Torrance:** It is an important issue. I used an accessible defibrillator for cardiopulmonary resuscitation and it makes a huge difference. It is important for defibrillators to be in the public domain. I would like us to keep the petition open and, in doing so, write to the Scottish Government to ask when the next report on the out-of-hospital cardiac arrest strategy will be published and what percentage of OHcAs in 2023 had a defibrillator applied before the ambulance service arrived. I would also like to write to the British Heart Foundation to seek information about its grant funding of public access defibrillators and, specifically, about demand and the potential barriers and challenges that it faces.

**Alexander Stewart:** I concur with Mr Torrance's comments. It is vital that we find out where the defibrillators are and their background. I am aware that charitable organisations also do a lot of work on this; they fundraise for local areas and provide defibrillators. It might be useful to find out whether they are doing anything. I know, for example, that the Order of St John is doing a national campaign across Scotland to introduce defibrillators to churches, golf clubs and other appropriate locations. It would be useful to find out whether anything that they are doing could complement or supplement what will happen through Mr Torrance's suggestions.

**Carol Mochan:** I support what members have said and I want to make the important point that, in the time that I have been in the Parliament, there have been a number of debates and committee discussions about the issue. Now, it is about us seeing what action is being taken. Getting that information from those organisations would be

helpful and allow progression to the next stage, which is important for such urgent matters.

**The Convener:** I agree. In fact, although this might be for a later stage in our consideration, I recall having a conversation recently about supermarket chains. One or two supermarkets have actively decided to provide defibrillators on their premises, and one or two have actively decided not to. It will be interesting to hear from the British Heart Foundation and others what the potential barriers are to any of this. Perhaps, through the committee, we will be able to acknowledge the good work of all those who provide them. As you said, Carol, it is certainly an issue that has come up in members' business debates and in questions in the Chamber, not least because people have had direct experience of a defibrillator making a meaningful difference and leading to a successful outcome for someone who has been subject to an attack.

### **Young People (Question Session with First Minister and Cabinet) (PE1990)**

**The Convener:** PE1990, lodged by Jordon Anderson, calls on the Scottish Government to request the introduction of a monthly chamber session to allow young people to put questions to the First Minister and her—or, I suppose, in due course, his—Cabinet. The petitioner states that children and young people should not have to hide behind a third-party organisation to be heard.

The SPICe briefing provides details of the working in partnership agreement between the Scottish Parliament and the Scottish Youth Parliament. That agreement includes a commitment from the Scottish Parliament to host a sitting of the Scottish Youth Parliament every two years, although the last such sitting was in 2018 and, regrettably, a sitting that was scheduled to take place in 2022 fell on the same weekend as the death of Her Majesty the Queen, which led to its postponement. The next session is scheduled for 2024.

The Scottish Government's response outlines ways in which children and young people are engaged with, including an annual meeting with Cabinet ministers.

Do members have any comments or suggestions for action?

I am mindful that we are doing our own inquiry into deliberative democracy and citizen engagement. I am also aware that there is a Children's Parliament and a Youth Parliament, which are elected bodies for which anybody who is eligible can stand. I feel that there are opportunities there. I wonder whether the committee, as part of our work, could consider whether, rather than the Youth Parliament just

sitting in Holyrood every second year, something more formal, by way of a joint session, could take place between members of the Scottish Parliament and members of the Scottish Youth Parliament and be of benefit.

We are at an early stage. What further considerations or suggestions might colleagues have?

**David Torrance:** To be fully engaged with citizen participation, it would be good for the committee to see how we could engage with the youth of today and how we could do it more. As I see it, doing it every two years is a paper exercise, and I would like it if the Scottish Youth Parliament could meet with us far more regularly.

**The Convener:** I will turn to the clerks: have we written to the Scottish Youth Parliament and the Children's Parliament in relation to our inquiry into deliberative democracy, and have we received any submissions from them?

**Alanis McQuillen (Clerk):** We have engaged with the Scottish Youth Parliament quite extensively as part of the process, but we have not done that in writing—we have taken direct evidence.

**The Convener:** Right. Have they come forward with any recommendations to us for anything that we might want to consider doing?

**Alanis McQuillen:** They have fed into the recent consultation on the panel's recommendations, but I could not say which feedback was specifically related to the Youth Parliament.

**The Convener:** All right. I am happy to keep the petition open for us to take it into account in our consideration.

Are we content to write to key stakeholders to seek their views on the action called for in the petition in order to generate a bit of further information? Are you content for the clerks to give some consideration to who those stakeholders might be and who we might want to hear from? On that recommendation, we will write to a broader body of people, rather than us trying to second-guess who all the organisations are at the moment. Are we content to do that?

**Members indicated agreement.**

### **Sexual Offence Cases (Trial Process and Evidence) (PE1994)**

**The Convener:** Our final petition is PE1994, which is lodged by Margaret Fagan and calls on the Scottish Parliament to urge the Scottish Government to undertake a review of the trial process and the handling of witness evidence in sexual offence cases. Ms Fagan tells us that,

while reforms aimed at protecting victims of sexual offences are welcome, changes to the law are, in her view, unduly disadvantaging those accused of committing such offences. She is particularly concerned that evidence gathered by the defence, such as medical reports and witness statements, is being rejected on the grounds that it is irrelevant or inadmissible.

In responding to the petition, the Scottish Government notes that reforms introduced through the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 amended the restrictions on evidence relating to sexual offences. The reforms were intended to prevent the leading of evidence that is of limited relevance to the particulars of the case or that unduly undermines the credibility of the complainer. The provisions were not intended to increase conviction rates, nor should they infringe on the accused's right to a fair trial.

The Scottish Government response also notes that careful consideration has been given to the recommendations of the Lady Dorrian review, "Improving the Management of Sexual Offence Cases", with a view to bringing forward proposals for legislative reform as part of the criminal justice reform bill. As noted in the SPICE briefing, it is anticipated that that bill will be introduced in the spring or summer of the current year.

Do members have any comments or suggestions for action?

**David Torrance:** Could we keep the petition open to gather more information? There are several stakeholders that I would like the committee to write to, including the Crown Office and Procurator Fiscal Service, the Faculty of Advocates, the Law Society of Scotland, Rape Crisis Scotland and Victim Support Scotland, seeking their views on what is raised in the petition.

**The Convener:** Are we content to proceed on the basis of Mr Torrance's recommendation? I believe that we are.

**Fergus Ewing:** Yes, that should be done. I wonder whether, in addition, we could seek information—I do not know whether it would come from the Scottish Courts and Tribunals Service or the Crown Office. Annex C of paper 12 is the Scottish Government's response to the petition and goes into the background of the reason behind the law reforms, which, essentially, as I understand it, was to prevent the raising of evidence about the complainer's past sexual behaviour as being relevant to the charges. The point that I wanted to make, however, is that there is a provision under section 275 of the Criminal Procedure (Scotland) Act 1995 whereby an accused person can at their trial apply to the court to lead evidence that is prohibited by the law that,

generally speaking, prevents the raising of prior sexual behaviour and history. In other words, there is a provision whereby an accused can seek to bring in that evidence, if it can be established that it is pertinent to the specifics of the case.

My query, convener, is this: how frequently have such applications been made, how frequently have they been granted and how is it working out in practice? I am curious to see whether such applications are routine and whether they tend to be dismissed because the law tends to suggest that they should be dismissed. If that specific area of questioning could be included in our letters, please, it might help to shed some light on what is happening. The petitioner indicated that she approached Mr Torrance as her MSP, but the petition does not go into much detail, at least not in the papers that I have read, about her concerns. Be that as it may, could that query be added to the enquiries that we are making?

**The Convener:** Yes. That is helpful, Mr Ewing. Let us face it: on numerous occasions during consideration of petitions in the past, the committee has received submissions in which it was suggested that there was already a route through which the aims of a petition could be realised, only for us to find, on investigation, that there were obstacles in place or that, in fact, the route was rarely exercised or understood. Given that that has been suggested to us as a remedy, it would be helpful to understand the extent to which it is one. I am happy to agree to that. Are we agreed?

**Members indicated agreement.**

**The Convener:** That concludes our public meeting. Thank you all. We meet again on 22 March. We will now consider item 4 in private.

10:12

*Meeting continued in private until 10:20.*



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