



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 22 November 2023

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

17th Meeting 2023, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

Foysol Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Susan Batchelor (University of Glasgow)

Meghan Gallacher (Central Scotland) (Con)

Dr Fern Gillon (University of Glasgow)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 22 November 2023

[The Convener opened the meeting at 10:32]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 17th meeting in 2023 of the Citizen Participation and Public Petitions Committee. Before we move to the substantive items on the agenda, I ask, under item 1, whether members are content for us to take in private item 4, under which we will discuss the evidence that we hear today.

Members indicated agreement.

Continued Petitions

Youth Violence (PE1947)

10:33

The Convener: The first continued petition is PE1947, lodged by Alex O’Kane, which calls on the Scottish Parliament to urge the Scottish Government to address the disturbing culture of youth violence in Scotland.

The committee met an Edinburgh-based youth group, 6VT, just off the Grassmarket, and it also visited Milton in Glasgow to meet the petitioner and families with direct experience of the issues that are raised in the petition. I should say that some of the families had come from further afield than the immediate Milton community. Once again, I thank everyone who took the time to speak with us: the young people we met in Edinburgh and, in particular, the people we met in Milton, who, in some instances, were still recovering from really graphic and, in some respects, unbelievable levels of violence. We could sense the parents’ bewilderment and how distraught they continued to be at what they considered to be the inability to secure the on-going environment for their children and any sense of justice. I thank all those who took the time to come to meet me and the committee—Alexander Stewart was my colleague on the committee at the time.

This morning, we are joined by two University of Glasgow academics. I welcome Dr Fern Gillon, a research associate, and Dr Susan Batchelor, a senior lecturer in criminology.

Before I ask a general question, I will give a preamble based on the evidence that we heard. It was interesting that, in Edinburgh, the young people whom we met felt a sense of security from coming together in the 6VT facility to share their experiences. That also allowed them to gain strength, as a group, in being able to withstand the torment or violence that they had previously experienced. They were very keen to be there. Obviously, sitting giving evidence on anything was an unusual environment for them, so we tried to make it a discussion with prompts.

What we heard from the families that we met in Milton—coincidentally, there was a debate on the subject in the Parliament later that day, and it was difficult, although I did contribute on the back of what we had heard—was chilling. We heard about the way in which violence is organised by appointment. People are lured to a place where others are gathered to record on their phones videos of the violence that takes place, and those people post those videos in the perceived

knowledge that no recrimination will follow and they can do so with impunity. It was deeply distressing.

Two of the people we met had been left in such an appalling state that those who found them were not sure that they would survive. They did, but not without experiencing enormous trauma. Siblings of those affected felt that they had failed in some way to protect them and that they had a duty to step in and seek restorative justice. Parents felt that they had failed and that, when they had gone looking for help, the system had then failed them. Although there was lots of sympathy from the authorities, the police and others, the parents did not have any confidence that, at the end of the day, any intervention by the authorities or the police would produce a return because, as they saw it, the system was stacked against action and more towards the perpetrator than the victim. It was a very chilling session.

We heard that evidence in isolation, and we do not want to believe that that is the picture across the whole country, but we do not know. What does the available evidence tell us about the level of involvement of young people as perpetrators of violent behaviour? What is the age demographic? Is it older teenagers who are involved in such behaviour, or is it, as we heard, younger teenagers—*younger than I would have thought was possible?* The violence that we heard about was perpetrated by girls on other girls, not by boys. Is that typical? Are more boys involved than girls, or is there a much wider problem? Obviously, we will come to the roots of all this, but I am interested in how the evidence that we heard sits in the context of the wider academic understanding of the issue.

Dr Susan Batchelor (University of Glasgow):

Thank you for that introduction. Before Fern Gillon or I contribute, it would be helpful to say a little bit about the background from which we are speaking. We both have a long history of doing research on young people and violence.

I will let Fern Gillon introduce her more recent research experience, but I have just led a Scottish Government-funded project looking at repeat violence in Scotland. That involved a range of case-study communities in rural areas, towns and urban centres across Scotland. Violence involving young people was explored as part of that, although we were looking at a much bigger picture of violence. That is my most recent experience.

On the basis of that, in response to your first question, I would say that it is important to acknowledge that the vast majority of violence that occurs in Scotland is not perpetrated by children and young people; it is often perpetrated against them, or it is perpetrated by adults against each other. The vast majority of young people do not

engage in violent behaviour, although the cases that you have referred to certainly exist. Fern Gillon and I have both been involved in research in which we have heard very similar distressing stories.

I do not wish to minimise the seriousness of the youth violence that occurs in Scotland, but it involves a minority of young people. The research evidence suggests that it is concentrated in particular communities and among marginalised groups. Those are communities where there has been a withdrawal of services, specifically in recent years, and particularly youth services, such as the ones that you have discussed, which are important in addressing violence that affects young people.

On the age range, young people who are involved in violence often become involved around the age of 12 or 13, and that can then escalate. However, the majority of that violence is not serious. The research evidence suggests that girls are more involved in violence at that younger age but, in terms of the age-crime curve, girls and young women grow out of violent offending much younger than boys and young men, and the violence that girls and young women are involved in tends to be less serious.

Dr Fern Gillon (University of Glasgow): The project that I have been working on is a three-year project that looks specifically at youth violence in Scotland. We are taking a longer-term view of youth violence and looking at the reduction that has occurred in violence in Scotland over the past 20 years. We are trying to learn lessons about what has happened over that time and what has contributed to the reduction; to learn lessons about where we are now; and to understand the changing picture of violence.

I am aware of the incidents that the committee has heard about. I work closely with young people who have been affected by violence, including those who have been the perpetrators of violence but who have also been victims of it and of a number of other social harms and vulnerabilities. As Susan Batchelor said, we are not trying to minimise those issues, but the longer-term picture is that violence is stable and low—it is lower than it has been in the past 20 years. Common assault plateaued around the 2000s, and that is not just a recording trend—we are seeing that communities feel safer than they did when violence was at its height, in the early 2000s.

As Susan Batchelor said, the concentration of violence has changed. Glasgow has always had a higher amount of violence. The six police divisions mirror one another in the reduction in violence that they have seen, so the concentration effect is the same. The higher-crime areas have seen a reduction, but that is comparable to the reduction

in the lower-crime areas. We therefore have a concentration effect, with particular communities experiencing harm and violence at disproportionate levels.

Violence is concentrated in areas of social deprivation, where young people, communities and families experience a range of other social harms. That concentration is particularly concerning for us.

The Convener: The evidence was not just from Glasgow—we heard from a pupil from St Andrews in Fife. Therefore, it seems a bit easy to say—

Dr Gillon: It is by no means only a Glasgow problem.

Dr Batchelor: We certainly would not want to give that impression. What we are seeing is what the official recorded statistics say. Partly as a result of the different demographic patterns in Glasgow compared with those in other parts of Scotland, it has a history of higher levels of violence. Violence occurs across Scotland, but it is concentrated in communities where there are high levels of deprivation and concentrated disadvantage.

10:45

The Convener: It is interesting that you talk about the period since 2000. Smartphones and iPads are much more recent than that, really—the first iPad did not appear until 2010. As I said in my opening remarks, in the examples that we heard about, one of the disturbing characteristics was the violence by appointment. We heard about people filming violence deliberately and posting it on social media to allow the perpetrators to self-aggrandise and create reputations for themselves that were designed to intimidate others. That seems to me to be a new and slightly sinister development. What have you found in relation to that, if anything?

Dr Gillon: Changes in youth culture generally—as you say, through technology and access to social media—are changing the dynamic of violence. Rivalries can be extended because of social media. Incidents of violence can be amplified because they are viewed, and that creates a sense that violence is all around and that it is consuming communities. That fear then feeds young people's perceptions of how they keep themselves safe. They are then more likely to join gangs or groups of friends who feel that they have to look out for each other or potentially carry weapons to keep themselves safe—that is because the perception of violence is amplified.

However, it is more complicated than simply saying that social media is causing violence and that young people are driven by it. That is a

feature, but it is a vehicle for violence that we knew took place between young people anyway—the thing that is perhaps changing is how it is presented through social media. The point about social media does not address the underlying causes that lead to young people behaving in this way.

The Convener: Does it give them a platform that they did not have before? That is what struck me as alarming. Material can be posted with impunity, because the young people who are perpetrating the violence are not of the age of criminal responsibility and it seems that there is nothing that anybody can do about it. In the knowledge that that is the case, they are repeating their actions. We heard of a series of videos of the same people identifying fresh victims whom they were then able to perpetrate that violence against. In a sense, it advertises the fact.

To give a completely parallel example, there is a quarry in my constituency that is popular with cliff jumpers. Every year, when the summer holidays come, young people come from around the United Kingdom and risk their lives jumping into the water in the quarry. Why? It is because, on social media, they have seen videos of other people doing it. That has advertised the fact and they have thought that it would be a great thing to do. There is no doubt that social media influences behaviours. The question in my mind is whether the impunity that exists and the lack of ability to do anything about the fact that violence is being promoted in that way should concern us.

Dr Batchelor: I agree with Fern Gillon that it is important not to see social media as the key issue. It tends to be the same groups of young people who are involved in violence. New forms of media, whether it is newspaper reporting or television, have shaped patterns of youth violence and encouraged young people to amass in certain areas, because they will get publicity for doing so over time. Having said that, there is no doubt that social media, which is so available to people and can be used to broadcast so quickly and widely, is having an impact with regard to organising violence and distributing videos of it.

However, it is important to emphasise that it is not just young people who are involved in that behaviour. We have plenty of evidence from the repeat violence study about adults consuming and circulating videos of young people who were involved in violence. Also, as adults, we are using social media as a way to organise violence and identify where potential victims are through organised crime, for example. Therefore, it is not a problem that is specific to young people. Is it something that we should be concerned about and address? Yes, it is, but it is not new, and dealing with the underlying causes of violence is more

important than being preoccupied with social media.

The Convener: One of the examples that the committee heard was of a youngster who was in a shopping centre who realised that violence was impending. They sought support from the security staff and contacted their parents, and the security staff said, "There's absolutely nothing we can do to protect your child until the violence actually occurs." The security staff said that, if they intervened, they would be charged as a result of having intervened, potentially for restraining the individual who was going to perpetrate the violence before the violence had actually been perpetrated. The evidence suggested that the people who were committing the violence were perfectly aware of the fact that nothing could be done to protect that individual. Is there a greater degree of knowledge of the parameters of the system in current society, which people exploit in the knowledge that they can act again with impunity?

Dr Batchelor: The only evidence that I have of that is the way in which children and young people are exploited by organised crime groups. There is a concern that, because young people will not be dealt with through the criminal justice system for the same behaviour that they would be as an adult, they might be taken advantage of and pressured to be involved in offending and sometimes violent behaviour. Are young people aware of that? Yes, they are, but I have not spoken to any young people who have deliberately engaged in behaviour because of a sense of impunity.

Your example speaks to the wider issue of a lack of safe spaces for young people. Where are the community services? Where are the free sports facilities in communities? They are all now private shopping centres that young people who look a particular way or behave a particular way are not permitted to access. Where are the spaces in a shopping centre that a child or young person who is frightened can go in order to feel safe? They do not exist and, to me, that is more of a concern.

The Convener: Thank you.

How do you gather your evidence from young people?

Dr Batchelor: The most recent research that I have been involved in is a qualitative project that was commissioned to look at the concentration of violence in particular communities and among particular groups. There is quantitative official data and police and crime survey data, but we spent time in communities alongside organisations that support people who are involved in violence, speaking to stakeholders to get an overview of the

community and then doing in-depth qualitative interviews with people aged 16 to 50 who have experience of violence.

Dr Gillon: Our study has been focused in areas that would be considered to be hotspots for violence, so we are very much working in the heart of communities where that is a real issue. I have particular expertise in and experience of working with young people with justice experience. We have been speaking to the adults who support them. They include front-line staff and workers from a range of backgrounds, such as youth work organisations, grass-roots organisations, police, education and social work—the people who deal with these young people and work with them in communities. We have also been speaking to the young people themselves.

In our project, we have been working with one small group of young men who have been affected by violence for more than a year and a half. We have been co-creating resources and knowledge around their experience. When I say "affected by", I am referring to young men who have been both perpetrators and victims of violence for more than a year and a half.

Maurice Golden (North East Scotland) (Con): You made a point earlier about recorded crime. We know that recorded crimes of shoplifting, for instance, represent a minority of actual shoplifting. Has any work been conducted to see how recorded and actual crime matches up in this area?

Dr Batchelor: The study that I have been involved in does not focus specifically on youth violence, but on violence more generally. The important aspect of qualitative research is that it uncovers violence that is not reported. We know that all crime is underreported in terms of reports to the police and what goes through to the courts system. Arguably, for both children and young people, and adults, repeat violence is more underreported. As violence becomes normalised in a community or in an individual's life, they are less likely to identify an individual incident and report it to the police.

In the repeat violence study, in which we spoke to almost 100 people, only a handful of people had ever reported their violent victimisation to the police. That involved multiple experiences of violence across the life course, but in different settings: in the home, in the community, in the context of education or special educational provision, in children's homes and in prisons. Their experiences of violence become normalised and, in that context, people are very unlikely to report. Violence is a highly underreported offence.

Maurice Golden: I want to get a feel for the situations where we see violence occur and the

types of behaviours that we see in those situations. Do such incidents vary geographically or by age—we have touched on that—or indeed by gender? Kirkton in Dundee has been beset by violence and antisocial behaviour. We have seen that on fireworks nights, but it is on-going and staff at the Asda in Kirkton, for example, have been traumatised by children as young as six coming into their store, causing issues and terrifying lots of people. Historically, there was more of a gang culture in Dundee, and youths would fight across different schemes. In that context, do you have a bigger picture about what is going on and where, across Scotland?

Dr Gillon: Our study focused on Glasgow, but the lessons that we can take from it suggest that they can apply across Scotland.

Looking at what has been happening in communities in Glasgow, we realise from speaking to young people and the practitioners who support them that we cannot untwine the link between interpersonal violence—young people committing violence between each other—and other influences. We use the term “triple violence”. Communities, families and young people are experiencing violence upon them. They are facing structural violence through poverty and inequality, and that is having an impact on the communities and families that young people are a part of. They lack opportunity and hope—including job opportunities. They describe their areas as wastelands or dumping grounds and as having no future. They recognise that social support is retracting in their communities. That covers the informal support that Susan Batchelor spoke about, including from youth centres and the youth work staff who are so vital to creating safe spaces for young people. It also includes formal support—teachers being burnt out, waiting lists for mental health support being extensive, and police just being absent.

11:00

Then we have the violence between young people, which is changing. We have seen a change in that territorial violence that was quite typical of Scotland, which you could term as gang violence. In looking at the trends, that is where we have seen the decrease. Young people have reported feeling safer, generally, and being able to scheme hop. In the main, most young people can move about their community without fear of violence.

However, as we said, for that small population—for that concentration of young people—territorial violence will still be an issue. Again, social media plays a part in that. Also, drug markets are having an impact on the violence between young people. Susan Batchelor spoke about that in relation to

serious and organised crime and exploitation. Young people are being forced, through the economic hardship that they are facing, to become involved in drug markets and we know that violence is associated with that, either through enforcing debts or being the victim of having drug debts, as well as being under the influence of substances and taking part in violence because of that.

The third kind of violence that we see, which young people and practitioners could not separate from the violence that young people are committing, is the violence within young people—the mental health crisis, particularly following the Covid-19 pandemic, when young people were isolated. Young people experienced severe hardship during isolation in the pandemic. The lack of support, the lack of safe spaces, the breakdown of relationships, the lack of routine, the bereavement that they experienced and the trauma that they now feel is manifesting itself in self-violence, so we are seeing self-harm, poor mental health, struggles in education and suicide. It is also playing out as violence to other people. They do not know how to cope with the trauma that they feel and they are taking risks and engaging in violent behaviours towards themselves and other people.

Dr Batchelor: I can add a little bit more. I emphasised earlier the limits of looking at youth violence in isolation. Fern Gillon has intimated some of the wider social harms and forms of violence that fit into that, but in terms of the different types and demographics of violence, we had the advantage in the repeat violence study of interviewing a range of ages. Many of the people that we were interviewing aged 35 onwards were the types of people that I would have interviewed 15 or 20 years ago as young people, which demonstrates the impact of violence in terms of institutionalisation and criminalisation and the impacts on people throughout their life course.

A typical story is that somebody has experienced violence within the home, often domestic violence between the parents, usually perpetrated by a male figure within the family. That young person then gravitates towards the street-orientated peer group and has a lot of trauma and harm in their background. They may become involved in substance use as a means of dealing with that trauma and perhaps then illicit activity to support that drug use.

Young women are much more likely to experience sexual violence within that context, but young men experience very high levels of physical violence and become very anxious, because of the violence that they have perpetrated, that they are going to be attacked. Therefore, they are living in a kind of hyper-alert state. They are then often

exploited by organised crime networks into drug selling or drug running.

A lot of the violence that we discovered in our research across the age range was drug debt-related violence. Drug markets are changing and the impacts of crack cocaine in Scotland must not be underestimated. There are the physiological impacts, which are short-term, but the cost of the drug and the need to fund that are shaping patterns of violence.

We are talking about people who, as adults, enter the criminal justice system, where they are exposed to more harms in a prison setting. After being further brutalised, they leave prison and enter homeless accommodation, where there is concentrated disadvantage in the form of lots of other people with the same histories and backgrounds. That accommodation is located in the centres, where young people get drawn in. When it comes to some of the violence that has been discussed in relation to urban centres in particular, we have the concentrated disadvantage of the homeless communities that were located there during Covid. We are talking about unsuitable accommodation in hotels and hostels where there are no support workers, and where there are people with on-going drug issues and a history of trauma. Young people gravitate to those urban centres and are drawn into that economy, so the cycle starts again.

This is an urgent problem that needs to be addressed, but it will not be addressed simply by focusing on the problems that affect young people. Housing is an issue, as are employment and the withdrawal of essential safe spaces and community supports that allow young people to develop relationships with people in their community. Another issue is the need for young people not to be excluded from school through what are referred to as time-limited timetables, which mean that they are actually in school for only half a day a week and are unsafe for the rest of the time. Those are the issues that need to be addressed. It is not simply a case of focusing on the problem of young people.

Maurice Golden: Thank you. My final question was going to be about the escalation of violent behaviour and potential interventions, but you have adeptly just answered that.

Dr Batchelor: I would like to emphasise the impact of the fear that the men—this affects men, in particular—who become involved in violence experience. They might be involved in committing very serious forms of harm, as a result of which they experience trauma, which they cannot discuss with anybody. There is a lack of services, particularly for men in that position. Men will not identify themselves as victims, because if they did so, that would increase their vulnerability in this

context. That means that they are often not identified as victims by support workers—even support workers who understand the trauma that they experience. In dealing with the problem of violence, we need to develop peer-led, community-based support services that specifically tackle the needs of men who are involved in community and drug-related violence.

Maurice Golden: Thank you.

The Convener: Of course, we are concerned primarily with the petitioner's concerns, which are very much related to young people and, in particular, to the disturbing culture of youth violence in Scotland. In recent months, the petitioner has received dozens of videos, images and first-hand accounts of the violence perpetrated on young people.

Dr Batchelor: I would caution against the suggestion that there is a culture of youth violence in Scotland, because I think—

The Convener: I am sorry, but that is the name of the petition.

Dr Batchelor: I know, but it is important to emphasise that it stigmatises—

The Convener: Our job is to advance the petitioner. I am sorry, but I am not here to criticise the petitioner and neither are you.

David Torrance (Kirkcaldy) (SNP): Good morning. You have answered most of my questions on the reasons why young people get involved in violence. Do the same reasons apply when it comes to young people getting involved in minor criminal offences or antisocial behaviour? Are the causes the same?

Dr Gillon: We know that offending is a very normal experience for young people, regardless of whether it is detected. Getting involved in trouble is part of establishing the boundaries and part of growing up. Regardless of whether it is detected, most young people in Scotland will offend in some way.

I am concerned about the use of the term “antisocial behaviour” because, again, it focuses attention on the young person rather than the circumstances that they are in that are driving them or leading them to act in that way. If we acknowledge that, for most young people, there will be some interaction with or involvement in antisocial behaviour or offending, we need to look at providing universal preventative support services in communities, as Susan Batchelor said. That will enable us to address early on the indications of need or support that young people are displaying by exhibiting such behaviour. We need to consider what they are really looking for: is it the case that they need a trusted adult to speak to, are there wider concerns that might

require more specialist support or is their behaviour just part of the age and stage of a young person as they grow up?

Dr Batchelor: If we look at what we know about those young people who are involved in the more serious forms of offending, the qualitative evidence suggests that they are the ones who have the most significant experiences of harm in their background. That might be what distinguishes them from those who are involved in more general lower-level offending. That is not to individualise the problem; it is simply to emphasise the need for more general support. Those are the young people who have experienced the most severe forms of child sexual abuse or have witnessed severe domestic violence in the family.

Fergus Ewing (Inverness and Nairn) (SNP): Good morning to both witnesses. I would like your views on current efforts to reduce violence and on the various initiatives that, as I understand it, exist in order to promote violence reduction.

I go back to the rather distant days when I was Minister for Community Safety, working with Kenny MacAskill as the Cabinet Secretary for Justice, when a great deal of effort was put into supporting the Scottish Violence Reduction Unit and Medics Against Violence, along with diversionary activity that was funded by the cashback scheme. The VRU had at its core a belief that violence can be reduced by one-to-one intervention. Medics Against Violence involved doctors volunteering to go and speak in schools and explain to kids the consequences of violence—for example, what happens when someone is attacked with a knife and is left with a facial injury. That showed children at school just how devastating the consequences of violence were.

As I understand it, those were volunteer medics—doctors, nurses and others—who had direct experience of working in places such as Glasgow Royal infirmary on a Saturday night. As I recall from my visit there many years ago, that is not an experience for the faint-hearted.

Are those efforts effective, or do you think that more needs to be done? Do you have any suggestions or thoughts about how those activities and other, similar activities can be beefed up? I get the impression that they have perhaps not been pursued with the same gusto and enthusiasm that I felt was evident in the distant days when Kenny MacAskill and I were at the justice helm.

Dr Gillon: It is very hard to say which specific interventions work, because of the complexity of the issue that we are dealing with. Nonetheless, we know that, for many years, the policy and practice around violence prevention, from which

the interventions that you mention are drawn, and the support for young people's general wellbeing, has been moving in a really progressive direction. Activities under the banner of public health and a whole-systems approach, involving early intervention and prevention, work. They improve the general wellbeing of young people and, in turn, keep young people safe.

The study looked across all levels at what influenced that change. Improved outcomes are possible, but coherent leadership is needed at all levels. That is what we had at the point when violence reduction really occurred in the early 2000s. There was a single narrative that violence is preventable and not inevitable. That was the direction of travel at all levels, and those in politics, the media and practitioners got behind that.

We interviewed the former First Minister, Jack McConnell, who said that it was so important, because of the gravity of violence, not to use the issue as a political or a media football, and that the broader whole-systems approach around public health had to be the uniting factor.

We believe that improving young people's wellbeing more broadly will keep young people safe, and that any initiatives under that banner can only do good.

11:15

Dr Batchelor: The only thing that I would add is that, as part of the multi-agency approach that is required to tackle violence, there is a need for further funding of community-based supports that are run by people with lived experience because in areas of concentrated disadvantage, where violence levels are higher, there is a set of informal rules about no grassing. Due to a perceived lack of support from state institutions, people do not report their victimisation to the police, except in exceptional circumstances. They try to deal with violence themselves and they do not trust state systems. Funding community-based organisations that are staffed by people who are from the community, who have local relationships and connections and who can model good behaviour is what people say that they want and what young people and adults who are involved in violence say will be effective. We have seen a withdrawal of support from that area in recent years.

Dr Gillon: Community safe spaces were also picked up in our community work. Those are places where young people feel safe and where they can develop relationships. However, they do not want organisations parachuting in; they want community safe spaces to be of the community and staffed by local people who know the local issues, who have the authenticity that they can

relate to and who operate as positive role models. Those are safe spaces that young people can return to in times of crisis or transition. The relationships and opportunities that they provide are integral to their wellbeing and are their routes out of any adversity that they face.

The Convener: The 6VT facility that we saw in Edinburgh was very much evidence of that.

The Milton group flagged up the home and family circumstances of the perpetrators of violence. You have spoken at length about the breakdown in the preventative work and agenda that might have been there 20 years ago and which needs to exist in order to try to stave off youth violence at the earliest point. Where that fails and where there is violence, is there a robust police and prosecution response in place to protect young people when others attack them? When it got from whatever we would prefer to be in place to violence having taken place, the people who we heard from felt let down in terms of the ability of the police to respond, the ability of the security guard to intervene or the prosecution response that took place after that.

Dr Gillon: We need to be mindful that, in Scotland, we have a long-standing understanding that children and young people who offend are both victims and perpetrators. Victim and perpetrator are one and the same, and making a distinction is perhaps not helpful. Although there are fewer of the young people who commit the most serious acts of violence, their lives are increasingly chaotic and challenging, and they are increasingly vulnerable to a host of issues. As Susan Batchelor has said, further criminalising them and taking them into justice systems that will only reinforce the trauma and are less likely to support the healing and the addressing of trauma that they need to do will only go on to create more victims.

When we speak to young people about restorative justice, there are mixed feelings. Although they want to know the outcome of what happens, they are also aware that, for perpetrators of violence, there are circumstances for offending. They perhaps do not always feel safe to report crime in the first instance, because we do not have an institutional or cultural sense of protection for our young people. Further criminalisation can potentially only do more harm and create more victims.

The Convener: To echo what was said, because of that position, the perpetrators of the violence were outside the homes of those against whom they had perpetrated the violence, laughing at them and taunting them further, because there is no police or restorative process. Are those people right to feel let down?

Dr Gillon: Yes, of course. I am not trying to minimise their experiences at all. I have spoken to the same families that you have spoken to and worked with the same young girls that you have worked with. It is not that I am not aware of that experience of victimisation, but I do not see it as representing one group of young people's interests and wellbeing against another's. I see them as being directly linked. Until we can support the young people who are causing the harm, we will never be able to support the young people who are experiencing it. Yes, that requires formal responses, but it is outwith my remit to comment on the role of the police and how they respond to incidents. I see those two groups of young people as connected and it is potentially unhelpful to create a dichotomy between them.

Dr Batchelor: We spoke to police officers of various backgrounds as part of the repeat violence study. There was a concern about the lack of an off-ramp when they arrest or pick up a young person who might be involved in a violent disorder and take them home. That child or young person is apparently out on the street a matter of minutes later. Concern was expressed by police officers about not knowing what happens next when they respond.

Particularly among communities where there is heightened disadvantage, there was a concern that the police did not respond—when they called the police, the police did not come. However, positive views of the police were expressed in relation to community police officers. The community police officers whom we interviewed expressed a lot of frustration about being pulled out to police corporate events, concerts and so on, when they should be in the community, building relationships with people.

Policing is definitely part of the picture, but I agree with Fern Gillon that going down the route of criminalisation is unlikely to result in a positive outcome. We have lots of evidence in Scotland and internationally that that is the case. Concerns were expressed about what to do in the immediate situation where there is an incident and either the police come but feel that they cannot do anything with the young person, or the community feels that they contacted the police but they did not come. Policing is an issue that needs to be addressed and our research would suggest more investment in community policing rather than in response policing.

The Convener: Thank you; that is very interesting. In the course of the discussion, we have covered one or two of the other questions that we were going to ask, so I will throw it back to you and ask whether there is anything that we have not discussed that you might have

volunteered by way of testimony and that would be useful to us.

Dr Batchelor: I think that we have managed to anchor in all the points that we wanted to make in relation to your questions.

The Convener: Thank you both very much. That has been very helpful.

In the new year, we will take evidence from people with practical experience of addressing youth violence and supporting victims, as part of the extension of our inquiry underpinning the petition from Alex O’Kane. With that in mind, the committee will have a quick discussion at the end of the meeting and then reflect on the evidence at a later date.

I thank both witnesses very much for their time.

11:23

Meeting suspended.

11:26

On resuming—

Adult Disability Payment (Eligibility Criteria) (PE1854)

The Convener: The next continued petition is PE1854, to review the adult disability payment eligibility criteria for people with motability needs—sorry, I mean mobility needs. “Motability” is from my old motor trade days, which crept into my vocabulary there. The petition, which was lodged by Keith Park on behalf of the MS Society, calls on the Scottish Parliament to urge the Scottish Government to remove the 20m rule from the proposed adult disability payment eligibility criteria or identify an alternative form of support for people with mobility needs.

We have been considering the petition for some time. We last considered it a year ago, on 26 October 2022, when we agreed to write to the Cabinet Secretary for Social Justice, Housing and Local Government, and to the MS Society.

The Scottish Government has undertaken a consultation on the eligibility criteria for the mobility component of adult disability payment. It found that respondents frequently argued for the reform or elimination of distance-based mobility tests, including the 20m rule. The consultation responses will inform the independent review of ADP. The independent review is due to commence later this year and, according to the petitioner’s recent written submission, the Scottish Government has started the recruitment process to identify the lead for the work.

The cabinet secretary’s written submission highlights the current financial challenges facing Government, stating that any significant changes that result in new additional spending will not be deliverable within the current parliamentary session. The petitioner has expressed disappointment at the Scottish Government’s incorporation of deliverability and affordability considerations into both the consultation and upcoming review. He states that such considerations should not limit the scope of the independent review or any recommendations relating to eligibility criteria. The petitioner argues that the purpose of the review should be to make recommendations that would enable the design of a disability assistance benefit that will meet the needs of disabled people.

We have held the petition open for some of that work to advance.

Do colleagues have any comments or suggestions?

Fergus Ewing: In reading the petitioner’s submission of 18 September, which responded to minister Shirley-Anne Somerville’s submission in August this year, it occurred to me that we have not fully explored and bottomed out the points made in the most recent comments by the petitioner, and I felt that it would be only fair to the petitioner to do that.

As I understand it, their report in 2018, which was five years ago, pointed out the basic inconsistency or unfairness that the petition is about, which is that the 20m rule is arbitrary and there is no evidence that it is based on any rational justification. When the move was made from disability living allowance, or DLA, to personal independence payment, or PIP, the rule resulted in a third of people who suffered from MS losing some support and one in 10 losing all support. That was the basic thesis five years ago. I am not sure that we have ever had a factual response from the Government about whether that is correct or, indeed, on any of the specifics. The Government’s response mentioned the review, which is fine, but it has not responded specifically to what the petitioner said.

11:30

The other point that I picked up from the petitioner’s response in September was slightly different. It says that ADP and PIP use the 20m rule but that DLA, which still applies in some cases, uses a 50m rule. There is an inconsistency, as different benefits apply different rules. If that is correct—I am no expert on this at all so I do not know, but that is what the petitioner said a couple of months back—I do not think that this committee should take forward this work. I understand that

the Social Security and Social Justice Committee is undertaking scrutiny on the issue—perhaps Mr Torrance will speak to that in a minute.

However, the very least that we could do is specifically and explicitly refer those matters to the minister. We could send a copy of that letter to the Social Security and Social Justice Committee and suggest that it might have regard to those points in its scrutiny. In that way, the petitioner's case would not be lost but would be bequeathed to the substantive committee.

At the risk of causing difficulty, those are my suggestions.

The Convener: That might very well be something that we can incorporate into our final consideration, given that the Government has said that it will engage with the petitioner on the aims of the petition.

David Torrance: I was going to suggest closing the petition, convener but, in light of what Fergus Ewing has said, I wonder whether we can pass it on to the Social Justice and Social Security Committee, given that it is working on the topic anyway.

The Convener: Would that be to pass on the petition, or is the suggestion that we close the petition but encapsulate the comments of the petitioner, as Fergus Ewing has suggested, in a letter to the minister, and that we write to the Social Security and Social Justice Committee highlighting the concerns that the petitioner has raised?

David Torrance: I agree with the latter suggestion, convener.

The Convener: Are we content to operate on that basis? At the same time, as we customarily do, we will alert the petitioner to the fact that, if the review does not advance the issues that they have identified, it is open to them to lodge a fresh petition at a later date. Do members agree to do that?

Members indicated agreement.

Digital Exclusion (Rural Households) (PE1931)

The Convener: PE1931 is about improving the reaching 100 per cent—R100—programme roll-out by prioritising properties that currently have speeds of less than 5 megabits per second. The petition, lodged by Ian Barker, calls on the Scottish Parliament to urge the Scottish Government to prevent digital exclusion for rural properties and their households. We last considered the petition on 8 March, when we agreed to write to the Scottish Government.

For context, Ofcom research found that 10Mbps of download speed was the minimum speed that is needed to meet an average household's digital needs. That speed was set back in 2018. The Scottish Government response indicates that superfast broadband access has been made available to 62,000 more premises since 2022, and it states that the networks that are being delivered will support download speeds of up to 1,000Mbps. The submission also provides details about the Scotland full fibre charter.

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

Fergus Ewing: When I was looking at the papers on the committee website, perhaps I missed it, but I could not see any response from the petitioner to the written submissions from Openreach and the Scottish Government. I wonder whether that is correct, because that surprised me a little.

The Convener: Yes, that is correct.

Fergus Ewing: I thought that the petitioner might respond. The issue will affect a lot of people—I think that the petitioner is from Lhanbryde in Morayshire, in the Highlands and Islands. I am familiar with the Openreach argument about the inside-out approach versus the outside-in approach, but I think that the petitioner is arguing that a more sophisticated and flexible approach could be taken. As we have not had any response from him, I wonder whether—

The Convener: The petitioner was given the opportunity to contribute but has chosen not to.

Fergus Ewing: If that is the case, perhaps we should close the petition—

The Convener: There are some further actions that we might consider taking.

Fergus Ewing: Are there?

The Convener: Yes.

Fergus Ewing: Okay.

The Convener: Do colleagues have any suggestions?

David Torrance: We could write to BT Openreach to ask whether, in light of information that work is sequenced from the primary exchange location out to communities, it considers areas with low speeds in the surrounding communities when determining which primary exchange locations to prioritise. Our papers contain a list of other questions, so we could just add them, convener.

The Convener: Are we content to do that?

Members indicated agreement.

The Convener: Thank you. We will keep the petition open and make further inquiries. It might well be that the petitioner will contribute further in light of any information that we receive.

Potholes (PE1936)

The Convener: PE1936, lodged by Lesley Roberts, calls on the Scottish Parliament to urge the Scottish Government to improve road surfaces by creating an action plan to remove potholes from trunk roads across Scotland and providing ring-fenced funding to councils to tackle potholes.

We last considered the petition at our meeting on 22 March 2023, when we agreed to write to the Scottish Government, Audit Scotland and Police Scotland. The committee has now received responses from all those organisations, with Transport Scotland responding on behalf of the Government to state the level of funding that is being invested in Scotland's motorways and trunk road network.

Transport Scotland also notes the obligation on operating companies to inspect the trunk road network twice per week, which is intended to identify serious defects and ensure that they are rectified promptly. The response does not directly address why the motorways and trunk roads budget was reduced in 2023-24 and whether the Barnett consequentials resulting from the UK Government's announcement of an additional £200 million for pothole repair in England will be allocated for pothole repair in Scotland. I imagine it will notionally be £20 million.

In its response, Audit Scotland indicates that it has no plans to do further work in relation to Scotland's roads.

Police Scotland tells us that, in the past three years, 95 road traffic collisions were recorded with "defective road" noted as a contributory factor, though it is noted that such a contributory factor might not necessarily be a pothole.

We have also received two submissions from the petitioner, reflecting on the responses that we have received and sharing her continued concern about the health and safety risks being faced by motorists and cyclists while so many roads remain in poor condition.

Do members have any comments or suggestions?

David Torrance: We could keep the petition open and write to the Cabinet Secretary for Finance to seek clarity on whether the Barnett consequentials resulting from the UK Government's announcement of additional funding for pothole repairs will be made available for pothole repair in Scotland as part of the 2024-25

budget allocation for motorways and trunk roads and the local government settlement.

We could also write to the Minister for Transport to seek information on what action is being taken to ensure that the budget for motorways and trunk roads is not further reduced as part of the 2024-25 budget.

The Convener: That seems reasonable. With specific additional funding coming from the Barnett consequentials, it would be useful to have some confirmation or otherwise that the money will be deployed for that purpose here in Scotland.

Looked-after Young People (Aftercare) (PE1958)

The Convener: PE1958 is on extending aftercare for previously looked-after young people and removing the continuing care age cap. The petition was lodged by Jasmin-Kasaya Pilling, who I can see is with us in the public gallery again—she must have a season ticket for our proceedings, as I like to say to regular attendees—on behalf of Who Cares? Scotland.

The petition calls on the Scottish Parliament to urge the Scottish Government to extend aftercare provision in Scotland to previously looked-after young people who left care before their 16th birthday, on the basis of individual need; to extend continuing care throughout care-experienced people's lives, on the basis of individual need; and to ensure that care-experienced people are able to enjoy lifelong rights and achieve equality with non-care-experienced people. That includes ensuring that the United Nations Convention on the Rights of the Child and the findings of the Promise are fully implemented in Scotland.

Members will recall that, at our previous meeting, we heard evidence from the Minister for Children, Young People and Keeping the Promise, Natalie Don MSP, and Scottish Government officials Cara Cooper and Sarah Corbett. During that meeting, the minister recognised that the care and support provided to care-experienced individuals is inconsistent, and she talked about a determination to

"review and co-design the policies and supports for people with experience of care alongside those with lived experience".—[*Official Report, Citizen Participation and Public Petitions Committee*, 8 November 2023; c 2-3.]

We also heard that a consultation process is planned for 2024, with the Promise bill expected to be introduced to the Parliament for consideration in 2025—which is getting a little bit near the end of this parliamentary session.

Since our previous meeting, we have received a submission from the Scottish Government providing clarification on whether legislative

change would be required to achieve the things that are called for in the petition and providing the requested details on educational outcomes—I think that Maurice Golden asked about that—and on looked-after children, and data on social work staff retention and recruitment.

We have also received two submissions from the petitioner, Jasmin, sharing her reflections on the evidence that we have gathered, and additional information provided by the Scottish Government, which she has had a chance to consider. While welcoming the work being done by the Scottish Government, Jasmin highlights the reviews and consultations that have already taken place, where care-experienced people shared their views, and she cautions against further consultations, which risk asking people to relive trauma while they continue to wait for solutions to be developed and implemented.

While the evidence that we took from the Minister for Children, Young People and Keeping the Promise at our previous meeting in response to our questions is still fresh in our minds, do we have any comments or suggestions in consequence of that?

David Torrance: I wonder whether the committee might consider writing to the Scottish Throughcare and Aftercare Forum, seeking its views on the action called for in the petition, and seeking further details about the work that it is carrying out as part of its 100 days of listening.

The Convener: There is probably merit in pursuing the issue with the minister a little further, too. Do you have any proposals in that regard?

David Torrance: I have a whole list that I would like to go through, if we have time.

The Convener: Yes.

David Torrance: I wonder whether we might consider writing to the Minister for Children, Young People and Keeping the Promise to ask the Scottish Government what data it has on the number of care-experienced people who have been removed from compulsory supervision orders before their 16th birthday and asking it to provide further information on the steps that it is taking to address the issue of children and young people being removed from CSOs before their 16th birthdays without the long-term consequences on their support being explained. We could ask whether the Scottish Government has considered providing some form of redress to care-experienced people who were removed from CSOs prior to their 16th birthday but who would have remained on a CSO had they been made aware of the long-term consequences of the decision.

We could also seek clarity on the timeline for updating guidance in relation to the provision of continuing and aftercare services, and on what further progress the Scottish Government intends to make on the issues raised by the petition that do not require legislative change between now and the introduction of the Promise bill. Lastly, we could recommend that the Scottish Government explore options for accelerating work on its Promise bill and for making effective use of existing evidence to ensure that care-experienced people of all ages do not have to relive traumatic experiences through multiple consultation processes.

The Convener: Maurice, you were told, “There’s a website you can go and look at.” That was the response that you got from the Scottish Government: “Away and find out for yourself, mate.” I think that that was the answer that you were given. Does anything that arises from the response in relation to the ability of local authorities to meet the expectations upon them—which you asked about—lead to further questions that you may wish to put?

Maurice Golden: Those would most likely be covered through Dave Torrance’s suggestions.

The Convener: So, you are content to support those.

Maurice Golden: Yes.

The Convener: Fergus, is there anything that you would like to add?

Fergus Ewing: I think that Mr Torrance has covered most things. I absolutely endorse the comments that all members have made. There is an awful lot to be answered by the minister. Overall, there is a feeling that nothing very much is going to happen any time soon, and what might happen will happen many years hence. That was the feeling that I got.

The minister was full of good intentions, which came shining through at our previous meeting, but there was a lack of clarity. What exactly is going to be done, by whom, when and how? Does the Government have an indication of when the Promise bill will be implemented, assuming that it is passed? Quite a lot of legislation that is passed is never implemented.

The Convener: Yes.

Fergus Ewing: That is often for practical reasons to do with the costs of implementation. It may be that the Government knows well that it will not be able to afford implementation soon, given the financial pressures that we were hearing about yesterday, and so on. I just wanted to add that point, for the benefit of the clerks when they are framing the committee’s letter.

The Convener: That would be useful, because it is a recurring feature. When we are considering petitions that are pursuing why legislation has not been implemented, the response is often very much a case of, “Well, the funding isn’t in place to allow us to do it.” We would like an indication of whether the Government is confident that the funding will be in place when the bill is finally progressed.

Are we content to take forward the petition and seek further clarification on the back of the evidence that we heard from the minister at our previous meeting?

Members indicated agreement.

Early Learning and Childcare Funding (Online Accounts) (PE1970)

11:45

The Convener: PE1970 was lodged by Sharon Fairley on behalf of the Scottish Private Nurseries Association, and calls on the Scottish Parliament to urge the Scottish Government to reform the funding model of the 1,140 hours of early years learning and childcare to allow parents direct control of childcare funding via an online account.

We last considered the petition at our meeting on 21 December 2022, when we agreed to write to the Convention of Scottish Local Authorities, Early Years Scotland, the Scottish Childminding Association and the National Parent Forum of Scotland.

The Scottish Childminding Association’s written submission states:

“the implementation of ‘1140 by 2020’ has had a devastating effect on the childminding workforce”.

The SCMA signalled some support for a direct parent-to-provider payment system but raised a number of concerns about the proposal for an online system. One concern was that uptake among vulnerable children could be adversely affected if parents had to arrange the payment themselves.

COSLA’s response to the committee highlighted that

“88% of those with a 3-5 year old and 92% with an eligible 2 year old were satisfied with the flexibility they had been offered”

with regard to the funding arrangements. COSLA stated that, given the evidence on satisfaction rates, it does

“not believe that this is the right time to consider”

that type of reform to ELC delivery.

In the light of the responses that we have received, do colleagues have any suggestions as

to how we might proceed? It looks to me as if, potentially, a move to close the petition would be appropriate.

David Torrance: I agree, convener. In the light of the evidence that we have been given, I would like to close the petition under rule 15.7 of the standing orders, on the basis that the Scottish Government’s consultation on early learning and childcare found that responses favoured alternative approaches and highlighted potential drawbacks to using an online account. In addition, the Scottish Childminding Association raised concerns about problems arising from an online account system and suggested that it would not resolve existing issues with funding for early learning and childcare.

The Convener: Are we minded to close the petition?

Members indicated agreement.

The Convener: We are. I thank the petitioner. It has been some time since we last considered the petition and it has taken a while for us to gather in the additional submissions and to have an opportunity to consider those. It appears, from the evidence that was gathered by COSLA, and from the Scottish Government’s view, that there is no way that we can effectively take the petition’s aims further forward, so we will close the petition now. I thank the petitioner for having brought it to us.

Braille Food Labelling (PE1997)

The Convener: PE1997, which is on the introduction of Braille labelling for food products that are sold in Scotland, has been lodged by Fiona McDonald on behalf of Sight Scotland and Sight Scotland Veterans. I believe that we have the petitioners in the public gallery today. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce new legal requirements on retailers to provide Braille labelling on food products detailing the name of the item and the item’s use-by or sell-by date.

We last considered the petition on 22 March, when we agreed to write to Food Standards Scotland, the Food and Drink Federation Scotland and the Scottish Government. Members will have noted that the response from Food Standards Scotland also covers the issues that we raised directly with the Scottish Government.

Food Standards Scotland states that it

“has no immediate plans to conduct a public consultation on policy options for the introduction of mandatory braille labelling”,

but that it will continue to build the evidence base in that area. The response also indicates that, while it is “unlikely” that progress on Braille labelling work will be made in the short term, FSS

has brought the petition to the attention of the UK Government Department for Environment, Food and Rural Affairs.

The Food and Drink Federation draws our attention to

“alternative technologies being trialled by food producers”

that would improve accessibility for consumers. It also “encourages” the recognition of digital food information, which can be used to provide complementary detail and repeat mandatory product information.

We have also received two submissions from the petitioners, which emphasise

“the importance of food products being accessible and safe for blind and partially sighted people”.

In particular, they note that, while the use of QR codes is helpful, the technology needs

“to be used in combination with”

other techniques to ensure that packaging is fully accessible for all.

The petitioners’ most recent submission shares results of their survey, which gathered feedback on the general accessibility of food packaging. Interestingly, 76 per cent of respondents said that current labels do not meet respective accessibility requirements.

There is quite interesting feedback from the various parties in relation to the petition. Do members have any suggestions? Perhaps we could follow up on the Food Standards Scotland approach to the UK Department for Environment, Food and Rural Affairs.

David Torrance: I wonder whether the committee would consider writing to the UK Department for Environment, Food and Rural Affairs to ask what consideration it has given to the introduction of mandatory Braille labelling on food products across the UK, and to seek clarification on whether the UK Government will carry out a full review of general food labelling requirements.

I also wonder whether the committee would consider seeking an update from Food Standards Scotland on its work to build an evidence base in the area and on the recommendation that it launches a public consultation to gather views on Braille labelling on food.

Fergus Ewing: I support those recommendations. Perhaps in the course of drafting the letters to the UK DEFRA and to Food Standards Scotland, we could make reference to the material that the petitioners have drawn attention to regarding the European Commission’s work on launching a review into accessible labelling, so that we can be informed by what the

European Union is doing. Plainly, that is bound to have an enormous implication. If the EU makes new labelling regulations, all the major food producers will probably comply with those. That would leave the UK as the odd man out, if I may coin a phrase.

The Convener: You may. Thank you, Mr Ewing. Are members content to incorporate all those suggestions?

Members indicated agreement.

The Convener: We will keep the petition open and we will pursue it in the ways that we have just agreed.

New Petitions

Forestry and Land Scotland (Parking Charges) (PE2042)

11:51

The Convener: Item 3 is consideration of new petitions. As I always say to people who are watching our proceedings, including those who are tuning in because they have lodged a petition, when we first consider a petition, we have already asked the Parliament's independent research body SPICe—the Scottish Parliament information centre—to offer us some evidence and views. We have also sought the initial consideration of the Scottish Government. We do that because, otherwise, when we first consider the petition, those would be the first two actions that we would suggest, and not having taken them already would only delay a meaningful consideration of the petition.

The first of our new petitions is PE2042, which is lodged by Undine Achilles-Day on behalf of the Taynuilt community council. The petition calls on the Scottish Parliament to urge the Scottish Government to abolish car parking charges at all Forestry and Land Scotland sites, to help to promote access to forests and green spaces across Scotland.

The petitioner is concerned that the introduction of car parking charges by Forestry and Land Scotland will have a detrimental impact on the health and wellbeing of people who wish to visit those sites but who will, as a consequence of the charges, no longer be able to afford to do so.

Responding to the petition on behalf of the Scottish Government, Forestry and Land Scotland states that it has been charging for car parking at its most popular sites for 20 years. Although it is expanding the number of sites where parking charges apply, two thirds of its car parks will remain free to use.

The response goes on to note that the decision to increase the number of sites where charges are incurred followed a challenge to public bodies by the Cabinet Secretary for Finance and the Economy to actively increase income from visitors, to offset the increasing costs of managing visitor pressures. Abolishing charges would impact the sustainability of Forestry and Land Scotland's finances and could lead to similar calls on other parts of central and local Government that charge for parking.

The petitioner has responded to the Forestry and Land Scotland submission, raising concerns that parking charges are being introduced at sites, such as Fearnoch forest and Sutherland grove,

where there are no additional facilities to justify the charges.

Do members have any comments or suggestions for action? I see that we have competition among the members on this occasion. I will go to Mr Ewing first, who will perhaps be less challenging to the aims of the petition than Mr Torrance will.

Fergus Ewing: As this is a new petition, I think that there is quite a lot to be done. Some of that has been suggested to us, so perhaps I will leave those things out, but I want to make some specific points that I do not think have been raised with us in the advice that we received.

Number 1 is that there have long been parking charges for 23 sites. That was increased in 2012 to 44 sites, but now it has been increased to 110 sites. As it happens, I used to have the ministerial portfolio with responsibility for FLS and I have fond memories of working with it, so I appreciate that it has to cover its costs. However, many of the car parks have no facilities whatsoever—they are basically open ground. I know that because I used to do a lot of running around forests in the Highlands. I cannot see that it is justified to make charges at such sites. Some sites have facilities, but only a few.

There seems to be a lack of rationale for how and why the charges have been introduced. Why have some charges been made and not others? What is the rationale? Surely the rationale should be based on what facilities there are. Where does an equality impact assessment come in? It seems to me that it considers various things, such as equal rights. That is absolutely desirable and fine—everybody has a right to access, which is perhaps the point—but the key decisions should be based on what facilities there are, such as toilets and whether rangers are present. I would be keen to get details of all that from FLS.

Secondly, why should the equality impact assessments not be made public? They are public documents, so can FLS explain why there is an issue?

Thirdly, if the costs of running the 300 destinations are £13 million, can we get some detail and breakdown from FLS of what that cost entails? It seems to be an awful lot of money. Is it mostly labour costs or are costs site specific? What exactly is it that FLS employees do at the sites? Most of them are basically open land. There is nothing to do. There is no grass to cut and the areas where cars park are usually unmetalled and flat.

If charges are to be imposed everywhere, some drivers, instead of parking in the car park, might park alongside roads—often single-track roads—to avoid having to pay charges. They know that

they will not be detected, because no police will go by for weeks on end in some of the more remote areas.

I am not against bodies recovering their costs. It is a principle of Government that brings problems with it. I just wanted to raise those points and I am sympathetic to other points that will be raised.

The Convener: I am happy to write further to FLS along the lines that you have suggested to dig beneath the general point that it has made about the fact that charges have existed for a while.

David Torrance: Mr Ewing mentioned car parks that have no facilities, but we just need to look at Loch Morlich—he will know the area well. There are lots of car parks there, but they are seriously overused by the public. It is a really good tourist destination, and the wear and tear in those areas is incredible. Forestry and Land Scotland has to repair that, so it needs to get revenue from somewhere.

The Convener: As has been suggested, we need to see the equality impact assessments, as well as how the charges are established, what facilities they deliver and what benefit they provide to those who use the facilities. We thank the petitioner and will take the action suggested to see what response we get.

Cervical Cancer Smear Test Age (PE2045)

The Convener: PE2045, lodged by Tiffany Maguire, calls on the Scottish Parliament to urge the Scottish Government to lower the cervical cancer smear test age in Scotland to 16.

Meghan Gallacher joins us for consideration of the petition. Good morning, Meghan. Is the petitioner known to you? Is she a constituent?

Meghan Gallacher (Central Scotland) (Con): Yes, she is a constituent.

The Convener: The petitioner shares that she was refused a smear test at the age of 18 after her first child was born prematurely and that, following a cervical cancer smear test at 26, it was found that she had abnormal cells.

The SPICe briefing explains that cervical screening is offered on a five-yearly basis between the ages of 25 and 64. The World Health Organization recommends that screening begins by the age of 35. Key organisations for cervical cancer advise that the risks of testing at younger ages might outweigh the benefits, as it is common for women under 25 to experience changes in the cells of the cervix that resolve by themselves. If those changes were detected by a cervical screening test, the patient may be offered unnecessary treatment that could lead to complications, including an increased risk of

premature birth in future pregnancies. The Scottish Government's response also notes that evidence and states that, along with the rest of the United Kingdom, it relies on advice about screening programmes from the United Kingdom National Screening Committee.

Meghan Gallacher: I will speak briefly to the petition, convener. I am here on behalf of my constituent, who intimated that she was raising the petition with the Scottish Parliament. I want to say a few words because I believe that the petition is admirable. However, for the reasons that the convener has outlined, I have some reservations about lowering the age of smear tests to 16. That being said, the petition starts a much-needed conversation about women's health, particularly that of young women who are aged between 16 and 24, and about making sure that if anyone has any concerns about their body they are able to get the help that they need. I have slight reservations about the petition because of the research that we have to hand, which has been referred to by the convener. However, on behalf of my constituent, I feel that the petition is admirable.

The Convener: Considering Meghan Gallacher's assessment and the evidence that we have received, do members have any suggestions as to how we might proceed?

David Torrance: The evidence that the committee has received and what Meghan Gallacher has said has highlighted the issues that have been raised in the petition and brought them to the forefront. However, the committee has no option but to close the petition under rule 15.7 of the standing orders, on the basis that women under the age of 25 are not invited for routine cervical screening as evidence shows that screening would do more harm than good, in line with the guidance from the UK National Screening Committee and the rest of the United Kingdom.

The Convener: I thank Meghan Gallacher for attending the meeting and supporting the petition. I agree that the petition is useful in terms of the on-going conversation that needs to take place, but for the reasons that have been given directly to us, we will close the petition. Do members agree?

Members indicated agreement.

Hate Crime (Malicious False Allegations) (PE2047)

The Convener: The final petition today, PE2047, was lodged by Frances Anne Nixon and calls on the Scottish Parliament to urge the Scottish Government to consider legislation to ensure that malicious false allegations are considered hate crimes and are dealt with as such. Members may be aware that the petitioner lodged a similar petition in 2019, which was

considered by our predecessor committee in session 5 of the Parliament and was prompted by the petitioner's experience of malicious false allegations at that time. The Scottish Government has provided a response that notes that behaviour amounting to making false allegations can be dealt with under existing common law. It is not clear to the Government on what basis a false allegation that is made against someone should be treated as a hate crime when other offences, such as assault, that are committed in the same circumstances and with the same motivation would not be. It is also noted that existing hate crime legislation can be used to add a statutory aggravation to general offences that are being prosecuted.

Ms Nixon has responded to the Scottish Government's view, highlighting that her experience demonstrates the challenges of dealing with malicious false allegations using existing law and calling for the definition of a hate crime to be expanded to ensure that any characteristic of an individual cannot be used by others to make false allegations against them. I appreciate the petitioner's tenacity based on her experience, but the Scottish Government's view is direct.

David Torrance: Considering the Scottish Government's view and the evidence that is before the committee, we have no other option except to close the petition under rule 15.7 of the standing orders, on the basis that the Scottish Government does not consider that malicious false allegations should in themselves be considered as a hate crime. Behaviour amounting to false allegations can be dealt with under existing common law, with hate crime legislation enabling a statutory aggravation to be added when a false allegation is motivated by characteristics that are listed in the hate crime legislation. The Hate Crime and Public Order (Scotland) Act 2021 covers the protected characteristics of age, disability, race, colour, nationality or ethnic and national origins, religion or perceived religious affiliation, sexual orientation and transgender identity. It also includes the power to add variations in sex characteristics to that list.

The Convener: Do members have any comments, or are we content to agree to close the petition?

Members indicated agreement.

The Convener: I thank the petitioner for raising the issue. The direct response that we have received from the Scottish Government and from SPICe is that we will be unable to advance the aims of the petition, so we will close it.

That concludes the public part of our meeting. We will meet again on 6 December.

12:05

Meeting continued in private until 12:08.

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