



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 12 November 2025

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

17th Meeting 2025, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness and Nairn) (Ind)

*Maurice Golden (North East Scotland) (Con)

*Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kylie Barclay (Scottish Government)

Chief Constable Jo Farrell (Police Scotland)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

Ruth Maguire (Cunninghame South) (SNP)

Michael Marra (North East Scotland) (Lab)

Jenni Minto (Minister for Public Health and Women's Health)

Deputy Chief Constable Alan Speirs (Police Scotland)

Paul Sweeney (Glasgow) (Lab)

Tess White (North East Scotland) (Con)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 12 November 2025

[The Convener opened the meeting at 09:31]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 17th meeting in 2025 of the Citizen Participation and Public Petitions Committee. Under agenda item 1, do we agree to take items 5 and 6 in private? Item 6 is consideration of our work programme.

Members *indicated agreement.*

Emergency Cardiac Care

09:32

The Convener: Our second agenda item is a very important evidence session, during which we will consider cardiac and stroke care issues that have been raised in various petitions. I am delighted that we are joined, again, by the Minister for Public Health and Women's Health, Jenni Minto—a semi-frequent guest at our proceedings—and by Scottish Government officials working on the long-term conditions policy: Kylie Barclay, senior policy manager; Martin Macdonald, stroke senior policy manager; and Will Wood, unit head. I welcome you all. Thank you for joining us.

Our evidence session will cover recurring themes and issues that have emerged from the committee's consideration of petitions PE1989, which calls for an increase in the number of defibrillators in public spaces and workplaces; PE2048, which calls for a review of the FAST—face, arms, speech and time—stroke awareness campaign; PE2067, which calls for improved data on young people affected by conditions that cause sudden cardiac death; and PE2101, which calls for defibrillators for all primary and secondary schools in Scotland.

The committee recently had a round-table discussion that teased out a number of the issues relating to the petitions. The discussion left the committee more convinced in some respects than in others. For example, we recognise that a lot of modern schools are being built outside of town, which is, potentially, not where a defibrillator might otherwise need to be. At the same time, there is now a map of defibrillator access across Scotland, and we are concerned that, in certain areas—particularly Glasgow and the west of Scotland—there is an obvious deficiency. I was able to put that question to the First Minister at the Convener's Group meeting. He did not agree with all aspects of the question that we put, but he at least recognised that defibrillator access is something of a postcode lottery and that that is not ideal with regard to people's ability to survive these issues.

Minister, do you wish to say anything by way of an introduction, or are you happy for us to go to questions?

The Minister for Public Health and Women's Health (Jenni Minto): I have a short statement to make, if I may. Thank you for inviting me to provide evidence. Addressing cardiac arrests, strokes and sudden cardiac deaths is very important to the Scottish Government, so I am pleased to be here to talk about the petitions.

I want to begin by focusing on the two petitions that relate to defibrillators. As part of the Save a Life for Scotland partnership, the Scottish Government works to improve outcomes from out-of-hospital cardiac arrest. The partnership has made significant progress since 2015, and I am pleased to say that more than a million people have been trained in cardiopulmonary resuscitation, which achieves the target set out in our strategy. Bystander CPR rates and defibrillator usage have also increased, as have survival rates, which is important.

The petitioners highlight the importance of defibrillator provision and usage. Recently, the First Minister and I were pleased to meet Rodger and Lesley Hill, who founded the DH9 Foundation, in memory of David Hill. We discussed their proposal for the placement of defibrillators in schools. The First Minister asked that the DH9 Foundation and the Save a Life for Scotland partnership provide the Government with an agreed position on the best way to increase defibrillator availability and usage in Scotland. In response, our partners have recommended taking a data-driven and localised approach to increasing defib access. That means using PADmap, which shows the location of public access defibrillators, to identify the areas where defibs are most needed, and working with local communities to place them effectively and to support increased awareness and confidence in their usage.

Our partners were also clear about the importance of cardiac responder networks in areas where fixed defib positions might not be the best approach. We are considering how we can contribute to the shared vision of ensuring that communities across Scotland are prepared and supported to respond to cardiac arrest.

Petition PE2067, which was lodged by Sharon Duncan, David Hill's mother, focuses on improving data relating to sudden cardiac death and the conditions that are associated with it. I strongly agree about the importance of such data, and I am pleased to make the committee aware that, just yesterday, Public Health Scotland published the Scottish cardiac audit programme. That expanded report includes data on inherited cardiac conditions for the first time. In addition, the programme has been working alongside the inherited cardiac condition service along the west coast of Scotland to develop a proof of concept for a sudden cardiac death registry. It is hoped that preliminary data will be included in next year's report. Those are really important developments that, I hope, encourage the committee and Mrs Duncan that we are working to address the challenges relating to data on sudden cardiac death and the conditions associated with it.

On the petition that relates to the review of the FAST stroke awareness campaign, I very much welcome the work that the Bundy family have undertaken. In May 2024, I met the family to discuss their campaign, and I was moved by their determination to improve awareness of stroke symptoms. Following a meeting with the family, the Cabinet Secretary for Health and Social Care asked the stroke speciality adviser to the chief medical officer to review stroke awareness education for clinical staff, which led to the development of an education package funded by the Scottish Government and delivered to more than 1,500 staff in general practices, emergency departments and the Scottish Ambulance Service. The education package also covers the less common presentations of stroke, including symptoms relating to visual field defects and certain presentations of loss of balance. We will keep our position on stroke symptom awareness under review and be guided by the best evidence at all times.

I thank all the petitioners for raising these extremely important issues. The Scottish Government and I take these matters very seriously, and I hope that I have outlined to the committee the steps that we are taking to address them.

The Convener: Thank you, minister. We are at the stage in the political cycle when we are drawing our work together and looking for outcomes, because the parliamentary session ends in March.

Speaking on a personal level, I applaud the proactive engagement that you have had with David Hill's parents, Rodger and Sharon, as well as with James Bundy and his family. The petitions were motivated by particularly personal tragic circumstances, and I know that you have invested a degree of time in engaging with them and consulting them as the way in which the Government might react and proceed has evolved. We are now at the business end of the various petitions before us.

I will start on the subject of defibrillator access, usage and community response. The public access defibrillator placement map has identified gaps. There is fantastically widespread availability, and we can see how much that has grown, as you outlined, in the course of this session of the Parliament. One of the interesting things to note is that some defibrillators do not get used very much, whereas others get used more often. That is interesting, as it points to the importance of placement and where everything should ultimately be.

People still largely rely on community fundraising and generous external sponsorship, and that has been a successful strategy, in that it

has allowed for the defibrillators that we currently have to be located where they are. However, for more deprived communities—we can see them on the map, in Glasgow and the west of Scotland—is that a reasonable approach that will allow us to avoid having a postcode lottery? I am interested in how the Government plans to plug that gap. Is it through direct intervention and support, or is it through cajoling people or trying to identify people who might be available to lead efforts in communities or who might be generous enough to sponsor units in those places? Clearly, we do not want people who live in areas where there is a gap in provision to have less chance of surviving than those who live in areas where provision has been more obviously achieved.

Jenni Minto: Thank you for acknowledging the importance of listening to people with lived experience. In the role that I carry out, which is focused on public health and women's health, the best support that we can get is from people who have experienced trauma and from those who have had positive experiences in healthcare. It is important to acknowledge that.

The evidence session that you had with Steven Short from the Save a Life for Scotland partnership, Kirsty Morrison from Chest Heart & Stroke Scotland and Kym Kestell from the British Heart Foundation was really important, because you were able to tease out a lot of detailed information from them on the work that has been going on regarding out-of-hospital cardiac arrests.

I represent Argyll and Bute, which has a wide footprint and fewer urban areas. When I was first elected, I heard about decisions on the location of defibrillators and the volume of them on islands. There was, I think, one per 1,000 of the population there, which, in theory, meant that Mull would have only three. In considering the expanse of Mull, the community recognised that they needed an awful lot more defibrillators, so they did a lot of community fundraising. I recognise that that has happened across Scotland. I commend the support that we get from the British Heart Foundation in helping people to purchase defibrillators for their communities.

It is clear that one size does not fit all, as came through in the evidence that you heard from Steven Short and Kym Kestell. PADmap is a great help in allowing us to focus on where there is need. Kym Kestell stated that people who live in the more deprived areas of Scotland are more likely to experience an out-of-hospital cardiac arrest, so there is a need for defibrillators in those areas.

You specifically asked about what the Scottish Government is doing. As you heard from Steven Short, we are active partners in Save a Life for Scotland. As I noted in my opening remarks, as a

result of the recent meeting that Save a Life for Scotland had with Rodger and Lesley Hill, we received a submission from them, which we are currently considering. We will make decisions on the best way for the Scottish Government to ensure that we have the right placement of defibs across all of Scotland's vast and beautiful geography.

09:45

The Convener: You mentioned Steven Short. He made the point that community responder units might be another way of ensuring that we access individuals quickly. How might the Scottish Government expand and sustain community responder schemes and give confidence in cardiopulmonary resuscitation defibrillator use? We all know that early bystander intervention can make a tremendous difference in getting a successful outcome. I was impressed with how he articulated that as a potential route, but how might that suggestion become something closer to an implemented strategy?

Jenni Minto: If I may, I will refer to my constituency. I met community responders at the Islay show. They have a local community set-up that is led by a couple of retired GPs, who have pulled in other people who are interested, including those in the retained fire service, coastguards and people involved in the lifeboat service. Those people are very community oriented and, as a result, they are community responders. We talked about the cost of ensuring that responders have the right equipment to allow them to respond quickly, so I am very aware of that issue from my constituency.

Part of our work with Save a Life for Scotland relates to—I think that Steven Short talked about this, too—understanding how to have the right co-ordination across Scotland, so that communities understand what they need to be able to do and how to learn. I know of a retired nurse who has supported her community by ensuring that knowledge and training are maintained so that the community can respond to someone having an out-of-hospital cardiac arrest.

It is very much about engaging with communities and with all the Save a Life for Scotland stakeholders, including the Convention of Scottish Local Authorities. I know that Davy Russell asked about how local community areas and planning groups could support the work. That collaboration, which Steven Short talked about, is very important.

I know that you had dialogue with Steven Short about training young people and those of us who are slightly more advanced. I remember getting CPR training in the brownies and in the guides—

and, more recently, at a walking football event in Glasgow. He commented that, as long as you know the basics, being prompted by the call handler as to what you should be doing will give you confidence.

All the stakeholders need to be involved, including the Scottish Ambulance Service and the Scottish Fire and Rescue Service. As I said, in my community, on Islay, other people have been pulled in. Through our connection with Save a Life for Scotland, the Scottish Government is very much looking at the proposals that it has sent us.

The Convener: Fergus Ewing will pursue some of the training issues later.

You were in the brownies later than I was in the cub scouts—we just did a lot of marching.

David Torrance (Kirkcaldy) (SNP): My questions are on sudden cardiac death research and data co-ordination. How will the Scottish Government ensure that existing data on PAD locations, out-of-hospital cardiac arrest incidents and cardiac outcomes is shared effectively, is accessible and is used across all relevant agencies to support strategic planning and improve survival rates?

Jenni Minto: Last Friday, I was at Public Health Scotland's annual review. PHS collects a wealth of data across healthcare and, as I indicated in my opening remarks, the Scottish cardiac audit was published just yesterday. It includes some additional information on out-of-hospital cardiac arrests—this is the first year that that has been included, and we recognise the importance of it. As you pointed out in your question, that will allow us to plan better for the pathways and the support that we can give to communities.

I am pleased that PHS is able to collect that data. We are hoping that the next stage will be that health boards feed in directly to that process, as opposed to there being a two-stage approach. That is really positive and it will not only help the Scottish Government but help health boards to understand more about the needs in their communities.

David Torrance: My second question covers part of that. What steps will be taken to strengthen research into sudden cardiac deaths, inherited cardiac conditions and behavioural barriers to bystander intervention, so that the evidence can guide policy development, public health campaigns and targeted interventions?

Jenni Minto: There is quite a lot in that question. Kym Kestell from the British Heart Foundation Scotland gave the committee good evidence on the research that the BHF is doing, which the Scottish Government is very pleased to support. We also have the Chief Scientist Office,

which is in charge of research into health in Scotland, and the chief scientist is very open to receiving applications from organisations and universities to undertake specific research into heart conditions. Alongside the data, the research that we can undertake in Scotland, given our population, is really important.

The Convener: To follow up on the point about Kym Kestell's evidence, she said that there are potentially thousands of defibrillators that we do not really know about, as they are not registered, and that that provision could be mapped and logged. What can we do to encourage that process to take place?

Jenni Minto: I think that we, as MSPs, all have a responsibility in that regard. A few months ago, there was a debate in Parliament about that, explaining to members the importance of ensuring that the defibrillator in their area is logged on to the circuit. As Steven Short explained in his oral evidence to you, that is how the Scottish Ambulance Service can direct people to the closest defibrillator in the area.

Last Friday, I was in Oban, visiting the Happy Wee Health Club. Outside the gym, there is a defibrillator on the wall. We need to ensure that it is well known where the defibrillators that are dotted around communities are situated.

The Convener: I agree that MSPs and others, including members of Parliament, could do something to help to promote that. Is there a graphic available that we could, for example, post online to encourage community groups to register a defibrillator if that has not already happened, or to check whether their defibrillator is registered? If there is not a graphic, could something be produced that we might endeavour to use as a tool to try to encourage registration?

Jenni Minto: We usually tweet and do other things during awareness-raising campaigns, but I am very happy to take away that suggestion. Members also have access to the PADmap tool, and it is possible to tweet the URL for that.

The Convener: I think that it would be a positive outcome if the committee could encourage our parliamentary colleagues to involve themselves in that. There is probably not a parliamentarian who has not had cause to engage with this issue during their time in Parliament, but members are perhaps not quite sure thereafter what more they can do. I think that something constructive, such as I have described, would be appreciated.

Jenni Minto: Absolutely—it is a great idea.

Maurice Golden (North East Scotland) (Con): Given the United Kingdom National Screening Committee's planned review of evidence on population screening for sudden cardiac death,

what role might the Scottish Government play in that regard? Moreover, what additional steps is the Scottish Government taking to improve data collection, classification and public reporting of sudden cardiac deaths, particularly in young people?

Jenni Minto: As you know, the Cabinet Secretary for Health and Social Care and I have written to the UK NCS, which is an independent body, and we understand that, over the next three years, it will be reviewing evidence. The evidence must be robust and peer reviewed, so we are pleased that that is part of the screening committee's work programme.

We are already considering what we can do once the UK NCS makes a decision. It was clear, when Kym Kestell answered a question on screening, that it is not just about screening; we need to ensure that we have the pathways in the various health boards to ensure that they can support people who are screened and might have a condition. We do that work regularly with health boards.

With regard to data, I touched on the Public Health Scotland Scottish cardiac audit, which was released yesterday. There is an iterative process to ensure that we are collecting the right data, and the scope has been extended, as this is the first year in which the audit has contained additional information on congenital, if I can use that word—

Kylie Barclay (Scottish Government): It is inherited.

Jenni Minto: It contains additional information on inherited cardiac conditions.

Maurice Golden: I appreciate that there will be an independent review, but three years is an awfully long time. What is the Scottish Government's current assessment of how effective screening might be in preventing sudden cardiac death? I am thinking about any issues with false positives or negative results as a consequence of screening.

Jenni Minto: When the First Minister and I met the Hill family, one of the outcomes concerned the need to understand clearly what sportscotland is doing. Sportscotland has some guidelines, and Scottish Rugby and the Scottish Football Association have clear pathways to ensure that people who are participating in sport have the right healthcare monitoring that they need. In that meeting, I was struck by the work that the Hills have been doing on monitoring young children who have been playing sport. We have been looking at that in preparation for any change in the UK NSC guidelines.

Fergus Ewing (Inverness and Nairn) (Ind): To follow up on Mr Golden's question, three years is a

long time. Has the Scottish Government recommended that the UK NSC speed up the review?

Jenni Minto: As I said, the UK NSC is an independent body. Our chief medical officer is represented on it, along with the other three chief medical officers. I think that the fact that we have written to the UK NSC emphasises the Scottish Government's interest in its work timetable. As I said, however, the UK NSC makes decisions based on robust evidence that has been peer reviewed, and we need to ensure that that process is followed properly and correctly.

10:00

Fergus Ewing: I can understand that, but the UK NSC's submission of 9 May 2024 said that there was not enough evidence because there is not a predictive test, there is

"insufficient understanding of the genetic risk"

and it does not really know what to do with people after screening anyway. It was all a bit negative, do you not think? The UK NSC is really saying that it does not really know much about it, there is no way that it can find out what to do about it and it does not know what to do about it, even after screening. For a national body to come up with three reasons for doing nothing, all of which are an admission that it does not know, seems to be lacking, and it is not what we would expect from a distinguished national body with eminent people serving on it.

Jenni Minto: I understand the concerns that you have raised, Mr Ewing. That response prompted us to start thinking about, if that decision was changed, what we need to do in Scotland to work with clinicians to ensure that we have the right processes. Those questions prompted us to review whether we would change what we do if the UK NSC's decision changes in three years.

The Convener: You will be aware of the experience in Italy, which has had, for a long time, screening for those who are involved in sport, and it has led to an astonishing 89 per cent reduction in the number of young people who have subsequently died of cardiac failure. I take it that that is part of the subject of the review. That seems to be a compelling success story for that country, particularly for the families of those whose children are with us still, as opposed to elsewhere and here, where that is not the case.

It is sometimes difficult to quantify the numbers in relation to those who are screened, but it seems to me that screening places a premium value on the life of young people, particularly at an age when we know that they are more likely to engage

in that kind of sport. The committee was very impressed with that.

Jenni Minto: Yes, and I was, too. That is why it is important that Public Health Scotland is now gathering the inherited cardiac conditions information to allow us to shift, and is also gathering information from sportscotland about what is done through sport. As I said earlier, the information that the Hill family gave us at the meeting with the First Minister was very compelling and we are looking at that.

The Convener: Sorry for interrupting you, Mr Ewing.

Fergus Ewing: No, I am grateful for your intervention, convener, because you reminded me about the submission that we received from the consulate general of Italy on 13 March 2025. Perhaps I could ask the minister to have another look at that.

Should the UK NSC, which we have not heard from since April 2024, also not have a good look at the evidence from Italy? It is pretty overwhelming. Its screening programme has been tremendously effective, particularly for young and active athletes. Surely it would not be difficult to implement a pilot screening programme for young athletes, perhaps via the various sporting associations.

Minister, I entirely accept your commitment, I am impressed by your general approach and I do not mean to give you a hard time today, but we all feel that we have not quite bottomed out this topic yet. To do justice to the petitioners, we are willing to work with you to try to get something done, unlike the UK NSC doing the square root of diddly-squat until the end of the decade.

Jenni Minto: I appreciate the questions and it is important for us to get the right healthcare results for Scotland. Robust questions are fine, Mr Ewing, and if I cannot answer them, I am happy to respond in writing.

I will take away what you have just said about reviewing the evidence from Italy. I believe that the work in Denmark was also highlighted to the committee. I am content to have a look at that and respond to the committee with our thoughts. If you will allow me, I will gather some clinical views on that, too.

Fergus Ewing: You must be clairvoyant, minister, because I was just going to ask about Denmark. I do not have a clairvoyant relationship with many ministers. *[Laughter.]*

Jenni Minto: Extrasensory perception, and all that.

Fergus Ewing: I would be happy to begin the relationship, which would be very exciting.

The Convener: I suspect that that would be a matter of some good fortune for ministers, Mr Ewing. *[Laughter.]*

Fergus Ewing: Thanks for that, convener.

To be serious, Denmark was cited as an example of good practice for training, because it embedded mandatory CPR training in schools. By law, kids must receive the training at an early age. There is some contra-evidence in research that has been brought to our attention but, nonetheless, as raised by Kym Kestell in the British Heart Foundation's submission, Scotland is the only UK nation where CPR is neither mandated in the school curriculum nor tracked through reporting. I know that each local authority says that it is committed to doing that, but would it not be simpler if we mandated it, so that everyone has to do it? We would know exactly where we are and we would be able to judge the outcomes by virtue of a clear law, rather than by an aspiration that we hope that local authorities will do nice things at some point in the future.

Jenni Minto: I am sure that Mr Ewing is aware of the impressive and thought-provoking time for reflection contribution that we heard from Cameron McGerr in the chamber a few weeks ago. I happened to be sitting next to the Cabinet Secretary for Education and Skills and the Cabinet Secretary for Health and Social Care. The three of us have written to Cameron. I was hoping to have heard where the matter had got to, but we are hoping that a group of us, if not all three of us, will be able to meet Cameron to hear more from him about the importance of ensuring that young children receive CPR training, as he recognised.

I have also had the privilege of meeting a father and son. The son was able to save his father's life because of the CPR training that he had received in early secondary and later in secondary school. I recognise the importance of that training. As you will appreciate, education does not sit in my portfolio, but I am content to speak further with the Cabinet Secretary for Education about the issue. We can come back to the committee once we have met Cameron McGerr.

Fergus Ewing: Again, the minister must be capable of reading my mind, which is an alarming prospect for her. I was going to ask about Cameron McGerr because it was brought to the committee's attention that the Cabinet Secretary for Education and Skills wrote to him after he delivered his time for reflection contribution and offered to meet him. You have already alluded to the fact that the meeting is being pursued, for which I am grateful. Once it has been pursued, I wonder whether you could alert the committee to what is happening.

I appreciate that you do not have portfolio responsibility, because the matter falls under education, but to get back to the real topic, would it not be simpler if every child had to learn CPR at school? I think that I learned it when I was 45, as it just happens that I was in a mountain rescue team. It was a strange way to learn it, although I suppose it was better than nothing. It shows the random way in which people are learning about CPR. Would it not be best that, like Denmark, every child learns about CPR in primary school?

Jenni Minto: I am content to take that away and have a conversation with the Cabinet Secretary for Education and Skills about it. You are right that, in different areas of Scotland, different training is given. I have highlighted that people from the Royal National Lifeboat Institution may be going into schools, and I know that the St John Ambulance service has a very good plan to go into schools to provide support with that. I completely understand where you are coming from.

Maurice Golden: Minister, I hope that this suggestion, which follows on from Mr Ewing's, will also be helpful. I have a Union of European Football Associations C licence for football coaching. As part of the journey to that, there is an online element of first aid training, but CPR is not included in it. Every football coach in Scotland must do the level 1.1 coaching course, and first aid is part of that. Will you commit to engaging with the Scottish Football Association and Scottish Women's Football on CPR being included as part of that coaching pathway? The point about schools is a good one, and my suggestion is another mechanism through which we can get the message out there in a structured environment.

Jenni Minto: I would be happy to have that engagement. From a public health perspective, we have very good relationships with Scottish Women's Football, which has supported us with an anti-vaping campaign as well.

The Convener: It is great that young people are learning CPR because it seems that a skill, once learned, is a skill retained. At our previous meeting, I rather self-deprecatingly pointed out that those of us who are slightly older were actively trained in CPR here in the Parliament, but that that knowledge has perhaps ebbed with the passage of time. I do not know whether I am somebody of an age who should hope to be saved in the event that anything happens or whether I am still somebody who should actively be trained to save others. I know that there were some prompt notes. Steven Short said that I should be reassured that the training that I received is probably retained instinctively and that, with the prompt notes, I would find that I was able to participate again. However, can anything more be

done to refresh skills in those who took the time to invest in training in CPR in the first place?

Jenni Minto: At the start of this evidence session, we talked about the importance of community engagement and ensuring that the community has guardians—that is how Steven Short and others described it. That ensures that, in the community, there is continual refreshment of skills. As I said earlier, when someone is on the phone to the call handler, they will get prompts to tell them what to do.

I would suggest that, if you fancy refreshing those skills, there are a lot of events happening around Scotland. I highlighted the walking football event that I was at. St John Ambulance was there, giving support alongside the Stroke Association—I think, although it might have been Chest Heart & Stroke Scotland. At a lot of events, and certainly a lot of the agricultural shows in Argyll and Bute that I go around, there is an opportunity for people to get refresher training. There are also good online resources on the Save a Life for Scotland website.

The Convener: Thank you for that. If you are seeking to encourage me to attend events where exercise is involved, you will have the wholehearted support of Mrs Carlaw, even if I am slightly more reluctant.

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): Before I move on to the next theme, I note that, in a previous answer, it was highlighted that there could be better coverage of defibrillators in deprived areas. Recently, in my constituency, I was involved in three charity days where they raised—I cannot remember the actual sum, but it was a few thousand pounds. The funding was matched and they raised enough in one day to get their defib. However, that is much harder to do in a deprived area where people are worried about putting dinner on the table for the kids. Is there a mechanism for putting in matched funding rather than the community having to do it, given the situation that people are in in poorer communities?

Jenni Minto: That important question ties into a question that you asked at the previous meeting as well. I know that you recognise that local authorities know their communities and who the key drivers are in different parts of their communities, whether that is the more deprived areas or the less deprived ones. Partnership working is definitely happening, and COSLA is part of the Save a Life for Scotland partnership, as you know.

10:15

Another important thing, which Steven Short touched on, is that businesses are often willing to get involved in supporting fundraising, as is the

British Heart Foundation. As I said, we are looking at a paper that was worked on at the most recent Save a Life for Scotland meeting, and we will be taking decisions based on that.

Davy Russell: I will now ask my questions on the theme of public awareness and education around stroke. Given that only half of stroke patients received the full treatment bundle last year, which fell short of the national performance targets, what plans does the Scottish Government have to increase investment in stroke services, including for workforce capacity, infrastructure and access to timely, evidence-based care?

Jenni Minto: I was very disappointed to read the statistics that came out recently on the stroke bundles. I agree that improvement has to be made.

Just last week, I chaired a round table of all the stroke leads from the health boards across Scotland, at which we talked specifically about door-to-needle time as a major concern. We have considered how health board staff are configured and we have helped boards to introduce nurses who will specifically support people who could be presenting with stroke symptoms. I think that I am right in saying that NHS Lanarkshire has made really good improvements there. At the meeting last week, it was great to hear about what NHS Lanarkshire has been able to do. The other health boards heard about that and they can consider the changes that they could make. The Scottish Government has provided some funding to allow additional training for nurses across the health boards.

As you will know, the Scottish Government provides funding to health boards directly. The total health budget is about £21 billion. Of that, about £15 billion goes directly to health boards, and it is for them to make their decisions on how to allocate that among the various conditions that they have to support.

Having met the Bundy family and representatives of the Stroke Association and Chest Heart & Stroke Scotland, I felt very strongly that it was important for each health board to have a stroke lead and for me to meet them regularly. We also have a stroke specialist in the Scottish Government, who is part of the chief medical officer's team. He engages regularly with the stroke leads to ensure that we can improve, because that is what we have to do. You are absolutely right that we have to improve the statistics.

Davy Russell: There is such a big disparity, given the 50 per cent figure. Is the target aspirational rather than being a challenging but achievable one? Perhaps you will need to consider that.

Jenni Minto: It is a target. If a target is challenging, that is great, because it challenges people to ensure—

Davy Russell: That is what I am saying. Is the target an aspirational one that cannot be achieved, as opposed to one that is still achievable? That is what is needed to drive staff on.

Jenni Minto: I absolutely agree. The targets will have been set with clinical advice and guidance. Targets should be a stretch, because we want people in Scotland to be healthy and to maintain healthy lifestyles. I know from the people who I have met who are living with stroke that some have had better journeys than others. That is how we learn. It is through sharing those stories widely among MSPs and more broadly across Scotland that change can happen. I was very heartened by the meeting that I chaired last week, because I heard a group of people who have the same determination to reach those targets.

Davy Russell: What actions is the Scottish Government taking to improve awareness and recognition of the full range of stroke symptoms, beyond those that are captured by the face, arm, speech, time—FAST—acronym, among the public and healthcare professionals? Does the Scottish Government plan to support a pilot study to test the public comprehension and clinical impact of the balance, eyes, face, arm, speech, time—BE FAST—approach? Will findings from NHS Forth Valley's adoption of BE FAST be incorporated into future policy decisions?

Jenni Minto: I have had a number of conversations about that with officials and third sector organisations such as Chest Heart & Stroke Scotland and the Stroke Association. As you will know, Chest Heart & Stroke Scotland ran an awareness campaign either late last year or earlier this year that was based on the FAST guidelines.

I mentioned in my introductory remarks that, as a result of his meeting the Bundy family, the cabinet secretary asked the chief medical officer to do a piece of work on the issue. As a result, we have provided and funded an education resource—which 1,500 people from emergency departments, general practice and wider healthcare have gone through—to ensure that people are aware not only of the FAST symptoms but also of those that are not in that acronym, which can be around balance and visual impairment. That work has been done and it is continuing.

The Convener: What causes you to hesitate on the BE FAST programme, minister?

Jenni Minto: We need to be aware that the FAST acronym is very well known. Bringing in the "BE"—the balance and the eyes—could produce some false positives, which we would be

concerned might impact on clinicians' ability to treat. That is why, in the additional training resource, we have been very clear that we are focusing on FAST, but we are also ensuring that people are aware that there could be other symptoms. The evidence and the discussions that I have had with the Stroke Association and Chest Heart & Stroke Scotland show that their views tie in with that.

The Convener: Will that continue to be reviewed as we see the pilots?

Jenni Minto: Most definitely. As Davy Russell highlighted, a pilot is happening in NHS Forth Valley—we have not had any outcomes from it yet—and I note that NHS Ayrshire and Arran is also considering it.

The Convener: I am grateful for that. We do not want an impression of intransigence to be given. Instead, we could say that BE FAST is something that others might have moved to at this stage and that, although we do not dismiss the possibility of its value, we do not think that it is the right step to take at this point. There is a distinction between those two things and how they are coloured.

Jenni Minto: I absolutely agree that there is no intransigence. Davy Russell pressed me on the targets, which are there because we expect to meet them. However, as knowledge changes, we need to be flexible enough to ensure that we provide the people of Scotland with the right support for their health.

Fergus Ewing: I want to pursue that point and the questions that Mr Lawrence posed on BE FAST, which includes visual and balance problems, as opposed to FAST. It is a fact that FAST does not necessarily pick up those eye and balance symptoms of the stroke that caused the death of the person concerned, so we are talking about people dying.

I have a couple of questions on the Forth Valley pilot. When will it be completed and reported on? Will the report cover the reservations about moving from FAST to BE FAST? To put it a bit too crudely, the reservations were that—bear with me—the public were too stupid to understand BE FAST because there is too much information there for it to grasp. That is basically what the experts say. FAST has four things to remember whereas BE FAST has six, and six is too many. I do not think that that is the case. Can that be specifically analysed in the Forth Valley study? If not, the pilot will be a bit of a waste of time.

The second criticism that you made, minister, was that BE FAST might result in a large number of people being referred to a hospital for no purpose because there is nothing wrong with them, which would cause an increase in workload

in already stretched health services. That is a practical point, and I accept it.

Will those two arguments be tested in the pilot? If not, a sceptic would say that we are not really much further forward and that we have missed the opportunity for the pilot to analyse whether those two objections are real or overstated by clinicians and experts.

Jenni Minto: That is a very fair question. As NHS Forth Valley is taking forward the pilot, I have no information on when it will be complete or when we will get the report. However, your questions are all on the record. Martin Macdonald is here with me today and we will converse with the health board to understand what it is doing, where it is in the pilot and when we can expect the report.

Fergus Ewing: We are all in favour of conversing.

The Convener: Do you have anything else to add, minister?

Jenni Minto: I would just like to say thank you. I appreciate the evidence that you gathered in your previous evidence session.

The Convener: Thank you for your positive engagement on the issues.

We have been considering four petitions today. Occasioned by a situation that tragically affected her family, petition PE1989 was lodged by Mary Montague—who happens to be the provost of my local authority, although she lodged the petition prior to that happy event—and it calls for an increase in defibrillators in public spaces and workplaces.

Petition PE2048, which was lodged by the Bundy family, calls for a review of the FAST stroke awareness campaign. The petition was motivated by tragic circumstances that affected the family.

Petition PE2067, which calls for improved data on young people affected by conditions that cause sudden cardiac death, was lodged by Sharon Duncan, the mother of David Hill, because of the personal circumstances that the family endured.

Petition PE2101, on the provision of defibrillators for all primary and secondary schools in Scotland, was lodged by Peter Earl on behalf of Troqueer primary school because of the work that the school has done.

I commend all the petitioners for enabling the committee to thoroughly and properly air the issues, and I thank the minister for her engagement.

Are members happy to consider the evidence that we have heard today at a future meeting?

Members indicated agreement.

The Convener: I thank you and your colleagues again, minister. I will suspend the meeting briefly.

10:28

Meeting suspended.

10:33

On resuming—

Continued Petitions

Rape Charges and Convictions (Record of Sex) (PE1876)

The Convener: Welcome back. The next petition on our agenda, under continued petitions, is PE1876, which was lodged by Lucy Hunter Blackburn, Lisa Mackenzie and Kath Murray. The petition calls on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Courts and Tribunals Service to accurately record the sex of people charged with or convicted of rape or attempted rape.

The Citizens Participation and Public Petitions Committee has considered the above petition throughout the current parliamentary session. It is one of our longest-running petitions this session—it was lodged back in 2021—and the committee has been pursuing extensive work on it since then. We have a large volume of petitions, and our practice is to do a considerable amount of work on every admissible petition by securing a research briefing, a Government response and committee consideration for each one.

We also try to progress the ask in petitions on behalf of petitioners as far as we are able to do so. We are not the Government; we are a committee of the Parliament. To ensure fairness for all our petitions and petitioners, we consider them in turn, which sometimes means that there can be a wait after a petition is considered before it can be rescheduled.

At its meeting on 30 October 2024, the committee agreed that it would be appropriate to invite the chief constable to give evidence at a future meeting. The committee does not hear evidence on every petition. In fact, it takes evidence on relatively few of the petitions that come before it. As a result, we want to make sure that we get the most out of any sessions at which we hear from witnesses.

After issuing our invitation to Police Scotland, we were advised that there was a full review of the policy on recording sex and gender that was due to conclude this autumn. To make sure that we could use this valuable opportunity to hear from the chief constable as effectively as possible, the committee agreed to wait until autumn 2025 to take evidence.

I am pleased to say that we are joined today by Chief Constable Jo Farrell, and by Deputy Chief Constable Alan Speirs, who has responsibility for professionalism and enabling services. I warmly

welcome you both. I understand that the chief constable would like to make a brief opening statement before we move to questions from the committee.

Chief Constable Jo Farrell (Police Scotland): Police Scotland supports the petition. A man who rapes or attempts to rape a woman, girl or other victim is, should be and will be recorded by Police Scotland as a male.

Gender self-identification is a complex area of public policy and practice, as illustrated by the work of the committee. The debate has evolved over a number of years, but let me be clear that my priority is to protect victims. Statistics and data accuracy matter, and we will always engage in a way that aligns with our values.

The petitioners outline that, in 2019, Police Scotland established a position on these matters. Our 2019 position stated that Police Scotland recorded the biological sex or gender identity of an individual based on self-declaration unless, first, the sex or gender of a person was relevant to an investigation, as would be the case in sexual violence crimes, including rape and attempted rape, or, secondly, further inquiry was necessary on the basis of risk.

In December 2021, the issue was discussed during evidence to the Criminal Justice Committee on the prosecution of violence against women and girls. At that time, Police Scotland stated that there had never been a case of a male who committed rape and self-identified as a female being recorded on the police crime system as a female, and that remains the case.

On reflection, and having observed the intense public debate around gender identification and the—at times—mixed messages from Police Scotland in freedom of information responses and correspondence to this committee, for example, I want to provide further clarity and direction in this area. It is important for victims to hear from me as chief constable that there is no doubt in our practice. A man who commits a rape will be recorded as a male.

I have also put myself in the shoes of our custody sergeants and considered the support that they need to do their job. In September 2024, during a public update at a meeting of the Scottish Police Authority board, I made a clear statement and direction that a man who commits rape or serious sexual assault will be recorded by Police Scotland as a male. That meeting was live streamed by the authority and we published the statement on the matter on our website, alongside a series of internal communications for officers and staff.

At my direction, Police Scotland commenced a review to consider the terminology and recording

practices that we use to collect and record sex and gender data, and to recommend improvements. That work is under the direction of Assistant Chief Constable Catriona Paton and is supported by an expert human rights adviser. It includes extensive engagement with a broad range of internal and external stakeholders. Our review takes account of the UK Government-commissioned independent review of data, statistics and research on sex and gender by Professor Alice Sullivan, which was published in March 2025 and which makes it clear that public bodies need reliable and consistent data that is based on biological sex to inform policy and practice. Our review also takes account of the Supreme Court decision on the definitions of the terms “sex”, “man”, “woman”, “male” and “female” in the Equality Act 2010, which was handed down in April this year.

The broad work of our review is at an advanced stage and continues at pace. We are implementing guidance as it is developed, and we have communicated updates in that regard. In mid-October, as a result of that work, Police Scotland took the decision that we will record a person’s biological sex and, where relevant, their transgender status for suspects and victims of all crimes and offences, in accordance with our equality and human rights obligations. We are moving to implement that at pace across our data recording systems.

The review will continue to be responsive to and informed by developments in law and statutory guidance, human rights advice and on-going engagement. We will continue to take action on specific areas, and we expect to provide a further substantial update through the Scottish Police Authority early next year, including on progress on updating systems.

Let me close by underlining that my priority is to protect the safety, wellbeing, rights and dignity of victims, witnesses and the accused, and of my officers and staff. Thank you.

The Convener: That was very helpful. I am sure that it will help inform colleagues as we proceed.

We have been joined by our parliamentary colleagues Tess White, Ruth Maguire and Rachael Hamilton. After the committee has asked questions, time permitting, I hope to invite them to ask questions that they might feel have not been properly addressed.

Chief constable, I listened to all of your statement with interest and care, and I am grateful for it, but was there an underlying admission in there that Police Scotland got something wrong? If so, why?

Chief Constable Farrell: As I outlined in my opening statement, I felt that greater clarity needed to be brought to our position on recording

in relation to rape and sexual offences, and that is what I did in relation to my announcement and my communication in September 2024 at the Scottish Police Authority board. I put myself in the shoes of the people who were making those decisions, and then further developed the work in relation to the review that I have talked about and which you referenced.

The Convener: How did that lack of clarity come about, and how did the situation evolve to the point where you felt that further work was needed to clarify it?

Chief Constable Farrell: Our 2019 statement, which I outlined in my opening statement, talks about allowing people the opportunity to self-identify. I felt at that point that there was the potential that people who are very interested in and who scrutinise this area of policy and practice would disregard the second part of the statement, which said that we would record based on biological sex if it is relevant to the offence. In the autumn of 2024, I wanted to make the position in relation to rape and sexual offences absolutely clear, that being part of the petition.

The Convener: Did Police Scotland act without giving due thought at the time to disquiet that might be a consequence of the statement that came out in 2019? What was the motivation at that point?

Chief Constable Farrell: I would be commenting on the situation across Scotland before my tenure as the chief constable. In my opening statement, I highlighted that this area of public policy and practice is complex, and that there are very strong opposing views.

David Torrance: Good morning. Do you think that police officers feel confident in how they record the sex of suspects in rape and attempted rape cases? What guidance have they been given to help them?

10:45

Chief Constable Farrell: I am confident that they are confident. The reason I say that is that, if we look at our data in relation to the recording of men accused of rape and sexual offences, we see that there have been 16,258 offences recorded on our crime system since 2018, and every one of those has been recorded accurately. There is a biological man who has committed, or is suspected to have committed, the offence, and that is how they have been recorded. I am confident because the data is evidence that our staff are able to make those judgments, and that they make the correct judgment and record accurately.

The Convener: In so far as officers are confident in how they proceed, is it now the case that the same criteria are applied in relation to the policy for all sexual offences and that there is no distinction in that regard?

Chief Constable Farrell: Sorry—

The Convener: In terms of the specification of gender, is there now a consistent policy for all sexual crimes?

Chief Constable Farrell: I talked about rape and sexual offences, which is a broad category. I do not know whether you want me to talk now about the further work that we have done and some of our further policy decisions.

The Convener: I think that that would be helpful. I will then bring in Fergus Ewing.

Chief Constable Farrell: DCC Speirs has led the review work, so I ask him to take the committee through the scope of that work and the decisions that we have made. That will provide you with the answer with regard to our further steps in this area.

Deputy Chief Constable Alan Speirs (Police Scotland): I will start at the end of your question, convener. I think that the decision that we made in October this year is significant: in every instance where we are recording a crime or an offence, we will record the biological sex of the person coming into custody. In order to ensure that that progresses at pace, we will implement changes to the key systems on which we will record that data. That brings a further degree of absolute clarity and goes much further in removing ambiguity.

When we commenced the review work, we identified four critical areas that we wanted to look at: terminology, data recording, legal compliance and—this was the acid test for the work that we were trying to do—the operational effectiveness of the policies that we put in place. It has been helpful that we have been able to look at the work of Professor Alice Sullivan and the outcome of the Supreme Court judgment. We also recognise that there are other pieces of work still on-going, so you will see from our systems that, right now, we define all our guidance as interim as we await final clarity on some of that on-going work.

Through the review work, we have looked at terminology. Most recently, we have taken a position around data recording. We have addressed search, in terms of both search on the street and search in custody. We have looked at the whole position on safe spaces. The work of the oversight group has, in our view, been thorough. It has not quite reached completion yet, but we are working towards that.

An important aspect is that we have encouraged stakeholder engagement. We recognise that there

is a polarising context and that there are varying views, and we have worked hard to draw in views from others in relation to our work. In the early part of 2026, as the chief constable indicated, we will take a final report to the Scottish Police Authority as well as an update on the implementation of the changes that we will make to our recording systems.

Fergus Ewing: Good morning. My understanding now, from listening to the deputy chief constable, is that the position of the police fundamentally changed as of October this year. Unlike the position beforehand, which was based on the 2019 policy, the biological sex of every potential offender will be recorded. Is that right?

Deputy Chief Constable Speirs: Yes—that will be recorded on our systems. We have a system designed that allows us to be really clear in the data that we record.

Fergus Ewing: As well as the biological sex of the potential offender, will there be recording of any self-declared gender if it is different from the biological sex? In other words, if a biological man says, “I identify as a female”, would that also be recorded?

Deputy Chief Constable Speirs: We will look to record it. In our experience, there has been a lot of conflation of sex and gender identity. We want to be really clear, and the research that we have seen from Professor Sullivan, and the Supreme Court judgment, bring clarity on the accuracy of what we would want to record. However, we have also articulated that it is incredibly important, when somebody comes into custody, that we treat them with the dignity and respect that they would look for.

The first critical point for us is how we record biological sex. There might, in the future, be instances where a person’s gender identity differs from their biological sex.

Fergus Ewing: I appreciate the point about treating people with dignity, and I appreciate that it is a very sensitive topic and there are people with different views. However, I want to probe a wee bit further and take us through the consequences of the new policy. If a biological man is recorded as a biological man but declares to be a woman, how would that person be treated as the person goes through the criminal justice system? Would that person be treated as a man or as a woman when it comes to prosecution and—assuming that prosecution leads to a guilty finding—the sentence?

Chief Constable Farrell: I will pick that up. Our priorities relate to supporting victims; prosecuting offenders and making sure that those people are brought to justice; and ensuring that, by recording accurately biological sex, our crime data is

accurate and we are able to use that information and data across policing and broader public policy.

On the point about dignity and respect, the person would be recorded as a man—as a biological man—and they would be recorded on the system as a man. With regard to the treatment of that person while in our care and custody, we would seek to engage with them in the identity that they want to be known as.

On your further question about going through the justice system, I do not think that it is for me, as the chief constable, to comment on how other agencies beyond policing will deal with these issues. What I would say, in relation to the broader justice system and my colleagues south of the border, is that, in my view, Police Scotland is ahead—through the work that we have done, the reviews that we have undertaken and the decisions that we have made—in how we have implemented the decisions around the Supreme Court judgment.

Fergus Ewing: I appreciate that you, as chief constable, are not responsible for decisions that are for the Scottish Prison Service to make. The SPS has a process that it says is used to assess whether a biological male self-identifying as a female is housed in a male or a female prison, and in what circumstances, such as confinement, segregation from others and so on. I appreciate that you are not responsible for that. However, I want to put to you a point that the petitioners have made. They are looking to the Scottish Government, and to your good self, for leadership on this.

What I am driving at is that, if you record the biological sex of a potential offender but treat that person as the gender that they wish to be recognised as—we will just stick with the example of a biological male self-identifying as female—does that not open a gateway whereby it facilitates the Scottish Prison Service to conclude that it is safe for a biological male to be placed in female prisons? Are you not inadvertently and unwittingly facilitating that outcome by not only recording a person’s biological sex but treating them according to their self-identified gender?

I am talking about males, principally, but you see my point. Although it is not your decision in which prison—male or female—people are put, if you treat a man as a woman, it is no real surprise if that man ends up in a female prison. I am not at all alluding to any on-going court action; I am purely talking about the principle so that we do not get into any sub judice or prejudice territory. As chief constable, do you need to go further in providing leadership to set out that biological males should not, in fact, be housed in women’s prisons?

Chief Constable Farrell: My first point is that such a scenario has never occurred in the 16,300 crimes that have happened since 2018. That is not to say that it would not happen, but we and I have made concrete progress and decisions based on the ruling and decisions that were made by the Supreme Court. I have also considered our obligations on human rights, dignity and respect. I have described our process and how people would be recorded. I cannot be drawn on what the Scottish Prison Service chooses to do on that. I am responsible for this organisation and I operate within the law, and we have made strong progress.

Fergus Ewing: Do you agree with the general proposition and principle that biological males should not be imprisoned in women's prisons?

Chief Constable Farrell: That is a policy position for the Scottish Prison Service.

Maurice Golden: Just so that I am clear, at ground level, what has changed is that the biological sex will now be recorded but, in essence, the treatment of the individuals will be exactly the same. Is that where we are currently?

Chief Constable Farrell: We will record the biological sex in relation to rape and sexual offences, as we have done since 2018 for 16,000-plus crimes. Last month, we took the decision to expand that approach to all crimes.

Maurice Golden: Is that happening as we speak?

Chief Constable Farrell: Following the Supreme Court decision, we have done a detailed piece of work to examine how many digital systems we have across policing—we have a lot of them, as you can imagine. Over the years, the terms “male”, “female”, “gender” and “sex” have been conflated and confused, so we have worked through the detail of how those identifiers are described in the systems. Now, we will progress with the work to ensure that they are compliant and that we record biological sex. An additional element is included so that somebody can tell us if they want to identify as a transgender identity.

Maurice Golden: That is helpful clarity. I wondered why the work was taking so long, but I appreciate that it might have been because of the different historical information technology systems at Police Scotland. How is the recording of any identified gender delimited on the new system? Is the person literally just recorded as a trans person or are there different ways in which the person might identify?

11:00

Chief Constable Farrell: At the moment, our proposal is to have biological male, biological

female and a trans identity. On your point about IT systems, we have identified nine priority systems, which is where we will start. Those include custody systems, our criminal justice case system, our intelligence system and our crime recording system.

Maurice Golden: Thank you.

Davy Russell: I am bearing in mind that the petition has been going on since 2021. You made a clear and concise statement at the start of the evidence session. Are you happy with the length of time that it has taken for you to be in the position that you are in now? It seems a rather long time.

Chief Constable Farrell: I will reinforce the point that I made about the concrete steps that we have taken. When I took over this role, I identified that we needed further clarity, always putting myself in the shoes of the people who are doing the job on the front line. I have brought that clarity. In addition, we have now worked in areas that relate to technology to ensure that they are compliant with the law, and we have worked in other areas where the Supreme Court judgment needs to be reflected in the way in which we go about our business.

Davy Russell: Are there further areas that you will develop and progress as a result of the Supreme Court judgment, or are you almost there?

Chief Constable Farrell: We have been working on other areas, which the deputy chief constable will describe to you.

Deputy Chief Constable Speirs: Part of the challenge since 2019 has been that we have tried to operate within the available law and policy. It has been incredibly helpful that we can now anchor our position in the commentary of Professor Sullivan. We can look at the Supreme Court judgment and we will closely watch where the human rights commission arrives at in relation to a code of practice. We reflect on the fact that, if policy and law move, we will seek to develop our position.

Data recording is one element of the issue; safe spaces become another element. The position regarding stop and search on the street and then search in custody is vitally important to us. We have been clear and unequivocal about the policy that we put in place, the guidance that we have given to officers and the level that we went to in order to clearly communicate our position as it relates to stop and search. More recently, we have communicated our positions on facilities, safe spaces and single-sex spaces in offices.

As the chief constable has indicated, we are way ahead of other police forces across the United

Kingdom. We are well connected with other forces through the National Police Chiefs Council, which is the forum for all UK policing. In some spaces, we have had to be bold and pave the way. On reflection, it is taking time, but we have anchor points, such as the Supreme Court judgment, which have allowed us to push on with a degree of pace.

Davy Russell: I have one final question. What are the feelings of or feedback from your officers on the front line?

Deputy Chief Constable Speirs: Officers recognise that it is a polarising context. We face that context operationally every day in how we police our business. The feedback and sense that I get from officers is that we have provided clarity. There is absolute clarity about data recording and expectations regarding stop and search. There have been instances when officers have not always been sure-footed and confident, but our stop and search policy and the guidance that we have given to officers are crystal clear—that is the feedback that we get. We will draw other feedback from officers as it filters in through our staff surveys. In the past two years, we have reached a point at which we survey our staff every year. We listen to the feedback and, if I get the sense that there are gaps or elements that need greater clarity, we will try to deal with that.

Fergus Ewing: I will pursue the point that my colleague Davy Russell raised about the internal organisation of the police. I have no detailed knowledge of this but I understand from the website that, within the police, there is the Scottish Women's Development Forum and the Scottish LGBTI Police Association. That is fair enough. However, I have been advised that, also within the police, there is an organisation called Police SEEN—sex equality and equity network—UK, representing those who describe themselves as “sex realists”, but attempts to have the organisation recognised by Police Scotland have not been agreed to. Is that correct? Will you talk me through that?

I get the sense that the ethos of the police is to be as supportive as possible, to recognise different views and not to get involved in some of the stuff that we have seen about public bodies disciplining people because they are deemed to hold unacceptable views, which has led to a tremendous outcry in the public, and rightly so. I am looking for some assurance that Police Scotland is understanding of, sympathetic to and supportive of those officers who have particular views, including those who feel, as I and many others do, that biological males should not be housed in women's prisons and who take a sex realist point of view, while recognising, as the deputy chief constable said, the need to be

sensitive and fair and to treat other people as you wish to be treated yourself.

Deputy Chief Constable Speirs: I will start in answer to your question and the chief constable might want to add something. We have recognised the importance of engagement not only inside the organisation but with stakeholders outside it. We have a range of diversity staff associations across Police Scotland and we have tried to draw those groups together, particularly in the past couple of years.

We now have a collaboration group that is chaired at executive level and which brings together all our diversity staff associations on a structured and regular basis. That is separate from the regular day-to-day engagement that we have with single diversity staff associations as well as our statutory staff associations.

There has been a little bit of correspondence in the past couple of years about the notion of a SEEN, but it has not, in my view, been pursued hugely in Scotland. However, we see the capability of the Scottish Women's Development Forum as a platform to build on.

First and foremost, we are listening to our officers and staff, and to the range of diversity staff associations, and considerable work has been done in that regard. In no way would we look to muffle the voice of any of our organisations, but we recognise that we have an extensive range of associations and platforms in which views can be expressed.

Chief Constable Farrell: The DCC spoke briefly about our staff survey, which is one of the ways in which we take feedback from across the organisation. I made a commitment that we would do that annually, so that we can ensure that we have made positive progress across a number of areas of business. The second survey will report to the Police Authority in the next few months.

There are a number of different avenues that our workforce of 22,000 people can take to provide views of how they feel about the organisation and the leadership of the organisation.

Fergus Ewing: That will be communicated to staff after the final report, which will follow the September 2024 review and the June 2025 interim update, which I understand was provided. When will that final report be made public?

Chief Constable Farrell: Are you referring to the staff survey?

Fergus Ewing: Yes.

Chief Constable Farrell: That will be reported to the Police Authority at the end of this calendar year or early next year.

Fergus Ewing: When will the other report be published? That is the general review, so I am told.

Deputy Chief Constable Speirs: Our intention would be to take that to the public Police Authority board meeting early next year—probably around February. As an organisation, we have not been silent for the past year and a half. We have been continually feeding in and communicating with our staff. We have issued three or four different pieces of guidance and made policy decisions, so the progress that we are making is being seen inside the organisation. As we intimated earlier, we will publish the report in early 2026.

Fergus Ewing: Will it be available to members of the public around February 2026?

Deputy Chief Constable Speirs: Yes, it will be presented at the public part of the Police Authority board, I would suspect.

Chief Constable Farrell: We have described some of that work as “interim”, but I want to ensure that the committee is clear that we describe it as such because we are waiting on other bodies to report. That is not in any way about delaying—

Fergus Ewing: Which other bodies, chief constable?

Chief Constable Farrell: The human rights commission is due to publish its code of practice. I just wanted to clarify that point.

Fergus Ewing: Is that the only body that you are waiting for?

Chief Constable Farrell: There is also the code on stop and search.

The Convener: Exercising my discretion as convener, I now invite our three parliamentary colleagues to join the questioning. Tess White is first.

Tess White (North East Scotland) (Con): Good morning. I have four questions and I am conscious of the time. First, I want to check something that you said in your opening remarks to the committee, chief constable. You said that there is no case of a male being recorded as a biological female. You said that that remains the case. As far as you are aware, according to your records, in Police Scotland, there is not a single case of a man being recorded as a biological female.

Chief Constable Farrell: That has been the case since 2018.

Tess White: What happens if you are informed that that is not the case on the ground? What is the process? Do people raise it as a

whistleblowing issue? Can people come to you directly if it is happening in their force?

Deputy Chief Constable Speirs: We have crime registrars in the organisation, whose role is about the integrity and accuracy of our data recording. Therefore, of course, if there was a sense that there was an element of inaccurate recording, we would look at the specific case and address it.

Tess White: Would you personally look at that? If it is going on right now and you are not aware of it—if it is a practice that has happened—people can come directly to you. Chief constable, you look confused. I am just saying that you are not aware of it. I will leave that with you. My second question—

Chief Constable Farrell: To answer that question, on broader issues—on all issues—some people will go through their first and second line managers; other people will email me directly. If we are talking about a specific case—

Tess White: Yes. They can directly email you.

Chief Constable Farrell: People directly email.

Tess White: Thank you very much. Police Scotland previously said that it had introduced the policy—the previous policy, before today—in preparation for gender recognition reform, which, as we know, failed. Was that an appropriate position for the police service to take—to preemptively align itself with the Government, rather than waiting for the bill to be passed or not passed?

Chief Constable Farrell: You are asking me to comment on decisions that precede my time in the role, so I would be commenting on behalf of others, which is not the correct position for me to take.

Tess White: Under your leadership, it did not take place, and you would not pre-emptively say, “Something is going on, so we’ll do this,” rather than waiting until the law is clear.

Chief Constable Farrell: We would comply with the law and the 2019 position, as I said earlier. In my view, at the point at which it said “self-identification”, there was not clarity around what to do in relation to the crimes of rape and sexual offences.

11:15

Tess White: My third question is around the data that has been corrupted over the past few years. What will you do to backtrack and ensure that data is correctly recorded? What will happen?

Deputy Chief Constable Speirs: First, as we have said a couple of times today, as things stand,

we can find no inaccuracy in a recording of biological sex as it relates to the serious crimes of rape and attempted rape. We will look specifically at our data standards and our policies, and, where appropriate, if there are any instances that need to be adjusted, we will absolutely adjust them.

You can be assured that we are in agreement on the importance of accurate data recording. Professor Sullivan addressed that in her research work. We are really committed to ensuring that data recording within policing is accurate.

Tess White: If people come directly to you, Deputy Chief Constable Speirs, can you guarantee that you will protect the source and not go back and say, “What’s going on?” I see that you are looking at me, Chief Constable Farrell. I just want to protect the people who will come to you and say, “This is happening in my force; please will you address it?” If you say yes, that is good enough for me and the committee.

Deputy Chief Constable Speirs: I am the gatekeeper of the professionalism portfolio. Values are really important to us as an organisation. Set against our values of integrity, fairness and respect, you can be absolutely assured that we have the best interests of anyone who comes to speak to us in mind.

Tess White: My final question follows on from a question that my colleague Mr Ewing asked in relation to Police SEEN UK. I have its badge on today as I told my constituents that I would wear it for them. A number of serving police officers feel uncomfortable with the topic that we are discussing today. Everybody’s wellbeing and inclusion is important.

I met Police Scotland’s head of human resources at our Equalities, Human Rights and Civil Justice Committee and I got pushback about Police SEEN. It seems that the police support the groups that support self-ID but do not support the staff networks that support biological reality. I have been a fellow of the Chartered Institute of Personnel and Development for 30-plus years. This matters—staff networks matter—so will you, either Chief Constable Farrell or Deputy Chief Constable Speirs, meet Police SEEN in the next few months to hear its feedback directly?

Deputy Chief Constable Speirs: Absolutely. That is really important to us. I said earlier that there had been a bit of correspondence some time ago. I would like to think that, as senior leaders in policing, we listen. We will be content to engage with officers or staff in the organisation and consider how best to take the matter forward.

Tess White: Thank you. Your head of HR has a different view, so I would be grateful if I could leave that with you.

Ruth Maguire (Cunninghame South) (SNP): Good morning. I have some questions around communication. First, I welcome the clarity of your statement this morning and the acknowledgement that, previously, mixed messages were coming out of Police Scotland. In relation to communication to officers, many of whom will of course be impacted by crime as well as policing crime, can you give more detail on the date when the change in policy was communicated and how that was formed, please?

Deputy Chief Constable Speirs: I have made a number of policy decisions. Are you talking about the decision going back to 24 September?

Ruth Maguire: I suppose so, yes—the main one. However, it might be helpful for the committee to hear whether the change was communicated in different ways and about the different pieces of policy that have changed.

Deputy Chief Constable Speirs: I refer back to the position that the chief constable took at the Police Authority board meeting on 26 September. That decision was made by the executive team in advance of that board meeting.

A number of arrangements are in place for how we communicate that. As an organisation, we still use memos, but we recognise that, in a large organisation that spans a third of the UK, we have to be more engaging. We would host shift briefings and hold extended leaders forums. We have an intranet, which is accessible to every employee in the organisation. There are a number of ways in which we can communicate clearly, and we are drawing on feedback from those. Those are the vehicles that we routinely use for any policy or other communication across the organisation. In our corporate communication structure, there is an entire team dedicated to internal communications.

Ruth Maguire: In terms of feedback, you spoke about an annual staff survey. What questions will be in the next staff survey to ensure that officers understand and are comfortable with the clear policy that you have laid out?

Chief Constable Farrell: The survey has a number of elements and themes. One theme is about whether people have the right direction and understand the purpose. There will not be a specific question on that point because, in order to use the survey to demonstrate progress, we need to ask the same questions on each occasion, so that we can test and measure ourselves. There are questions like, “Do you know the direction of the organisation?”, “Do you understand what your objectives are?” and “Do you have the right equipment?” There is a range of questions, but there will not be a specific question on the point that we are discussing.

Ruth Maguire: I appreciate that point in relation to getting meaningful data from a survey. How will you know that officers are clear, following the mixed messages that there have been?

Chief Constable Farrell: I come back to the 16,000-plus records of biological men committing rape. The deputy chief constable described how we have now looked across all the data systems and the work that we need to do to be really clear about biological sex and not interchanging those words with gender. We will have to do a further, strong piece of communication so that people within the organisation understand the importance of that.

A couple of days ago, we discussed the fact that technology has moved on and everybody will be familiar with the point at which you put an entry into a digital system. That can have a check and balance built into it. We will use the technology as much as we can to ensure that we can be reassured about its accuracy.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): I have a question on something that I would like clarity about. After the chief constable's initial statement in 2024, why did it take so long for a directive to be initiated and the policy to be implemented? Why was there that great long gap between then and now?

Chief Constable Farrell: I do not think that there has been a long gap. I brought clarity in September last year and shortly after that we began the work to ensure that our systems were accurate and compliant. We have used the publication of Professor Sullivan's report and the decision by the Supreme Court to inform us further.

Rachael Hamilton: What happens next? We are talking about the review and further evidence or advice being gathered. In answer to an earlier question, did you say that the human rights commission—

Chief Constable Farrell: At some point, the Equality and Human Rights Commission is going to issue its code.

Rachael Hamilton: Is that organisation part of the oversight group, as you described it earlier?

Chief Constable Farrell: No, it is one of the bodies whose position we would take into account, in the same way that we have taken the legislation into account.

Rachael Hamilton: You said a number of times that Police Scotland has taken into account the report from Professor Alice Sullivan plus the Supreme Court decision. Is that not enough? Why do you have to wait for more bodies to give you advice?

Chief Constable Farrell: We are not waiting; we are progressing the work. However, we have done so knowing that we are waiting on two codes of practice, one in relation to stop and search and a broader one, but we have decided to use the term "interim". When we get those codes, we can finalise the work, but in no way is that stopping the development of the work or the progress on compliance with the legislation.

Rachael Hamilton: So, members and the public can be confident that—despite the delay in the implementation since the original statement was made in 2024—this is happening right across the board, right now?

Chief Constable Farrell: My opinion differs from yours that there has been a delay. I repeat that, as a public body in Scotland, and as a police service across the United Kingdom, we have made rapid and concrete strides to ensure that we are legally compliant and we have taken the right action to ensure that people are confident, not only about the way in which we treat people, but that we are recording data accurately to make good policy decisions moving forward.

Rachael Hamilton: Does the guidance that was talked about earlier relate to the two codes of conduct that will be published? Is the guidance subject to scrutiny by the oversight group and, if so, who belongs to the oversight group?

Deputy Chief Constable Speirs: We have issued a number of pieces of guidance on policy decisions that we are making, so I am unclear which one you are pointing to, but I will use guidance on stop and search as an illustration. In recent years, Police Scotland has operated under Scottish Government guidance on stop and search in the street. However, because of all that has developed in the Supreme Court on stop and search, we have made a policy decision and issued internal guidance to our officers on that.

The Government's guidance sits over the top of that, and we need it to catch up, but we felt that it was right and proper that we drive forward with guidance on stop and search, because it is an operational imperative and it is an imperative when individuals come into custody. That is one illustration that shows that we are bold in pushing on and doing what we believe to be the right thing in circumstances such as that.

We have taken a similar approach to our estate and the use of our facilities. We are consistent on the use of the estate, how we would adapt stop and search and how we would record in the circumstances that we have discussed this morning.

Rachael Hamilton: Will Police Scotland look retrospectively at all the data that was collected on the crime history system prior to 2018—I think that

one of you gave that date—to ensure that all victims of rape and crime feel safe?

Deputy Chief Constable Speirs: Yes. We have indicated that we have a number of systems. We have data recording and weeding standards, and a number of different systems are impacted. First and foremost, is the crime system, then there is the custody system and then there is the criminal history system. We have been very clear this morning about our confidence in accurate data recording as it relates to rape and attempted rape. However, you can be assured that, given that we have intimated how important the accuracy of data recording is, if there is any sense that we need to retrospectively revisit any systems, we will absolutely do that.

The Convener: As the chief constable and the deputy chief constable have indicated that they do not have anything further to add, I thank them both very much for their attendance this morning.

Members, are we content to consider the evidence that we have heard this morning at a later date?

Members indicated agreement.

11:30

Meeting suspended.

11:33

On resuming—

Fatal Accident Inquiries (Deaths Abroad) (PE2085)

The Convener: Welcome back. I highlight to those who are joining us this morning or watching online that—as I said some moments ago, before we heard evidence in relation to the previous petition—Parliament will dissolve in April next year. The final sitting will be in March, and the committee still has a huge number of open petitions before it. Our focus, therefore, is now on trying to identify the areas where we feel we can make progress in the time remaining. Any judgments that we come to about whether we feel that we can keep a petition open are a reflection not of the importance of the subject but of the committee's ability to make progress in the limited time remaining.

To accommodate colleagues' diaries, I intend to upset the order of the continued petitions and move to PE2085, which is on introducing a statutory definition of residency for fatal accident inquiries into the deaths of Scots abroad. I understand that the petitioner, David Cornock, is with us today in the public gallery. We last considered the petition at our meeting on 2 April,

and we agreed to write to the Cabinet Secretary for Justice and Home Affairs.

We are joined by MSP colleagues Michael Marra and Tess White. Michael Marra has spoken to us in relation to the petition on a number of occasions. Good morning to you both.

I have quite a bit to say in relation to the petition. I hope that colleagues will bear with me.

The committee is aware that the system of coroners' inquests that is used in England and Wales is significantly different from the Scottish system of death investigations. Coroners' inquests mainly determine how, where and when someone died; they rarely make wider recommendations in relation to the circumstances of the death. In Scotland, fatal accident inquiries aim to establish what happened and to prevent future deaths from happening in similar circumstances. In addition to determining whether someone was ordinarily resident, the Lord Advocate must consider, first, that the death was sudden, suspicious, unexplained or gives rise to serious public concern; secondly, that the circumstances of the death have not been sufficiently established in the course of other investigations, such as by the country in which the death occurred; thirdly, that there is a real prospect that a fatal accident inquiry could sufficiently establish the circumstances of the death—for example, if evidence about the circumstances of the death is available; and, finally, that it is in the public interest to hold a fatal accident inquiry.

There were 43 fatal accident inquiries carried out in Scotland between April 2022 and March 2023. The cabinet secretary's response states that it has always been anticipated that inquiries under the legislation into deaths abroad will be rare. The response states:

“an investigation into a death abroad faces formidable hurdles without the cooperation of the domestic authorities. Neither Police Scotland nor the Lord Advocate has jurisdiction to conduct investigations overseas”.

The cabinet secretary points out that those challenges are also faced in England and Wales. On that basis, the cabinet secretary has stated, there is

“no intention to change the current system in Scotland.”

On the substantive matter of defining the term “ordinarily resident”, the Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government have all previously advised that they consider the definition of “ordinarily resident” to be widely recognised and accepted in common law. The leading case on the matter put the question:

“has the applicant shown that he has habitually and normally resided in the United Kingdom from choice and for

a settled purpose throughout the prescribed period, apart from temporary or occasional absences?"

The Cabinet Secretary for Justice and Home Affairs reiterated in her most recent written submission:

"The term 'ordinarily resident' that is contained within the legislation is viewed as sufficiently flexible and workable by the Crown Office and Procurator Fiscal Service".

She went on to say that the definition

"is sufficient to allow the Lord Advocate to conduct an assessment into ordinary residence depending on the facts and circumstances of each particular case."

The petitioner has provided two written submissions to the committee. He states that,

"With an estimated 1000 deaths of Scots overseas"

since the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 was passed, he does

"not believe that anyone can justify the effectiveness of the current system."

He reiterates his view

"that the current process does not work and that the ordinarily resident test is not applied correctly".

The petitioner's second submission highlights a recent round-table meeting attended by a number of representatives, including members of Parliament, MSPs, Police Scotland, Victim Support and the Foreign, Commonwealth and Development Office. The submission includes a contribution from the director of instrumentation and control at Chart Industries, who highlights that employees can undertake assignments for a number of years. He states:

"Given the ... length of these postings, it is essential to have a clear and practical definition of 'ordinarily resident.'"

Similarly, a written submission from Graham Duncan notes that he is unclear as to whether his colleagues in the oil and gas industry who

"work abroad for months at a time"

would be considered to be ordinarily resident.

Another individual, Julie Love, has provided a written submission in support of the petition, as she had a similar petition considered back in 2009. She shares her view that there does not appear to be a safeguard for families with loved ones abroad.

Finally, Dave Doogan MP has provided a written submission, and I understand that he has been supporting the petitioner with his campaigning work. Dave Doogan MP believes that there is an efficacy gap between the 2016 act as introduced and the impact on bereaved families who have lost loved ones abroad.

Before I invite suggestions from colleagues, I invite our parliamentary colleagues who have joined us to add anything that they wish the committee to consider.

Michael Marra (North East Scotland) (Lab): I thank the committee for its continued interest in the petition, particularly given the workload that the convener has outlined. You covered a lot of ground in your lengthy introduction, convener, including some of the things that I was going to say, given the lack of progress that has been made since we last met and considered the petition, back in April.

We had the round table in Parliament, and the clearest outcome of that was the emerging cross-party consensus, which is represented in the letter that we copied to the convener and the committee members, that the law is not working.

I note the response from the cabinet secretary to the committee. The word used regarding this kind of inquiry is "rare", but such inquiries have been non-existent since the legislation was passed—there has not been a single one. It would test the credibility of the definition to say that, of the approximately 1,000 deaths of Scots abroad, none would be able to meet that test.

I also recognise the description of the difference between the systems in England and Wales and in Scotland, in terms of process and intent. However, we have to be clear that, although they are not directly comparable, we can see some instances where people have received some level of clarity about the circumstances in which their loved ones have passed away abroad, and some level of closure for their families. That has not been available to Scots who face those circumstances.

I think that there is a contradiction in what the cabinet secretary has written to the committee in her letter. On 10 October, the First Minister signalled a willingness to look again at the legislation. He told a journalist that he had met Mr Cornock, and he said:

"I understand entirely the concerns that he has, and would want to see those addressed."

That was in the aftermath of the round table and the emerging cross-party consensus. There is a weight of growing evidence and concern that the law has not worked.

Another issue that was not covered in your opening, convener—and it would not be—was the 30 October communication to Dave Doogan MP from Hamish Falconer MP, who is the Minister for Middle East and North Africa, Afghanistan and Pakistan. It stated that the FCDO in the UK

"can intervene in a case should concerns be raised regarding the pace, quality and/or progress of any investigation or trial"

in that jurisdiction. It also said:

“If a family have serious concerns that their loved one died in suspicious circumstances, they should raise this with the local UK police, who can contact the foreign competent authority through policing channels.”

Having taken that advice from the FCDO, the Cornocks spoke to and were interviewed by Police Scotland on more than two occasions, and Police Scotland produced a major incident report stating that it was suspicious about the younger David Cornock’s death and the quality of the investigation. On both occasions, the processes were closed down by superiors within Police Scotland. I do not think that the system is working. It is not working on the basis of process and it is not working on the basis of the law.

In closing, I have three requests that the committee might consider. The first is that the committee might write to the cabinet secretary again, in the light of that cross-party letter, and ask her for a more considered response, particularly given the words of the First Minister, which I have put on the record today.

Given what I have just said about the police, the committee might also consider lending its weight to helping me and my constituent to secure a meeting with the chief constable. Considering the committee’s meeting this morning, you clearly have better success with that than we do. It would be useful if you were able to write in that regard.

11:45

I also recognise that, in recent weeks, you have had cabinet secretaries at committee meetings to talk about a variety of petitions. If the Cabinet Secretary for Justice and Home Affairs will be in front of you at some point as part of your work programme, might we be able to put some questions to her on this issue? If she will not be, I am sure that she would agree that it would be a good use of her time to answer some questions on it, given the growing cross-party consensus.

I greatly appreciate the committee’s forbearance, considering its workload. Deaths abroad are an incredibly serious issue that affects many families across Scotland, and the committee is doing sterling work in trying to support my constituent in that regard.

Tess White: I will say one brief thing to support my colleague Mr Marra: if there is a discrepancy between England and Scotland, that needs to be addressed. I fully support what Michael Marra has said.

The Convener: Fergus Ewing?

Fergus Ewing: You were going to opine, convener.

The Convener: Was I? I wondered whether you have any thoughts to contribute.

Fergus Ewing: I started off somewhat sceptical. However, having listened to what Mr Marra said and having refreshed my memory of what has been said, I believe that it is apparent from the evidence that—as the petitioner has made clear from the outset—there have been between 200 and 400 investigations in England each year into deaths abroad, whereas, in Scotland, there have been zero investigations. I looked again at the cabinet secretary’s submission of 26 May, to see whether there was any explanation for that, and the only explanation was that, in essence, it is difficult to hold an inquiry when you do not have jurisdiction. However, that is the case for England and Wales as well, so it is not an explanation.

The petitioner wants there to be a statutory definition of residency, which may be one solution. The Law Society of Scotland says that that is not necessary. However, I wonder whether the wider problem is that the authorities in Scotland are simply averse to having such investigations altogether for practical reasons—and there are practical reasons; we recognise that.

For the people for whom this matters, it matters greatly. When someone loses a loved one abroad in circumstances that are unexplained, that will linger forever. It is a serious matter, and the cabinet secretary has not really answered the points that have been raised, so we should go back to the cabinet secretary. It is a bit like being asked to do an exam paper and saying, “Well, I don’t agree with any of the questions, but will you give me a pass mark?” It is not on.

We are here again and again, in the same situation with cabinet secretaries, Mr Marra. It is unlike Ms Minto this morning, who I thought was excellent in her responses. I am not making a blanket criticism, although it is not rare for me to criticise the current Government. However, on this occasion, the lack of a basic answer is an insult to the petitioners and to the committee. I certainly do not think that the petition should be closed—I am sorry if that is not the view of other members—but I am not sure whether we should go so far as to take evidence, because we just need some clarity.

If we are going to approach the chief constable, we should also approach the Lord Advocate, because, if I am correct, she has the final say in such matters—I could be wrong about that. I had a meeting with the Lord Advocate about the inadequacies of the FAI system in Scotland, and she was very aware, attuned and involved in trying to improve the process. I would certainly want to involve the Lord Advocate as well as the chief constable if the committee were to agree to that approach.

Davy Russell: Bearing in mind the significant numbers that are involved—1,000 deaths is a lot of deaths, and they affect whole families, so the number is multiplied by the people who are affected—I think that we should dig a bit deeper.

The Convener: We face the fact that the Law Society of Scotland and the Crown Office and Procurator Fiscal Service want to do nothing further. The Cabinet Secretary for Justice and Home Affairs has made it perfectly clear that the Scottish Government does not intend to do anything further. At the same time, the committee is of the view that the issues that the petition raises are more important than the dusty response that we have received implies.

As the responses that we received came before the roundtable discussion that took place, and as there appears to be wider cross-party support and understanding of the failures on the issue, I suggest that we write to the cabinet secretary to say that we would like her to consider the matter further, given that there is considerable disquiet for the reasons that Mr Marra has articulated. As Mr Ewing has said, it seems extraordinary that there have been no inquiries in Scotland when, irrespective of the system being different, the authorities in England and Wales have been able to progress inquiries in the face of the exact same challenges that any inquiry led in Scotland would face.

I am perfectly content for the committee to write to the chief constable, saying that it is an issue with which it would be helpful for Police Scotland to engage—my mother would correct me on my grammar if I got that the wrong way round. We can ask whether the Government would be prepared to meet Mr Marra and the petitioner with a view to progressing the matter. Are there any other suggestions from the committee?

Fergus Ewing: We also need to write to the Lord Advocate.

The Convener: Yes. Notwithstanding the wall of negativity that we have received from officialdom, with a view to penetrating that wall with further efforts, are members content to keep the petition open?

Members indicated agreement.

Concessionary Bus Travel Scheme (Asylum Seekers) (PE2028)

The Convener: PE2028, lodged by Pinar Aksu on behalf of Maryhill Integration Network and Doaa Abuamer on behalf of the VOICES Network, calls on the Scottish Parliament to urge the Scottish Government to extend the current concessionary travel scheme to include all people seeking asylum in Scotland, regardless of age.

Paul Sweeney, our MSP colleague, joins us for our consideration of the petition, as he has done previously. Good morning, Paul.

The committee last considered the petition in March, when we agreed to write to the Scottish Government. We received a response from Transport Scotland, which states that the working group that is responsible for designing a pilot scheme to progress free bus travel for all asylum seekers has reconvened this year and was due to have its first meeting in May. It also indicates that officials are considering, and would discuss with the working group, whether it is possible to include people seeking asylum in the statutory national concessionary travel schemes in the longer term.

In August, in a response to a written question, the Minister for Agriculture and Connectivity said that it was

“anticipated that the pilot will commence in the Autumn.”—
[*Written Answers*, 19 August 2025; S6W-39566.]

However, in an additional submission, the petitioners indicate that they are still waiting for the pilot to begin, and they continue to urge the Scottish Government to commit to a sustainable and long-term solution.

I recall that we raised the issue directly with Humza Yousaf, the then First Minister, at an earlier stage. The scheme was agreed and then disrupted. We were then told that the petition’s aims were once again being pursued, but although the will is supposedly there to make it happen, the matter seems to be going on for a little bit longer than we were told. Before the committee considers what further it might do, I invite Mr Sweeney to comment.

Paul Sweeney (Glasgow) (Lab): As you know, the petition has been part of a long-running campaign that began in December 2021 around the extension of free concessionary travel to people seeking asylum, who are often the most destitute members of the community, with an income of less than £50 per week. The rationale for extending the existing concessionary travel schemes to a relatively small group of the population made sense. The Government accepted that rationale but, as you have said, convener, we have been caught in the teeth of the logistics of how to best implement such a proposal.

The preferred solution is a straightforward extension of eligibility under the existing concessionary travel schemes. The Government intimated that it was piloting a project, and I believe that a pilot in Aberdeen was very successful, but that was based on the ad hoc issuing of bus passes through charitable organisations, which is not really the systemic approach that would be the ideal.

The Convener: Might I just come in here? I recollect that the cabinet secretary at the time was concerned that the extension of the scheme in the way that you have identified might have had a knock-on effect on the Home Office's subsequent consideration of the level of support that asylum seekers were receiving, and that it could have proved counterproductive if it was implemented in that way.

Paul Sweeney: Yes—the Government at the time identified a risk that the rules on no recourse to public funds, which contain an explicit list of prohibited benefits, could be extended to include such a scheme if it were introduced. That comes across as being a bit of a bad-faith and vindictive thing to do. I do not think that, politically, it is a real risk now, certainly with the change in Government.

I think that it is worth exploring the matter again. The Government previously said that it would extend the scheme, and it then rescinded that commitment. It has now reinstated it, but we are still stuck on the issue of when an extension is going to be implemented through a statutory instrument. It would be helpful if the committee could press the Government further on its timetable for the statutory instrument. There is no real rationale for further delay and hindrance—let us just get on with it.

I pay tribute to Maryhill Integration Network and the VOICES network for their persistence in that regard; Doaa Abuamer and Pinar Aksu have been excellent advocates on behalf of their membership. The need for such an extension is well established, from a health perspective as much as for any other reason. I hope that we can get on with it without further delay, and I think that there is the political will to do so.

The Convener: I hope that the commitment on behalf of the UK Government does not prove to be a cross that you have to bear and subsequently repent in relation to.

Paul Sweeney: One hopes so.

The Convener: Notwithstanding that, we have been engaging on the petition for some time, and we have raised it with the First Minister. Are colleagues content that we ask the Minister for Agriculture and Connectivity for a progress update on the pilot scheme that was due to commence this autumn and see what efforts we can make to direct the thing and move it forward? I would just note that we hope that it will materialise in the lifetime of the current session of Parliament, given the duration of the petition and the acceptance from Government at various stages of the aims that it seeks to secure.

Are colleagues content with that?

Members *indicated agreement.*

The Convener: That is what we will do. I thank Mr Sweeney for attending.

Care Homes (Local Government Funding) (PE2074)

The Convener: PE2074, lodged by Iona Stoddart, calls on the Scottish Parliament to urge the Scottish Government to increase the funding that it provides to local councils, enabling them to deliver the best possible health and social care and help to protect the vulnerable, frail and elderly population from the closure of residential and nursing care homes.

We last considered the petition in March, when we agreed to write to COSLA and to the Cabinet Secretary for Finance and Local Government. The response from COSLA highlights increasing pressures on the sector and significant funding constraints on local government, which have made negotiations with the sector regarding the average cost of care particularly challenging. COSLA reiterates that

“it is the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources available to them, including on health and social care services, on the basis of local needs and priorities.”

COSLA intends to continue to press the Scottish Government on

“the importance of urgent additional funding”

so that local authorities can

“invest in social care and social work services.”

In his response, the Minister for Social Care and Mental Wellbeing states that the 2025-26 budget allocation to local government in Scotland saw

“one of the largest increases in funding in recent times and a real terms increase of 5.5 per cent.”

In relation to the impact of fiscal pressures, the minister indicates that the Government has been engaging with local leaders, the integration joint board chief financial officers and COSLA to gain a better understanding of the range of issues and consider how the pressures on social care can be managed. In addition, the minister points to the financial viability response group, which has developed a detailed risk register and has identified potential mitigating actions for the sector.

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

David Torrance: In the light of the evidence that the committee has received, perhaps we might consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has indicated that a 5.5 per cent real-terms increase in funding has been provided to local authorities in the 2025-26 budget; the Scottish Government's policy is to allow local

authorities the financial freedom to operate independently and to target investment according to their assessment of local needs; and the Scottish Government is undertaking a programme of work to understand fiscal pressures and financial viability in the social care sector.

The Convener: Are colleagues content, on that basis, to draw the petition to a close?

Maurice Golden: I might disassociate myself with the rationale behind that, but I certainly think that we should close the petition.

The Convener: Noted.

Are colleagues content?

Members indicated agreement.

12:00

Control of Dogs (Cemeteries) (PE2087)

The Convener: PE2087, lodged by Paul Irvine, calls on the Scottish Parliament to urge the Scottish Government to pass a law making exercising a dog in a cemetery an offence punishable by an on-the-spot fine for infringement.

We last considered the petition on 19 March, when we agreed to write to all local authorities in Scotland. The committee received responses from 13 local authorities, 11 of which have cemetery management rules in place for dogs. The rules that are in place either exclude non-assistance dogs or require them to be on a leash or kept under control. A number of local authorities noted that signage is in place to explain the rules and that, in some cases, additional signage has been placed in cemeteries where dog activity has proved to be a concern.

Where the number of complaints was provided, the instances were low. However, other responses noted that non-compliance with cemetery rules does take place and that enforcement can be challenging.

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

Fergus Ewing: I am grateful to the petitioner for raising the matter. It is an interesting topic, and one can certainly understand the petitioner's strength of feeling.

However, I think that we have looked into it in a fairly thorough fashion and, in the light of the fact that we are moving towards the fag end of the current session of Parliament and therefore have no scope to do much more than we have done, I suggest that we close the petition under rule 15.7 of standing orders, for the following four reasons.

Councils have the power to make management rules under the Civic Government (Scotland) Act

1982, and 11 of the 13 of the local authorities that responded to us have in place cemetery management rules to either exclude non-assistance dogs from cemeteries or require them to be on a leash or kept under close control.

A number of local authorities raised challenges that they face in enforcing existing cemetery management rules. They also stated that a new law would need money to fund enforcement—that is a practical reality, I guess. Finally, the Control of Dogs (Scotland) Act 2010 and the Dog Fouling (Scotland) Act 2003 require dogs to be kept under control and provide that, where a dog does its business in a public space, the person who is responsible must clear it up.

In the light of all those arguments, and with thanks to the petitioner, I propose that we close the petition.

The Convener: On the basis of Mr Ewing's recommendation, do colleagues have any comments or suggestions?

Maurice Golden: I fully agree with Mr Ewing, but it is a bit unfortunate that—as far as I can make out—the petitioner's local authority did not respond. Perhaps the petitioner could take that up with local councillors.

The Convener: And potentially with his own MSP, because that does seem a little discourteous. Are we otherwise content to close the petition?

Members indicated agreement.

ScotRail (Inter7city Routes) (PE2133)

The Convener: The final continued petition for consideration today is PE2133, on which members will have received some late submissions. The petition, which was lodged by Andrew Wedge, calls on the Scottish Parliament to urge the Scottish Government to ensure that all cities in Scotland have a direct express rail connection to each other by expanding ScotRail's Inter7city routes to include Scotland's newest city, Dunfermline.

Again, we last considered the petition on 19 March. We wanted to find out whether the position of the proposal to reopen the Alloa to Dunfermline line for passenger services would be reviewed in the light of a significant housing development in the west Fife area. We also asked what consideration had been given to using existing connections to provide rail services linking Dunfermline with Glasgow and Stirling without the need to go to Edinburgh.

The response from Transport Scotland indicates that there remains a path for regional or local rail projects to come forward, subject to a strong

business case and suitable funding. If sufficient future travel demand from west Fife is identified, Transport Scotland would consider that within the appropriately developed business case.

On the second point, the response explains that the railway in Fife is not yet electrified, so any direct services between Fife and Glasgow would need to run diesel trains on a mostly electrified route. That would have a negative impact on speeds and reliability. Transport Scotland suggests that the question of a direct service could be revisited once the partial electrification of the Fife route is more advanced.

Members may recall that the Scottish Government's position on the ask of the petition is that it is reasonable, that it was given detailed consideration in recent years and that rail connectivity in Fife will be kept under review as travel patterns evolve.

Are there any suggestions for how we might proceed?

David Torrance: In light of evidence that the committee has received, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that proposals relevant to the petition were previously considered by ScotRail, Network Rail and Transport Scotland. They could be revisited if sufficient future travel demand is identified, or when the relevant sections of rail infrastructure are partially electrified. The Scottish Government is also keeping under review options for developing rail connectivity in Fife.

The Convener: Are members content to proceed on the basis of Mr Torrance's recommendation?

Members *indicated agreement.*

New Petitions

12:05

The Convener: Item 4 is consideration of new petitions. As always, before we consider a new petition, I make the point to those following today's proceedings that a considerable amount of work is done in advance of our consideration of petitions. Before a petition's first consideration, we seek an initial view from the Scottish Government and receive a briefing from the Parliament's independent research body, SPICe—the Scottish Parliament information centre. That information enables us to properly consider the issues raised by the petition. Previously, we used to meet and then suggest that those two things happen.

The committee is now looking to where we feel that we can make significant progress on behalf of a petition before the end of the parliamentary session.

Mandatory Latex Labelling for Food Products (PE2178)

The Convener: PE2178 was lodged by Hazel Margaret McIvor and calls on the Scottish Parliament to urge the Scottish Government to introduce mandatory latex labelling on food products sold in Scotland if there is a chance of contamination.

I gather that the petitioner is with us in the public gallery—forgive me, my eyesight is such that I can see only a blur at the back of the gallery, but I see her hand moving, and I welcome her to Holyrood.

Regulated food contact materials require to be authorised before use in Great Britain. The requirements include that any material or article that is intended to come into contact, directly or indirectly, with food must be sufficiently inert to preclude substances from being transferred to food in quantities large enough to endanger human health.

Food manufacturers are not legally required to set out whether latex is used in either packaging or food production. That is because latex is not a food substance or product and, therefore, is not included in the list of mandatory allergens that must be labelled under the assimilated food information to consumers regulation.

The SPICe briefing states the extent to which latex is used in food packaging is unclear. Food Standards Scotland advised SPICe that the typical cold seal adhesive is derived from natural rubber latex. The adhesive is used to seal the edges of packaging for a wide variety of applications, such as in chocolate bar packaging. Food Standards Scotland understands that the potential for the

adhesives to migrate into the food product is very low.

The Scottish Government's response to the petition states that, in order to engage food safety provisions, the issue would need to have an effect on the food that would be detrimental to consumer interests. The response recognises that the petition raises a broader question about food packaging and states that officials plan to explore other consumer protection measures.

Do members have any suggestions for how we might proceed, in the light of that final point?

David Torrance: In light of the final point, I wonder whether the committee would consider writing to the Scottish Government to ask whether its exploration of consumer protection measures will consider how to alert consumers to allergens, such as latex, that can be present in food packaging. We could also ask whether it will work with the UK Government when considering options for packaging-based consumer protection measures.

The Convener: Those two questions volunteer themselves, given that there is an interest in officials investigating those matters. There is progress that we could make on the petition in the time that is left to us in this parliamentary session.

Fergus Ewing: I support Mr Torrance's recommendation and add that, as the petitioner points out, the number of people—they include my partner—who happen to have a latex allergy is not inconsiderable. It is between 1 and 6 per cent of the population. Like many allergies, it can have very serious consequences.

I am surprised, in a sense, that the issue has not been dealt with in the packaging world, which is normally fairly good at dealing with this kind of thing. Perhaps it is something that really needs to be dealt with, and I thought that we could stress as much in our letter.

The Convener: I think that that is a perfectly reasonable thing for us to do. We will illustrate why the issue is important, again within the context of the review that might take place.

Are colleagues content to keep the petition open and proceed with the investigation on that basis?

Members indicated agreement.

School Records (Alterations) (PE2181)

The Convener: PE2181, lodged by Paul Blaker on behalf of Accountability Scotland, calls on the Scottish Parliament to urge the Scottish Government to introduce measures to stop teachers backdating or altering school records in SEEMiS and other education management information systems. SEEMiS, which is the

management information system provider that is used by local authority schools in Scotland, holds the core student records.

The petitioner believes that the practice of altering school records after they were created is open to abuse and could cause significant harm to children. The SPICe briefing cites the particular case mentioned by the petitioner in which a local council in Scotland was censured by the Information Commissioner's Office for backdating education records, and it adds that, in a separate case, a different council was found by the Scottish Public Services Ombudsman not to have consistently recorded incidents reported in pastoral and other recording systems.

In its response to the petition, the Scottish Government makes clear its expectation that local authorities and schools should keep accurate and timely records in compliance with relevant legislation and Government guidance. The Scottish Government also expects local authorities to ensure that staff and teachers understand how information should be recorded and to have clear audit processes and procedures in place to track who has accessed such systems and what changes have been made to pre-existing information, together with the reason for those changes.

SEEMiS explained to our SPICe researchers that the ability to backdate or update records in pastoral notes is intended to align with the day-to-day practice in schools. Teachers or staff might not be able to update records immediately and, therefore, may create or update records when they have non-contact time. SEEMiS also clarifies that, following the issues highlighted in the first case that I mentioned, changes were made to the system to allow local authorities to access the content history of an entry, rather than just the dates and the authors of any changes.

Colleagues, do we have any suggestions as to how we might proceed?

David Torrance: I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has indicated that it is the responsibility of local authorities and schools to keep accurate records in compliance with relevant legislation and guidance; to have a clear audit process in place; and to work with their school management information system provider to ensure that systems are fit for purpose. The ability to update records in SEEMiS is intended to align with the day-to-day practice in schools and allow staff to update records when they have non-contact time, and changes to the system mean that local authorities can now also access the content history of individual notes, rather than just dates and the authors of information.

The Convener: Are members content with that?

Members indicated agreement.

The Convener: We thank the petitioner for lodging the petition, but, unfortunately, I do not think that there is more that we can reasonably hope to achieve in the very limited time that is left to us in this parliamentary session. For the reasons that Mr Torrance has suggested, we are closing the petition, but again we thank the petitioner for submitting it.

Domestic Abuse (Minimum Sentence) (PE2182)

The Convener: The last of the new petitions to be considered today is PE2182. Lodged by Hannah Doig, it calls on the Scottish Parliament to urge the Scottish Government to review the definition of domestic abuse in the Domestic Abuse (Scotland) Act 2018 and to introduce a minimum sentence for severe offences.

The petitioner's view is that the current penalties for severe cases of domestic abuse are too lenient and fail to reflect the severity of the crimes or the lasting trauma that victims endure. Her petition states that increased sentencing is necessary to properly address domestic abuse and its devastating impact on the victims.

The Scottish Government's response to the petition states that it is long-standing policy on sentencing in Scottish criminal courts to give discretion to the court to decide a sentence, based on the facts and circumstances of a case. The penalties available for almost all offences are generally provided up to a maximum, but with no minimum sentence required. The response also states that that approach gives the independent court the greatest discretion and flexibility when sentencing.

The Scottish Government's view is that establishing minimum sentencing would remove discretion from the court and mean that the court would be unable to apply full discretion when sentencing, after considering the full facts and circumstances of any case. The response also sets out the protections that are in place to guard against sentences that, as a matter of law, are considered too lenient.

12:15

The Scottish Sentencing Council is currently working on producing further sentencing guidelines in several areas, including developing a draft guideline on sentencing in domestic abuse cases. A domestic abuse working group committee has been established to help take forward that work, and the next stage is for the

council to conduct a full public consultation on the proposed guideline.

The petitioner has provided a written submission that acknowledges the Scottish Government's commitment to judicial independence and the support for the Scottish Sentencing Council's ongoing work, but she challenges the assertion that current measures are sufficient to address the scale and severity of domestic abuse in Scotland. She states that sentencing guidelines, although useful, are not binding, and she believes that introducing minimum sentences would establish a clear baseline of accountability while still allowing judges to apply discretion within a defined range. She also argues that such an approach would preserve judicial independence while ensuring consistency and fairness.

These are important issues. Do colleagues have any suggestions as to how we should proceed?

David Torrance: I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government's view is that establishing a minimum sentence would mean that the court would be unable to apply full discretion when sentencing, after considering the full facts and circumstances of the case; there are protections in place to guard against sentences that, as a matter of law, are considered too lenient; and the Scottish Sentencing Council is currently developing a sentencing guideline for domestic abuse cases.

In deciding to close the petition, the committee might wish to highlight to the petitioner the Scottish Sentencing Council's public consultation on the proposed sentencing guideline for domestic abuse.

The Convener: Thank you, Mr Torrance. Are members content to support the proposal?

Members indicated agreement.

The Convener: We will therefore close the petition, but I will say to the petitioner that she has raised an important issue. Unfortunately, I do not think that there is time left to us to properly explore in detail or interrogate the response that we have received. However, given the consultation that the Scottish Sentencing Council will be conducting, the issue might well be the basis for a petition in the next parliamentary session, and I am sure that the Parliament will have the opportunity to consider it in more detail at that time.

That is the end of the public part of our proceedings. We now move into private session.

12:17

Meeting continued in private until 12:27.

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