



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### **PUBLIC PETITIONS COMMITTEE**

Tuesday 13 January 2015



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**CONTENTS**

	<b>Col.</b>
<b>INTERESTS</b> .....	1
<b>CONVENER</b> .....	2
<b>CURRENT PETITION</b> .....	3
Private Schools (Charitable Status) (PE1531) .....	3
<b>NEW PETITIONS</b> .....	16
Scotland's National Anthem (PE1541) .....	16
Dairy Farmers (Human Rights) (PE1542) .....	20
<b>CURRENT PETITIONS</b> .....	29
Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408) .....	29
Congenital Heart Disease Patients (Care) (PE1446) .....	29
Alzheimer's and Dementia Awareness (PE1480) .....	30
Group B Streptococcus in Pregnancy (PE1505) .....	30
Planning System (Consultation) (PE1518) .....	31
<b>BRUSSELS VISIT</b> .....	32

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**PUBLIC PETITIONS COMMITTEE**

**1<sup>st</sup> Meeting 2015, Session 4**

**CONVENER**

\*John Pentland (Motherwell and Wishaw) (Lab)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

Jackson Carlaw (West Scotland) (Con)

\*Kenny MacAskill (Edinburgh Eastern) (SNP)

\*Angus MacDonald (Falkirk East) (SNP)

\*Hanzala Malik (Glasgow) (Lab)

\*John Wilson (Central Scotland) (Ind)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Chris Cromar

Jamie McGrigor (Highlands and Islands) (Con)

Ben Mundell

Evelyn Mundell

Judith Turbyne (Office of the Scottish Charity Regulator)

Martin Tyson (Office of the Scottish Charity Regulator)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

# Convener

## Public Petitions Committee

*Tuesday 13 January 2015*

*[The Deputy Convener opened the meeting at 09:45]*

### Interests

**The Deputy Convener (David Torrance):** Good morning and welcome to the first meeting in 2015 of the Public Petitions Committee. I remind all present, including members, that mobile phones and BlackBerrys should be turned off completely, as they interfere with the sound system, even when switched to silent.

We have received apologies from Jackson Carlaw. I welcome to the committee John Pentland and Hanzala Malik, who replace David Stewart and Anne McTaggart as members. I put on record my thanks for the work that David Stewart and Anne McTaggart did for the committee over the past months. They were on the committee for a long time and their work was greatly appreciated by members.

Agenda item 1 is a declaration of interests. In accordance with section 3 of the code of conduct, I invite John Pentland to declare any interests that are relevant to the committee's remit. Any declarations should be brief but sufficiently detailed to make clear to any listener the nature of the interest.

**John Pentland (Motherwell and Wishaw) (Lab):** I have no relevant interests to declare.

**The Deputy Convener:** Thank you, John. I invite Hanzala Malik to declare any relevant interests.

**Hanzala Malik (Glasgow) (Lab):** I refer the committee to my entry in the register of interests. Other than that I have no interests to declare.

**The Deputy Convener:** Thank you very much.

09:46

**The Deputy Convener:** Agenda item 2 is the choice of a convener. The Parliament has agreed that only members of the Scottish Labour Party are eligible for nomination to be the committee's convener. That being the case, I seek a nomination for the position of convener.

**Hanzala Malik:** I nominate John Pentland.

**The Deputy Convener:** As there are no other nominations, I invite John Pentland to take the chair.

*John Pentland was chosen as convener.*

**The Convener (John Pentland):** I thank committee members for choosing me as convener and I look forward to working with them in the weeks and months ahead.

## Current Petition

### Private Schools (Charitable Status) (PE1531)

09:46

**The Convener:** The next item of business is an evidence session with the Office of the Scottish Charity Regulator, as part of the committee's consideration of petition PE1531, by Ashley Husband Powton, on removing charitable status from private schools. Members have a note by the clerk—paper 2 refers—and the submissions and two reports from OSCR. From OSCR, I welcome to the meeting Martin Tyson, head of registration, and Judith Turbyne, head of engagement.

I invite Mr Tyson to make a brief opening statement, after which we will move to questions.

**Martin Tyson (Office of the Scottish Charity Regulator):** Thank you for the invitation to attend and elaborate on the written evidence that we submitted on 22 December.

I have worked in the registration team at OSCR for eight years, and for the past five years as head of registration. I oversee issues of charitable status for OSCR and as part of that role I have had operational responsibility for the review of fee-charging schools' charitable status. My colleague Jude Turbyne joined OSCR in 2013 as head of engagement; she has responsibility for strategic policy and stakeholder relations.

I understand that members have had the opportunity to see the summary report that we published in December. The idea of that was to give an overview of the work that we have done since 2006 to ensure that fee-charging schools on the Scottish charity register comply with the charity role. In our letter to you we tried to respond to the committee's specific concerns, which arose from its meeting in October.

The reviews of the schools have been a high-profile piece of work for OSCR. We have tried to be as transparent and proactive as possible in explaining how we made our decisions and we are very happy to help the committee in its consideration of the petition.

**The Convener:** In OSCR's December report, you recognised that independent schools have a high risk of failing the new Scottish charity test. Nine of the 50 schools initially failed the test on the basis that the fees that they charged unduly restricted access to the educational benefit that they provided. Does the fact that there is a high risk of failing the charity test suggest that independent schools are operating on the margins of what it means to be a charity?

**Martin Tyson:** Looking back at the reasons for our decision to examine the independent schools in the first place, the Charities and Trustees Investment (Scotland) Act 2005 introduced the explicit requirement that access to the benefit that a charity provides should not be unduly restricted. During the debate on that part of the bill, that was discussed specifically with reference to the independent schools. It was fairly clear that there was a need to consider the issue of those schools, and that Parliament wished us to do so.

The charity test has been in operation for eight years, so it is not that new. However, over the piece, we have found that, although the majority of schools have passed, there has been a reasonable failure rate. It is not necessarily that the schools are operating on the margins of what it means to be a charity; it is more that this is a group for which the undue restriction requirement is particularly relevant. In the past, we have said that this is a high-risk group, and that is probably the position that we would stick with.

**Hanzala Malik:** I was under the impression that businesses cannot be charities. A private school that charges a fee is, in essence, a business. How do those schools qualify as charities, if they charge for the main business that they carry out?

**Martin Tyson:** There are a couple of elements to that. First, an organisation cannot be a charity if it distributes profits to its members and none of the schools does that. That is one of the basics of charity law, which applies to the 23,500 charities on the register.

The other element concerns what a charity is about. A charity is a body that is set up for a charitable purpose and provides benefit in furtherance of that purpose. The schools are established for educational purposes—education is clearly a charitable purpose—and it is clearly recognised that running a school is a way of providing benefit in furtherance of the advancement of education. Obviously, there are all sorts of difficult issues beyond that, but that is the essence of it.

On the issue of charging and whether that makes a charity a business, there are many charities that charge for various things that they do. For example, there are theatres and concert halls that charge entrance fees and sports organisations and medical charities that charge for the benefit that they provide. Charging is one way of charities sustaining what they do. It is one business model. Other charities run on grants or on a mixture of grants and donations, but some also charge for things that they do. The matter of charging does not make an organisation a business or stop it being a charity.

**David Torrance (Kirkcaldy) (SNP):** Under the legislation, OSCR has wide discretion to decide on a case-by-case basis whether a charity meets the charity test. Do you think that the degree of discretion that is afforded to OSCR introduces a level of flexibility and unpredictability to the charity test?

**Martin Tyson:** The level of discretion that is afforded is relatively wide in terms of quite a lot of the requirements of the charity test. As I said, there are some absolute things, such as the issue of profit distribution, in relation to which there is no discretion.

We are concentrating on the requirement that there should be no undue restriction to access, which is helpfully precise because it signals to us that simply charging, as we have discussed, is not a problem in itself. Having a restriction on what a charity can do is not a problem in itself, but it is a problem if it is an undue restriction. There are some fairly clear signals there.

Within that, we have discretion about how we interpret the provisions. We look at case law here and in other jurisdictions, such as England and Wales. Obviously, we look at the evidence in individual cases. One of the ways in which the Parliament tried to make our exercise of our discretion predictable was to require us to publish guidance on how we implement the charity test, and we are required to consult on it.

We publish guidance—we will shortly consult on new guidance—that sets out how we exercise our discretion and tries to make it predictable. On the other hand, one of the principles of decision making in a public body is that its discretion should not be unduly fettered. We have a balancing act between giving people something that is predictable and principled, and locking in our decision making in a way that will subsequently be challenged.

**The Convener:** If a charity fails to meet the test, OSCR has the power to issue a direction. If the charity still wishes to be a charity, it must provide a plan of how it will meet the test and it has three years in which to implement the plan. Does not the process of issuing directions facilitate the ability of independent schools to operate successfully at the extreme margin of what can be considered as a charitable institution? In effect, does it not give the schools a get-out-of-jail-free card when they fall on the wrong side of the margin? Is their commitment to a charitable action a case of doing the minimum required or less, if they can get away with it?

**Martin Tyson:** With the powers that we have, we do not have much discretion if a charity fails the charity test, because we must do something. We have the choice of issuing a direction or of taking the charity off the register straight away. In

most cases—for all charities, not just the schools—because our business is to try to get charities to comply with charity law and behave proportionately, we tend to issue a direction and try to get the charity back on track.

You mentioned a charity getting three years in which to change, which is something that we reviewed halfway through the process. Back in 2011 or 2012, we decided that the three-year period was too long. We have tried to make the latest round of directions more workable in a number of technical ways and to shorten the timescales on the basis that the charity test is now familiar to the schools. We felt that, in some ways, having the longer timescale was not necessarily helpful and that the priority must be to get charities compliant in the shortest timescale.

Your question was about charities operating on the margin. The process of issuing directions is inherently about charities that have problems in meeting the requirements and have not passed them. When we are deciding whether they have complied with our directions, the question is whether they have behaved appropriately and meet the requirements fully. I contend that that is what we have ensured when we have gone back and looked at the charities that have had directions.

10:00

**Angus MacDonald (Falkirk East) (SNP):** We know from the information that we have received that of 50 independent schools surveyed, nine initially failed to meet the charity test due to restricted access. Following a direction from OSCR, all nine schools implemented plans that enabled them to meet the test.

When the committee took evidence from the petitioner, Fettes College was given as an example of a school that had increased the proportion of its school roll on fees assistance from 9.6 to 10.6 per cent. The median proportion for all 50 schools is 10.2 per cent. Will you expand on how the nine schools changed their activities to allow them to comply with the test?

**Martin Tyson:** In the nine schools, we found nine different situations. We told the schools that we had found that they did not pass the charity test and that they needed to take steps to address the issues that we had raised and to ensure that they passed the test. There were different issues in each of the nine cases.

You mentioned the various percentages at Fettes. One issue at Fettes was that the percentage of its income that it was spending on means-tested bursaries was not as high as we would have wished it to be. That was not necessarily the key issue. The key problem at

Fettes was that there was an ambiguity that really worried us in the school's bursary scheme, which, it seemed to us, did not focus on people who could not afford the fees. The scheme was very mixed up with the school's academic and sporting scholarship programme. The resource that the school was putting into bursaries was therefore not having the effect that we would want it to have, which would be to try to ensure that people who could not afford the fees would be able to go to the school. Although the crude bursary spend was an issue, the way in which the school was spending its income, and the transparency around that, was as much or possibly more of an issue that we wanted to see resolved.

There were different issues at the other schools. Loretto, for instance, had a very low cap on the level of bursaries that it would pay. It would pay up to a maximum of 30 per cent of the fee, although there were some exceptions in which it was 50 per cent. That meant that the bursary scheme did not have much effect on people on lower incomes. The school was not providing for people on a range of incomes, which is one of the principles that we have set out for our decision making.

We asked the charities to take action to resolve nine individual situations. Where there is a variation in some aspects of what was done, you need to look at the whole of the decision that we made.

**Angus MacDonald:** So Fettes and Loretto are now in line.

**Martin Tyson:** Yes. We were satisfied that they had addressed the issues that we had raised.

**Kenny MacAskill (Edinburgh Eastern) (SNP):** In the east of Scotland, some fee-paying private schools offer scholarships to outstanding rugby players in fifth and sixth year at state schools. I can understand how that benefits the school—it improves its chances of being successful on the pitch—and I can understand why a parent might see opportunities for their youngster. However, the school could offer an opportunity to a youngster from the same community who, rather than having a significant sporting talent, had academic or other abilities. What are the criteria? How do you balance what suits the school and what suits the recipient?

**Martin Tyson:** There is a balance between the sporting side and the academic side. You are right to identify the benefit to the school—the marketing benefit, if you will. However, the balance between that and the means-tested bursaries that we feel have an effect in alleviating undue restriction has really changed, both in the schools that we failed and which received directions and in the other schools that we reviewed along the way. In a number of schools there has been a move of

resource out of academic and sporting scholarships into the means-tested bursaries. That is how the schools have financed the uplift in means-tested bursaries, where they have done that. Others have done it in other ways, but that is what many of the schools have done.

Our view is that means-tested bursaries, discounts and other such things are likely to have the most effect in letting people on a range of incomes, including those on low incomes, get access to the primary benefit that the schools provide.

**Angus MacDonald:** The Scottish Council for Independent Schools states in its first submission to the committee that independent schools will provide

“over £45.5 million in assistance this year.”

It is also worth noting for the record that the SCIS highlights what it believes is a

“positive economic impact for the Scottish economy”

of

“£445.8 million gross value added ... and around 11,240 jobs in operational benefits alone.”

It states:

“member schools generate exchequer benefits to the state worth £263 million annually.”

OSCR's report states:

“schools spent a varying amount of their available gross income on means-tested bursaries, ranging from 4.6% to 42.1%. The median proportion of available income spent was 6.1%”.

OSCR also gives examples of the provision of facilities and services to the wider community.

Does the financial subsidy that is provided to independent schools through tax reliefs match the financial assistance that the schools provide through bursaries and community access? Is that relevant to consideration of the charity test?

**Martin Tyson:** I could not say, because that is not something that we have considered and we do not think that it is relevant.

**Angus MacDonald:** Okay. Thank you.

**John Wilson (Central Scotland) (Ind):** The issue for many people, and particularly for the petitioner, is the definition of profit. How does OSCR define that? Basically, you say that the charities test is whether an organisation makes a profit. Mr MacAskill said that it may be profitable for a private school to bring in the best sportspeople, be they boys or girls, in the fifth and sixth years. That independent school can then say, “We have a wonderful track record in sport,” but basically it has gone to the state sector and hived off the best of the sportspeople. The

sporting achievement can be seen to be beneficial as well as the academic achievement.

Looking at the longer-term benefit, I read this morning that 17 per cent of parliamentarians in this building went to independent schools, and the petitioner says that 40 per cent of students at the University of St Andrews are from independent schools.

How does OSCR measure the profit that is gained? Is it purely in monetary terms that the decision is made in relation to the benefit of charitable status?

**Martin Tyson:** There are probably two definitions or two kinds of profit that we are talking about. One is fairly simple to deal with. It is financial surplus, if I can put it in that way. None of the schools on the register is a company that passes a dividend on to their shareholders; a body cannot be a charity if it does that.

**John Wilson:** I would like some clarification on that point. The dividend may not be financial but may instead involve personal gain as a result of the recognition and promotion of independent schools, which enables pupils, when they leave, to gain access to higher education and better-paid jobs. Individuals and families may accrue that long-term dividend as a result of the investment that they make in the private sector in the early stages to allow their sons or daughters to gain educational advantage in the further or higher education sectors.

**Martin Tyson:** That is, in a way, what we are talking about when we talk about the benefit that education provides. We have many kinds of educational charity on the register, including colleges and universities. In a sense, every one of those bodies will provide benefit to individuals by enabling them to further their careers because they are educated and to get jobs or wages that they would not have got if they had not taken advantage of the educational benefits that those institutions provide.

You are talking more about the societal prestige of independent schools and whether that is legitimate. That is a very difficult aspect for us to take into account. The various submissions, including the petitioner's submission and our response to it, raise the issue of disbenefit—the disbenefit to the public that a charity's activities might result in. Our take on that, which we set out in guidance after long thought and consideration of the case law, is that the disbenefit to be taken into account must come from evidence on what the school itself does. The issue that you are talking about is very difficult to evidence in a school's specific activities—in the nuts and bolts of what it does. It is more of a general societal issue, which it is very difficult for us to take into account in

making the type of judgment that we are called on to make.

**John Wilson:** I offer my apologies, convener, as I should have declared that I am chair of a charitable organisation that works in my local community.

I would argue that the qualification for charitable status of independent schools rests on the point about the wider societal benefits to which Mr Tyson referred. Does the guidance that OSCR issues and operates take account of the wider benefits to society? At present, we tag that element on to the question of the benefits that accrue to those students receiving bursaries, who currently make up roughly only 10 per cent of the students attending independent schools. Ninety per cent of students do not receive bursaries, and their fees are paid. Does that justify charitable status?

**Martin Tyson:** The decision that we make and the evidence that we take into account are much narrower than that, on both sides. We look at what an individual school does. If a school is providing an education to pupils on its roll, whether they pay fees or not, it is advancing education.

We do not take into account the wider societal benefits. People talk about the tax saving to the Exchequer, but that is not relevant to us, and we are not interested in it. They talk about wider benefits such as extending parental choice, but we do not take that into account either. We focus on the activities of the school in furtherance of its purpose.

10:15

**John Wilson:** I am aware of OSCR's position on not measuring the financial benefit to an organisation that is registered as a charity and avoids paying tax or other state revenues in its operation; I have seen examples in recent years in the establishment of a number of organisations.

Why does OSCR not measure the disbenefit to wider society that may come from granting charitable status to organisations? There is a disbenefit to wider society. If an organisation receives charitable status, it can avoid paying tax and rates. Why does that not enter the calculation that OSCR makes in issuing charitable status? How does OSCR ensure that independent schools and other organisations do not register for charitable status simply to avoid paying their contribution to wider society in tax and rates, and that they do not view charitable status as a tax avoidance scheme rather than a scheme to benefit wider society?

**Martin Tyson:** In general, the charity test that is set out is very explicit. It asks whether an

organisation has charitable purposes and whether it provides public benefit. Within that, there is consideration of undue restriction, disbenefit and private benefit.

You suggested that we measure the benefit in terms of tax relief, but we do not take that into account. We do not take into account things such as savings to the Exchequer where those are not in furtherance of a charitable purpose. The likes of SCIS and the Independent Schools Council have made various claims that independent schools have saved the Exchequer millions of pounds, but we do not think that that is relevant, because saving the Government money is not a charitable purpose.

With regard to the issue of disbenefit, tax and rates reliefs are a consequence of charitable status. There is something very hard to reconcile in saying that we could make a body a charity if it were not for the fact that doing so would give it tax reliefs if it has passed the rest of the test. Again, that would apply to all charities, and there is something very problematic about that.

**The Convener:** Would Judith Turbyne like to add anything to that?

**Judith Turbyne (Office of the Scottish Charity Regulator):** I would like to offer a reflection. We are talking about schools, but we could have this discussion about other sectors in which organisations gain charitable status. Our test sets out to deal with each charity individually. That is what we do, and it is how our equation works. On the question of the wider sectors, we do not work with sectors and make a judgment on them all at once.

We are talking about a wider policy issue. It is a valid discussion for people to have, but the issue that you raise is not something that we, as a regulator, can work to solve.

**John Wilson:** As a regulator, do you not have the right to make recommendations to the Government on whether the test as it is applied is suitable? If you, as the regulator, are claiming that you work to the test as it is set out, there is an argument for you to make representations to the Government to say that the test is no longer fit for purpose and needs to be reviewed. Has the regulator had any discussion on reviewing the test, particularly given that almost 20 per cent of the schools failed the test and another two schools out of the 51 that were originally under review in 2012 have to be taken out of the calculation? Surely that situation is sufficient to justify a wider review of charitable status.

Ms Turbyne is right. We may have to review the criteria applied given the wider aspect that other sectors are using charitable status to gain what would be seen as financial benefit, because they

are not paying tax or other revenues that would normally be paid to local authorities and the Exchequer.

**Martin Tyson:** I will come back on that. As you say, one of our functions is to make recommendations to ministers and we have made various recommendations to them about mostly technical aspects of the 2005 act.

The charity test is fit for purpose; it is operable. As you say, a number of the independent schools failed the charity test first time round. The act gave us the power to do something about the situation and we did something about it. The schools complied with the directions that we made. The test works.

As a regulator, we work with the laws that we are given. If there is a wider social and political view that particular institutions should not be charities, there should be specific provision in the test about those. That is a matter for Parliament or for ministers. We can work with the test that we have.

To come back on the wider issue, you talk about all types of organisations and not just schools becoming charities just for the benefits. Yes, that is correct, but it is perhaps worth thinking through what that means. Why do bodies become charities? Some will become charities because it is the difference between being able to operate and not being able to operate. For example, certain funders will give funding only to bodies that are charities, because charitable status gives funders the reassurance about governance and accountability that they want. For others, it may be about reassuring the public that they are not for profit and that they have what people call the charity brand.

We deal with getting on for 1,000 applications for new charities every year. That will be because those bodies regard that as being an advantage rather than a disadvantage to them.

**Judith Turbyne:** It is interesting. We are having a discussion about schools. There will be differing opinions across the country about whether their charity status is a worthy thing, but that would be true of a number of other different sectors.

As a regulator, we are trying to create an environment that allows charities to flourish, grow and contribute to Scottish life. That is what we are here for. If there are wider issues on a global policy scale, it is difficult for us to be the people who deal with them. There is a great contribution to Scottish life through the charity sector overall. If we pick on one sector today, will we pick on another sector tomorrow and another the next day? We must be careful—I am not saying that you are not being careful, but there is a general

question about how we look at the matter overall and how we ensure that we have the right test.

At the moment, the test is workable. We have made technical suggestions to ministers on matters that we want to change. We are favourable towards reviewing the act. We are coming up to 10 years since the act was established, so we are very pro that, but that would have to take into account all the different sectors.

**John Wilson:** I have a final question. Given that the petition relates to education, what would OSCR's view be if local authorities were to register all their educational provision as charitable provision, based on the educational benefit to the communities that they serve?

**Martin Tyson:** As the person in charge of registration, I would be looking forward to a slightly busy time. The best that I can do is say that we would look at the applications in line with the charity test. I do not know what the entities would look like if a local authority chose to do that. What kind of organisation would come forward to us? That is a huge hypothetical, but I can say that we would look at the application on the basis of the law as it stands.

**Angus MacDonald:** I will pick up on Mr Wilson's last point. It had crossed my mind that the solution is not to abolish charitable status for private or independent schools but to provide charitable status to all schools, including local authority schools. However, that would of course require a change to the legislation.

**Kenny MacAskill:** I will deal with independent schools that provide specialist education that is often taken up by central Government or by local authorities. What different criteria do you apply to them? On the face of it, they appear to have a niche, as they offer something that is not provided elsewhere.

**Martin Tyson:** That is an interesting question, because for some of those schools the fees can be very substantial, as the cost of what they provide is very substantial. We are talking about such things as the secure units, where there is one-to-one education, and providing for various kinds of special needs and disabilities.

We looked at Donaldson's school quite some time ago. We came to the view that it charges very high fees, but the access to what it provides is not unduly restricted because, although maybe one or two students were self-funding, otherwise the fees were being paid by either English or Scottish local authorities on the basis of a stringent assessment of needs. If you need what they do, you can get access to it, not necessarily because of what the school does but largely because of what the state

does. The approach that we took was based on the view that there was no undue restriction.

**The Convener:** As there are no further questions, I thank Mr Tyson and Ms Turbyne for their evidence. I suggest to the committee that we seek the petitioner's views on the evidence heard and consider the petition again in the light of their response.

**John Wilson:** Based on the evidence that we have heard, I suggest that we also write once again to the Scottish Government to seek its views on whether, in light of Ms Turbyne's comment that we are coming up to 10 years since the introduction of the 2005 act, the Government has any intention of reviewing it. This may be an appropriate time to review the legislation.

**Kenny MacAskill:** Is your assessment, which will doubtless be based on legal advice, done on the basis of interpretation of statute, or is it based on guidance and direction from the Scottish Government?

**Martin Tyson:** Do you mean, do we have advice from the Scottish Government?

**Kenny MacAskill:** Yes, in terms of the interpretation. Alternatively, is it down to a strict interpretation as you see it through your formal legal advisers?

**Martin Tyson:** We are a non-ministerial body, so we are independent. We generate our guidance with independent legal advice on the statute and case law, and on individual cases it is our decision too.

**Hanzala Malik:** I come back to John Wilson's comment about writing to the Scottish Government. The fact that it is coming up to the tenth anniversary of the 2005 act makes that a good idea, because I feel that more and more organisations are jumping on the bandwagon. It has become fashionable to become a registered charity to avoid paying various taxes, and the Parliament needs to look at that again, so we should suggest just that.

**Angus MacDonald:** I agree that we should write again to the Scottish Government. In addition, given that we are continuing the petition, could I ask that we get some more information from the Scottish Parliament information centre about how much local authorities receive in rates from their own schools at the moment? For the record, I note the SCIS submission that independent schools constitute just 0.3 per cent of registered charities awarded rates relief in Scotland, which may put the issue into perspective.

**The Convener:** Yes, it is possible to get that further information. Does the committee also agree that we should write to the Scottish

Government with regard to the 10-year review?  
We may also want to seek the petitioner's views  
on the evidence heard and consider the petition  
again in light of that. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** I thank Mr Tyson and Ms  
Turbyne for their evidence.

10:31

*Meeting suspended.*

10:32

*On resuming—*

## **New Petitions**

### **Scotland's National Anthem (PE1541)**

**The Convener:** The next item is consideration  
of two new petitions. The committee will hear from  
the petitioner in each case.

The first petition is PE1541, by Chris Cromar,  
calling for "Flower of Scotland" to be officially  
recognised as Scotland's national anthem.  
Members have a note by the clerk, the SPICE  
briefing and the petition. I welcome Chris Cromar  
and invite him to speak for around five minutes to  
set the context for his petition.

**Chris Cromar:** I thank the committee for giving  
me the opportunity to present this petition here  
today.

Ask the majority of Scots what Scotland's  
national anthem is and they will likely say "Flower  
of Scotland". Despite the song being sung before  
the matches of our national football and rugby  
union teams and when Scotland wins gold at the  
Commonwealth games, it has no official  
recognition as Scotland's national anthem, and  
that is why I am in front of the committee today.

The song, written by the late Roy Williamson in  
the 1960s, was first used by the Scottish rugby  
union team in 1990, by the Scottish football team  
in 1993 and by the Commonwealth games team in  
2010. The song was also sung as part of the  
opening ceremony at the 2012 summer Olympics  
in London.

I believe that the issue of an official national  
anthem for Scotland has been on-going for too  
long, as in March 2006 former First Minister Jack  
McConnell said that the issue over Scotland's  
national anthem may have to be resolved to  
strengthen Scotland's global brand. Of course, the  
Scottish Parliament could support calls for a  
different national anthem other than "Flower of  
Scotland", such as "Scots Wha Hae" or "A Man's a  
Man", but those songs would not work at national  
events and a lyric sheet would have to be passed  
round to people.

The song "Flower of Scotland" is known by the  
vast majority of Scots and is recognised by people  
across the world. There was a BBC Scotland  
online news article in May 2011 entitled "Will  
Scotland ever have a national anthem?", and  
someone who responded to it in the "Comments"  
blog put it perfectly when he wrote:

"i think that flower of scotland is a perfect national  
anthem for scotland. every Scot knows it. 9 out of 10 love it  
and it does stir up emotions in everyone i know. i think that

the song is a top class choice and should be named 'the official national anthem of Scotland'".

In 2006, a poll conducted by the Royal Scottish National Orchestra showed that the majority of respondents supported "Flower of Scotland" becoming Scotland's national anthem, after it beat four other songs to finish in top spot. It has been said that the song is anti-English and stuck in the past, but it is anything but, as is shown by the lyrics:

"Those days are past now,  
And in the past they must remain".

This is an important time in Scotland's history, and I believe that it is the perfect time for the Scottish Parliament to legislate on an official national anthem for Scotland. The song "Flower of Scotland" helps to unite the nation. Scotland football fan Ian Pow summed it up before the Scottish team's first match after September's referendum when he said:

"There is nothing like hearing 50,000 people sing this song. The No vote in the referendum has nothing to do with it and I read the lyrics as meaning we can rise up and be a better nation, be more successful and victorious."

That comment shows that the song is about Scotland and that it brings people together regardless of their political beliefs or backgrounds.

The Scottish Football Association has commented on the national anthem. A spokesman for the association said:

"The Scotland fans have shown a fondness for Flower of Scotland in football, rugby and other sports and it is the established national anthem."

Surely all of that shows that "Flower of Scotland" should be officially recognised as the national anthem of Scotland. I am not asking for "God Save the Queen" to be replaced, as it is the national anthem of the United Kingdom; all I am asking is for Scotland to have its most popular unofficial anthem officially recognised, which is backed by Scots across the nation.

**The Convener:** Thank you. I will kick off the questions. I believe that "Flower of Scotland" is a good song about a historical event, but does that make it a good national anthem? I believe that the song has an anti-English theme—you referred to that point in your statement—and is about things that happened nearly 700 years ago. I would like to think that, some 700 years on, Scotland is a forward-looking, welcoming country and that things that happened in the past should be left in the past. Do you not think that there is a great opportunity for some of our young musicians and composers to put pen to paper and come up with a new song that could highlight the good that happens in Scotland?

**Chris Cromar:** I think that the passion that is shown when "Flower of Scotland" is sung before

football matches at Hampden and rugby matches at Murrayfield shows that, regardless of people's political opinions, there is support for the song. It is a brilliant song that is recognised all over the world. I go to the University of Aberdeen, and I have spoken to students there from countries across the world who always say that the national anthem of Scotland is "Flower of Scotland". It is a song that all Scots really appreciate. Young Scottish artists, including Amy MacDonald, have sung the song before Scotland football matches at Hampden.

I do not think that the song is stuck in the past at all; I think that it celebrates Scotland's past but looks to the future, which I think is really important in national anthems.

**Angus MacDonald:** Good morning, Chris. I watched the debate on the television programme "Scotland Tonight" last night, which was quite interesting. The participants came up with a number of options for a Scottish national anthem and discussed the merits of each one. You mentioned a couple of them earlier. What consultation have you undertaken with your peers or the wider community to determine whether "Flower of Scotland" is the preferred option?

**Chris Cromar:** I was a member of the Scottish Youth Parliament for Aberdeen Donside for two years, from 2011 to 2013, and I have spoken to a lot of young people about the issue. When I ask young people what they think Scotland's national anthem is, they say that it is "Flower of Scotland", and they are shocked when I say that it is not. The same is true when I speak to family and friends. People are surprised that it is not actually our national anthem.

Obviously, the song is recognised by the Scottish Football Association and the Scottish Rugby Union. It is regarded as the anthem. In many ways, it would be controversial if we were to introduce a new national anthem, because people have a lot of passion and feeling for "Flower of Scotland". A new song might not be as successful, because people regard "Flower of Scotland" as their national anthem.

**Kenny MacAskill:** I agree that there is nothing wrong with a national anthem being reflective. People do not criticise "Land of My Fathers" or "La Marseillaise", despite the fact that they deal with historical events. Not all national anthems need to be prospective; some, by their very nature and inclination, are bound to be reflective.

**Chris Cromar:** There are some fantastic national anthems across the world. The French and Welsh national anthems are two of the most popular.

The lyrics of "Flower of Scotland" are important, as they mention a historical event, but they also

look to the future. Some people say that it is an anti-English song but, with the Scotland football team, many of the players who were born in Scotland do not sing it, whereas the players who were born in England and who have Scottish ancestry sing it more.

The same is true with rugby union. Some people might think that rugby union players would be less likely to sing it than football players, because of the nature of the sport—rugby is a game from the south of Scotland, where there might be different political ideologies. However, in many ways, the rugby players sing it more passionately than the football players, which shows that it is a unanimous song for all of Scotland.

**The Convener:** As there are no more questions, I thank Mr Cromar for his evidence.

Does the committee wish to write to the Scottish Government to ask whether it will consider undertaking a consultation on whether there should be an official national anthem for Scotland and, if so, which song the anthem should be, and to ask whether it should be open to musicians and composers to bring something new rather than old?

**Hanzala Malik:** I agree with Chris Cromar's sentiments. I admire his passion and aspiration, which are positive. At the end of the day, it is an important issue for Scotland and we should give other people an opportunity to comment. Although I am impressed with Mr Cromar's sentiments, it is appropriate to ask the Scottish Government to undertake a full and proper consultation before a decision is made.

**John Wilson:** I suggest that we write to the Scottish Rugby Union and the Scottish Football Association, as both have decided to use "Flower of Scotland" as the anthem for international matches. Mr Cromar referred to the survey that was carried out in 2006 by the Royal Scottish National Orchestra. We should write to the RSNO to ask whether it has done any work on the issue since 2006 and to get information on how it carried out that research and reached the finding that the majority support "Flower of Scotland" as the national anthem.

**The Convener:** Does the committee agree to the suggestions, including the additional points that John Wilson has raised?

**Members indicated agreement.**

**The Convener:** I thank Mr Cromar for giving evidence.

I suspend the meeting for a couple of minutes to allow for a changeover of witnesses.

10:44

*Meeting suspended.*

10:45

*On resuming—*

## **Dairy Farmers (Human Rights) (PE1542)**

**The Convener:** The second new petition is PE1542, by Evelyn Mundell, on behalf of Ben Mundell and Malcolm and Caroline Smith, on human rights for dairy farmers. Members have a note by the clerk, a SPICe briefing and the petition. I welcome to the committee Evelyn Mundell, the petitioner, and Ben Mundell. I also welcome Jamie McGrigor, who has a constituency interest in the petition.

I invite Mrs Mundell to speak to her petition. Mrs Mundell, you have about five minutes to set the context of what you are looking for, after which we will move to questions.

**Evelyn Mundell:** Good morning, convener and members of the Public Petitions Committee. My husband and I very much appreciate your invitation to speak to you today regarding our petition and to answer any questions that you might have.

As you will be aware, we were very disappointed when in reply to our initial petition, PE1263, the Government made a number of inaccurate statements. We were also particularly disappointed that others who had been severely affected and who had written to the PPC were not acknowledged by the PPC when the minister appeared before the committee.

This saga has both ruled and ruined our lives for more than 15 years, during which time we and others have regularly sought justice. For those affected, it has been a form of mental cruelty and financial abuse. As we have said before, all that these dairy farmers wanted to do was use their own property—their milk quota—to run their own business, just as the other 99 per cent of dairy farmers in the UK were allowed to do. My husband and others were denied the freedom to run their businesses as they saw fit.

Dairy farming by its very nature consists of long working hours, seven days a week and 365 days a year. Often the farmer works alone and even on a family farm they can feel very isolated. The fact that the farmer's home is tied to the farm makes any decisions about the farm even more critical. These were all family farms, not large corporations. The farmers were not in a position and should not have been expected to forfeit their property in order to support the community, as the Scottish Government appears to have expected them to do. They were struggling to support

themselves and their families. It was a situation in which the weakest were exploited and bullied into not fighting for their legitimate rights. It is devastating for any farmer to be forced out of their farm or to face the prospect of being forced out, through no fault of their own. They feel ashamed and guilty; very often generations of toil are at stake. Their family and social life have been totally disrupted.

It was particularly difficult post 1996 and throughout the years of the BSE crisis, when all cattle over 30 months old had to be destroyed. Although some compensation was paid, it fell well short of the cost of producing the animals, which exacerbated the problem for anyone having to give up or reduce production at that time. That was why it was so critical for the dairy farmers to have access to the UK market for selling or leasing their quota, which at the time had considerable value. They needed the full value, not to squander on holidays or fancy yachts, but to pay overdrafts, maintain their farms and put money towards diversification. I will quote from a book on human rights law:

"It is, in principle, hard to explain a situation in which an individual's rights can be restricted in order to promote the general wealth of the community since one of the central aims of human rights is to ensure that individuals and minorities are protected as society pursues its collective interests."

I will give you some of the facts. Government consultations were not done correctly or in accordance with Government criteria. The ring fence was introduced not in 1994, but when quotas were introduced in 1984. There was no guaranteed market for farmers' milk, certainly post 1994, when the milk marketing boards were forced by the Government to disband.

The rights of the individual were never mentioned in any consultation, neither by the Government nor by anyone working on its behalf. Farmers were advised neither of their rights, nor of the fact that they had any rights. There was nowhere for any dairy farmer to go to assert his rights, and there was nowhere for farmers to go for help or to properly challenge what was being forced upon them.

Sometimes, the only milk buyer stopped uplifting a farmer's milk, which obviously had a catastrophic effect on his ability to earn a living. What was the farmer supposed to do? He had no income, but he still had all the outgoings. When the milk price dropped below the cost of production, what were dairy farmers to do? When they took ill or had an accident, what were they to do?

The Government did nothing to minimise the devastating impact that was being felt by some farmers. There were several less restrictive

alternatives. Only in one year out of the last 30 did the southern isles produce their full quota. That meant that there was a lot of dormant quota, which was of no benefit to farmers, the creamery or the community. Only three farmers in Arran supplied the Arran creamery, not the 30 or 35 that the minister stated at the previous meeting. The single farm payment was available to all farmers in the European Community, not just to those within the ring fence. The Government itself was confiscating quota from the island areas. Alex Salmond, the previous First Minister, told the Leveson inquiry:

"all politicians, like all citizens, have the right to correct ... factual errors".

We think that we are entitled to have the Government acknowledge that what we have said is factually correct.

It was extremely difficult to understand and forecast contradictory Government policy. As we have said, the Government was confiscating quota from the ring-fenced area, yet producers were not allowed to lease it out, even when it would have come back at the end of the year. The Government acknowledged that producers in Islay needed the full value of their quota to allow them to diversify, yet producers in Kintyre, for example, who had no market for their milk, were deemed not to need the value of their quota.

Hardly a day passes in the Scottish Parliament when we do not hear the words "fairness", "equality" and "justice". In this case, we and others feel that we have not been treated fairly. We have not had equality of opportunity, for example, to diversify like the other 99 per cent of dairy farmers in the UK, and we certainly feel that so far there has been no justice.

On 11 September 2014, the previous First Minister, Alex Salmond, said that human rights are guaranteed in Scotland. That has certainly not been the case in this situation, with the result that severe sacrifices have had to be made. Some dairy farmers have been forced to give up their farms, some have been forced into impoverished retirement, some have had to be separated from their families to seek work and others have struggled to keep their farms.

I will make one final point. Despite my quoting Alex Salmond, this is not a party-political issue. There will be farmers affected from all political parties and none.

My husband and I will do our best to answer any questions. Thank you.

**The Convener:** Thank you, Mrs Mundell. Do members have any questions?

**Angus MacDonald:** I have a great deal of sympathy for the predicament faced by the

petitioners and other farmers, and I recognise the heartfelt plea made by Mr and Mrs Mundell today.

Having been born and brought up on a dairy farm just outside Stornoway, I know at first hand the challenges that are being experienced by dairy farmers in rural Scotland, especially on the islands. I will spare you a full history lesson, but we pulled out of the dairy side in the mid-1970s as a result of the milk-to-beef scheme, simply because of the challenges at the time—and things certainly do not seem to have got any better. There might be an argument for considering another milk-to-beef scheme in the future, but that does not help you guys at the moment.

Before I came into Parliament today, I heard on the news about the plight of dairy farmers in Islay and Gigha. The report highlighted the fact that the announcement by First Milk that payments will be delayed has exacerbated the situation to the degree that people are just not going to be able to survive. Ring fencing has clearly had a major impact on you, and it is certainly unfortunate that your earlier pleas were not picked up on. We hear that producing milk already costs dairy farmers more than they get, and presumably the situation is even worse with ring fencing.

**Evelyn Mundell:** That has been the case more or less since 1996. After the milk marketing boards were taken away, the farmers had no power in the market at all. From 1996 onwards, the price went down. That was when a lot of people were forced out, particularly in our area. We had eight or 12 farmers a year going out of business, but they had no option because they were not allowed to sell their quota outside the ring fence or to lease it out. Something like 6,000 dairy farmers in Britain leased out all of their quota in 2000. At least they were able to get in some money, but people in our area were not allowed to do that.

The situation has got worse. For various reasons, the ones who were at the top are now coming nearer the bottom. As you will understand, people might at different times in their life have invested a lot of money in land, stock, buildings and machinery; they might have put up new sheds at the time, and of course they were the first affected when the price went down. Some have survived, but only about 25 per cent of the farmers who were in business when the ring fence started are still in business. A lot have been forced out of our area.

**Angus MacDonald:** Absolutely. I might have more to say at the summing-up stage.

**Jamie McGrigor (Highlands and Islands) (Con):** Convener, I have spoken about this issue before, on 18 May 2010, 8 February 2011 and 8 March 2011, all of which is on the record, but I thank you for allowing me to make a short

statement in support of my constituents, Mr and Mrs Mundell, who have also spoken to the committee previously. I share the concerns of the Mundells and other affected dairy farmers in Kintyre whom I have met that because of the ring fence they were placed in an unfair position when they were not allowed to sell their milk quota, and that neither their human rights nor the impact on their business was adequately considered when the ring fence was imposed.

The plight that those dairy farmers found themselves in contrasts with virtually all other dairy farmers in the UK, who were able to sell their milk quota. Moreover, Scottish ministers recognised the value of the quota by, for example, removing the ring fence from dairy farmers on Islay to allow them to diversify. Islay is no distance at all from Kintyre.

As Mr and Mrs Mundell and other dairy farmers in the locality live in an area that is suited only to livestock farming, their options for diversification were severely limited and, indeed, impossible without accessing the value of their milk quota. Mr and Mrs Mundell and other dairy farmers believe that, in being denied the right to sell their own property, they were treated unfairly and disproportionately, and that it appears that the Government believed that they should be prepared to sacrifice their property rights and bankrupt themselves to support the wider community.

This is not wartime but peacetime. My constituents believe that ministers have failed to respond to the concerns that they have been raising for a number of years now, and that ministers have simply not recognised that their individual human rights were not properly considered. I share the hope that committee members will agree to take forward their petition, in the hope that the petitioners might receive answers to the genuine and heartfelt questions and concerns that they have been raising for a long time now.

**The Convener:** Thank you, Jamie.

We are about to sum up. Mrs Mundell, is there any specific action that you would like the committee to take?

11:00

**Evelyn Mundell:** First, we would like the Government to acknowledge that the statements that we have made are factually correct and that they correct the inaccurate statements that were previously made to the Public Petitions Committee.

We are ordinary members of the public, so we are not sure about exactly what it is open to the

committee to do. However, we wondered whether it could seek an opinion from a senior advocate. Is that a possibility? Can the Scottish Human Rights Commission give the committee any advice?

In 2004, I think, the Government brought out a consultation document on single farm payment entitlement trading. It was very clear in that consultation document that the Government was being very careful about human rights, the free market and competition law. We wonder why that approach was not mirrored in the milk quota consultations. We believe that the Government did not initially consider human rights in respect of ring fencing. It possibly did so at a later date but decided either that it was too late or that it did not want to do anything about the matter. However, that does not alter the fact that people were put at a severe disadvantage, because the quota at that time was worth a considerable amount of money and people had invested on the basis that they had the value of that quota, just as everybody else in the UK did. Then, of course, they were not allowed to access that value.

**Angus MacDonald:** On the action that the committee should take, I suggest that we write to the Cabinet Secretary for Rural Affairs, Food and Environment on the review of ring-fencing provisions that the previous committee was told would be undertaken in 2012.

In addition, the convener may wish to consider writing directly to the convener of the Rural Affairs, Climate Change and Environment Committee to make him aware of the drastic—for want of a better word—situation. The committee could consider, as part of its work programme, looking at the issue in the wider context of the plight of the dairy industry at the moment, which is a major issue. That is just a suggestion—it is up to the committee to decide whether that will be part of its work programme. However, I think that, if members agreed to that suggestion, that would help the situation.

**Hanzala Malik:** We should also write to the SHRC. It is clear that Mrs Mundell feels that her human rights have been infringed, and we need an opinion. I do not know whether we should get that through the agriculture system or the committee, but when people feel that their rights have been trampled on—I use that phrase guardedly—we must ensure that there is factual evidence as to whether that is correct. That is important.

I agree with members that we need to protect our agriculture industry, including our dairy industry, which is very valuable. Jamie McGrigor has made a very good case. The fact that he has represented the interests of the industry for such a long time demonstrates its importance.

We need to look at people's human rights, as well, regardless of whether it is too early or too late. Whether it is too early or too late is not the point; the point is that human rights need to be upheld. We need to look into that issue.

**The Convener:** I am advised that we have already written to the SHRC, but that is not to say that we cannot do so again. I am also advised that the committee cannot seek legal advice on any individual cases. That is not our role. However, we can invite the minister back to answer questions and to put to him the points that have been raised.

Can we agree to Angus MacDonald's suggestion that we write to the Cabinet Secretary for Rural Affairs, Food and Environment about the review and the other areas that have been raised?

**Angus MacDonald:** We should also write to the convener of the Rural Affairs, Climate Change and Environment Committee to get the matter on its radar.

**Hanzala Malik:** We should also mention the human rights element.

**The Convener:** Okay.

**Evelyn Mundell:** Is it possible for me to make a couple of other points? The value of the quota is now virtually nothing. Many people have gone out of milk production—

**Ben Mundell:** They have been forced out.

**Evelyn Mundell:** Yes. They have been forced out because of the low milk prices. The important thing is what the value was at that stage. Those people lost out because they should have had the value at that stage. Am I correct in understanding that, if the Human Rights Act 1998 was breached, the Scotland Act 1998 was also breached, as human rights are part of that? Perhaps Mr MacAskill knows more about that.

**The Convener:** Would you like to take up that challenge, Mr MacAskill?

**Kenny MacAskill:** I think that we are here to deal with the generalities rather than the specifics, where we could come into difficulties. That is where private advice has to be taken.

All acts of the Scottish Parliament—and its ministers—are bound by the Human Rights Act 1998, and there can be challenges. However, I am certainly not qualified to discuss that, and I do not think that the committee is qualified. I agree with Angus MacDonald that we should write to the Government and, in particular, to the Rural Affairs, Climate Change and Environment Committee.

On whether the SHRC will wish to become involved, I think that it might well seek to divert the matter to counsel's opinion.

**Evelyn Mundell:** I suggest that it is not only article 1 of protocol 1 that is involved, although Mr MacAskill will know more about this than I do. The Government appears to have accepted that article 1 is involved, but I suggest that article 8 is involved as well, because of the devastating effect on the farmers and their families.

**The Convener:** I am sure that the points that you have made will be taken into account, Mrs Mundell. They are now on the record.

**Evelyn Mundell:** Thank you.

**John Wilson:** Usually, the committee has three options: to write to various organisations to seek further information, to refer the petition to another committee of this Parliament or to close the petition.

Angus MacDonald suggests that we write to the convener of the Rural Affairs, Climate Change and Environment Committee. I suggest that, in the first instance, we write to the Scottish Government and the Scottish Human Rights Commission to seek clarification on the issues that the petitioners have raised. We should take that evidence first and then pass the petition on to the Rural Affairs, Climate Change and Environment Committee. We will get into technical difficulties if we start to ask conveners of committees for their opinions on petitions that we are still considering. In theory, we are supposed to pass petitions on rather than have two committees consider them at the same time.

**Angus MacDonald:** I take on board Mr Wilson's point. I suggested that we write to the convener of the Rural Affairs, Climate Change and Environment Committee now because of the dire straits that the dairy industry is in at the moment. The issue that we are discussing is just part of that. Timing is an issue, and I am keen to get the matter addressed at all levels.

I am happy to wait until we get a further response from the Government, but the main reason why I suggested writing to that committee now is that the current state of affairs in the dairy industry needs to be addressed in the short term.

**The Convener:** Okay. We will write to the cabinet secretary in the first instance. I can perhaps have a chat with the convener of the Rural Affairs, Climate Change and Environment Committee off the record, and we can take it from there.

Do members agree to the suggested action?

**Members** *indicated agreement.*

**The Convener:** Mr and Mrs Mundell, I thank you again for providing evidence. It is much appreciated.

**Evelyn Mundell:** Thank you very much, convener and members of the Public Petitions Committee.

## Current Petitions

### Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

11:09

**The Convener:** The next item of business is consideration of five current petitions. The first petition is PE1408, by Andrea MacArthur, on the updating of pernicious anaemia and vitamin B12 deficiency understanding and treatment. Members have a note by the clerk and the submissions. I invite contributions from members.

**David Torrance:** I would like us to keep the petition open until the Scottish Government publishes revised guidelines.

**John Wilson:** I agree that we should keep the petition open. However, I note that we have not asked for the petitioner to be consulted on the guidance before it is issued. In the past, the committee has asked the Scottish Government to include the petitioner in the consultation process prior to guidance being issued. I would not want the petitioner to come back afterwards saying that the guidance is not fit for purpose and does not take on board some of the issues that have been raised. It would be useful to ask the Government if it could include the petitioner in its consultation.

I declare an interest in the issue as I have a very close family member who suffers from pernicious anaemia and is subject to a regime in which I know a number of patients are not allowed to participate. The issue is the need to ensure that the delivery of medical services is suitable for patients instead of simply following what may be seen as good practice on paper. At the end of the day, those services are there to serve patients rather than to promote good practice. As I said, the petitioner could be engaged in some way in the process of drawing up the guidelines.

**The Convener:** Can we agree to action the points that have been raised?

*Members indicated agreement.*

**The Convener:** Do members agree that we should also write to the Scottish Government to request that the committee be notified when a timetable for the development of the Scottish guidelines is agreed?

*Members indicated agreement.*

### Congenital Heart Disease Patients (Care) (PE1446)

**The Convener:** The next petition is PE1446, by Dr Liza Morton, on behalf of Scottish adult

congenital heart patients, on Scottish standards for the care of adult congenital heart disease patients. Members have a note by the clerk and the submissions, including a late submission from the petitioner that was lodged at today's meeting. I invite contributions from members.

As there are no contributions, the committee may wish to consider postponing future consideration of the petition for 12 months, at which point we will consider a further update from the Scottish Government on the progress towards developing Scottish guidelines for the care of adults with CHD.

**John Wilson:** I agree with that, but I wish to draw the Scottish Government's attention to one of the petitioner's comments. She makes the worrying comment that she feels that the level of treatment that is provided may be lower in Scotland than in other parts of the UK. I want us to ensure that the Scottish Government, in considering future action, looks at the regimes that are being put in place in other jurisdictions and ensures that patients in Scotland get equal or better treatment.

**The Convener:** Do members agree with the point that John Wilson raises and that we take the action that I have proposed?

*Members indicated agreement.*

### Alzheimer's and Dementia Awareness (PE1480)

**The Convener:** The next petition is PE1480, by Amanda Kopel, on behalf of the Frank Kopel Alzheimer's awareness campaign, on Alzheimer's and dementia awareness. Members have a note by the clerk and the submissions. I invite contributions from members.

As there are no contributions, I suggest that the committee may wish to write to the Scottish Government to seek a further update on the work that is being undertaken in relation to access to free personal care for people under 65 with complex needs and to seek clarification of the Scottish Government's position on what the petition calls for. Are members agreed?

*Members indicated agreement.*

### Group B Streptococcus in Pregnancy (PE1505)

**The Convener:** The next petition is PE1505, by Jackie Watt, on awareness of streptococcus B in pregnancy and infants. Members have a note by the clerk and the submissions. I invite contributions from members.

As there are no contributions, I ask the committee to agree that we write to the Scottish

Government to seek responses to the questions that the petitioner asks.

**Members** *indicated agreement.*

### **Planning System (Consultation) (PE1518)**

11:15

**The Convener:** The final current petition is PE1518, by George M Chalmers, on meaningful public consultation in the Scottish planning system. Members have a note by the clerk and the submissions, including a recent submission from the petitioner. I invite members to make any contributions.

As there are no contributions, and given that the Scottish Government has responded to the petition and has stated, along with its reasons, that it does not intend to take additional action on the points that the petitioner makes, the committee may wish to close the petition. Are members agreed on that course of action?

**Members** *indicated agreement.*

## **Brussels Visit**

**The Convener:** Under item 6, do members agree to note the paper on the trip to Brussels?

**Members** *indicated agreement.*

**The Convener:** As agreed at the previous meeting, the committee will now go into private session to consider the final item on the agenda.

11:16

*Meeting continued in private until 11:29.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

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