



The Scottish Parliament  
Pàrlamaid na h-Alba

## PUBLIC PETITIONS COMMITTEE

### AGENDA

12th Meeting, 2017 (Session 5)

Thursday 15 June 2017

The Committee will meet at 8.45 am in the Sir Alexander Fleming Room (CR3).

1. **Consideration of new petitions:** The Committee will consider the following new petitions—

[PE1649](#) by Jennifer Lawrie on Council tax bands;

[PE1650](#) by Rebecca Jeynes on Students Awards Agency for Scotland's post-graduate eligibility criteria;

[PE1652](#) by Irene Baillie on Abusive and threatening communication.

2. **Consideration of continued petitions:** The Committee will consider the following continued petitions—

[PE1551](#) by Scott Pattinson on Mandatory reporting of child abuse;

[PE1612](#) by Graham McKinlay on Criminal Injuries Compensation Scheme - Change to the "same roof rule";

[PE1625](#) by Patricia Hewitt and Mary Black on Wider awareness, acceptance and recognition of Pathological Demand Avoidance Syndrome;

[PE1633](#) by Bill Alexander on Private criminal prosecutions;

[PE1636](#) by Michael Traill on Require that all single use drinks cups are 100% biodegradable.

3. **Consideration of a continued petition:** The Committee will consider a continued petition—

[PE1463](#) by Sandra Whyte, Marian Dyer and Lorraine Cleaver on Effective thyroid and adrenal testing, diagnosis and treatment;

and will take evidence from—

Lorraine Cleaver and John Midgley.

4. **Consideration of a new petition:** The Committee will consider a new petition—

[PE1648](#) by Stephanie Dodds on Nursery business rates;  
and will take evidence from—

Stephanie Dodds; Claire Schofield, Director of Membership, Policy and Communications National Day Nurseries Association.

5. **Consideration of a continued petition:** The Committee will consider a continued petition—

[PE1319](#) by William Smith and Scott Robertson on Improving youth football in Scotland;

and will take evidence from—

Neil Doncaster, Chief Executive, Scottish Professional Football League;  
Andrew McKinlay, Chief Operating Officer and Stewart Regan, Chief Executive, Scottish Football Association.

Catherine Fergusson  
Clerk to the Public Petitions Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5186  
Email: [petitions@parliament.scot](mailto:petitions@parliament.scot)

The papers for this meeting are as follows—

**Item 1**

Note by the Clerk PPC/S5/17/12/1

Note by the Clerk PPC/S5/17/12/2

Note by the Clerk PPC/S5/17/12/3

**Item 2**

Note by the Clerk PPC/S5/17/12/4

Note by the Clerk PPC/S5/17/12/5

Note by the Clerk PPC/S5/17/12/6

Note by the Clerk PPC/S5/17/12/7

Note by the Clerk PPC/S5/17/12/8

**Item 3 - 5**

PRIVATE PAPER PPC/S5/17/12/9 (P)

**Item 3**

Note by the Clerk PPC/S5/17/12/10

**Item 4**

Note by the Clerk PPC/S5/17/12/11

**Item 5**

Note by the Clerk PPC/S5/17/12/12

**Public Petitions Committee**  
**12th Meeting, 2017 (Session 5)**  
**Thursday 15 June 2017**  
**PE1649: Council tax bands**

**Note by the Clerk**

<b>Petitioner</b>	Jennifer Lawrie
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to revalue all council tax bands in line with changes to the property market since 1991.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01649">parliament.scot/GettingInvolved/Petitions/PE01649</a>

### Introduction

1. This is a new petition that was lodged without collecting signatures or comments. The Committee has a SPICe briefing and is invited to consider what action it wishes to take.

### Background (taken from the [SPICe briefing](#))

2. Council Tax is the system of local taxation that is used to part-fund local authorities. It was introduced in 1993 to replace the Community Charge (known as the “poll tax”) and, until 2017, remained largely unchanged since its introduction.
3. The rate of tax payable is based on the value of residential property in April 1991, and the amount that households pay depends on their band (A to H). Local authorities set the Band D rate, and other bands are calculated as a set ratio to the Band D rate.
4. Council tax valuations are set by the Assessors through the [Scottish Assessors Association](#) (SAA). On the introduction of Council Tax, the Assessors were required to produce a Council Tax Valuation List and to maintain it thereafter. According to the SAA, there are currently no plans for a Council Tax Revaluation and all new properties are added to the list on the basis of 1991 levels of valuation. The Scottish Government said in evidence to the Local Government and Communities Committee (detailed later in this briefing) that because of the “potential impact on households and the administrative cost it would incur”, it had no plans to revalue properties for Council Tax purposes.
5. In 2015, following a recommendation by the Parliament’s [Local Government and Regeneration Committee](#) (2014), the Scottish Government and COSLA established the [Commission on Local Tax Reform](#) (“the Commission”). The

Commission reported in December 2015. As part of this work, both the valuation of properties and the banding model were explored.

6. In looking at the valuation of properties, the Commission reported—

“The present Council Tax, based on 1991 values, means people living in properties that have increased in value by more than the Scottish average since 1991 are likely to be paying less than they should, whilst others in properties whose value has not kept pace with the Scottish average are paying more than they should. Only properties where values have grown in line with the Scottish average are paying what they should. The Scottish Assessors Association (SAA) provided convincing evidence that they are able to apply fair and accurate, but nevertheless hypothetical, 1991 valuations to new properties. However, the need to do so – especially as some types of property did not exist in 1991 – is a concern.”

7. They went on to model, based on a sample of 700,000 properties, the impact that revaluation might have—

“Although we recognise that computer models alone will never be able to accurately value every property, the findings from this analysis are instructive, suggesting that 57% of properties in Scotland would have changed Council Tax band if revaluation had taken place in 2014, with roughly an equal amount moving up as moving down. Around 44% of properties would have moved up or down by one band, 11% would have moved up or down by two bands, and around 2% would have moved up or down by three bands or more. 43% of properties would have remained in the same band.”

8. The Commission discussed the potential for revaluation with the SAA, who estimated that—

“... a revaluation exercise to a revised system of property valuation bands could be achieved at a cost of £5.5 million to £7 million and take two to three years. This would require additional resources, which could be minimised if this exercise could be achieved around the workload associated with the 2017 revaluation of business property. An exercise to revalue properties to discrete values would, according to the SAA, cost £7.5 million to £8.5 million.”

9. The Commission concluded on this matter that—

“Property taxes are ideally based on regularly and frequently updated valuations. However, our analysis shows moving from the present 1991 values used for Council Tax would of itself change the liabilities for many. This, and the evidence from overseas, indicates that whilst desirable, an initial revaluation of properties would be politically challenging to deliver.”

10. The Commission on Local Tax Reform, although not recommending a single course of action, did model an alternative structure for the ratios of Council Tax bands. The Commission’s approach was to set the multipliers relative to the current spread of house values between Band A and Band H, as informed by the Commission’s “Transaction Data Model”. The Commission stated that this

would make the Council Tax “proportionate rather than regressive with respect to its property tax base.”

11. The petitioner states—

“The SNP has added tax on to the highest council tax bands. Their policy was to impact on people in bigger houses. Unfortunately the current council tax bandings are out of date. No property in Scotland is valued at £40,000. As I live in a new-build flat valued at £175,000, we are classed as a high council band. But I live in a small 2 bedroom flat - not even a house.”

*Scottish Government action*

12. In March 2016, the Scottish Government published its proposals ([Scottish Government 2016a](#)) for reform of the Council Tax, in response to the Commission’s report. This focused primarily on an adjustment to the ratios against Band D of Bands E-F, which the Scottish Government estimated would generate £100m a year. The Scottish Government also included proposals to extend the Council Tax Reduction Scheme, and to end the Council Tax Freeze which had been in place since 2008. Councils would have the opportunity to raise the B and D rates by up to 3%.
13. The Scottish Government did not, as part of proposed reforms, suggest an exercise to revalue properties, so Council Tax will remain based on 1991 property values.
14. A draft order to enact the proposed changes, The [Council Tax \(Substitution of Proportion\) \(Scotland\) Order 2016](#), was laid before the Parliament on 7 September 2016.

*Scottish Parliament Action*

15. The Local Government and Communities Committee [published its report](#) on scrutiny of the Council Tax (Substitution of Proportion) (Scotland) Order 2016 on 28 October 2016. A number of submissions to the Committee’s call for views raised the issue of revaluation. This was [raised in evidence with the Cabinet Secretary for Finance and the Constitution](#), who said—

“With regard to what revaluation could achieve, in practice it would take time, be costly and put extra uncertainty into the system, which could for many households result in a shock that they would not be prepared for. As I think the commission found, there would also be a rebalancing issue with regard to geography and tax take. A number of factors would come into play in a full-scale revaluation.

... Revaluation would be a shock for many; there would be an administrative cost and it would take time to implement. I do not think that it would be particularly welcome, and the commission reported that it would be very challenging.”

16. The Committee concluded in its report that—

“The Committee notes the evidence from a number of organisations on the need for a revaluation. We welcome the Scottish Government’s commitment to continuing the conversation on local tax reform. We consider that any future change on the issue of revaluation would require political agreement. We would welcome an early update from the Scottish Government on these matters.”

17. In its [response to the Committee’s report](#), the Scottish Government said—

“The Scottish Government is aware of the points raised about revaluation in the Committee’s evidence sessions and concurs with the view that any future change on the issue of revaluation would require political agreement as it would require secondary legislation - an Order- subject to the affirmative procedure and therefore requiring approval by Parliament.

Because of the potential impact on households and the administrative cost it would incur, the Scottish Government has no plans to revalue properties for Council Tax purposes.”

## **Conclusion**

18. The Committee is invited to consider what action it wishes to take. Options include —

- To write to the Scottish Government and COSLA seeking their views on the petition;
- To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1650: Student Awards Agency Scotland's postgraduate eligibility criteria****Note by the Clerk**

<b>Petitioner</b>	Rebecca Jaynes
<b>Petition summary</b>	Calling on the Parliament to urge the Scottish Government to widen the Student Awards Agency Scotland (SAAS) eligibility criteria to include postgraduate degree funding for individuals who have studied an undergraduate degree in Scotland but are ordinarily resident in the UK.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01650">parliament.scot/GettingInvolved/Petitions/PE01650</a>

**Introduction**

1. This is a new petition that collected 124 signatures and attracted 4 comments. Those who commented on the petition noted personal experience of the issue raised by the petition or argued that the rules should treat English students in an equal manner. The Committee is invited to consider what action it wishes to take.

**Background (taken from the [SPICe briefing](#))**

2. The petitioner is concerned with the treatment of students who are studying at a Scottish higher education institution (HEI) but whose home residence prior to starting their degree is in England. The issue arises in relation to entitlement to financial support when such students move from undergraduate to postgraduate level study also in Scotland. In the case of the petitioner, the postgraduate programme in question is the Diploma in Scots Law, which she points out, is intended to be practiced in Scotland.

*Responsibility for financial support*

3. It is the relevant organisation within the UK country where the student is identified as resident (not where they study) that is responsible for financial support. For example, a student who is identified as being resident in Scotland, whether they study in Scotland or another part of the UK, will apply to the Student Awards Agency Scotland (SAAS) for financial support. While someone who is identified as being ordinarily resident in England will receive support from Student Finance England whether they study in England or any other part of the UK.



4. As higher education policy is largely devolved, each of the four UK countries has its own approach to financial support for students. Below are links to the organisations responsible for providing student support funding to those who are ordinarily resident in each of the UK countries.
5. The support the student receives will depend on the policy in place at the time of their studies. Eligibility to financial support from the relevant agency can be affected by various factors relating to the:
  - Individual student e.g. whether they have previously received funding for higher education studies.
  - Course e.g. whether it leads to a recognised fundable qualification.
  - Particular HEI e.g. whether it is a recognised higher education provider that has met the criteria to offer programmes of higher education that the agency will fund.

#### *Ordinarily Resident in Scotland*

6. Under current statutory rules (set out in the [Education Fees \(Scotland\) Regulations 2011](#)) entitlement to financial support while studying relies on evidencing a “relevant connection” to Scotland.
7. A relevant connection is where a student has been ordinarily resident in the United Kingdom and Islands for a period of three years immediately preceding the relevant date and was ordinarily resident in Scotland on the relevant date. The relevant date is: 1 August; 1 January; 1 April; or 1 July, whichever is closest to the date of the first term of the start of the course. Where a course starts in September 2017, the relevant date will be 1 August 2017. The student must also, on the relevant date, be settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971.
8. The 2011 regulations explicitly state that a student is not recognised as being “ordinarily resident” in Scotland if the purpose of residence was wholly or mainly to participate in full-time education (Schedule 2(para.1 (2))).

#### *Scottish Government Action*

9. In response to questions on this issue, the Scottish Government has pointed out that there needs to be a gap between completion of one period of study and commencement of the next in order for someone to be able to demonstrate a relevant connection to Scotland:

“Under the ‘end on’ rule, UK domiciled students undertaking a postgraduate course in Scotland directly after undertaking an undergraduate degree, are not eligible for support from SAAS. However, they should remain eligible for

support, on residency grounds, from the funding body that provided their undergraduate funding.

Therefore, a Student Finance England [SFE] funded student undertaking a postgraduate course in Scotland would continue to be eligible to apply to SFE for support for their postgraduate course.

The reverse also applies, if a Scottish domiciled student was studying in England and was funded by SAAS at undergraduate level, they would remain the responsibility of SAAS if they went on to study a postgraduate 'end-on' to their undergraduate degree. If their course was not one that SAAS funded they would not be eligible to apply to SFE instead (Scottish Government, personal communication)."

10. The [postgraduate funding guide from SAAS](#) says a little about how it treats those that do not immediately start their postgraduate studies after completion of their first degree. It explains that the funding body for postgraduate study may differ from the body that supported undergraduate study "if you do not start your postgraduate course immediately after you complete your first course."
11. For example, if SAAS funded a first degree programme after which the graduate moved to England to work and was still living there on the first day of the academic year of their postgraduate course, they would normally be seen as ordinarily resident in England. In that case, they would apply to Student Finance England for access to student finance for their postgraduate studies.

### **Conclusion**

12. The Committee is invited to consider what action it wishes to take. Options include —
  - To write to the Scottish Government, the National Union of Students Scotland, the Student Awards Agency Scotland and Universities Scotland seeking their views on the petition;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1652: Abusive and threatening communication****Note by the Clerk**

<b>Petitioner</b>	Irene Baillie
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to review the operation of the law in relation to abusive and threatening communication.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01652">parliament.scot/GettingInvolved/Petitions/PE01652</a>

**Introduction**

1. This is a new petition collected 169 signatures and attracted 52 comments. The comments were supportive of the petition. The Committee is invited to consider what action it would like to take.

**Background (taken from the [SPICe briefing](#))**

2. The petitioner suggests that the prosecution of offences involving abusive and threatening messages sent by devices such as mobile telephones and computers may be easier in England and Wales. The petitioner states that the general requirement in Scotland for corroboration in criminal offences may be a barrier to prosecution of such offences. The petitioner also suggests that it may be desirable to apply strict liability to these types of offences and that the Scottish Government should undertake a wide-ranging review of relevant offences in this area.

*Strict liability*

3. Strict liability offences are those which require no proof of mens rea – the mental element of the offence such as intention or recklessness on the part of the accused, as opposed to the conduct of the accused which is referred to as the actus reus. Strict liability offences are primarily regulatory in nature (eg aimed at businesses in relation to health and safety). Some driving offences are also offences of strict liability.
4. The use of strict liability in criminal law can be controversial as it can make a person criminally liable where they have taken all reasonable steps to ensure compliance with the law. Any discussion of strict liability in relation to the petition might include consideration of whether the owner of a mobile phone should be held liable for offensive messages sent from it by someone else – even if the owner was unaware of the message or of its content.

*Corroboration*

5. The current requirement for corroboration in criminal cases is set out in the [Carloway Report](#) (2011):

According to the requirement, there must first be at least one source of evidence (ie the testimony of one witness) that points to the guilt of the accused as the perpetrator of the crime. That evidence may be direct or circumstantial. Secondly, each 'essential' or 'crucial' fact, requiring to be proved, must be corroborated by other direct or circumstantial evidence (ie the testimony of at least one other witness).

Generally, there are two crucial facts requiring proof in every crime: (1) that the offence was committed; and (2) that the accused committed it. (...) There are some limited statutory exceptions to the requirement for evidence to be corroborated. These exceptions, which tend to relate to minor crimes, do not attract any substantial adverse criticism." (pp 257-258)

6. The requirement for corroboration affects the level of evidence required to establish the essential elements of a prosecution case – elements which would exist irrespective of any requirement for corroboration.
7. Although there is no general requirement for corroboration in England and Wales, it is still the case that corroboration will tend to strengthen a prosecution.

*Scottish Government Action*

8. In January 2017, the Scottish Government [announced](#) that the suite of laws covering hate crime offences would be reviewed to ensure that it is fit for purpose. The Review will consider:
- whether current laws are appropriate and consistent
  - if hate crime legislation needs simplified, rationalised or harmonised
  - if new categories of hate crime for characteristics not currently legislated for such as age and gender, need to be created
9. The Review will consider the various hate crime offences currently covered by a range of different legislative acts, including the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which includes the offence of making threatening communications.
10. In June 2013, the Scottish Government introduced the Criminal Justice (Scotland) Bill with provisions covering a range of issues, including the proposed abolition of the current requirement for corroboration in criminal cases.
11. Although the general principles of the Bill were agreed to following the stage 1 debate, a number of significant concerns had been expressed about the proposal to abolish the requirement for corroboration and, as such, the Scottish

Government established an independent review to consider what additional measures might be needed following abolition. Consideration of stage 2 amendments was postponed until after publication of the review report. The report was published in April 2015.

12. On the same day, the Cabinet Secretary for Justice announced that the Scottish Government now considered that the Bill should proceed with amendments to remove provisions on corroboration. He added that the Scottish Government still believed there to be a case for abolishing the requirement for corroboration, but that this would be best considered as part of a wider package of measures during the next parliamentary session.
13. To date, no further measures on corroboration have been forthcoming.

### **Conclusion**

14. The Committee is invited to consider what action it wishes to take. Options include —
  - To write to the Scottish Government, Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Women's Aid, Respect and Victim Support Scotland seeking their views on the petition;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1551: Mandatory reporting of child abuse****Note by the Clerk**

<b>Petitioner</b>	Scott Pattinson
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation that makes it a criminal offence to fail to report child abuse.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/mandatoryreporting">parliament.scot/GettingInvolved/Petitions/mandatoryreporting</a>

**Introduction**

1. This is a continued petition, which was last considered by the Committee at its meeting on [30 March 2017](#). At that meeting, the Committee agreed to write to the Scottish Government to seek clarification on whether there is a particular reason why it appears to be waiting until the findings of the UK Government's consultation are published, and whether there is a point at which it will develop its own approach to the issue of mandatory reporting without waiting for publication of the UK Government's findings.

**Committee Consideration**

2. In his submission of [28 April](#), the Minister for Childcare and Early Years acknowledges that it "would be entirely within the competence of the Scottish Parliament to consider an approach without waiting for the results of the UK consultation".
3. The Minister refers to the written evidence provided by Children 1<sup>st</sup>, the Care Inspectorate, Barnardo's Scotland, NSPCC Scotland, Dr Sarah Nelson and Shelter Scotland in April 2015. Those submissions are included in the annexe to this paper. The minister identifies views expressed within those submissions—

“...the issues involved are complex, the evidence for such schemes is mixed, may lead to serious unintended consequences for the protection of children, and that any further consideration of mandatory reporting by the Scottish Government should be based on sound evidence, including a full public consultation.”
4. In that context, the Minister sets out the terms of the UK Government consultation, which—

“asks for views on both a mandatory reporting duty, which would require certain practitioners or organisations to report child abuse or neglect if they knew or had reasonable cause to suspect it was taking place; and a duty to act, which would require certain practitioners or organisations to take appropriate action (which could include reporting) in relation to child abuse or neglect if they knew or had reasonable cause to suspect it was taking place.”

5. He notes that this topic and scope aligns with what might be covered in a Scottish Government consultation and suggests that to avoid duplication “it is prudent to await the outcome of this consultation before determining our next steps”.
6. The submission indicates that the UK Government does not expect to be in a position to share its findings until later this year, and that the Scottish Government will consider the results as soon as they are available.
7. The Minister explains that the results will be considered “in the wider context of the differing child protection landscape in Scotland”, taking account of relevant measures and responsibilities set out in existing legislation including the Children’s Hearings (Scotland) Act 2011; the Police and Fire Reform (Scotland) Act 2012, and the Children and Young People (Scotland) Act 2014.
8. In addition, the Minister advises that consideration of mandatory reporting will also be considered in the context of the Child Protection Improvement Programme, which he announced on [2 March 2017](#). He states that he is “committed to reviewing current legislation on abuse and harm and this review may be an appropriate process for mandatory reporting to be considered”.
9. In his submission the petitioner considers that the minister’s submission does not answer the question of why the Scottish Government will not develop its own approach to mandatory reporting. He queries why this appears to be the case and indicates that he feels his contribution to this issue is being undermined.

### **Action**

10. The Committee is invited to consider what action it wishes to take. Options include—
  - Writing to the Minister for Childcare and Early Years to ask him to request confirmation from the UK Government of the timeframe in which it intends to publish its findings and whether he will commit to considering mandatory reporting within the Child Protection Improvement Programme;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1551/A: Children 1<sup>st</sup> letter of 17 April 2015 \(176KB pdf\)](#)
- [PE1551/B: Care Inspectorate letter of 20 April 2015 \(182KB pdf\)](#)
- [PE1551/C: Barnardo's Scotland letter of 20 April 2015 \(200KB pdf\)](#)
- [PE1551/D: NSPCC Scotland letter of 17 April 2015 \(361KB pdf\)](#)
- [PE1551/E: Dr Sarah Nelson email of 21 April 2015 \(78KB pdf\)](#)
- [PE1551/F: Shelter Scotland letter of 20 April 2015 \(51KB pdf\)](#)
- [PE1551/S: Minister for Childcare and Early Years submission of 28 April 2017 \(51KB pdf\)](#)
- [PE1551/T: Petitioner submission of 9 June 2017 \(14KB pdf\)](#)



**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1612: Criminal Injuries Compensation Scheme – change to the “same roof rule”****Note by the Clerk****Petitioner** Graham McKinlay

**Petition summary** Calling on the Scottish Government, as a key stakeholder in Criminal Injuries Compensation Authority, to seek a change in the rules for compensation claims arising from incidents in Scotland and remove the bar to claims in respect of victims of childhood sexual abuse who are currently denied compensation by the CICA under the so called "same roof rule." Alternatively I would ask that the Scottish Parliament create a separate mechanism to ensure that individuals in Scotland who are currently unable to claim under the present Criminal Injuries Compensation Scheme are fairly compensated for their injuries.

**Webpage** [www.parliament.scot/GettingInvolved/Petitions/sameroofrule](http://www.parliament.scot/GettingInvolved/Petitions/sameroofrule)

**Introduction**

1. This is a continued petition, previously considered by the Committee at its meeting on [2 February](#). The Committee agreed to write to the Cabinet Secretary for Justice, seeking more information on why the Scottish Government currently has no plans to establish a separate compensation scheme, and inviting a response to the views set out in Victim Support Scotland's submission of 9 December 2016. The Committee also agreed to ask whether, having reflected on Victim Support Scotland's views, the Scottish Government would give further consideration to this matter.
2. A response has been received from the Minister for Community Safety and Legal Affairs, with a subsequent submission from the petitioner. The Committee is invited to consider what action it wishes to take.

**Committee consideration**

3. In response to the Committee's question of whether the Scottish Government would give further consideration to this matter with regard to the views of Victim Support Scotland, the Minister states that these "were considered by the UK Government in their review of the scheme in 2012". The Minister also refers to a recent judicial review on the same-roof rule in which the Outer House of the Court of Session upheld the rule as it considered prospective abolition of the rule to have been "proportionate and within the legitimate exercise of the discretion accorded to Parliament". The Minister adds—

“Any amendment of the existing Criminal Injuries Compensation Scheme would be for the UK Government to address.”

4. With regard to the Committee’s question on why the Scottish Government has no plans to establish a separate compensation scheme, the Minister identifies factors to be taken into account, including the “high level of uncertainty as to likely demand and the broad range of circumstances which could be covered”. She continues—

“Given this uncertainty, and the additional administration costs of establishing separate application, investigation and assessment processes, and applying these to historical cases, we are not confident that a separate scheme would be the most effective way to serve the best interests of survivors and provide appropriate support.”

5. The Minister reiterates the Scottish Government’s focus on ensuring the best use of available resources to support survivors and meet the “individual needs of all survivors through integrated services at local level”, and indicates that preparations are underway to review the Survivor Scotland Strategic Outcomes and Priorities 2015-17 framework to fulfil the Scottish Government’s vision that “all survivors be supported to have equal access to integrated care, support and treatment resources and services which can reduce the impact of the inequalities and disadvantage experienced as a result of abuse”.

6. The Minister’s response goes on to say—

“The Limitation (Childhood Abuse) (Scotland) Bill will also remove the three year time bar barrier for all survivors to whom it applies and we are fully committed to supporting and engaging with survivors of in-care childhood abuse on a number of topics.”

7. The Minister also makes reference to the Equally Safe strategy, which sets out the Scottish Government’s priorities for tackling violence against women and girls in domestic settings and “aims to prevent violence from occurring in the first place, build the capability and capacity of mainstream and specialist services to support survivors and those at risk, and strengthen the Justice response to victims and perpetrators”. She indicates that the delivery plans for this strategy will be brought forward later this year.

8. In his submission, the petitioner refers to the Limitation (Childhood Abuse) (Scotland) Bill. He welcomes the fact that “matters raised have been taken into consideration and that these may be addressed in the near future”.

9. While he notes that there is no firm timescale for changes to be implemented, the petitioner considers that—

“...justice, recognition of past wrongs and compensation should be available to everyone and that we do indeed now seem to be moving in the right direction.”

10. Stage 3 proceedings on the Limitation (Childhood Abuse) (Scotland) Bill are due on 22 June.

**Action**

11. The Committee is invited to consider what action it wishes to take on this petition. Options include—
  - To close the petition on the basis that the Scottish Government has explained its rationale for not establishing a separate compensation scheme, and given that the petitioner considers that the Limitation (Childhood Abuse) (Scotland) Bill is a move in the right direction.
  - any other action the Committee may consider appropriate.

**Clerk to the Committee**

**Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1612/E: Minister for Community Safety and Legal Affairs submission of 27 March 2017 \(53KB pdf\)](#)
- [PE1612/F: Petitioner submission of 4 May 2017 \(8KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1625: Wider awareness, acceptance and recognition of Pathological Demand Avoidance Syndrome****Note by the Clerk****Petitioners** Patricia Hewitt and Mary Black

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to promote a wider awareness and acceptance of Pathological Demand Avoidance syndrome among health, education and social care and social work practitioners, and, via the appropriate agencies and bodies, to institute and facilitate training in the diagnosis of the condition, to promote the development of therapeutic programmes for those with the syndrome and to provide support for their families and carers.

**Webpage** [parliament.scot/GettingInvolved/Petitions/PE01625](http://parliament.scot/GettingInvolved/Petitions/PE01625)**Introduction**

1. This is a continued petition, previously considered by the Committee at its meeting on [30 March](#). The Committee agreed to write to COSLA and integration joint boards (IJBs) with a view to establishing whether there were any differences in approach across local authorities and boards, and to ask what measures were in place to support children and young people, and their families. The Committee also sought to understand how local authorities and IJBs work together on this issue.
2. COSLA did not provide a formal response as it considered that this was an issue to be dealt with by individual local authorities. Submissions have been received from four IJBs, along with a submission in response from the petitioners. The Committee is invited to consider what action it wishes to take on this petition.

**Committee consideration***PDA as a standalone diagnosis*

3. The submissions from the IJBs indicate that they do not recognise PDA as a standalone diagnosis. North Ayrshire Health and Social Care Partnership (NAHSCP) says that “there is insufficient research evidence at this time ...”, but recognises the “developing evidence and complementary narrative to describe a condition which sits within the Autistic Spectrum Disorder”. Falkirk Health and Social Care Partnership (FHSCP) considers that there “appears to be a need for greater research and practitioner debate before a substantial decision of this nature should be made”.

4. Although this is not set out explicitly within the petition, the petitioners argue that this is partly what they are calling for, in that they are “asking that the Scottish Government actually carries out the studies deemed desirable and thereafter clarifies the position for professionals across Scotland”.
5. NHS Western Isles and North Ayrshire Health and Social Care Partnership both observe that PDA is not a recognised condition within the International Classification of Diseases, version 10 (ICD-10) or the Diagnostic and Statistical Manual of Mental Health Disorders (DSM-5), referred to in the Scottish Government’s submission of 21 February as the “gold standard” systems for autism diagnosis. NHS Western Isles also notes that PDA is not recognised within SIGN or NICE guidance.
6. East Ayrshire Health and Social Care Partnership (EAHSCP) states that, in collaboration with Ayrshire and Arran Child and Adolescent Mental Health Services, social work services in East Ayrshire recognise PDA as a developmental disorder—
 

“PDA is not considered a disability in isolation and in order to have a PDA diagnosis there requires, in the first instance to be a diagnosis of Autistic Spectrum Disorder (ASD).”
7. The petitioners consider this to be a “clear expression of current best practice”.

*Support to children and young people and their families*

8. Notwithstanding the position that PDA is not considered a standalone diagnosis, the respective IJB submissions set out the support mechanisms that they have in place, identifying a collaborative and person-centred approach.
9. FHSCP identifies a range of professionals, including educational psychologists, social workers, teachers and related staff involved in providing support to meet the “holistic needs of the child and family”. It adds—
 

“We work with partners, including those in adult services and the NHS and will continue to support the assessment process for children and their families through the implementation of the National Practice model, GIRFEC and integrated assessment.”
10. NHS Western Isles says that the support it provides is in keeping with the available evidence base and good practice guidance. It states that—
 

“[PDA] behaviours are identified within clinical assessment, following which a shared understanding of difficulties is developed in collaboration with the young person and their family along with other agencies involved in their care (such as education and social care). This understanding would then inform person-centred intervention.”
11. NAHSCP submits that “autism is multi-dimensional and the different profiles including PDA affect people in different ways” and adds that—

“No matter the presenting complexity all actions and planning associated with this condition is addressed as a child/person centred concern placing the individual and the condition at the centre of care.”

12. East Ayrshire Health and Social Care Partnership notes that “a number of children and young people have been diagnosed with ASD” with PDA as a component. It utilises a collaborative approach where appropriate, noting that support “is done in collaboration with professionals across all services and is proportionate to the assessment, identified needs and outcomes for the child/young person”.
13. It identifies indirect language, using the young person’s interest, and using humour and distraction as techniques to avoid demand avoidance, noting that these are similar to techniques used with young people on the autism spectrum. It also sets out the “Five Golden Rules” for support—
  - Think ahead, identify potential triggers and plan strategies in advance
  - Give the young person advance notice – young people with PDA find it helpful to know what is going to happen
  - Monitor stress levels and scale back demands – this is to reduce anxiety as behaviour can escalate very quickly
  - Create space – young people find it hard to regulate behaviour and space to go to feel calm can be helpful
  - Keep calm – young people with PDA can panic and they need those supporting them to remain calm and in control.
14. The petitioners indicate that they were “heartened” particularly by the EAHSCP submission and also consider that it is “entirely right” to place the individual at the centre of any diagnosis and support.
15. The petitioners acknowledge that symptoms of PDA might co-exist with another mental health condition but consider that the submissions received do indicate that there is still a need to “attempt to clarify and expand on current understanding”. They add—

“We believe the Scottish Government could investigate practice overseas to ensure best practice is put in place at home.”

#### *Scottish Government position*

16. In its submission of 21 February, the Scottish Government was clear that professionals involved in diagnosing ASD should use the ICD-10 or DSM-5 classification systems, and that a “PDA diagnosis would not be competent practice, as it would have no official recognition”, noting that behaviours described as PDA are all compatible with ASD. It continued—
 

“...in terms of good practice, ASD is commonly associated with a wide range of additional difficulties, and the proper approach to these difficulties is to respond to them in the same way as we deal with such difficulties whether occurring in the context of ASD or otherwise, namely, by appropriate

interventions and approaches designed to meet the child's individual needs as they are presented.”

17. The Committee will recall that a revised edition of the International Classification of Diseases is expected to be published in 2018.

### **Conclusion**

18. The Committee is invited to consider what action it wishes to take on this petition. Options include—
  - To write to the Scottish Government to establish whether it has any plans to look at policies elsewhere in the world to identify best practice, and to ask how it will encourage consistency of diagnosis and support across Scotland;
  - To close the petition on the basis that the Scottish Government is clear in its view that PDA is covered within an ASD diagnosis, in line with the current “gold standard” for autism diagnosis;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**



**Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1625/E: Scottish Government submission of 21 February 2017 \(630KB pdf\)](#)
- [PE1625/G: Falkirk Health and Social Care Partnership submission of 25 April 2017 \(54KB pdf\)](#)
- [PE1625/H: NHS Western Isles submission of 27 April 2017 \(44KB pdf\)](#)
- [PE1625/I: North Ayrshire Health and Social Care Partnership submission of 28 April 2017 \(118KB pdf\)](#)
- [PE1625/J: East Ayrshire Health and Social Care Partnership submission of 4 May 2017 \(87KB pdf\)](#)
- [PE1625/K: Petitioners' submission of 2 June 2017 \(53KB pdf\)](#)

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1633: Private Criminal Prosecution in Scotland****Note by the Clerk**

<b>Petitioner</b>	Bill Alexander
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to change the law to give the people of Scotland the same legal rights as the rest of the UK by removing the requirement that the Lord Advocate must first give permission before a private criminal prosecution can be commenced in Scotland.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01633">parliament.scot/GettingInvolved/Petitions/PE01633</a>

**Introduction**

1. This is a continued petition that the Committee last considered at its meeting on 30 March 2017. At that meeting, the Committee agreed to write to the Scottish Government, the Crown Office and Procurator Fiscal Service, the Health and Safety Executive and the Partnership on Health and Safety in Scotland. Responses have been received and the Committee is invited to consider what action it wishes to take.

**Committee Consideration**

2. The Crown Office and Procurator Fiscal Service (COPFS) explained the legal framework in place for private prosecutions in Scotland—  
  
“Whilst the Lord Advocate’s concurrence must be sought by an individual wishing to raise a private prosecution to ensure that a prosecution is not raised for vindictive or malicious ends, ultimately the Lord Advocate does not have an absolute veto. An individual can petition the Court even where concurrence is withheld and the Court may direct the Lord Advocate to give his concurrence or authorise the private party to proceed without it by ordering Criminal Letters to be issued.”
3. The COPFS support the existing framework, noting that in its view the Lord Advocate plays a safeguarding role and a “valuable check against unjustified prosecutions”.
4. The Scottish Government concurred with the COPFS’ view on the legal framework. It summarised its view on the petition as follows—

“...our view is that the Petition seeks a remedy for a situation that does not in fact exist under Scots law. More broadly, the Scottish Government believes that the system of public prosecution in Scotland works well, and we have no plans to adjust the current process by which a private prosecution can be initiated.”

5. The Committee asked the Scottish Government to explain what action it is taking to improve health and safety outcomes in Scotland. The Scottish Government noted in this regard that health and safety is reserved and the Scottish Government has no involvement in the investigation and prosecution of health and safety offences.
6. The Health and Safety Executive did not wish to comment on the petition, noting “Given HSE is not a prosecuting authority in Scotland we have no comment to make.”
7. The Partnership on Health and Safety in Scotland stated it was unable to comment on the petition on the basis that the Lord Advocate’s “role and powers do not fall within the scope of PHASS’ terms of reference.”
8. The petitioner explains that whilst the Lord Advocate’s concurrence may not present a barrier for private criminal prosecution in principle, his view is that the cost of challenging the Lord Advocate is prohibitive for some. Mr Alexander considers there is a potential gap in prosecutions taking place on health and safety matters in Scotland, particularly in the racing industry, which he considers could be addressed by the action called for in the petition.

## Conclusion

9. The Committee is invited to consider what action it wishes to take. Options include —
  - To close the petition under Standing Orders Rule 15.7 on the basis that an individual can petition the Court even where concurrence is withheld and the Court may direct the Lord Advocate to give his concurrence or authorise the private party to proceed without it by ordering Criminal Letters to be issued.
  - To take any other action that the Committee considers appropriate.

**Clerk to the Committee**

## Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1633/A: Partnership on Health and Safety in Scotland submission of 18 April 2017 \(125KB pdf\)](#)
- [PE1633/B: Health and Safety Executive Scotland submission of 20 April 2017 \(37KB pdf\)](#)

- [PE1633/C: Scottish Government submission of 28 April 2017 \(169KB pdf\)](#)
- [PE1633/D: Crown Office and Procurator Fiscal Service submission of 28 April 2017 \(69KB pdf\)](#)
- [PE1633/E Petitioner submission of 1 June 2017 \(77KB pdf\)](#)

All written submissions received on the petition can be viewed on the petition [webpage](#).

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1636: Require that all single use drinks cups are 100% biodegradable****Note by the Clerk****Petitioner** Michael Traill**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation requiring that all single use drinks cups (including all sleeves, labels & lids) be 100% biodegradable.**Webpage** [parliament.scot/GettingInvolved/Petitions/recyclablecups](http://parliament.scot/GettingInvolved/Petitions/recyclablecups)**Purpose**

1. This is a continued petition, first considered by the Committee on 30 March. At that meeting the Committee agreed to seek the views of a range of stakeholders, including the Scottish Government, Zero Waste Scotland and organisations or companies who are developing initiatives to address issues such as the one identified by the petition. Seven submissions have been received and are provided in the annexe to this paper. The Committee is invited to consider what action it wishes to take.

**Committee consideration**

2. The Scottish Government states its commitment to ambitious targets to reduce waste by 15% and recycle 70% of all waste by 20125. It refers to its [Circular Economy Strategy](#) which includes the aim of increasing recycling and encouraging re-use “to keep valuable materials in as high value use as possible”. It adds that it is “keen to see less waste from ‘on the go’ beverages and are engaging with key stakeholders to consider ways to achieve this”.
3. COSLA indicates that it is “fully supportive” of the Circular Economy Strategy and is “pursuing waste reduction and ... looking at extended producer responsibility”. It adds that it has been “actively developing and supporting the Scottish Household Recycling Charter, which is a joint initiative between COSLA and the Scottish Government to “bring more consistency to recycling services, with the aim of reducing waste and supporting a more circular economy”.
4. The submissions from Zero Waste Scotland, Hubbub, Keep Scotland Beautiful, Vegware and the Paper Cup Recovery and Recycling Group discuss issues around; terminology and the distinction between ‘biodegradable’ and ‘compostable’; recycling or waste management infrastructure; and education, public awareness campaigns and consumer incentives to effect a change in behaviour and attitudes. Hubbub says—

“...making this petition effective would require the introduction of significant new infrastructure and a clear, consistent communications campaign to the public.”

5. Keep Scotland Beautiful notes that “the terms biodegradable and compostable are often used interchangeably but do not necessarily mean the same thing”. Zero Waste Scotland’s submission says—

“[T]his is an important distinction since to be treated properly, compostable waste must be compostable in standard industrial compost conditions as noted within EN 13432 standards.”

6. Hubbub, Vegware, Keep Scotland Beautiful and Zero Waste Scotland discuss the impact on waste management systems. Hubbub says—

“To effectively dispose of compostable products it is vital they reach a suitable industrial composting facility.”

7. The submissions identify concerns with conventional food packaging generally, with a mix of cardboard and plastic, and the potential environmental impact. Zero Waste Scotland notes—

“If compostable cups end up in landfill they cause harm as they will breakdown to generate methane gas, which is 25 times worse for the environment than CO<sub>2</sub>.”

8. The Paper Cup Recovery and Recycling Group provides a schematic of the paper cup supply chain, in terms of creation, use and recycling. It sets out five key bullet points for successful recycling, which include the role of a Materials Recovery Facility (MRF).

9. Zero Waste Scotland notes that “it is currently unknown if MRFs could separate compostable cups from other dry mixed recyclates with the sorting machinery that is used”. It adds—

“Given the limited tonnage and limited recycling processes for cups, it is unclear whether there would be sufficient value in the market for compostable cups to merit investment in equipment to separate these from other waste streams.”

10. Hubbub and Vegware put forward their views on how this can be reduced. Hubbub’s view is that “the focus should be on creating a disposable cup which can be recycled in existing recycling infrastructure”, while Vegware considers that it is essential to have “smart product labelling and well thought-out bin signage”.

11. However, Keep Scotland Beautiful expresses concerns that biodegradable cups may “present individuals with a ‘licence to throw’”. It considers that, as people tend to use single-use cups on the go, they either use general waste bins or litter their used cups. It adds—

“A recyclable alternative to the polyethylene coated paper cup is more expensive and, more importantly, does not change ‘single use’ behaviour or address the impact of cups as littered items.”

12. Zero Waste Scotland refers to a lack of effective consumer incentives, for example, price discounts or future credits. It refers to [research conducted by Cardiff University](#) which it says “has shown ... that these measures have no effect on reuse rates and that a packaging charge is far more effective at changing behaviour than a discount of equivalent economic value, due to what is known as loss aversion”.
13. Keep Scotland Beautiful and Hubbub provide examples of initiatives and campaigns aimed at changing people’s attitudes and behaviours towards the issues raised by the petition. These include—
  - The Square Mile Challenge
  - Clean Up Scotland campaign
  - Simply Cups – the only UK collection and recycling scheme that turns paper and plastic cups into second-life materials.
14. The submissions are supportive of the principles behind the action called for in the petition and indicate a desire to work collaboratively to discuss the issues and identify positive initiatives and campaigns to ensure effective disposal of compostable products and to encourage a change in public attitudes towards litter, without the need for specific legislation.

*Environment, Climate Change and Land Reform Committee*

15. The Environment, Climate Change and Land Reform Committee recently announced its plans to examine waste generation and disposal, including waste sent to landfill, incineration or recycling centres, and to identify challenges and opportunities in meeting waste targets. This follows initial work undertaken by a sub-group of the Committee, initially established in September 2016 to consider the issue of deposit return schemes. The convener has stated that the committee “intends to explore Scotland’s approach to waste management in the round”.<sup>1</sup>

## **Conclusion**

16. The Committee is invited to consider what action it wishes to take on this petition. Options include—
  - To refer the petition to the Environment, Climate Change and Land Reform Committee for consideration as part of its work on Scotland’s approach to waste management;

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<sup>1</sup> Scottish Parliament. Environment, Climate Change and Land Reform Committee press release, 26 May 2017. Available at: <http://www.parliament.scot/newsandmediacentre/105066.aspx>

- To ask the Scottish Government whether it has any plans for a public awareness campaign on this issue, and to identify the key stakeholders it is currently engaging with to achieve a reduction in waste from 'on the go' beverages;
- To take any other action the Committee considers appropriate.

**Clerk to the Committee**

### **Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1636/A: Zero Waste Scotland submission of 27 April 2017 \(246KB pdf\)](#)
- [PE1636/B: Scottish Government submission of 27 April 2017 \(41KB pdf\)](#)
- [PE1636/C: Hubbub submission of 28 April 2017 \(43KB pdf\)](#)
- [PE1636/D: Keep Scotland Beautiful submission of 28 April 2017 \(70KB pdf\)](#)
- [PE1636/E: COSLA submission of 28 April 2017 \(39KB pdf\)](#)
- [PE1636/F: Vegware submission of 2 May 2017 \(52KB pdf\)](#)
- [PE1636/G: The Paper Cup Recovery and Recycling Group submission of 26 May 2017 \(122KB pdf\)](#)



**Public Petitions Committee**  
**12th Meeting, 2017 (Session 5)**  
**Thursday 15 June 2017**

**PE1463: Effective thyroid and adrenal testing, diagnosis and treatment**

**Note by the Clerk**

<b>Petitioner</b>	Sandra Whyte, Marian Dyer and Lorraine Cleaver
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to take action to ensure GPs and endocrinologists are able to accurately diagnose thyroid and adrenal disorders and provide the most appropriate treatment.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01463">parliament.scot/GettingInvolved/Petitions/PE01463</a>

**Introduction**

1. This is a continued petition. The petitioner and Dr John Midgley, a biochemist with experience of testing technology for subclinical hypothyroidism, have been invited to give evidence. The Committee is invited to consider what action it wishes to take.

**Committee Consideration**

2. At its meeting on 2 February 2017, the Committee considered a draft report on PE1463 on effective thyroid and adrenal testing, diagnosis and treatment.
3. The Committee agreed to invite the lead petitioner, Lorraine Cleaver, and Dr John Midgley to give evidence at a future meeting. Dr Midgley has provided a [summary document](#) to inform the meeting.

Guidance for general practice

4. Since the Committee's last consideration of the petition, there has been some further developments regarding the Scottish Intercollegiate Guideline Network's (SIGN) work on producing information for general practice.
5. This work began when Ms. Cleaver met with SIGN to discuss the possibility of developing a SIGN guideline in October 2015. SIGN noted any guidance it produced would be based on existing clinical information and therefore would not differ significantly from existing clinical guidance. SIGN considered that influencing the availability of whole thyroxin and validating diagnostic tests is outwith its remit and agreed that a good practice guide for general practice may be a more useful document.

6. The SIGN Guideline Proposal Advisory Group considered the issue on 3 February 2016 and agreed to take the proposal to the Royal College of General Practitioners (RCGP) through its representative on the SIGN Council.
7. The proposal was discussed at the Executive Board of the RCGP on 2 November 2016. In the RCGP's view, this proposed piece of work does not fit with its work programme priorities. It considered that the [NICE guidance](#) (last updated in April 2016) is sufficient for this purpose and the RCGP noted that it is not in a position to comment on unlicensed medication.
8. SIGN updated the petitioner on these developments and informed her that it is unable to progress the issue any further.

### **Conclusion**

9. The Committee is invited to consider what action it wishes to take. Options include —
  - To reflect on the evidence heard and consider a note by the clerk and a revised draft report at a future meeting;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****Thursday 15 June 2017****PE1648: Nursery business rates****Note by the Clerk**

<b>Petitioner</b>	Stephanie Dodds
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to abolish or freeze business rates for nurseries.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01648">parliament.scot/GettingInvolved/Petitions/PE01648</a>

**Introduction**

1. This is a new petition that collected 2,480 signatures and attracted 263 comments. Many people commented that increased rates for nurseries will result in increased fees for parents. In this regard, concerns were also raised that parents will be discouraged from returning to employment due to increasing costs.
2. The petitioner has been invited to provide oral evidence on her petition and will be accompanied by Claire Schofield of the National Day Nurseries Association. The Committee is invited to consider what action it would like to take.

**Background (taken from the [SPICe briefing](#))**

3. Non-domestic rates (NDR) (often referred to as “business rates”) are a property-based tax charged to premises entered on the Valuation Roll unless they are otherwise exempt (the main exemptions are agricultural lands, forestry lands, public parks and domestic property). Non-Domestic Rates Income for 2017-18 is provisionally set to raise 2,665.8m, a £102.70 million decrease (equal to - 3.7%) from 2016-17.
4. Rateable values are revalued on a regular basis – generally 5 years. The last revaluation was in 2010. Although a revaluation was initially planned for 2015, in 2012 the Scottish Government announced it would delay revaluation to 2017 to match the UK Government's decision to delay the revaluation in England to 2017. All premises were revalued on 1 April 2017. The Scottish Government estimates that 70% of premises will see no change or a decrease in their Non-domestic rates bill in 2017-18.
5. The Scottish Government maintains a series of relief schemes that are aimed at helping businesses by reducing their NDR bill. Charity relief represents the biggest relief, at almost 30% of the total in 2014-15. This is followed by the Small Business Bonus Scheme (28.1%) and Empty Property Relief (23.2%).

Other reliefs are much smaller, with Disabled Rates Relief representing less than 10% of the total.

6. In addition to reliefs put in place by the Scottish Government, the [Community Empowerment \(Scotland\) Act 2015](#) allows local authorities to grant relief to any type of ratepayer for any reason, as they see fit, provided this is fully funded by the local authority itself. Only Perth and Kinross Council used this power in 2016-17 to put in place a 20% NDR relief for retail businesses in town centres in Perth and Kinross for businesses with rateable values between £18,001 and £30,000. Information on local relief schemes is not yet available for 2017-18.
7. In December 2015 the Scottish Government announced the next review of NDR with the First Minister confirming in March 2016 that the review will be led by the former chair of RBS, Ken Barclay, and is expected to be completed by summer 2017.

#### *Scottish Government action*

8. No action was taken in relation to non-domestic rates relief for nurseries specifically.
9. In February 2017 the Scottish Government proposed to:
  - Cap 2017-18 bill increases at 12.5% (real terms) for hotels, pubs, restaurants and cafes. This will benefit around 8,500 properties and will bring the average gross bill increase for hotels down to 12% and down to 2% for pubs
  - Cap 2017-18 bill increases at 12.5%. This will benefit around 1,000 premises
  - Cap rates bill increases at 12% for small-scale hydro schemes (up to 1 MW).
10. Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2017 (SSI 2017/85) was laid on 16 March 2017 and came into effect on 1 April 2017. The regulation states that inflation is set at 2.0%. The following premises are covered by the transitional relief:
  - Bed and breakfast accommodations
  - Camping sites
  - Caravans
  - Caravan sites
  - Chalets and holiday huts
  - Guest houses, hotels and hostels
  - Pubs and nightclubs
  - Restaurants
  - Renewable energy generation
  - Self-catering holiday accommodation

- Timeshare accommodation
- Offices in Aberdeen and Aberdeenshire.

*Scottish Parliament action*

11. [Motion S5M-03651](#): Ross Thomson, North East Scotland, Scottish Conservative and Unionist Party, Date Lodged: 26/01/2017

**Impact on North East Businesses of the Hike in Non-domestic Rates**

That the Parliament understands that, as a result of the 2015 revaluation, businesses across the North East Scotland region are facing enormous increases in their non-domestic rates; believes that this impacts on companies across a range of sectors, including hospitality, oil and gas, engineering and retail, with some being subjected to increases in excess of 200%; considers that this represents a substantial hike in charges that will render it extremely difficult for some to avoid liquidation; welcomes the Press & Journal campaign, which, it understands, aims to highlight a number of compelling examples of businesses that will be adversely affected by the increase, and notes the calls for the Scottish Government to take expedient and meaningful action to address this issue and to seek a solution to ease the impact of this.

12. On [23 February 2017](#), North East MSP Mike Rumbles called in the Chamber for the Barclay Review consultation to be re-opened.

**Conclusion**

13. The Committee is invited to consider what action it wishes to take. Options include —
- To write to the Scottish Government, Voice Union, Parenting Across Scotland and COSLA seeking their views on the petition;
  - To take any other action the Committee wishes to take.

**Clerk to the Committee**

**Public Petitions Committee****12th Meeting, 2017 (Session 5)****15 June 2017****PE1319: Improving youth football in Scotland****Note by the Clerk**

<b>Petitioner</b>	William Smith and Scott Robertson
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to investigate the (1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years; (2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs; (3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity; and (4) appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years; and to (5) increase the educational target from 2 hours curricular physical activity to four hours per week; and (6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01319">parliament.scot/GettingInvolved/Petitions/PE01319</a>

**Introduction**

1. The purpose of this paper is to provide information in relation to the evidence that the Committee will hear from the SFA and SPFL at this meeting.

**Previous consideration of the petition**

2. The Committee last considered this petition at its meeting on 30 March. At that meeting the Committee considered an update from the Convener and Deputy Convener following their meeting with Neil Doncaster and Andrew McKinlay. That update addressed issues such as the payment of minimum wage, concerns about the view of external regulation taken by FIFA, the registration of players and the offer of making visits to academies.
3. At that time the Committee agreed to seek time for a debate on the petition in the Chamber. The Committee's request has been agreed to and it is anticipated that a debate will be scheduled after the summer recess.
4. The petition asked for action in relation to six points. Only two of these points remain outstanding. These are point 1 relating to the "legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years" and point 4 regarding the "appropriateness of 'compensation'

payments between SFA member clubs for the transfer of young players under the age of 16 years.” A number of other issues, although not explicitly addressed by the petition, have formed part of the Committee’s consideration.

5. The relevant issues are discussed below with reference to the most recent submissions received by the Committee.

### **Issues under consideration**

#### *Compensation payments*

6. Compensation is payable for players moving between SPFL clubs by way of reimbursement of training costs, calculated according to a matrix system. The matrix is based on clubs seeking to secure a player making a payment to the club with which a player is currently registered.
7. In the course of consideration of the petition, it has been made clear that having such a system for reimbursement of costs is a requirement of FIFA. However, recommendations have been made, not least by the petitioners and now former Commissioner for Children and Young People Scotland, that a system could be established where compensation is only due at the point when a player signs their first professional contract.
8. In their submission of 7 June, the SFA/SPFL indicate that the matrix for compensation payments is to be re-examined within the context of Project Brave.

#### *Registration period for 15 to 17 year olds*

9. Players in the 15 to 17-year age group are required to agree to a registration period of three years. Within this three-year period, the club can retain a player’s registration, subject to certain caveats such as ensuring a minimum amount of game time. Players are also able to provide notice of their intention to return to the recreational game within this period but and return to the professional youth setup would require compensation to be paid in order for a new club to be able to hold the player’s registration. Issues around the registration of players in this age group are addressed by the SFA/SPFL in their most recent submission with regard to Project Brave.

#### *Minimum wage payments*

10. The issue of minimum wage payments has been discussed previously. In evidence to the Committee on 22 December, Mr Doncaster was asked about payments to players of £1 per week, including an amateur club signing players on professional forms, and what action was being taken in relation to stories of such payments. In his response Mr Doncaster indicated that he had become aware of the issue when media stories appeared in the preceding week. Clarification of this was sought after the meeting on the basis that a case involving £1 per week payments had been brought to the attention of the SPFL some years earlier. Mr Doncaster subsequently provided a submission in which he clarified that he had taken the questions to apply to coverage that had

appeared at that time of cases involving Queen's Park FC rather than any previous case. In that submission, Mr Doncaster also outlined the approach that was taken by the SPFL in a specific previous case.

11. The former Children and Young People Commissioner Scotland, Tam Baillie, wrote to both FIFA and HMRC prior to leaving office. Mr Baillie has had a longstanding interest in the petition and it is understood he will retain that interest by agreement with the new Commissioner. Mr Baillie has made a submission in which he outlines the nature of his correspondence to FIFA and HMRC and his reason for taking this action.
12. In respect of action that has been taken by the governing authorities, the SFA and SPFL have confirmed that four points of action have been taken, including working with external lawyers on a new form of contract, writing to all members to remind them of their obligations to comply with relevant employment legislation and looking to introduce a requirement to confirm compliance with minimum wage legislation in relation to both registration and club licencing.

#### *FIFA and external regulation*

13. When the Convener and Deputy Convener met. Members may be aware of two instances of national associations (Greece and Mali) being suspended by FIFA and unable to participate in international competitions, in both instances due to government interference. The Committee agreed to seek information on these instances of suspension in light of the call that has been made for external regulation in the course of consideration of the petition.
14. PFA Scotland has provided a submission in which it sets out information about FIFA Statutes regarding third party involvement. PFA Scotland states that, from a human rights perspective "FIFA is conscious that the law in each country will be different and that local laws and labour law should be respected. If a Government felt that an individual's human and statutory rights were not being respected, and this was pointed out to the Governing Body, it is highly doubtful that FIFA would wish to become involved".
15. In relation to contracts, PFA Scotland draws attention to the autonomous agreement which "insists on the application of national legislation and that local labour law has to be taken into account and cannot be amended." PFA Scotland concludes that "in the circumstances surrounding the Petition 1319, it is unlikely that FIFA would intervene should the Scottish Government decide to become involved with the application of an individual's statutory rights."
16. The SFA/SPFL provide background to FIFA's action in relation to perceived third party interference in their submission, particularly in relation to the experience of the Greek Football Federation.

#### *Project Brave*

17. Project Brave is an initiative to change the current academy system for young players in Scotland. Among the objectives of the initiative is a reduction in the number of young players within the elite academy system. The number of



players currently in Club Academy Scotland has been commented on in the course of consideration of the petition from the perspective of the number being too high.

18. The SFA/SPFL have provided information about Project Brave in their submission to the Committee. This outlines that—

“Project Brave has a number of elements including:

- A Best v Best Games Programme – it is currently envisaged that this will be smaller than the current top level games programme and will therefore involve less boys than currently;
- Pitch Sizes relevant to age categories;
- Modifications to the loans system to gain more game time for young players who are unable to break into the first team at their parent club and;
- A new registration system which will for the first time bring in a Summer football season for all age categories up to U16 when the transition will be made to the traditional Winter Scottish football season – this will necessitate a change to the system of registrations including the age groups for registration. The detail of this is currently being considered and has still to be finalised.”

19. Media coverage has suggested concerns about the initiative and the nature of the requirements that clubs will need to fulfil in order to meet the criteria being set. Project Brave was also cited by Dumbarton FC as part of its decision to disband its current youth academy.

*Child protection in football and the PVG scheme*

20. The Health and Sport Committee undertook a short inquiry into child protection in sport, including football. In the course of its evidence sessions, the Health and Sport Committee considered issues such as compliance with the Protection of Vulnerable Groups scheme. In the report on the inquiry the Health and Sport Committee made a number of recommendations addressed toward football and the responsibilities of the governing bodies.
21. In that report, the Health and Sport Committee commented on a ‘[power imbalance](#)’ between professional clubs and young players. That report concluded that ensuring that young people who wish to play football are able to do so in a safe environment—

“must be an absolute and overriding duty of the SFA including the eradication of any perception of a power imbalance. We consider this to be an imperative and recommend if this is not forthcoming from the football authorities legislative change is required. Given the Public Petitions Committee have been considering this issue since 2010 we consider only limited further time for the delivery of tangible change should be allowed.”

### **Submission from the petitioners**

22. In their submission, the petitioners address a number of issues covered in the SFA/SPFL submission and offer a number of comments. In relation to the minimum wage, the petitioners express their view that the “cajoling approach has failed over the years” and question whether it would be appropriate to start to punish for non-compliance.
23. In respect of Project Brave, the petitioners comment in relation to Club Academy Scotland and its predecessors: “The continual tinkering and rebranding has yet to prove successful and I think you may forgive us for not feeling overly optimistic for the future.”
24. With regard to training compensation payments, the petitioners question how the governing bodies can ensure compliance with regulations if they do not monitor or hold information on these payments.
25. Regarding the period for registration of 15 to 17-year old players, the petitioners argue that what the SFA/SPFL “fail to recognise is that at age 16, young people are adults in the eyes of the law and they have the absolute right to make decisions about their futures.”

### **Conclusion**

26. The Committee is invited to consider what action it wishes to take. In considering options, members may recall that the Scottish Government had previously indicated that it wished to allow time for the changes being introduced by the SFA/SPFL to become established. The Committee may wish to note that a full season has now passed.
27. Options for further action include —
  - Arranging visits to academies
  - Drafting a report on the petition
  - Deferring further consideration of the petition until after the Committee’s debate
  - Any other action the Committee wishes to take.

**Clerk to the Committee**

## Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1319/RRR: Tam Baillie, Former Children and Young People Commissioner Scotland submission of 5 June 2017 \(93KB pdf\)](#)
- [PE1319/SSS: PFA Scotland Submission of 6 June 2017 \(51KB pdf\)](#)
- [PE1319/TTT: Scottish Football Association and Scottish Professional Football League joint submission of 7 June 2017 \(237KB pdf\)](#)
- [PE1319/UUU: Petitioners submission of 12 June 2017 \(54KB pdf\)](#)

All written submissions received on the petition can be viewed on the [petition webpage](#).