



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITIONS COMMITTEE

AGENDA

8th Meeting, 2017 (Session 5)

Thursday 27 April 2017

The Committee will meet at 9.30 am in the Adam Smith Room (CR5).

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

[PE1643](#) by Jack Douglas, LGBT+ Officer on behalf of NUS Scotland on Introduce individual risk-based blood donation in Scotland;
and will take evidence from—
Philip Whyte, Policy and influencing manager; Ali Hudson, LGBT+ Campaign Representative, NUS Scotland.

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

[PE1638](#) by Sean Clerkin on Local Housing Allowance (Bedroom tax 2);
[PE1641](#) by David Robertson on Future Independence Referendum.

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

[PE1592](#) by Shaheen McQuade on Group B Strep Information and Testing;
[PE1618](#) by Carl Grundy on behalf of Riders Club Edinburgh on More powers to the police to combat motorcycle theft;
[PE1621](#) by James Robertson on Sepsis Awareness, Diagnosis and Treatment;
[PE1623](#) by Spencer Fildes on behalf of Scottish Secular Society on Unelected church appointees on Local Authority Education Committees;
[PE1626](#) by Pat Rafferty on behalf of Unite on Regulation of Bus Services;
[PE1629](#) by Jennifer Lewis on MRI scans for Ocular Melanoma sufferers in Scotland;
[PE1630](#) by Fiona Webb on Nursery funding for 3 year olds.

PPC/S5/17/8/A

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

The papers for this meeting are as follows—

Item 1

PRIVATE PAPER

PPC/S5/17/8/1 (P)

Note by the Clerk

PPC/S5/17/8/2

Item 2

Note by the Clerk

PPC/S5/17/8/3

Note by the Clerk

PPC/S5/17/8/4

Item 3

Note by the Clerk

PPC/S5/17/8/5

Note by the Clerk

PPC/S5/17/8/6

Note by the Clerk

PPC/S5/17/8/7

Note by the Clerk

PPC/S5/17/8/8

Note by the Clerk

PPC/S5/17/8/9

Note by the Clerk

PPC/S5/17/8/10

Note by the Clerk

PPC/S5/17/8/11

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PE1643: Introduce individual risk-based blood donation in Scotland

Note by the Clerk

Petitioner	Jack Douglas, LGBT+ Officer on behalf of NUS Scotland
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to change the regulations that prevent people within the LGBT+ community from donating blood and to replace it with an evidence based system that examines people on their individual risk to provide blood rather than their sexual orientation and gender.
Webpage	parliament.scot/GettingInvolved/Petitions/blooddonationpolicy

Introduction

1. This is a new petition that the Committee will consider for the first time at this meeting. The petition gathered 1,471 signatures of support and 320 comments. Almost all of the comments were supportive of the petition, with.

Background (taken from the SPICe briefing)

2. The Scottish National Blood Transfusion Service (SNBTS) and the other UK Blood Services are regulated by the UK Blood Safety and Quality Regulations 2005 (BSQR). These regulations represent the minimum blood quality and safety standards across Europe and transpose the EU Blood Directive 2002/98/EC into UK law.
3. The Scottish Government Health Department receives recommendations from the UK Standing Advisory Committee on the Safety of Blood, Tissues and Organs ([SaBTO](#)) on the most appropriate ways to ensure the safety of blood, cells, tissues and organs for transfusion and transplantation. In addition, the Joint Professional Advisory Committee (JPAC) publishes [guidelines](#) which form the basis of donor selection and screening policies in the UK blood services.

Current Screening Process

4. Potential blood donors answer a series of questions before each donation. These questions relate to their health, lifestyle, travel history, medical history and medication. This is to ensure the safety of recipients as - although all donations are tested for blood borne infections like HIV and Hepatitis – no test is 100% effective and so there is still a risk of infected blood products being given to recipients. Donor exclusion and deferral criteria are intended to reduce the potential number of infected donations and are regularly reviewed in the light of scientific knowledge.

5. The current [guidelines](#) set out that men must not donate if they have had oral or anal sex with another man in the previous 12 months, even if a condom or other protection was used (pg 100). The guidelines state that this is because—

“...men who have sex with other men [MSM] have a higher chance of having an undiagnosed infection which could be passed to anyone receiving their blood”

6. The current guidelines also exclude female partners of MSM, although there may be some exceptions and the guidelines state that some women may be allowed to donate on the ‘basis of an individual risk assessment’. Other ‘high risk’ groups are permanently excluded from donating, for example, injecting drug users and commercial sex workers.

7. Previously, MSM were excluded from donating blood for life. The 12 month deferral period was implemented following the recommendation of a [SaBTO review](#) in 2011. The review looked at the donor selection criteria including the sensitivity of testing procedures, the prevalence of transfusion transmissible infections in MSM and the level of compliance with the permanent exclusion. The review found that—

“...process improvements and automation have significantly reduced the chance of errors in blood testing such that the modelled risk of a HIV infectious donation being released into the blood supply is 1 per 4.4 million donations. The introduction of either a 12 month or a 5 year deferral would not significantly affect this figure if the number of non-compliant individuals remained unchanged.” (pg 7)

8. The background information to the petition criticises the current selection criteria as being based on sexuality and the gender a person is born with, as opposed to sexual behaviour. The petitioner states that the regulations view all sexual activity between men as being high risk, even between men who are monogamous, men who only have oral sex, and use protection.

9. A Scottish National Blood Transfusion Service [paper](#) on the policy for MSM donations touches on this point in response to a question on why there is not a deferral for promiscuous heterosexuals. The paper gives the following explanation—

“MSM have been shown to be at a statistically increased risk of acquiring blood-borne viruses in the UK. A number of groups in addition to MSM are deferred or excluded from blood donation due to sexual behaviours which place them at an increased risk of acquiring a blood-borne virus (e.g. if you have had sex with someone who has been diagnosed with Zika virus).”

10. Therefore, the assessed risk is based on the epidemiological evidence at a population level as opposed to an assessment of any one individual’s risk. In 2016, SaBTO commissioned a sub-committee to undertake a further review of selection criteria and examine any new evidence. As part of this, the sub-group

produced a discussion paper on individual risk assessments¹ and their feasibility.

11. Some of the issues highlighted in the discussion paper include—
 - the gaps in evidence to help assess the risk of sub-cohorts within higher risk groups
 - the difficulty of assessing an individual's risk without assessing the risk of their partner
 - the prevalence rate within a cohort that is considered acceptable.
12. The paper also discusses other countries which do not specifically exclude MSM from donating and instead base donor selection on recent sexual history (e.g. Spain and Italy). However, the paper highlights that the detection rates for HIV in donations in these countries (in both new and repeat donors) are considerably higher than current levels in the UK, with the largest proportion of infections detected occurring in MSM. It also states that Spain is actively considering reintroducing a time based deferral.
13. The current SaBTO review is expected to report this year.
14. There is also an [All Party Parliamentary Group inquiry on blood donations](#) underway at Westminster. This inquiry intends to look at the current donor criteria and methods of assessing risk²

Scottish Government Action

15. As specified above, the Scottish Government is advised by SaBTO on ensuring blood services provide safe transfusions. On this basis, the Scottish Government has not undertaken any independent work on this specific issue. However, the Cabinet Secretary for Health and Wellbeing reportedly wrote to SaBTO in 2016 to, "encourage it to give consideration to other methods of managing the risk to the blood supply, including looking at other models of individualised assessment of donors' risk"³.

Scottish Parliament Action

16. The Scottish Parliament previously considered petition [PE1135](#) which called for a review of the guidelines and risk assessment procedures to allow healthy gay men to donate blood. The petition was lodged in March 2008 at a time when MSM were prevented from donating for life. The petition was closed on the basis that the deferral criteria was changed to 12 months.
17. There was also a Members' business debate on the topic in November 2016 ([S5M-01537](#)). The motion read—

¹ SaBTO Subcommittee on Donor Selection (January 2017) Discussion Paper on Individual Risk Assessment. Obtained through personal communication with Dr Moira Carter.

² APPG on Blood Donation (2016) [Terms of Reference](#)

³ Scottish Parliament Official Report (29 November 2016) [Maureen Watt MSP](#)

“That the Parliament acknowledges that, in 2011, the law regarding men who have sex with men being allowed to donate blood changed from a lifetime ban to a 12-month temporary deferral, subject to sexual abstinence; notes the view that, in the name of equality, Scotland needs to go further to ensure that all people can donate blood and that they should not be assessed on their sexual orientation, with the introduction of new non-discriminatory risk assessment in line with organ, stem cell and bone marrow donations, and believes that this would increase the number of much-needed donors in Strathkelvin and Bearsden and nationally.”

Conclusion

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

- Seeking the views of the Scottish Government on the action called for in the petition
- Seeking the views of relevant stakeholder organisations: the Freedom to Donate campaign, the Scottish National Blood Transfusion Service, the Standing Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO) and the Joint Professional Advisory Committee of UKBTS.
- Any other action the Committee wishes to take.

Clerk to the Committee

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PE1638: Local Housing Allowance (Bedroom Tax 2)

Note by the Clerk

Petitioners Sean Clerkin

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to bring forward a debate on the issue of the bedroom tax, in particular the planned Local Housing Allowance cap ("bedroom tax 2").

Webpage parliament.scot/GettingInvolved/Petitions/PE01638

Purpose

1. This is a new petition that collected 78 online signatures and nine comments in support.
2. Members have a summary of the petition and the Committee is invited to consider what action it wishes to take.

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

3. The "Bedroom tax" refers to the reduction in housing benefit (HB)/ housing costs element of Universal Credit (UC) for working age social sector tenants who are under-occupying their home. Social sector tenants are those living in housing association or council accommodation. This is UK Government policy that has been in place since April 2013.
4. "Bedroom Tax 2" refers to the UK Government plans to restrict the amount of HB/UC that tenants in the social sector can receive to the relevant "Local Housing Allowance" (LHA) rate. The LHA rules are used to calculate the maximum amount of HB/UC that tenants in private rented accommodation can receive. This policy will be implemented from April 2019.

Bedroom Tax 2 – Further detail

5. The calculation of HB/UC is complicated but, in very general terms, at the moment the maximum¹ HB/UC a social sector tenant can receive is their actual rent minus the bedroom tax (if this applies).
6. The calculation of HB for private sector tenants is different. LHA rates are set for each size of property, and the [LHA rates](#) vary according to which area the property is in. These areas are known as Broad Market Rental Areas (BMRAs) and there are 18 of them in Scotland. Size criteria are used to determine the

¹ HB is means tested so the final HB award would also depend on an applicant's income and savings and if any "non-dependents" lived in the same property

number of bedrooms a household requires, e.g. a couple with no children would be limited to the LHA rate based on a one-bedroom property. Importantly, under the LHA rules, single tenants aged 35 and under are only be eligible for the “shared room rate” i.e. there is an expectation that such people will live in shared accommodation.

7. The LHA rate is the maximum HB/UC that can be paid. If a tenant lives in a property where the rent is above the applicable LHA rate, they will need to pay the difference between the LHA and the rent themselves. Many private tenants already do this. The UK Government has frozen most LHA rates for the four year period April 2016 to April 2020 (in Scotland the LHA rate for 1 bed flats in Lothian has not been frozen)².
8. The situation is complicated further for tenants living in certain types of supported³ accommodation. Supported accommodation that is considered to be “specified accommodation” is not considered within the UC rules but is considered under HB rules.

UK Government plans

9. The Chancellor first announced plans to restrict the amount of housing HB/UC for social sector tenants to LHA rates during the [Autumn Statement and Spending Review 2015](#). Following concerns from stakeholders about the impact of the proposal on supported accommodation, where rents can be much higher than LHA rates, the initial timetable has altered and different funding arrangements for supported accommodation will apply. From 2019-20, core rent and service charges for supported accommodation will continue to be funded through HB and UC up to the level of the applicable LHA rate. For costs above the level of the LHA rate, the Government will devolve an amount of funding to the Scottish Government which will decide on distribution criteria.
10. The table below outlines the current implementation plans for this proposal.⁴ UK legislation has still to be made to introduce these changes.

Social Rented Sector Tenants	When will the LHA cap apply?
General Needs Accommodation	
Tenants on HB (who signed their tenancy agreement from 1 April 2016)	From April 2019
Tenants on HB (who signed a tenancy agreement prior to 1	When tenants are moved onto UC by the DWP as part of the managed

² [SI 2016/1179](#)

³ Supported housing is any scheme where housing, support and sometimes care services are provided to help people to live as independently as possible in the community

⁴ Information as set out by Damian Green (Secretary of State for Work and Pensions) *Housing Benefit and Universal Credit*: [Written statement - HCWS273](#)

April 2016)	migration from legacy benefits to UC. These tenants will receive transitional protection if their overall benefit entitlement is lower. On reaching state pension age, UC claimants flowing back on to HB with tenancies signed before April 2016 will also be protected.
Tenants on UC (all new and existing claims)	From April 2019
Supported Accommodation All new and existing tenants	From April 2019

Impact of "Bedroom Tax 2" in Scotland

11. Social sector tenants receiving HB/UC will only be affected by this measure **if their rent is above the relevant LHA rate**. Many social sector tenants live in properties with rents below the relevant LHA rates so, at current rent levels and LHA rates, they would be unaffected.
12. Stakeholders have argued that the main impact will be on tenants aged under-35, who will be restricted to the shared accommodation rate. Social sector landlords do not tend to offer shared tenancies, so most young single people will live in 1 bedroom or larger properties. In response to a [PQ \(S50-00628\)](#) Angela Constance MSP said, "... more than 25,000 social sector households come into this category and could face a cut in benefits if their rents are above the shared accommodation rate for their area." The Scottish Federation of Housing Associations has also published research on the possible impacts of the proposals.⁵
13. Stakeholders also initially voiced concerns about the impact on supported accommodation. However, with the revised plans for the funding of supported accommodation it is currently less clear what the impact will be, as the arrangements are still to be finalised.

Scottish Government action

14. **"Bedroom Tax"**: The Scottish Government has been mitigating the impact of the bedroom tax in Scotland through providing local authorities with funding for Discretionary Housing Payments (DHPs). Anyone affected by the bedroom tax who gets HB/UC should be able to apply for a DHP from their local authority to

⁵ SFHA (2016) [A Second SFHA Report on the Capping of Social Rents to the Rate of Local Housing Allowance](#).

cover their reduction in benefit as a result of the bedroom tax. As a result of provisions in the Scotland Act 2016, the Scottish Government has legislative competence for DHPs and can make regulations on certain aspects of the housing costs element of UC. It has committed to using these powers to effectively abolish the bedroom tax in Scotland.⁶

15. “**Bedroom Tax 2**”: The Scottish Government has expressed its concerns about the UK Government’s plans, for example in [PQ S5O-00628](#). In response to a PQ about the impact of the plans on supported accommodation, Kevin Stewart MSP responded—

“The Scottish Government intends to protect the wide variety of tenants in supported accommodation and to use devolved funding to ensure that the supported accommodation sector is put onto a secure and sustainable footing. We will work with a broad range of stakeholders to achieve this” ([S5W-04361](#))

16. The Scottish Government has not indicated if it will seek to use its new social security powers devolved through the Scotland Act 2016 to change the UK Government’s plans in Scotland.

Scottish Parliament action

17. The issue of “bedroom tax 2” has been raised by stakeholders in evidence to committees. For example, the issue was raised in evidence to the Local Government and Communities Committee’s [pre-budget scrutiny](#). There have been no parliamentary debates specifically on the issue of “bedroom tax 2”.

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 seek its views on the action called for in the petition
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

⁶ Scottish Government (2016) [A New Future for Social Security: Consultation on Social Security in Scotland](#).

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PE1641: Future Independence Referendum

Note by the Clerk

Petitioner	David Robertson
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government not to seek a second independence referendum until after 2020.
Webpage	parliament.scot/GettingInvolved/Petitions/FutureIndyRef

Introduction

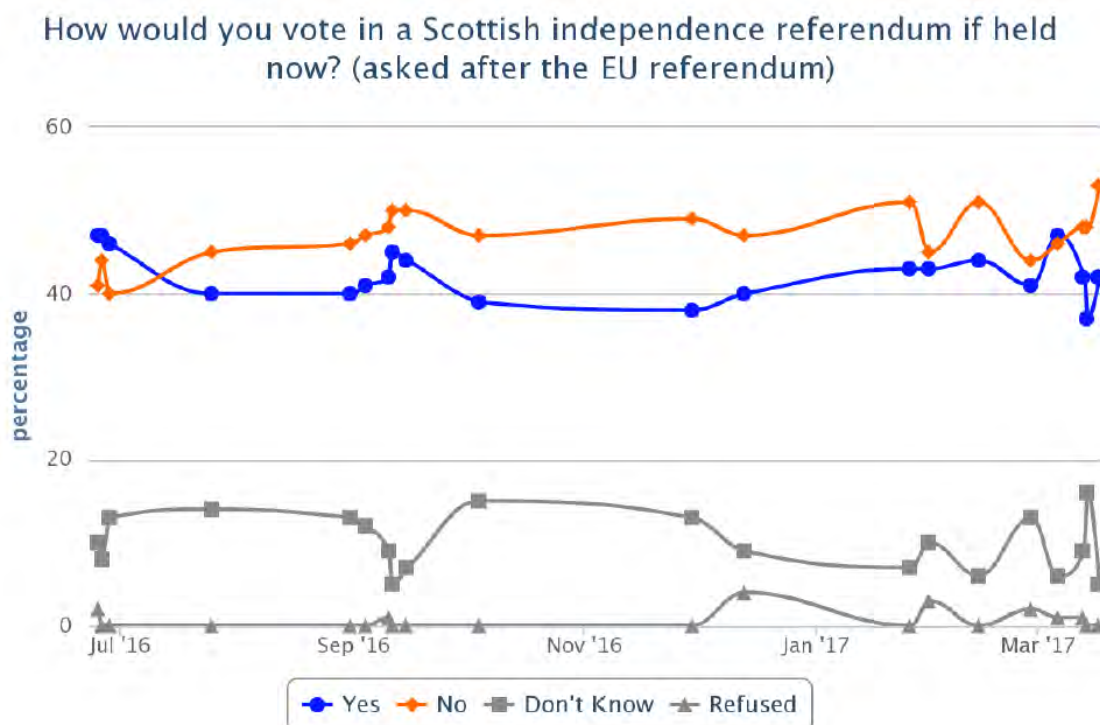
1. This is a new petition that the Committee will consider for the first time at this meeting. The petition gathered 1,471 signatures of support and 320 comments. Almost all of the comments were supportive of the petition, with some people commenting on the timing of any future referendum and other opposing another referendum being held at any point. One [written submission has been received from Andrew Gaffney](#). Mr Gaffney does not support the action called for in the petition.

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

2. The Constitution is a reserved matter. Before the 2014 Referendum on Scottish Independence, the UK Government made an Order under Section 30 of the Scotland Act 1998 to temporarily transfer power to the Scottish Parliament to hold a referendum. It is expected that any future independence referendum would replicate this process.
3. In September 2014, prior to the Referendum on Scottish Independence, the then First Minister, Alex Salmond, said in a television interview, that if the majority of Scots voted No to independence on 18 September, there would be no second referendum on the subject within a "political generation".
4. He added: "If you remember that previous constitutional referendum in Scotland - there was one in 1979 and then the next one was 1997. That's what I mean by a political generation."
5. In its manifesto for the May 2016 Scottish Parliament elections, the Scottish National Party (SNP) stated—

"We believe that the Scottish Parliament should have the right to hold another referendum if there is clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people – or if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will."

6. In June 2016, the result of the Referendum on the UK's membership of the European Union was 51.9% to leave and 48.1% to remain. However, in Scotland the result was 38% to leave and 62% to remain.
7. The latest public polling information (to March 2017) asking "How would you vote in a Scottish independence referendum if held now? (after the EU referendum)" is available on the What Scotland Thinks website—



Scottish Government Action

8. In 2016, the Scottish Government launched a Consultation on a Draft Referendum Bill. The consultation ran from 20 October 2016 to 11 January 2017.
9. On 13 March 2017, in a speech at Bute House, the First Minister announced that, as a result of the manifesto conditions for a new referendum having been met—

“...next week I will seek the approval of the Scottish Parliament to agree with the UK government the details of a section 30 order” Alongside the text of the speech, the Scottish Government published a document entitled: Background to the announcement made by the First Minister.
10. On 31 March 2017, following the decision on the motion taken in the Scottish Parliament on 28 March (see below) and the letter triggering Article 50 (see below), the First Minister sent a letter to the Prime Minister.

11. The letter called for—

“early discussions between our governments to agree an Order under section 30 of the Scotland Act 1998 that would enable a referendum to be legislated for by the Scottish Parliament.”

Scottish Parliament Action

12. On 21, 22 and 28 March 2017, a Scottish Government motion on holding a referendum was debated in the Parliament. At decision time on 28 March the motion, as amended, was agreed to, on division, For 69, Against 59, Abstentions 0—

“That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and therefore mandates the Scottish Government to take forward discussions with the UK Government on the details of an order under section 30 of the Scotland Act 1998 to ensure that the Scottish Parliament can legislate for a referendum to be held that will give the people of Scotland a choice over the future direction and governance of their country at a time, and with a question and franchise, determined by the Scottish Parliament, which would most appropriately be between the autumn of 2018, when there is clarity over the outcome of the Brexit negotiations, and around the point at which the UK leaves the EU in spring 2019; believes that this gives people in Scotland a choice at a time when there is both the most information and most opportunity to act; further believes that 16 and 17-year-olds and EU citizens, who were excluded from the EU referendum, should be entitled to vote, and considers that this referendum is necessary given the Prime Minister’s decision to negotiate a hard exit from the EU, including leaving the single market, which conflicts with assurances given by the UK Government and prominent Leave campaigners, and which takes no account of the overwhelming Remain vote in Scotland.”

13. Scottish Parliament motions are non-binding.

UK Government Action

14. In a television interview given on 16 March 2017, the Prime Minister ruled out the possibility of a second Scottish independence referendum in 2018 or 2019.
15. On 30 March 2017, the Prime Minister sent a letter to Donald Tusk triggering Article 50, starting the process of the UK’s withdrawal from the European Union.
16. On 31 March, in response to the letter from the First Minister to the Prime Minister, the BBC reported that—

“A spokesman for the UK government said: “The prime minister has been clear that now is not the time for a second independence referendum, and we will not be entering into negotiations on the Scottish Government’s proposal.

At this point, all our focus should be on our negotiations with the European Union, making sure we get the right deal for the whole of the UK.””

Action

17. The Committee is invited to consider what action it wishes to take in relation to this petition. Options include—

- Seeking the views of the Scottish Government on the action called for in the petition;
- closing the petition under Standing Orders Rule 15.7 on the basis that the issue has recently been debated in the Parliament; or
- 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—

- [PE1641/A Andrew Gaffney submission of 3 April 2017 \(44KB pdf\)](#)

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PE1592: Group B Strep Information and Testing

Note by the Clerk

Petitioner	Shaheen McQuade
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to ensure all pregnant women receive information about Group B Strep and are given the option to be tested; and to set aside funding to find more reliable methods of testing.
Webpage	parliament.scot/GettingInvolved/Petitions/groupbstrep

Introduction

1. The Committee last considered this petition at its meeting on 29 September 2016. At that meeting, the Committee agreed to defer further consideration of the petition until the National Screening Committee's review of the evidence on group B strep screening is published. The review has been published and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The [UK National Screening Committee](#) advises ministers and the NHS in the four UK countries about all aspects of screening and supports implementation of screening programmes. Ms Sarah Manson is the Scottish Government's country representative on the UK National Screening Committee. Dr Sue Payne of the Scottish Government also has an observer role.
3. The UK National Screening Committee holds three meetings each year to review current decisions and make recommendations on screening programmes. Meetings are usually in February, June and October. They are held in London twice a year, with the June meeting hosted by one of other three UK countries on a rotating basis.
4. The last review of group B streptococcus was in November 2012. That review did not recommend screening for group B streptococcus.
5. The UK National Screening Committee's review of the latest evidence on screening for group B streptococcus was published in [March 2017](#). The review concluded:

Following a review of the evidence against strict criteria, the UK National Screening Committee does not currently recommend introducing a national screening programme for carriage of group B streptococcus.

6. The key findings in the review are as follows:
- Carriage of group B streptococcus changes with time. A woman may be found carrying group B streptococcus when screened at 35 to 37 weeks, but it may no longer be present at labour
 - There is no way to predict which babies will be affected by EOGBS [early-onset group B streptococcus] and which will be born without complications
 - The treatment for preventing EOGBS in babies is giving antibiotics to the mother during labour. There is serious concern that large numbers (tens of thousands) of women will be offered and take antibiotics when they do not need to. The long term effects of antibiotics for mother and baby are unknown
 - It is not clear whether benefits associated with screening outweigh the harms for the majority of the population
 - The proportion of babies affected by EOGBS in the UK is similar to the level reported in countries that have introduced screening
7. The UK National Screening Committee involves stakeholders in the review process. The relevant stakeholders for this review were: Group B Strep Support, National Childbirth Trust, Royal College of Midwives, Royal College of Obstetricians and Gynaecologists, Royal College of Paediatrics and Child Health and SANDS.
8. The UK National Screening Committee reviews its screening recommendations against the latest available evidence usually on a three-year cycle. The UK National Screening Committee has indicated in this regard that the next review for group B streptococcus will be conducted in 2019/20.
9. The petitioner has not responded to the invitation to provide the Committee with a written submission for consideration at this meeting.

Conclusion

10. 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 the UK National Screening Committee has reviewed the latest evidence in March 2017 and does not recommend screening for group B streptococcus.
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

Public Petitions Committee**8th Meeting, 2017 (Session 5)****Thursday 27 April 2017****PE1618: Combatting Motorcycle Theft****Note by the Clerk**

Petitioner	Carl Grundy on behalf of Riders Club Edinburgh
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to take action to more effectively combat motorcycle theft and related offences.
Webpage	parliament.scot/GettingInvolved/Petitions/stopmotorbiketheft

Introduction

1. The Committee last considered this petition at its meeting on 2 February 2017. At that meeting, the Committee agreed to write to Visit Scotland, Youth Link and Police Scotland. Responses have been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration*Most recent submissions*

2. Visit Scotland's written submission dated [15 March 2017](#) explained that it is "...not aware of any impact on tourism or motorcycle tourism as a result of motorcycle theft". It explained that it participated in a roundtable on the issue in the Scottish Parliament last year and it took steps to alert relevant tourism businesses of the need for safe storage of motorcycle vehicles.
3. Police Scotland's written submission dated [15 March 2017](#) provided figures for motorcycle theft, which shows a 40% increase in theft in 2016/17 compared to 2015/16. Police Scotland explained that it has organised "bespoke community engagement events" at the two main secondary schools feeding the Northwest Edinburgh area.
4. Police Scotland explained that these events were attended by "approximately 80 children, some of whom were specially selected from the offending group". A number of stakeholders participated in the events, including "former convicts, victims, emergency service reps, community figureheads and a sporting celebrity, currently recovering from life changing injuries resulting from a motorcycle accident."
5. Police Scotland also explained that tackling motorcycle theft remains a key priority for the Edinburgh Division and is under daily review. In 2017, Police Scotland will redeploy Operation Soteria.

6. Youth Link Scotland welcomed Police Scotland's four-pronged approach to the issue and suggested local youth work organisations could also assist in addressing the issue. It highlighted a number of award-winning organisations and their work with young people in this regard.

Recap on previous submissions

7. The Minister for Community Safety and Legal Affairs' written submission dated [13 December 2016](#) explained that—

“Theft is a common law offence and, as such, the maximum penalty is limited only by the sentencing powers of the court in which the case is heard. In addition to an unlimited fine or a custodial sentence up to life, the court may impose a driving ban, penalty points or both.”

8. The Minister also explained that road traffic legislation, including the penalties for dangerous driving, is a matter which is reserved to the UK Parliament.
9. Ms Ewing considers that Police Scotland has sufficient powers in this policy area and the Scottish Government's strategy for young offenders involves a whole system approach. In this regard, the Minister explained there is a tailored approach to young people's individual needs and a focus on early intervention and diversion where possible.
10. The petitioner explained his views on the police's power to address the issue in his written submission dated [8 January 2017](#)—

“We know the police are trying and we know that they are as annoyed as we are that there is little they can do. The police want to chase but they aren't allowed. They want to restrain and apprehend but they aren't allowed. Put simply it is the government and the politics that need to change.”

Conclusion

11. 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 stakeholders consider that Police Scotland has adequate powers in relation to motor cycle theft and measures are in place to address the wider social issues. In closing the petition, the Committee may wish to make Police Scotland aware of YouthLink Scotland's suggestions for how youth work organisations could support its work on tackling the issue.
 - 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—

- [PE1618/D: VisitScotland submission of 15 March 2017 \(118KB pdf\)](#)
- [PE1618/E: Police Scotland of 15 March 2017 \(154KB pdf\)](#)
- [PE1618/F: YouthLink Scotland Submission of 12 April 2017 \(144KB pdf\)](#)

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

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PE1621: Sepsis Awareness, Diagnosis and Treatment

Note by the Clerk

Petitioner	James Robertson
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to raise the awareness of Scottish Health Professionals and public of the early signs of Sepsis.
Webpage	parliament.scot/GettingInvolved/Petitions/PE01621

Purpose

1. This is a continued petition, last considered by the Committee at its meeting on 2 February, when it considered written submissions from a range of stakeholders including health boards. The Committee agreed to write to the Scottish Government, seeking information on its plans for any public awareness campaign and how it might address concerns expressed by some health boards about potential unintended consequences.
2. A response has been received from the Scottish Government, along with a submission from the petitioner. These are included in the annexe to this paper. The Committee is invited to consider what action it wishes to take on this petition.

Committee consideration

3. In its submission, the Scottish Government confirms that it would be supportive of any public facing campaign to raise awareness of sepsis.
4. The submission suggests that this could be achieved through the Scottish Government's endorsement of existing work being undertaken by charitable organisations such as the Fiona Elizabeth Agnew Trust. It adds that "individual territorial Boards could be encouraged to work collaboratively to undertake a national campaign across Scotland, thus minimising the costs involved for each individual Board", and suggests that, where appropriate, UK Sepsis Trust material could be used and aligned to methods currently being used within the Scottish Patient Safety Programme (SPSP).
5. In terms of potential unintended consequences, neither the National Clinical Lead on Quality and Safety, Dr John Harden, nor Professor Kevin Rooney, the SPSP Clinical Lead for Acute Care have any concerns about any national campaign. The Scottish Government notes that this view "is also supported by

evidence from the UK Sepsis Trust which shows no increase in workload has resulted from the campaign being rolled out in England”.

6. The Scottish Government does not consider that a staff-facing campaign is required. While it acknowledges that the formal Sepsis and VTE Collaborative which was supported by Healthcare Improvement Scotland has ceased, it states that “work continues on sepsis awareness and management across Scotland as part of the deterioration patient pathway of the SPSP”. The pathway—

“...raises the awareness of identifying the ill patient and signposts towards the different treatment options for that individual.”
7. Further to this, the Scottish Government identifies other reasons for its consideration that a staff-facing campaign is not required. These include—
 - A networking event held in 2016 to allow clinicians to discuss sepsis
 - sepsis presentations already form part of the life support training programmes and undergraduate programmes in Scotland
 - the National Early Warning Score (NEWS) system is already being used widely across Scotland. Where Boards are not using the system, they are “looking to implement it”.
8. In his submission the petitioner welcomes the Scottish Government’s support for a national public awareness campaign and includes the views of the Fiona Elizabeth Agnew Trust on how this might be taken forward.
9. However, in response to the Scottish Government’s position on the need for a staff-facing campaign, the petitioner asks some specific questions—
 - In terms of the work continuing on sepsis awareness and management as part of the SPSP, he asks what this work entails and how is its impact being measured
 - He seeks more detail on “what part of the life support training programmes and undergraduate training programmes across the country Sepsis is included in?”
 - Has this been mapped across all Boards for consistency?

Action

10. The Committee is invited to consider what actions it wishes to take. Options the Committee may wish to consider include—
 - To write to the Scottish Government inviting it to respond to the specific questions raised by the petitioner
 - 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—

- [PE1621/Q: Scottish Government submission of 3 March 2017 \(48KB pdf\)](#)
- [PE1621/R: Petitioner submission of 6 April 2017 \(125KB pdf\)](#)

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

Public Petitions Committee
8th Meeting, 2017 (Session 5)
Thursday 27 April 2017

PE1623: Unelected church appointees on Local Authority Education Committees

Note by the Clerk

Petitioner	Spencer Fildes on behalf of Scottish Secular Society
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to remove the constitutional anomaly that imposes unelected Church appointees on Local Authority Education Committees.
Webpage	parliament.scot/GettingInvolved/Petitions/ChurchAppointees

Purpose

1. This is a continued petition, last considered by the Committee at its meeting on 2 February. At that meeting, the Committee agreed to write to the Scottish Government, seeking an indicative timescale for publication of the findings from its Education Governance Review, and asking whether the Scottish Government had undertaken an assessment of the position of unelected church appointees in respect of the Public Sector Equality Duty.
2. The Scottish Government's response has been received, and is included in the annexe to this paper along with a subsequent submission from the petitioners.

Committee consideration

3. In its submission of 3 March, the Scottish Government set out the background to its Education Governance Review, which covered five key areas. It explains that over 1,100 responses were received, with over 700 people attending public engagement sessions. It advises that the responses (where permission was given) were published on its consultation hub¹ on 3 February, and it is "now taking time to consider these responses ... and will publish their findings in due course".
4. In response to the Committee's question regarding the Public Sector Equality Duty, the Scottish Government states that as the relevant legislation – the Local Government etc. (Scotland) Act 1994 – predates the Equalities Act 2010, "there was no requirement to carry out an assessment of this provision in terms of the public sector equality duty at the time it was instructed" but adds that it "will

¹ Empowering teachers, parents and communities to achieve excellence and equity in education: A Governance Review. Consultation responses available at:
https://consult.scotland.gov.uk/empowering-schools/a-governance-review/consultation/published_select_respondent

seek to undertake an Equality Impact Assessment on any policy proposals emerging from the Education Governance Review”.

5. The Scottish Government also indicates its intention to “consider any of the Scottish Secular Society’s proposals that are not addressed through any changes made by the Education Governance Review”.
6. The petitioners welcome the Scottish Government’s intention to consider the equalities impact of any proposals emerging from the Education Governance Review. They also indicate their understanding that the Scottish Government intends to review any concerns arising from the petition that are not addressed by the Review.
7. The petitioners consider that until such time as any assessment of proposals emerging from the Education Governance Review and subsequently from the petition is conducted “it is not possible to say whether the matters raised have been properly dealt with”.
8. With regard to the Committee’s consideration of the petition on 2 February, and discussion of whether there might be “middle ground”, the petitioners suggest that “some such middle ground might consist in replacement of the present arrangement by one in which the elected Councillors could if they so wished invite representatives of faith groups and of other bodies representing diverse world views”. They add that they would continue to argue that such representatives should be non-voting.

Action

9. The Committee is invited to consider what action it wishes to take on this petition. Options include—
 - To write to the Scottish Government seeking—
 - an update on the anticipated timescale for publication of its findings from its Education Governance Review
 - clarification on whether it will carry out any Equality Impact Assessment on policy proposals from the Review
 - clarification on whether its reference to the Scottish Secular Society’s proposals relate to the action called for in the petition, or to the Society’s response to the consultation
 - 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—

- [PE1623/V: Scottish Government submission of 3 March 2017 \(47KB pdf\)](#)
- [PE1623/W: Petitioner submission of 24 March 2017 \(10KB pdf\)](#)

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

Public Petitions Committee**8th Meeting, 2017 (Session 5)****Thursday 27 April 2017****PE1626: Regulation of Bus Services****Note by the Clerk**

Petitioner	Pat Rafferty on behalf of Unite Scotland
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to legislate to regulate bus services in Scotland and to carry out an inquiry into the benefits of bringing bus services in Scotland into common ownership.
Webpage	parliament.scot/GettingInvolved/Petitions/busregulation

Purpose

1. This is a continued petition, first considered by the Committee at its meeting on 19 January. At that meeting the Committee agreed to write to a range of stakeholders, including the Scottish Government, COSLA, Regional Transport Partnerships, Confederation of Passenger Transport, Bus Users Scotland and the Scottish Association for Public Transport (SAPT). Seven submissions have been received and are included in Annexe A to this paper.
2. The Committee also agreed to ask SPICe to prepare a paper providing an update on the Bus Services Bill at Westminster, and that information is provided at Annexe B. The Committee is invited to consider what action it wishes to take.

Committee consideration*Submissions received*

3. In its submission the Scottish Government indicates that it “will introduce a Transport Bill in this session of Parliament which has bus as its focus.”
4. The Scottish Government “fully recognises the importance of bus services in Scotland”, noting that they account for over 75% of public transport journeys in Scotland, and can provide part of the solution to reducing greenhouse gases, improving air quality, enabling the economy to grow, improving social inclusion and improving health outcomes.
5. The submission explores challenges faced by bus services, bus satisfaction statistics, outlines the Government’s funding of services and recent bus service registration changes.
6. The Scottish Government notes that, since 1998, bus passenger numbers have “remained fairly stable at around 460 million passengers per year ... with a decline in recent years to around 409 million passengers in 2015”. It attributes

this decline to increased car use and lifestyle changes, but considers that “decline is not inevitable”, with local factors playing a part in providing solutions and having a stable or increasing patronage.

7. The Government sets out statistics from the Bus Passenger Survey conducted by Transport Focus, with overall satisfaction at 92% across the Scottish areas surveyed. Value for money was rated as 71%. It considers that—

“This provides a positive endorsement of bus services in Scotland ... and indicates that for the majority of passengers the current regulatory framework is reasonably effective.”
8. In terms of funding, the Scottish Government advises that it invests over a quarter of a billion pounds in the sector every year, including: £50m per year in the Bus Service Operators Grant (BSOG), which will increase to £53.5m in 2017-18; £192.9m towards the national concessionary bus travel scheme; £59m in 2015-16 to local authorities through the annual grant settlement, and the Scottish Green Bus Fund.
9. The submission highlights the example of the change to bus operators registering bus service changes stating that there has been a “noticeable improvement” in some areas with “operators sharing information at an early stage, outlining the changes and explaining the need for change”. The Government states this change is “an example of the difference changes in attitude and processes can make where not only the passenger benefits but the whole of the local area”.
10. The Scottish Government view is that “the current model for bus service delivery in Scotland delivers effective bus services” and believes that “the ownership of the means of delivery is less important than the outcomes delivered”.
11. It does not accept or support the need for a separate inquiry on bus regulation, noting that the Transport Bill will provide opportunities for people to comment and contribute to the developing bus policy. It suggests that the UK Bus Services Bill could provide a basis for developing bus policy but notes that there will be differences and that the model will be designed to meet the needs of the Scottish bus sector.
12. The SAPT believes that a new framework for public transport is required. It identifies ten issues, including Government support, the fall in journeys, congestion and bus punctuality and local bus use in rural areas. It also considers that there is “little or no co-ordination” between buses and other modes of public transport, and believes that greater transport integration would benefit passengers and boost usage.
13. It suggests some initiatives which could improve bus travel “without requiring regulation or changing ownership”, including—

- Raise urban bus speeds by reviewing bus lanes, road junctions and traffic light priorities, through Quality Partnerships or Quality Contracts with local authorities
 - Liaison between contractors, operators and the Road Works Commissioner
 - Improving bus stop service information.
14. Strathclyde Partnership for Transport (SPT) identifies the importance of Statutory Quality Partnerships in delivering positive change for bus communities, noting improvements in the quality of the bus on offer and significant improvements in air quality.
 15. It does, however, add that despite investment “the bus market of the west of Scotland is in a worrying position”, with bus patronage falling by 49m passengers between 2004-05 to 2014-15 and, in the same period, the network has shrunk by 24m kilometres. It attributes this to similar factors as the Scottish Government’s submission, and has established a proposal to create a Strathclyde Bus Alliance to work towards addressing the decline in patronage and to achieve year on year growth.
 16. The SPT submission indicates its support for the inquiry called for in the petition.
 17. The submission from Scotland’s Regional Transport Partnerships argues that there is “clearly a need for greater public sector involvement in the planning of bus services”. It suggests that this could be achieved either through a greater uptake of Statutory Quality Partnerships or by replacing deregulation with franchising.
 18. It believes that “consideration needs to be given to making it easier for transport authorities to encourage more formal partnership”. It suggests that there is a role for Quality Contracts where more intervention is required. It lists benefits including: the ability to cap and regulate fares; more local accountability; better consumer rights and value for money, and better integration of bus services within wider public transport networks.
 19. Bus Users Scotland believe that the Scottish bus service industry is committed to a process of continuing improvement, and “do not believe that any major change in the ownership or structure of the industry would bring any additional benefits to passengers”. It considers that improvements for bus passengers “are not affected by ownership, but can be solved by sensible partnerships between professional bus operators and local authorities and other agencies, working together”.
 20. The Confederation of Passenger Transport Scotland also commented on the low uptake of Statutory Quality Partnerships or Quality Contracts, suggesting that there were cost implications with these measures, and that there was more merit in finding a solution based on working in partnership, saying—

“When bus operators and local authorities work together in strong and lasting partnership real benefits for the passenger are achieved.”

Petitioner submission

21. The petitioner welcomes a number of the responses received and notes that some comments reflect the evidence presented to the Committee by the petitioner and Ian Taylor of Transport for Quality of Life. In respect of the four options suggested by the Scottish Association for Public Transport, the petitioner comments that “[e]nhancement of Quality Partnerships and Quality Contracts would be welcome in the absence of any other methods of regulation” but that these have, so far, proved to be ineffective.
22. The petitioner highlights a number of points in the Scottish Government’s submission as raising issues on which they would welcome greater clarity. These include—
- What is meant by wholesale regulation?
 - What processes for partnership working the Government refers to and how these would be simplified?
 - Why there would need to be a case made for local franchising and what the criteria would be?
23. The petitioner also comments on the Government’s contention that the “ownership of the means of delivery is less important than the outcomes delivered”. The petitioner’s view is that the “deregulated commercial model is diverting money away from service delivery”. The petitioner points to possible savings identified by Transport for Quality of Life under different delivery models such as those for London Buses and Lothian Buses. In this regard, the petitioner states there is “clearly a link between ownership models and the resources available for service delivery”.
24. Notwithstanding the anticipated introduction of the Transport Bill, the petitioner would like the Committee to keep the petition open—
- “in order to provide a mandate and encouragement for individual MSPs - or Committees of the Parliament - to propose amendments that will make effective regulation a reality, and move us towards the world-class bus services that the people of Scotland need and deserve.”

Conclusion

25. The Committee is invited to consider what action it wishes to take on this petition. Options include—
- To write to the Scottish Government asking for a response on the issues highlighted in the petitioner’s submission and for an indication of its progress in preparation of the Transport Bill and methods it will use to encourage interested stakeholders to contribute to consultation and development of policy in this area
 - To take any other action the Committee considers appropriate.

Clerk to the Committee

Annexe A

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

- [PE1626/A: SEStran submission of 23 January 2017 \(82KB pdf\)](#)
- [PE1626/B: Scottish Association for Public Transport submission of 7 February 2017 \(27KB pdf\)](#)
- [PE1626/C: Strathclyde Partnership for Transport submission of 17 February 2017 \(190KB pdf\)](#)
- [PE1626/D: Scotland's Regional Transport Partnerships submission of 17 February 2017 \(71KB pdf\)](#)
- [PE1626/E: Scottish Government submission of 22 February 2017 \(243KB pdf\)](#)
- [PE1626/F: Bus Users Scotland submission of 22 February 2017 \(49KB pdf\)](#)
- [PE1626/G: Confederation of Passenger Transport – Scotland submission of 3 March 2017 \(170KB pdf\)](#)
- [PE1626/H: Petitioner submission of 21 April 2017 \(199KB pdf\)](#)

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

Annexe B

Note by SPICe on the Bus Services Bill

The Bus Services Bill was introduced in the House of Lords on 19 May 2016, and completed its Lords stages on 23 November 2016. It was introduced into the Commons on 24 November 2016. It proceeded quickly through Second Reading and Committee stage, receiving its Report stage and Third Reading on 27 March 2017. The Bill has returned to the Lords for consideration of Commons amendments. Consideration of Commons amendments will take place in the Lords on 26 April 2017.

The Bill largely extends to England and Wales but applies only in England. The Bill defines Scottish local authorities as a “relevant local authority” – which means an English transport authority which borders Scotland that intends to introduce a bus franchising or Enhanced Partnership scheme would be required to consult with any neighbouring Scottish local authority. The main provisions of the Bill would not affect London, where buses are regulated under different legislation.

The Bill is essentially an enabling Bill, extending the ability of local transport authorities to:

- introduce franchising or a new partnership arrangement called an enhanced partnership
- amends the existing Quality Partnership provisions and renames this as an Advanced Quality Partnership
- aims to make it easier to introduce multi-operator ticketing
- make improvements to enhance passenger accessibility and information.

The main concerns that have been raised by stakeholders during parliamentary consideration of the Bill can be summarised as follows:

- that the bar to implement franchising may still be too high
- the Competition and Markets Authority may be able to quash, water-down or delay franchising
- the Government does not intend to make franchising immediately available to all areas
- local authorities would be prevented from forming new municipal bus companies.

A number of amendments were agreed in the House of Lords and overturned at Commons Committee stage; these include the removal of automatic franchising powers to all local authorities in England and the reintroduction of a ban on the formation of new municipal bus companies.

In its report of 25 November 2016 the UK Parliament’s Transport Select Committee generally welcomed the Bill and encouraged the Government to embrace the changes made to the Bill in the Lords and make them work in a sensible way. It did however criticise the Government for not bringing forwards draft secondary

legislation and guidance in time for the Committee to scrutinise it. The Government published draft regulations and guidance on 8 February 2017.

Public Petitions Committee
8th Meeting, 2017 (Session 5)
Thursday 27 April 2017

PE1629: MRI scans for Ocular Melanoma sufferers in Scotland

Note by the Clerk

Petitioners Jennifer Lewis

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure NHS Scotland recognise patients with Ocular Melanoma and enable them to receive enhanced MRI scans with contrast of the liver in an attempt to detect early metastatic disease.

Webpage <http://www.parliament.scot/GettingInvolved/Petitions/PE01629>

Purpose

1. This is a continued petition that was first considered by the Committee at its meeting on 2 February. At that meeting the Committee agreed to write to the Scottish Government, OcuMel UK, Macmillan Cancer Support, Cancer Research UK, the Royal College of Ophthalmologists, the Royal College of General Practitioners Scotland and University Hospital Southampton NHS Foundation Trust.
2. Eight written submissions have been received, and are included in the annexe to this paper. The Committee is invited to consider what action it wishes to take.

Committee consideration

3. The Scottish Government submission notes that while eye cancer is not specifically referenced within its cancer strategy, it is fully committed to ensuring that people with ocular melanoma get access to the best possible care. It notes that the purpose of its cancer strategy is to “drive improvement in services for all cancers”.
4. It acknowledges that it is essential that people with rarer cancers, such as ocular melanoma, have access to experienced, expert clinicians and notes that such a service is located within the National Specialist Scottish Ophthalmic Oncology Service at Gartnavel General Hospital. The service’s protocols are supported by the Uveal Melanoma National guideline¹.
5. It notes that the service’s local surveillance practice is consistent with the national guideline, and notes that—

¹ Available at: [http://www.ejancer.com/article/S0959-8049\(15\)00692-9/abstract](http://www.ejancer.com/article/S0959-8049(15)00692-9/abstract)

- The policy of the Scottish Ocular Oncology Service is to perform liver ultrasound in the first instance and MRI scanning if any abnormality is found on ultrasound
 - The service offers high risk patients six-monthly liver ultrasounds. For low risk lesions, the service will provide annual liver ultrasounds and conducts a discussion with patients to identify whether they would prefer to have six-monthly ultrasounds.
6. The Scottish Government submission adds that the Scottish Ocular Oncology Service has noted that—

“... due to the lack of evidence (linked to the rarity of the disease) there is variation amongst the four United Kingdom Centres as to which is the most appropriate form of surveillance to adopt.”
 7. It adds that the service will continue to closely monitor practice across the UK, and “supports the development of further evidence through ensuring that people with ocular melanoma have appropriate access to clinical trials”.
 8. Cancer Research UK and Macmillan Cancer Support Scotland indicated that they were not in a position to offer a view on the action called for in the petition, without further evidence having been identified. The Royal College of Ophthalmologists observed that ultrasound is the accepted mode for surveillance in England, in line with the national guidelines, although MRI should be used “for high risk cases or when ultrasound picks up an abnormality”. It does not clarify what might constitute a high risk case, but considers that there is “not enough evidence to suggest that if liver ultrasound is competently performed, six-monthly MRI of the liver with contrast is indicated”.
 9. OcuMel UK indicates its support for the petition, noting that not all patients are informed whether they are at high or low risk of the cancer spreading. It notes that patients can experience high levels of anxiety if they are at high risk, but equally so if they are unaware of the risk; anxiety can increase due to lack of confidence in the scans they receive. It also considers that low risk patients “should be entitled to the same screening offered to the high risk patients”, as they can develop further disease.
 10. OcuMel UK states that in a recent survey—

“MRIs have been shown to be the most effective scan and the scan of choice by Liverpool, Southampton and an equal share (according to our survey) of other hospitals in England.”
 11. It also offers some quotes from Professor Ottensmeier at Southampton General Hospital. The Committee also received a submission from Dr Iain Wilson, who said—

“It is clear from evidence that the gold standard for the identification of metastasis in the liver is magnetic resonance scanning. This is enhanced by the use of liver specific contrast agents.”

12. The petitioner’s submission argues that the fact that MRI scans are offered if an abnormality is found on ultrasound “tells us how definitive they are considered”.
13. The petitioner provides examples of treatments that are now available to metastatic ocular melanoma sufferers, including liver resection, Chemosat, SIRTs and IMCgp100, which can allow patients to live longer. She considers that this in turn provides sufferers the potential and hope of taking advantage of new treatments on the horizon.
14. With regard to the submissions from Cancer Research UK and Macmillan Cancer Support, the petitioner considers that the lack of knowledge of rare cancers such as ocular melanoma demonstrates that “aftercare for people with our diagnosis is lacking”. She adds her concern that ocular melanoma is “not deemed important enough to merit research”.
15. In response to the Royal College of Ophthalmologists, which refers to the Uveal Melanoma National guidelines, the petitioner understands that the guidelines are currently under review. She also considers that medical, rather than ocular, oncologists would be better placed to express a view on the most appropriate form of scanning. She says—

“Enhanced Abdominal MRI scans with contrast do not look at the eye but concentrate on the abdomen which is out with an Ocular Oncologist’s line of expertise.”

16. The petitioner reiterates her “anxiety of not knowing if or when my cancer will spread” and her “frustration of feeling abandoned and without support from the medical community due to the lack of knowledge of rare cancers”. She identifies life prolonging treatments and clinical trials that are available but repeats her concern that “this opportunity is not available to sufferers in Scotland”. Iain Galloway, who gave oral evidence alongside the petitioner on 2 February, says—

“This does seem quite unreasonable in light of the current renaissance in cancer treatments that allows such hope for longer survival with a high quality of life and nowadays more curative opportunity.”

Conclusion

17. 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 the Chief Medical Officer has a view on the action called for in the petition

- understand what steps are in place to support the development of further evidence
- establish what plans the Scottish Ocular Oncology Service has to work together with the other UK centres to establish a consistent and equal approach;
- 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—

- [PE1629/A: Cancer Research UK submission of 2 March 2017 \(42KB pdf\)](#)
- [PE1629/B: Royal College of Ophthalmologists submission of 3 March 2017 \(40KB pdf\)](#)
- [PE1629/C: Macmillan Cancer Support Scotland submission of 3 March 2017 \(57KB pdf\)](#)
- [PE1629/D: OcuMel UK submission of 3 March 2017 \(145KB pdf\)](#)
- [PE1629/E: Scottish Government submission of 7 March 2017 \(140KB pdf\)](#)
- [PE1629/F: OcuMel UK submission of 21 March 2017 \(225KB pdf\)](#)
- [PE1629/G: Dr Iain Wilson submission of 24 March 2017 \(8KB pdf\)](#)
- [PE1629/H: Petitioner submission of 12 April 2017 \(97KB pdf\)](#)

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

Public Petitions Committee
8th Meeting, 2017 (Session 5)

Thursday 27 April 2017

PE1630: Nursery funding for 3 year olds

Note by the Clerk

Petitioner	Fiona Webb
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to revise their criteria for children becoming eligible for part-time funded nursery places following a child's third birthday.
Webpage	parliament.scot/GettingInvolved/Petitions/nurseryfunding

Introduction

1. The Committee last considered this petition at its meeting on 2 February 2017. At that meeting, the Committee agreed to write to the Scottish Government, COSLA, Working Families, Parenting Across Scotland, Fathers Network Scotland, One Parent Families Scotland, Voice Union, UNISON Scotland, Reform Scotland and Children in Scotland. Responses have been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The Minister for Childcare and Early Years explained in his written submission that the Scottish Government consulted on its proposed early years policy, "[A Blueprint for 2020: Expansion of Early Learning and Childcare in Scotland](#)", from 15 October 2016 until 9 January 2017. The Minister noted the Scottish Government's intention to respond to the consultation but did not provide a timeframe for doing so.
3. The Minister explained that the mandatory amount of funded early learning and childcare is 600 hours in each year for which a child is an eligible pre-school child. In this context, a year means a school year beginning in August. Early learning and childcare is delivered over three terms from August to the following August. The Minister noted that children who would receive less than 600 hours can opt to defer their transition to primary one.
4. The Minister also noted in relation to starting points for funded early learning and childcare—

“While we accept that the starting points for funded early learning and childcare create differences in the amount of free provision a child may access, we do not accept that this disadvantages children...Having 3 start dates across the year enables smaller groups of children to start at phased points; and, contributes to keeping the system manageable and sustainable.”

5. Reform Scotland's written submission was supportive of the petition's aims. According to its research, "only about 50% of all children are guaranteed to receive two years of government-funded nursery provision, while many receive substantially less". Reform Scotland provided a table that shows the access to government-funded early years' provision. In its view, the level of provision should be made equal by creating a single start date for early years' provision, which is the case for primary and secondary school.
6. UNISON explained in its written submission that it does not support the petition's proposed action because it considers this would not be child-centred. In its view, a fair system should be child-centred insofar as "Public services are used differently by different people and by the same people at different times of their lives – Our needs all differ". UNISON expressed concern that the petition's aims could result in some children waiting until they were nearly three and a half years old to start nursery and others starting at two and a half. It explains—

"Those working parents of three and half year old starts would then be paying for childcare for longer than many others before they qualify and may perceive that to be less fair than the current system."
7. UNISON considers that public sector provision would be better coordinated with other relevant services than the existing private sector provision. UNISON explained that the recent Joseph Rowntree Foundation programme paper "[Creating and Anti-poverty Childcare System](#)" favours a shift to supply-side funding for pre-school childcare services, as opposed to the petitioner's call for a demand-side approach.
8. Children in Scotland and Parenting Across Scotland's joint written submission noted the local authorities have taken a pragmatic approach to a child's transition to primary school to date. By 2020, these organisations stated they would like to see a child's wellbeing, rather than funding, as being the paramount consideration in determining their transition to primary school.
9. Voice Scotland's written submission highlighted that the Scottish Government's commitment to expand early years' provision provides an opportunity to examine how the issues raised by the petitioner can be resolved in a practical way.
10. A key concern for Voice Scotland is the workforce required to deliver funded early childcare provision. It noted in this regard that local authorities have filled any gaps in their provision of early years' childcare through partner providers, which have different pay and conditions. Voice Scotland called on the Scottish Government to address this issue by putting in place a national framework of pay and conditions for early years' workers.
11. Voice Scotland noted it is broadly supportive of a degree of flexibility in the transition into primary school. It suggested that there may be merit in creating more than one intake into primary one based on the amount of time spent in nursery. Voice Scotland also considered the petition may lead to a "more consistent development levels as the children enter primary".

12. COSLA's written submission noted that the petition's aim would require a "significant" increase in staff and costs – including payments to partner providers, which would need to be met by the Scottish Government in additional funding. It also noted that private and partner providers are already reporting that the rate and pattern of children moving to school nurseries is unsustainable.
13. On the issue of intakes more specifically, COSLA explained—

“...to minimise disruption to children in the nursery setting, and to allow for positive transitions into settings, and in building relationships with staff and with their peers, intakes at the start of terms are often preferred to a system where a child would be entitled from their third birthday.”
14. COSLA also clarified that some local authorities recognise children as being eligible from their third birthday and can facilitate this either in terms of local authority provision and in some cases for partner providers as well. It explained that all councils prioritise nursery provision for children who are most vulnerable.
15. The petitioner was invited to respond to the written submissions received. A written submission has not been received from the petitioner at the time of writing.

Conclusion

16. 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 the Scottish Government considers that the existing policy does not disadvantage children and stakeholders have had the opportunity to respond to the Scottish Government's consultation on early learning and childcare policy in 2017.
 - To ask the Scottish Government for the timeframe in which it will provide a response to the consultation on its early learning and childcare policy to 2020.
 - 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—

- [PE1630/A: Reform Scotland Letter of 7 February 2017 \(218KB pdf\)](#)
- [PE1630/B: UNISON Scotland submission of 8 March 2017 \(76KB pdf\)](#)
- [PE1630/C: Children in Scotland and Parenting across Scotland joint submission of 15 March 17 \(136KB pdf\)](#)
- [PE1630/D: Minister for Childcare and Early Years submission of 16 March 2016 \(369KB pdf\)](#)
- [PE1630/E: Voice Scotland submission of 16 March 2017 \(49KB pdf\)](#)
- [PE1630/F: COSLA submission of 16 March 2017 \(12KB pdf\)](#)

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