



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 30 March 2017**

**Session 5**



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**PUBLIC PETITIONS COMMITTEE**

**6<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Rhoda Grant (Highlands and Islands) (Lab)

Maureen Macmillan

Liam McArthur (Orkney Islands) (LD)

Douglas Ross (Highlands and Islands) (Con)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Public Petitions Committee

*Thursday 30 March 2017*

*[The Convener opened the meeting at 09:16]*

### Decision on Taking Business in Private

**The Convener (Johann Lamont):** Welcome to the sixth meeting in 2017 of the Public Petitions Committee. I remind members and others in the room to switch phones and other devices to silent.

Under agenda item 1, does the committee agree to take in private item 4, which is consideration of our work programme?

**Members** *indicated agreement.*

## New Petitions

### Enterprise Agencies (Boards) (PE1639)

09:17

**The Convener:** Under agenda item 2, our first new petition is PE1639, by Maureen Macmillan, on enterprise agency boards. We are joined by Maureen and by Rhoda Grant, Edward Mountain, Douglas Ross and Liam McArthur, all of whom have an interest in the petition. I welcome you all to the meeting.

I invite Maureen Macmillan to make a brief opening statement of up to five minutes, after which members will have an opportunity to ask questions.

**Maureen Macmillan:** Thank you, convener. This is really a personal statement. I grew up in the west Highlands in the 1950s, and the situation in the whole Highlands and Islands region at that time was that young people were haemorrhaging away, the traditional primary industries were exporting their produce south with little added value, hydro schemes were coming to an end, the short tourist season was about to be hit by cheap holidays in Spain—people preferred to go to Benidorm rather than Oban—and there was massive emigration to the central belt, Canada, Australia and New Zealand of everybody from hotel workers to university graduates. The Highlands were emptying.

In 1965, Harold Wilson's Government, convinced that one-off schemes for the Highlands were not getting to grips with the underlying problem, set up the Highlands and Islands Development Board. If Willie Ross, the Secretary of State for Scotland, had stood up in Parliament and said, "We are setting up a development board for the Highlands and Islands, which will have its priorities and strategy decided by an economic committee of a dozen or so bodies meeting in Edinburgh and chaired by me", we would have despaired. However, he did not say that. To great acclaim, he gave the board power to make its own strategic, operational and budget decisions in the Highlands, by the Highlands and for the Highlands. As he said, he gave the board

"powers to act at its own hand".

That power is very precious to the Highlands and Islands, which is why every council leader in the region has opposed what is now proposed, as have Professor Jim Hunter, the very highly regarded former chair of Highlands and Islands Enterprise, and David Alston, the present chair of NHS Highland and former depute leader of The Highland Council.

The people of the Highlands and Islands feel that they are all stakeholders in HIE. They have a strong sense of ownership of it and they feel that they are in a position to influence priorities, which is why the *Press and Journal* campaign has been so well supported. I hope that you will read in full what Willie Ross said on that day in the House of Commons, as it still has resonance—look for the phrase “on Scotland’s conscience”, which I am sure you are familiar with.

Willie Ross also tasked the new board specifically with growing and supporting communities. That is not just an add-on; it is integral. It means that HIE has to not only attract and encourage industry to the hubs such as Lochaber and the Moray Firth—I am very pleased about the recent great news from Fort William—but work in the face of economic realities to sustain often hard-pressed communities in the northern isles, the Western Isles, the small isles and Skye, the Argyll islands, Kintyre, Lorne, Morvern, Ardnamurchan, Moidart, Knoydart, Wester Ross, north-west Sutherland, Caithness and east Sutherland. I could expand that list, but it gives an idea, I hope, of the diversity and vastness of the task.

Communities have been nurtured by being given a sense of their own worth and through the support for community projects such as village halls, community shops and cultural events. I wonder whether that nurturing will survive under the new regime. I fear that the social remit might be compromised. Would an overarching, hard-aligned, economic committee in Edinburgh have agreed to support the fèisean movement, or to build Sabhal Mòr Ostaig in Sleat? Would we have had the University of the Highlands and Islands, with its unique structure? Would such a committee be impressed that, not long ago, HIE stepped in when three teachers at Kinlochbervie school needed childcare provision to carry on working? That is a great example of HIE carrying out its social remit.

Audit Scotland did not find any weakness in HIE. Our experts are as expert as any other experts. HIE has consistently outperformed against expectations. What problem is the Government trying to resolve here?

Since my husband Michael and I decided to return to settle in the north in the late 1960s, we have seen a huge change in the fortunes of the area—not just a massive increase in population, but an increase in confidence. It would be an injustice if that was taken away by decision making being removed from us. HIE is very close to the communities that it serves and it is part of the fabric of the Highland way of life in a way that other non-departmental public bodies are not. We value the autonomy that HIE enjoys—perhaps that

comes from centuries of other folks telling us what to do.

There is still work to be done. Not all areas have had that increase in population or confidence, and some are still losing their populations. Many of the remote rural and island communities are still fragile and they need a continuing strategy to support their economic and social fabric. Special attention needs to be paid to Argyll, the Western Isles, the Orkney islands, Caithness and Sutherland. Remote rural and island needs cannot be hard aligned with the needs of towns and cities. Remote and rural communities are themselves diverse and every island is unique. I fear that the proposals will be too inflexible to let those communities flourish.

The encouragement of good ideas from the grass roots might also be lost. If we consider the example of the north coast 500 route, what Edinburgh-based committee would support the marketing of a tourist trail around single-track roads up there somewhere that it has never heard of? Yet, the route has been a huge success and could create up to 200 jobs in remote communities.

There is a lot at stake for HIE and for the Highlands and Islands. HIE has never fitted into a Government department box and it should not be made to do so—that would kill it. For the good of the Highlands and Islands, any alignment should be with other regional bodies such as the local authorities, the health boards, the University of the Highlands and Islands or the third sector. A one-size approach for Scotland does not fit us. It will be a great shame and an insult if a power that was given to us by a Westminster Government is taken away by a Scottish Government.

I hope that I have given the committee some food for thought and that you will help to get the best possible outcome for the Highlands and Islands. As far as I am concerned, that would be retention of the status quo and restoration of the local enterprise companies.

**The Convener:** Thank you. There has been some scrutiny in the Parliament of the proposals, which have been debated and voted down in the chamber on two occasions. The Rural Economy and Connectivity Committee has committed to keep a watching brief on the issue, and the Education and Skills Committee and the Economy, Jobs and Fair Work Committee have also been scrutinising the enterprise skills review. Given all the attention that the issue is receiving, what do you hope that your petition will achieve?

**Maureen Macmillan:** I know that there has been scrutiny, but I am not aware of any results of that. I know that committees have been looking at the issue and that there was a debate in the

chamber with a vote that the Government lost. I just want to keep up the pressure on the Government on the issue. There are so many people in the north who object to what is proposed—I do not know anybody who supports it. I have spoken to a lot of people about it, including Jim Hunter, Margaret Davidson, the leader of Highland Council, and Sandy Cumming, a former chief executive of HIE.

I have with me a copy of the book “On Scotland’s Conscience: The case for the Highlands and Islands”, which has been published today. That is the reason why Jim Hunter cannot be here to help me with my evidence—he had to be at the book launch in Inverness today. I recommend the book as background reading for anybody who wants to get to grips with what HIE was and the fears about what it might become.

I know that there will be a ministerial statement on the issue this afternoon, and I hope that the minister will listen to what I am saying here today. Although I do not have any great hopes, it might make him change his mind.

**Maurice Corry (West Scotland) (Con):** I declare an interest as a councillor in Argyll and Bute Council. I fully understand the concern about the island issues.

The Scottish Government has consulted on phase 1 of the enterprise and skills review and, as we have noted, the Scottish Parliament has had an opportunity to debate the review’s phase 1 report. What is your view on the process that the Scottish Government followed in conducting the phase 1 review? Do you believe that people had an adequate opportunity to voice their opinions on the proposals?

**Maureen Macmillan:** To be honest, I did not realise that anything much was happening. As Iain MacDonald says in his introduction to “On Scotland’s Conscience”, the announcement was slipped into the answer to a parliamentary question. Iain MacDonald states:

“While on his feet, Mr Swinney slipped in the news that there was to be a shake-up.”

Mr Swinney said that the Government planned to bring together the various bodies. I like what Iain MacDonald goes on to say in his introduction:

“It was Rhoda Grant, a Highlands and Islands list MSP who had pursued the government relentlessly”

on the issue. I thought I would say that so that Rhoda would get a smile on her face. [*Laughter.*]

Nobody realised what was happening. There was no consultation beforehand; it was just an announcement. However, people then began to realise that something awful was going to happen. I really did not pick it up until *The Press and*

*Journal* started its campaign. I then phoned Rhoda Grant and said, “What on earth is going on?”

As far as I am aware, there has been no consultation in the north. No committee has sent a rapporteur up around the Western Isles to see what people there think about what is proposed, and no rapporteur has been sent to Argyll to see what people’s views are there. I am not aware that there has been much consultation. There might have been consultation in private with the great and the good, but that certainly did not include James Hunter, Brian Wilson, Michael Foxley or Maggie Cunningham, who are the authors of the essays in “On Scotland’s Conscience”.

**Brian Whittle (South Scotland) (Con):** The Scottish Government has yet to come forward with phase 2 of the enterprise and skills review. As you said, however, there will be a ministerial statement on the issue this afternoon. Do you have any evidence or concerns that the Scottish Government is not listening to the Scottish Parliament or to wider concerns in formulating phase 2 of the review?

**Maureen Macmillan:** We will see whether that is the case when we hear the statement this afternoon, but I do not have any great hopes for it.

Previously, there was Lorne Crerar’s take on what might change, but that did not go down terribly well either. I have copies of letters here from Highland Council—in fact, from the leaders of all the councils—objecting to phase 1, and I have a letter from Margaret Davidson, the leader of Highland Council, objecting to Lorne Crerar’s conclusions. She hoped to get the other council leaders to sign up but, unfortunately, she was unable to do that because the councils have gone into election purdah. However, I imagine that they are not terribly happy, either. I really do not see that there has been much change over the piece. I hope that that answers your question.

09:30

**Brian Whittle:** In the debating chamber on 28 February, the Cabinet Secretary for Economy, Jobs and Fair Work said that a number of members of the convention of the Highlands and Islands had expressed support for the continuation of the HIE board, but that they also said that it had to change to take account of developing circumstances. He acknowledged that it is important to listen to views, that some of the fears being expressed

“might not come to fruition”

and that

“the best chance of achieving that outcome will come through having a dialogue about what might happen in the final stages of phase 2 of the review”.—[*Official Report*, 28 February 2017; c 10.]

Do you have any views on that? Do you expect or hope to contribute to that dialogue?

**Maureen Macmillan:** I would want to see what the proposals were first. Sometimes, it is not worth contributing to a dialogue. If the cabinet secretary has totally set his face against letting HIE keep its autonomy, what dialogue is there to have?

I would like to see the board change back and be more like what it used to be. It used to be Highlanders who were on the board. Now, it seems to be more civil servants. That is what I am told, although I cannot say that for sure because I have not met many members of the board.

The feeling among the people who I speak to is that the HIE board has changed—it is not as Highland as it used to be, and therefore not as committed to the Highlands and Islands as it used to be. If there are to be any changes to the board, I would prefer to see it revert to being a proper Highlands and Islands board with Highlands and Islands people on it.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The committee has been given a briefing that highlights HIE's responsibilities and funding, including its role in account managing 50 communities. What is your understanding of how HIE's existing role would or would not be undertaken by a Scotland-wide statutory board? Will you outline what the problems might be with that?

**Maureen Macmillan:** Those 50 communities will be small, and there are even smaller communities where HIE does not act as account holder. However, that is all part of the social fabric of the Highlands and Islands. That element seems to have been missed by the cabinet secretary when he wanted to set up his overarching board. It was reported—it was in the *Press and Journal*, so it must be true—that he did not know that HIE had a social remit. If that is the case, he has been badly advised. The civil servants have always been a bit wary of HIE's social remit because it does not deliver the economic goods; rather, it delivers cohesive communities.

There would be a big difficulty in a new, hard-aligned board looking after those small communities and being their account holder. A lot of the good work that goes on in the Highlands and Islands might be lost or, once the particular phase is over, not replicated. I am extremely worried about what will happen to the small communities if the proposal goes through.

**Rona Mackay:** I take it from your response that you are not convinced that a Scotland-wide board would look at what had gone before and try to build on it or replicate good practice.

**Maureen Macmillan:** I am very wary about that. It would have no background in doing that. I do not see Scottish Enterprise doing that as it does not recognise that as part of its role. I worry that the proposed board would be a kind of also-ran. I consider that dealing with those aspects is one of HIE's main reasons for existence, but the new board would not see it that way.

**Angus MacDonald (Falkirk East) (SNP):** I hail from the Western Isles originally—

**Maureen Macmillan:** I can hear that.

**Angus MacDonald:** I am happy to state for the record that I have sympathy for the petition. I have seen the benefits of the HIDB and HIE first hand. That said, in his evidence to the Education and Skills Committee in December last year, the Cabinet Secretary for Economy, Jobs and Fair Work, Keith Brown, explained that the Scottish Government gathered evidence from account managed companies and those that are being provided with services by HIE and Skills Development Scotland, and that the evidence had led the Scottish Government to the view that there are elements of duplication and a lack of joint working, for example on international activities. I am curious to hear your view on that.

**Maureen Macmillan:** I am sure that there is evidence of duplication. That could be examined, but I do not think that it means that everything has to be taken under one umbrella. Such things can often be sorted out just through dialogue. I am sure that, if there is a particular problem with duplication, it can be sorted out through negotiation. I do not think that such draconian measures are needed to sort it out.

**Angus MacDonald:** You do not think that that is an insurmountable problem.

**Maureen Macmillan:** I do not think that it is an insurmountable problem at all.

I know that, in the past, there has been a bit of pushing and shoving between, for example, Highlands and Islands Enterprise and Highland Council with regard to who does what, but such things can be sorted out through negotiation and compromises, with people accepting that there is no sense in two people doing the same thing. You do not need an overarching committee in Edinburgh to sort that out.

**The Convener:** Do any of our visiting colleagues wish to ask a question?

**Rhoda Grant (Highlands and Islands) (Lab):** I am here to support Maureen Macmillan. I am pleased that she has brought the petition to Parliament and am even more pleased by her warm words about me. I had better put that on the record.



There are concerns in the Highlands and Islands about what will happen to HIE and whether the work that it was set up to do will continue. There probably are issues to do with organisations being co-ordinated and working together, but surely the appropriate thing is for the cabinet secretary to start banging heads together. We should expect all Government agencies to work together—after all, they are being paid from the public purse, and that is their job. I hope that that could happen without changing the whole format of HIE, because, as Maureen Macmillan said, it was set up in recognition of the fact that there are particular issues in the Highlands and Islands—the geography, problems with depopulation and so on.

Some of those issues have been addressed. For example, for a while, Inverness was the fastest-growing city in Europe, and that was down to HIE. However, as Maureen Macmillan said, there has been creeping centralisation of the board, and solutions that work for some things—account managing and the like—do not work for very small companies and organisations with only one or two people in them. HIE needs the freedom to work in the urban sectors and in the rural sectors. Booming growth has been encouraged in the inner Moray Firth, for example, but some of our island communities are still experiencing depopulation, so we need to ensure that HIE has the power, the strength and the local responsibility to do something about that.

This might be unfair to you, convener, but even though you have roots in the islands, you represent an area in Glasgow where jobs are short, so I imagine that, if there was a choice between creating two or three jobs in Tiree or 100 in Glasgow, the decision would be almost a no-brainer for you.

**The Convener:** Well—

**Rhoda Grant:** Maybe it would not be: I should not put you on the spot like that. The point is that anyone in that position would think about the value for money per job, but might not really see that a few jobs on Tiree would underpin the economy of the island and keep it going. Those are the kinds of decisions that I am talking about in this regard.

I do not really have a question for Maureen Macmillan; I simply want to support her petition and say that I hope that the committee will examine the issues closely. A lot of issues are being missed and I think that if the cabinet secretary was aware of what we could lose as a result of the proposal, he would not be going down this road at all.

**Douglas Ross (Highlands and Islands) (Con):** I declare an interest, as I am a councillor in Moray Council. Clearly, HIE has a big role to play in Moray.

I thank Maureen Macmillan for bringing the petition to Parliament. She is right to have highlighted the involvement of Labour MSPs, but I think that it is also fair to say that Scottish Conservative MSPs led a debate in Parliament that ultimately led to the defeat of the Government on the issue. Edward Mountain, Donald Cameron and I all spoke in that debate and we all agree with what has been said about the petition today. Further, at First Minister's question time, Tavish Scott asked a question on behalf of the Liberal Democrats on the issue, and John Finnie, for the Greens, also questioned the First Minister on plans to centralise HIE. That shows the strength of feeling across Parliament on the issue—certainly among representatives from the Highlands and Islands.

I was struck by Maureen Macmillan's point about HIE being in the Highlands, by the Highlands and for the Highlands. That is something that we have to stress at every point. HIE is based in the heart of the area that it has successfully improved over many years, and that it wants to continue to improve.

Moray is often caught in the middle, because we are not quite in the Highlands and we are not quite in Grampian. However, HIE makes significant investment in Moray through initiatives such as Forres enterprise park and through the significant work that it has done, and continues to do, with the Moray economic partnership. A lot of the successes that have been achieved in Moray could not have been achieved—certainly not to the extent to which they have been achieved—without the investment and support of Highlands and Islands Enterprise. The north coast 500 route was mentioned, and, since coming to Parliament, I have been struck by the number of times that the governing party and politicians from all parties celebrate things such as that route and the new jobs that were recently created at the Forres enterprise park, with HIE managing to bring in another outside agency to secure more jobs in the area. However, that raises a question: if Highlands and Islands Enterprise is doing all this great work that is being recognised locally in communities and by politicians across the political spectrum, why are we trying to change the situation?

My Scottish Conservative colleagues and I fully support the petition. We hope that, even at this late hour, Keith Brown is watching the proceedings of the Public Petitions Committee and is considering his statement to Parliament today. We will be watching carefully and asking critical questions to ensure that the will of Parliament is observed this afternoon, with the aim of ensuring that HIE should not be dragged down and merged with other organisations.

I will end by asking a question of Maureen Macmillan, rather than just making a statement. Can she give me an example of any time when, after centralisation, someone has said, “Do you know what? Since local decision making was taken away from the local area and dragged down to the central belt, the local decisions have been better and more informed”? Alternatively, does she agree that that never happens and that, consequently, we should not do it on this occasion?

**Maureen Macmillan:** I have to say that I cannot think of a single example of that being said.

**Liam McArthur (Orkney Islands) (LD):** Welcome back to Parliament, Maureen.

Douglas Ross has clearly set out the cross-party feeling on the issue. I acknowledge the example of Jim Hunter. I think that there is some sympathy among SNP MSPs for many of the arguments that have been made today. On that basis, like Douglas Ross, I hope that the cabinet secretary is watching proceedings this morning and will, even at the 11th hour, be minded to take a different course.

I was particularly struck by the point that Maureen Macmillan made about the proposal being a solution that is searching for a problem. Angus MacDonald was right to highlight the argument about improving collaboration around internationalisation. There is probably something in that from some companies’ points of view. However, one of HIE’s successes, to which Maureen Macmillan alluded, is that it is able to provide targeted support to businesses and individuals who have absolutely no intention of internationalising and do not aspire even to branch out terribly widely across the Highlands and Islands. Interventions at that level, which have been made since HIBD was set up, are at risk if we bring about a situation in which there is a central board that will scrutinise issues by matching numbers, because in a numbers game enterprises and sectors in the Highlands and Islands will rarely, if ever, register on the radar as enterprises and sectors elsewhere in the country might. Is that a fair assessment?

**Maureen Macmillan:** Yes. Community cohesion is terribly important and will not be delivered through focusing on a drive for exports, for example. The tiny communities in Harris, Lewis, Orkney and so on are not going to be significant at that level.

With regard to the drive for exports, for the past nine years, I have been chair of the Moray Firth partnership—the coastal forum. We had a big project to encourage fishermen not to export their local seafood but instead to make it available to local people to eat and to support lovely fish

restaurants in a trail all around the Moray Firth. One hand does not know what the other hand is doing. At the moment, all that fish is going to Spain. However, we would quite like to keep some of it at home and provide jobs at home in restaurants, fish vans, fishmongers and so on for local people. At the moment, that initiative is being undertaken in the Moray Firth area, but it could be replicated anywhere in Scotland that has a fishing boat coming into a pier.

09:45

**Liam McArthur:** I would not like to create the impression that we are an inward-looking region. There are sectors that are truly international and world class—

**Maureen Macmillan:** Absolutely.

**Liam McArthur:** HIE has recognised the significance of those and got alongside individuals and businesses early on in my constituency. The support for the European Marine Energy Centre is an example. There are fashion and jewellery businesses that do not look particularly significant on a national scale but within the Orkney and Highlands and Islands economies they are absolute linchpins in terms of job creation, wealth creation and skills development, which are the sorts of things that HIE has been very eager to support.

**Maureen Macmillan:** Yes. Craft industries are very important to small communities because they can export—not abroad, necessarily, but out of their area—and bring money into their area in that way. For example, I get my smoked salmon for Christmas from somewhere in Uist, which means that money is going into the Uist economy. All those little enterprises are underpinned by HIE.

**Liam McArthur:** The argument is that, 50 years on from the birth of the HIBD, there is, in a sense, a need to reinvent HIE, to some extent, so we are dealing with what the Scottish Government has proposed to enable that to happen. Where do you suggest HIE needs to go next to address challenges and opportunities?

**Maureen Macmillan:** HIE now needs to look at the remote rural areas and islands more specifically. The area around the Moray Firth is doing pretty well. As somebody from east Sutherland said to me not long ago, the Moray Firth just looks after itself now; it does not need the input that it used to have. That is perhaps not quite true, but that is the perception from further north and further west. There are places that are still struggling; 50 years seems like a long time, but after years and years of decline in the Highlands, it is not all that long a time in which to get things turned around.

As I think I said earlier, Argyll needs attention, the Western Isles need attention, the Orkney islands—not so much mainland Orkney, perhaps—need attention and Caithness needs attention. Whatever one thinks of nuclear power, Caithness had a big industry on the north coast with very high-class jobs. It does not have that any more—the decommissioning will finish and although there are renewable energy jobs there, they are not in the same category as what was there before, so that needs to be looked at, too. There is still a lot to do, so to start interfering with HIE by doing what is proposed would be counterproductive.

**The Convener:** Okay. As there are no further questions, I thank Maureen Macmillan very much for the evidence that she has given. We now need to think about how we want to take forward the petition. As has already been said, there will be a statement this afternoon. I suggest that we do not let go of the petition until we know what the statement says.

From my point of view, I say that I went to school in Glasgow, where every west coast island community was represented. We were the children of depopulation—of Tiree, Islay, Lewis, Harris, and Skye—because our parents had to move away to work. I am glad to see that my nephews—that must be about 50 generations in Scottish terms—are now able to contemplate staying on the island of Lewis and getting good-quality work there. In my view, that is largely because of what HIE has done. Also, Scottish Enterprise got rid of its social remit, which was a matter of great regret to me as somebody who represents a city that needs community attention as well as chasing the big companies.

At the Education and Skills Committee, we took evidence from the cabinet secretary. He said that the solution had come out of the consultation, but of course when we asked who had suggested it, it appeared that nobody had—except perhaps the minister himself—and folk said, “Maybe yea, maybe nay.” The problem has been that stage 1 has produced the answer but stage 2 is not about testing the answer; it is about implementing it. The petitioner has exposed in the petition that we are losing the bit in the middle, which is about asking what is the driver and what are the consequences.

I certainly hope that we will either do something or perhaps refer the petition to the Rural Economy and Connectivity Committee. However, I think that it would be useful to wait until after the statement before we make a decision.

**Rona Mackay:** It might be sensible to wait until we know what the statement says.

**Brian Whittle:** In any case, I am kind of inclined to want the committee to hang on to the petition. I

am not sure how specifically the Rural Economy and Connectivity Committee looks after the Highlands and Islands. It has a much broader remit.

**Angus MacDonald:** It all depends on this afternoon’s statement and the Government’s response to Professor Crerar’s comments. I was keen to refer the petition directly to the Rural Economy and Connectivity Committee, but there is a strong argument for waiting to see what the statement says.

**Maurice Corry:** I agree with that, convener.

**The Convener:** We are looking for something more from the statement than a nod in the right direction. We are looking for a body that does what HIE is already doing. What Maureen Macmillan said about how such a body might be strengthened by reverting to its original function is interesting.

We therefore agree that we think that there is more for the committee to do once the statement has been made, but we certainly think that Parliament should be doing more on it, and we can decide after the statement has been made whether we want to let the petition go to the Rural Economy and Connectivity Committee or hold on to it.

With that, I thank Maureen Macmillan for her evidence. It was very useful. I thank our guests for coming along. I will suspend the meeting briefly while we get ready for the next item.

**Maureen Macmillan:** Thank you, convener. I recommend the book, “On Scotland’s Conscience”. I promised Iain MacDonald that I would show it around the committee. It is being published today and it only costs a tenner.

**The Convener:** I hope that you are getting paid for the plug.

09:51

*Meeting suspended.*

09:53

*On resuming—*

### **Private Criminal Prosecutions (PE1633)**

**The Convener:** The next new petition is PE1633, by Bill Alexander, on private criminal prosecution in Scotland. Members have a copy of the petition, which collected 37 signatures and 10 comments. The petition calls on the Scottish Parliament to urge the Scottish Government to change the law to give the people of Scotland the same legal rights as those in the rest of the United Kingdom by removing the requirement that the

Lord Advocate must first give permission before a private criminal prosecution can be commenced in Scotland. Background information to the petition is set out in the SPICe briefing, which members have been provided with in the meeting papers.

Do members have any comments or suggestions for action?

**Brian Whittle:** There is certainly a much higher level of private prosecutions south of the border than there is up here. The question is whether that is a good thing or a bad thing. I suppose that that is what we are considering.

**Maurice Corry:** I suggest that we write to the Crown Office and Procurator Fiscal Service, the Health and Safety Executive and the partnership on health and safety in Scotland to seek their views on the petition. They are the ones at the sharp end.

**The Convener:** Yes. There are issues that we need to understand properly. I get the idea that prosecution is done in the public interest, but I have had experience—I am not sure whether other members have—of constituents seeking a fatal accident inquiry but not getting it because it is not regarded as being in the public interest. They were also unable to get a criminal prosecution or to get the Health and Safety Executive involved, and were left feeling that there was nowhere to go. I wonder whether having to seek the permission of the Lord Advocate for a private criminal prosecution would compound that feeling, because the Lord Advocate does not grant such permission lightly. The committee papers state that only two such permissions have been granted in the past.

**Brian Whittle:** I am working on one just now.

**The Convener:** Really?

**Brian Whittle:** You will understand that that is why I am saying that we should look at what happens down south, where there are a huge number of private criminal prosecutions. The question is where we go on the issue.

**The Convener:** There are some high-profile examples of private prosecutions that have not ended to the satisfaction of people who feel that they have had a terrible experience.

Another issue that the Smith commission and my party's devolution commission wrestled with is the fact that the health and safety regime covers the whole United Kingdom, which I think is a good idea while we are part of the UK. However, I do not know whether the Scottish Affairs Committee at Westminster has the power to address health and safety breaches in Scotland. For me, the petition poses a lot of questions.

**Rona Mackay:** What you say is right, convener, but it is maybe a different area from the one that the petitioner is talking about. The petitioner has written to the Health and Safety Executive, the Crown Office and so on, so I am not sure what would be gained from writing to them again. I suggest that we write to the Scottish Government to seek its view on the petition and to ask for clarification on what action it is taking to improve health and safety outcomes in Scotland, so that we have that on the record. However, it is a huge issue and what the petitioner seeks is a huge ask.

**The Convener:** I think that the committee agrees that there is an issue and that we should get a better understanding of it. We should write to the Scottish Government to ask what action it is taking to improve health and safety outcomes in Scotland. The suggestion is that there is not much of a difference between Scotland and the rest of the UK in that regard, but my recollection is that, for example, there are more fatalities in the construction industry in Scotland than in the rest of the UK. There are probably explanations for that, but does it mean that the health and safety regime here needs to be stronger? We should write to the Crown Office, the Health and Safety Executive, as Maurice Corry suggested, and the partnership on health and safety in Scotland to seek their views. Even from the papers before us, we can see the logic of the argument about public prosecution in the public interest, but it is about dealing with the situation of people who feel that they are not getting justice.

Do members agree with what has been suggested?

**Members indicated agreement.**

### **Council Tax (Payment Options) (PE1634)**

**The Convener:** PE1634 is on equality in council tax payment options. It is a new petition that collected 51 signatures and calls for clarification of council tax legislation so that people can choose to pay their council tax in 12 monthly instalments in all local authority areas in Scotland. Currently, 22 of the 32 local authorities in Scotland offer residents the option to pay their council tax bill by instalments over 12 months. Of the 10 local authorities that do not allow payment by 12 instalments, only Fife Council has announced plans to introduce such payments, following the petitioner's research. A number of councils have cited the lack of legislation in the area and the legal framework being unclear as reasons for not introducing such payments.

What are members' views on the petition?

**Rona Mackay:** My view is that it is a local authority matter and it is up to them whether council tax payments should be spread over 12

months or 10 months, as is the case with some councils. We could write to the Convention of Scottish Local Authorities to ask for its view on the matter, but I definitely think that it is a local authority matter.

**Maurice Corry:** I agree. In my experience, different local authorities have different pressures and there might be valid reasons why some of them spread payments over 10 months rather than 12.

**Brian Whittle:** I would like to find out about that and understand why. I agree that it is a local authority issue, but local authorities obviously work within a framework, and the responsibility for that lies in this place. I would certainly like to understand the reasons for the differences that the petitioner indicates, because undue pressure is being put on some council tax payers but not on others. I would like to understand why that is the case before going any further on the petition.

**Angus MacDonald:** I agree. Although the petition does not seem to be a big ask, this is clearly an issue primarily for local authorities. I would be keen to get more information from COSLA and to hear its views on the issue.

10:00

**The Convener:** I am intrigued. We owe a debt to the petitioner, who has done her own research. She has established the differences between local authorities, as well as local authorities' explanation for the situation, which is that they are unable to do anything because the issue is determined centrally. At the very least, we need to resolve that conundrum.

I am interested in the motives behind a local authority preferring 10 monthly payments to 12. Is it about securing payment? Are they more likely to get the money in? Can they manage their budgets better if they collect over 10 months rather than 12? I do not know whether that is the case. It looks as if some local authorities introduce 12 monthly payments when people are under pressure financially—when they have got into debt. In order to prevent debt, would it be more logical to allow payments over 12 months? I assume that those are factors that local authorities must have thought about.

The petitioner raises some interesting questions. I would be interested to hear what the Scottish Government and COSLA say about the issue. I get the sense that, so far, the Scottish Government has said, "That's the way it is. It's not a matter for us," and local authorities have said, "It's a matter for regulation." We need proper clarification of the situation and then we need to tease out from local authorities what the downside would be of offering people a 12-month payment

period. I presume that it is only about local authorities securing their budgets, which I guess is a reasonable response to pressure. Do we agree to write to the Scottish Government and COSLA on the action that is called for in the petition?

**Members indicated agreement.**

### **Children (Scotland) Act 1995 (Section 11) (PE1635)**

**The Convener:** PE1635, by Emma McDonald, is on the review of section 11 of the Children (Scotland) Act 1995. The petition did not collect signatures. Members have a copy of the petition, the SPICe briefing and a note by the clerk. Members will recall that we had the opportunity to meet informally with the petitioner in order to assist our understanding of the background to the petition. The note by the clerk summarises the issues covered in that meeting. I think that I speak for all members when I say that we were very grateful to the petitioner and those who attended with her for giving us such clarity on the issues that have created the need for the petition in the first place.

Those issues include the unregulated nature of child contact centres; the location and security of the centres; and the qualifications that are required of or the on-going training that is delivered to volunteers, staff or other professionals who are involved in the child contact process. Included within that last point are questions of who is responsible for the safety of children and adults while they are on the premises.

On the issue of the suitability of contact being required at all, the underpinning concern of the petition is that the voice of children should be heard. For example, should sheriffs ordering the contact be required to undertake professional development? How can professionals such as teachers and doctors have input? Another issue relates to funding and accountability. The briefing material that we have indicates that parents can be required to pay for the service, which may raise concerns about who contact centres are accountable to.

The Scottish Government has signalled its intention to bring forward a family justice modernisation strategy, which is intended to ensure that the child's voice is heard, but the timescale for delivery of the strategy is not clear.

Do members have any thoughts on what action we might take on the petition?

**Rona Mackay:** The petition raises a number of serious issues relating to child welfare and current practice, some of which we heard about when we spoke to the petitioner in private. We should seek the Government's views on the action that is

called for in the petition and establish the progress of the family justice modernisation strategy. I am very much in favour of holding a round-table evidence session with all the stakeholders involved. Suggestions include Relationships Scotland, the Sheriffs Association, the Children and Young People's Commissioner and the Scottish Courts and Tribunals Service, as well as expert individuals or organisations who are trained specifically to represent and support children through the justice system, and professionals such as doctors, teachers and childminders. Virtually anybody who is involved in child welfare should be involved in the petition.

**Maurice Corry:** I agree absolutely. That is important.

**Brian Whittle:** A round-table evidence session would be an interesting way of tackling the issue, because the evidence that we have gave us raw examples of the practice that is going on. I would have liked the other stakeholders to have been around the table listening to that evidence and giving their response. I agree that that would be a positive way forward for the petition.

**The Convener:** At our meeting with the petitioner, I was struck by what Rona Mackay—who has experience of the hearings system—said about not being aware of those issues.

**Rona Mackay:** I was shocked, because the comparison between the hearings system and what I was hearing was like night and day. Clearly, something has to be done.

**The Convener:** The petition is timeous, given the Scottish Government's approach to domestic abuse and coercive control. Over many years, I have had experience of the way in which the contact system is often used as a means of continuing that abuse, which is evidenced in the paper that suggests that a mother dropping off the children and the children themselves can feel quite frightened. It would be a good idea to get people who have experience in that field, including women's organisations, around a table. We could perhaps come up with some solutions, as well. It would be particularly useful to have Relationships Scotland there, as it runs the service—for the best of reasons, I am sure—and it should be aware of the way that the service is experienced.

The other organisation that I would suggest is the Women's Support Project in Glasgow, which has done a lot of work on the point where contact, the legal system and domestic abuse meet. We can leave it to the clerks to think about who it would be useful to invite.

**Rona Mackay:** We should invite Scottish Women's Aid, as well.

**The Convener:** Yes. We also heard from a child support worker, which was interesting. I am not sure that that role exists right across Scotland, and it would be useful to know to what extent local authorities have such individuals.

**Brian Whittle:** I wonder whether it might be useful to hear from Childline. It gathers a lot of evidence, so I wonder if it has anything on the issue.

**The Convener:** Before we hold a round-table meeting, it would be appropriate for us to flag up that we are interested in the issue. Any organisations or people who have a view but who might not be able to attend—realistically, there is a limit to how many can come—could provide evidence or information about their direct experience, so we could alert people to that.

**Maurice Corry:** Paragraph 3 of the back-up evidence for the petition from Emma McDonald says:

“Currently there is no system of regulation or inspection of child contact centres.”

That is absolutely appalling. Sheriffs are making decisions about something that they do not know about.

**Rona Mackay:** We rightly take child protection very seriously, but this issue appears to have fallen through a loophole and it needs to be addressed as quickly as possible.

**The Convener:** The centres have been created to solve a problem about confidence with secure contact, so the motivation is right, but we need to attend to the lived experience.

**Brian Whittle:** I have found that some councils work very well in that area and the system that they operate is excellent. However, it is not regulated in any way and how it is dealt with is down to the individual council.

**The Convener:** There is loads for us to be getting on with. I thank the petitioner and those who are with her for highlighting what is a very challenging issue.

### Single-use Drinks Cups (PE1636)

**The Convener:** The final new petition for our consideration this morning is PE1636, by Michael Traill, which suggests that all single-use drinks cups be 100 per cent biodegradable. Members have a copy of the petition, which collected 51 signatures and five comments. The clerk's note identifies that a constraint in making disposable cups recyclable is the mixture of materials that is used to make the cups. The note refers to European standards, which define what characteristics a material must have to be

compostable, and highlights recent initiatives that have been developed to address that issue.

Do members have any views on what action to take on the petition?

**Angus MacDonald:** As a member of the Environment, Climate Change and Land Reform Committee, I thank the petitioner for flagging up the issue. I am sure that most of us are surprised that many single-use drinks cups are not 100 per cent recyclable. I think that that even includes the ones that we use in Parliament—indeed, members are encouraged to use their own cups in order to cut down on the number of single-use containers that must be disposed of.

I am keen to hear the views of the Scottish Government and the Convention of Scottish Local Authorities. I would also like to seek the views of organisations and companies such as Vegware, the Environmental Paper Network and the Hubbub Foundation, which are developing initiatives to address issues such as the one that is identified by the petition.

There is an argument for contacting the Organics Recycling Group. I would also like to hear from Zero Waste Scotland. I know for a fact that the issue is on its radar and it would be good to know what action it is taking to address it. Furthermore, we should contact Keep Scotland Beautiful, which is aware of the issue. That is quite a list, but it would be good to hear all those organisations' views.

**Maurice Corry:** We should consider the impact of the fast-food chain companies and seek their views, as well as those of the Food and Drink Federation, to ensure that we carry out an all-round review.

**The Convener:** We should contact whatever organisation represents them, rather than writing to all the companies individually.

**Maurice Corry:** Exactly.

**The Convener:** The scale of use of the cups has exploded. Like Angus MacDonald, I had assumed that the cups were recycled because they were cardboard rather than plastic. I am looking at the issue upside down and in the wrong way. The petition has been useful in providing information to us. Angus has suggested a good way forward by setting out the organisations that we might want to contact.

**Maurice Corry:** I know from my knowledge of the drinks and food industry that a technical problem is that the cups are coated with plastic. If they did not have that coating, the cups would disintegrate in your hand. The coating is the problem, not the main material.

**The Convener:** There is lots there to pursue. We thank the petitioner for highlighting the issue.

## Continued Petitions

### Youth Football (PE1319)

**The Convener:** Item 3 is continued petitions. The first is PE1319, on improving youth football in Scotland. Members will recall that we last considered this petition by Willie Smith and Scott Robertson at our meeting on 9 February. At the end of that meeting, we agreed to reflect at a future meeting on the recent evidence that we have heard, which we will do today.

As members are aware, on 20 March, the deputy convener and I informally met the Scottish Football Association and the Scottish Professional Football League. It may be helpful to provide feedback on that meeting before members discuss what further action we may wish to take. A note has also been circulated to members.

We appreciated the time that was given to us by Neil Doncaster from the SPFL and Andrew McKinlay from the SFA. We discussed a number of issues, including player registration and how that issue has been highlighted by the Children and Young People's Commissioner Scotland. We looked at the minimum wage issue. The view, particularly of the SPFL, is that that is a matter for the tax authorities; although the SPFL gives information and advice on people's responsibilities, it does not consider that matter to be for it to deal with.

We raised the question of there having been few formal complaints. We suggested that a culture in which a person does not want to be seen to be difficult or as a troublemaker encourages people not to complain about such issues.

All the issues are overlaid with Scottish attitudes to football, particularly because it is seen as an opportunity to make a fantastic career for those who are good at it. We asked how the hours that a player works are calculated. We were interested in looking at what role the SFA and the SPFL could have in that regard.

10:15

The SFA and the SPFL also gave us an update on project brave, which is based on a performance strategy to develop their best players. One aspect of the initiative is a reduction in the number of players within the club academy Scotland system. There is a sense that a lot of young people are possibly being caught up in the academy system without there being any great likelihood that they will achieve success at the highest level.

We also discussed the children's commissioner's view that external regulation is necessary and the potential implications of that in

relation to FIFA, as world football's governing body. That is an issue that neither Angus MacDonald nor I had appreciated, so we have asked for more information on it. Apparently, if we move, as a country, to regulate football, FIFA will be concerned about that because it is a great believer in self-regulation—as we are all too aware from its past. There may be consequences for Scotland in that, so we have asked for more information.

We also discussed child protection. We know that the SFA and the SPFL have given evidence to the Health and Sport Committee on that matter and that it is being pursued. Also, we discussed who is covered by the Protecting Vulnerable Groups (Scotland) Act 2007 in youth football, and the review that is being undertaken in the light of allegations of historical sexual abuse. They gave us an update on that and spoke about the question of intermediaries and agents, which the Health and Sport Committee is looking at. This committee is very alive to the fact that there is no regulation of adults who can have a lot of influence and a lot of control over young people's destiny in football. In some evidence that we got, there was a suggestion that intermediaries and agents would not necessarily act in the interests of young people. I think that I am right in remembering that the children's commissioner feels that young people under 16 should not have agents acting for them. Angus—are there any other issues that you want to flag up from the meeting?

**Angus MacDonald:** There are not, really. You have covered it well, convener. One salient point that was flagged up was the issue of Government interference. The SFA and the SPFL used the examples of Mali and Greece, which have been suspended from competing internationally because of Government interference. However, having looked privately at the reasons for those suspensions, I can say that there does not seem to be anything that relates to the issues that we are looking at here in Scotland. Fundamentally, a number of the issues here in Scotland are human rights issues, so the situations in Greece and Mali are not similar in any way. That is the only point that I want to add.

**The Convener:** That is very useful. Do members have suggestions on what we might do with the petition? It is worth noting that the committee has already agreed to seek time for a debate on the petition in the chamber. I think that that has been agreed by the Conveners Group—I should know, since I am on it. I think that we agreed to it but we do not have a date for it yet; it is in the system.

**Brian Whittle:** As you are aware, convener, I have quite strong views on the matter. First and last, there are considerations around child welfare.



There are so many missed opportunities to look after the child—if that is the way to put it—that seem to be being brushed over.

We have heard evidence twice on this, and it has just highlighted to me that child welfare is not the first consideration of the SFA or the SPFL when it comes to how they conduct themselves. The convener mentioned that FIFA might not like it—that is excellent, given its track record. That other countries are not looking at the issue as they should is not a reason why we, as a country, should not step up.

I have listened to Gordon Strachan talking quite a few times about the academy structure and what is happening in the best interests of the child. I am sorry, Gordon, if I am landing you right in it.

**The Convener:** He has nothing else to worry him just now.

**Brian Whittle:** I find it incredible that we are still having to discuss the issue. Having taken evidence in public from the SFA and the SPFL and having heard subsequent evidence from them in private, it seems to me that they have been skirting around the issue rather than answering the questions that we asked. I would like the opportunity to speak with them again.

**Rona Mackay:** I agree with Brian Whittle. I, too, would like to invite the SFA and the SPFL back to give evidence to the committee. What the convener told us about the meeting in private was interesting. I wonder whether, if we asked the SFA and the SPFL back to the committee, they would be able to elaborate in public on what they told you in private so that we could ask them questions to progress the matter a bit.

**The Convener:** It would be useful to invite them back. As I said at the beginning, we were very grateful to them for having that substantial meeting with us. We met for well over an hour and discussed an awful lot of issues, but it was certainly never intended as a substitute for the Public Petition Committee's own role. We were quite clear about that.

I read in a briefing what the Professional Footballers Association Scotland has said previously about youth football, but it would be interesting to hear what PFA Scotland thinks about the petition. Perhaps we could get an update from it—in particular, on the implications of external regulation. I was quite surprised that we had not heard about that aspect previously and that, given how much the commissioner had said on it, no one had flagged up quickly that the SFA could get booted out of competitions because of external regulation.

**Rona Mackay:** Exactly. We could tease that out if the organisations come back to give evidence to the committee.

**The Convener:** The SFA and the SPFL suggested this, but it might be worth our while to seek opportunities to visit the academies. We could meet the young people there in private, if they were willing and able to do that, to get a sense of their views. There are quite a lot of positive things going on in the academies. My sense from the meeting was that the SFA and SPFL are reflecting on how effective the academies have been and how they could make them better.

I confirm that we will seek another opportunity to discuss issues with the SFA and the SPFL at a committee meeting and seek further comments from the petitioners and the PFA Scotland.

**Maurice Corry:** It might be sensible to write to the clubs, as the deliverers of the academies, for further information and their views.

**Rona Mackay:** I am not sure that the clubs would not just refer us to the SFA and the SPFL.

**Maurice Corry:** Do you think so?

**Rona Mackay:** Yes, I think that they would do that.

**Brian Whittle:** I, too, think that they would do that.

**Rona Mackay:** I do not think that the clubs would speak unilaterally to us.

**Brian Whittle:** It would be interesting to contact them, though.

**Maurice Corry:** Yes—because we might get half a dozen responses back.

**The Convener:** There is nothing to stop clubs responding to us right now if they want to do that.

**Rona Mackay:** They know what the issues are.

**The Convener:** Maybe at this stage, however, we should look to the organisations that represent the clubs. Neil Doncaster was clear about the role of the SPFL in relation to the clubs and what their registration meant, which is possibly more limited than we had imagined.

**Brian Whittle:** I am interested to know what actions they think that the Public Petitions Committee could instigate that could get them kicked out of FIFA.

**The Convener:** It was interesting that they said that FIFA is very exercised by self-regulation. They said that they would give us evidence on that; it would be worth exploring that further.

I think that the committee is agreeing that we want further information because there are so

many issues here. We will have a debate in the chamber on the subject of the petition and a further committee evidence-taking session that should certainly include the SFA and the SPFL, but we can consider what other witnesses would bolster that session.

Is that agreed?

**Members** *indicated agreement.*

### **Judiciary (Register of Interests) (PE1458)**

**The Convener:** The next petition is PE1458, by Peter Cherbi, which calls for the introduction of a register of interests for members of Scotland's judiciary. When we last considered the petition, we agreed to seek further information from the Lord President and the Judicial Complaints Reviewer. Responses have been received from both and we also have submissions from the petitioner and a member of the public, Melanie Collins.

Members will recall that, when we wrote to the Lord President, we repeated our invitation to him to provide oral evidence, which he has now indicated that he would be willing to do. We express our gratitude for that.

Do members have any comments on further action to take on the petition?

**Brian Whittle:** I am glad that the Lord President has agreed to give evidence. That seems like what we should do next.

**Angus MacDonald:** I have followed this petition from day 1—I think that it was lodged in December 2012—and have deliberated on it for more than four years. It is encouraging and refreshing to note that the Lord President has offered to provide oral evidence to the committee, given the difficulties that we had with arranging for the previous Lord President to give evidence to us. We should take up Lord Carloway's offer.

**The Convener:** We should also note that Alex Neil MSP has expressed an interest in speaking to this petition but is unable to be here today. It might be that he could attend the meeting with the Lord President. Angus MacDonald is right that this is a step forward.

Do we agree to invite the Lord President to give evidence at a future meeting, and see what comes out of that?

**Members** *indicated agreement.*

### **Residential Care (Severely Learning-disabled People) (PE1545)**

**The Convener:** The next petition is PE1545, by Ann Maxwell, on behalf of the Muir Maxwell Trust, on residential care provision for the severely learning disabled. Members will recall that we last

considered the petition at our meeting on 29 September 2016. At that meeting, we agreed to defer further consideration of it until March 2017.

Members will see from the clerk's note that the Scottish Government has developed a project plan around issues that are identified in the petition, and that the first project under that plan, which involves the undertaking of a quantitative analysis, was due to be completed by the end of February this year. The project plan in its entirety is estimated to take two years.

Do members have any comments or suggestions for action?

**Brian Whittle:** I went to visit the Hansel Alliance in Symington in my region. It provides residential care for people with severe learning disabilities, and has done for as long as I can remember. I told people there that I remember when they used to mow the roof—they used to have a grass roof, and I have pictures of them mowing it. I had a tour to see what the staff do. As you can imagine, it is a fantastic facility. In line with the petitioner's comments, the organisation is concerned about continuing funding.

I thank the petitioner for submitting the petition. I would be interested to find out where the Government is in relation to its project plan. I would like us to write to the Government to find out what progress has been made on that.

**The Convener:** From the briefing, it looks as though the Scottish Government has been doing quite a lot on this in terms of quantitative and qualitative work. Do we agree to write to the Scottish Government to ask about progress on the plan, and also to write to the petitioner on the same issue? The Government seems to have been quite engaged with the petitioner, which is to be welcomed.

**Members** *indicated agreement.*

### **Child Abuse (Mandatory Reporting) (PE1551)**

**The Convener:** The next petition is PE1551, by Scott Pattinson, on mandatory reporting of child abuse. After our previous consideration of the petition, we wrote to the Scottish Government to seek an update on its engagement with the UK Government and to ask what steps it would take in the absence of any meaningful response or action from the UK Government.

At the time of its response, in February, the Scottish Government advised that there was still no clarity about when the UK Government might publish the findings from its consultation, other than to say that that is expected to happen in the first part of this year. The Scottish Government said that it would give careful consideration to the

findings when they are published, but it did not give us much with regard to what steps it might take in the absence of movement on the issue at a UK level.

What are members' thoughts about possible action to take on the petition?

10:30

**Brian Whittle:** I imagine that there is a lot of sympathy for the petition. I am concerned that neither the UK Government nor the Scottish Government is moving the issue forward. I am not sure what we do about that, but this is a petition on which we should see movement.

**The Convener:** My recollection from earlier discussions is that there is an argument to be had in either direction about the consequences of mandatory reporting. People working and involved in child protection certainly thought that there might be consequences.

I do not understand why, if the UK Government is not progressing matters, the Scottish Government does not take on the issue itself, because child protection falls within its remit and responsibilities. I am not sure why it is hooking its action on to UK Government action. Obviously, it must be concerned that there is no action at UK level, but I would have thought that we could contact the Scottish Government to ask why there is a delay in it acting. There are a whole series of issues on which we would be interested in hearing its response.

**Brian Whittle:** If we are waiting for the UK Government to respond, would the Scottish Government not input into that process? I simply ask that from a position of ignorance on the process.

**The Convener:** I suppose that I have not got my head round why the Scottish Government is waiting for the UK-wide report.

**Rona Mackay:** We should write to seek clarification on the issue. Our paper highlights that the UK Government expects to publish its findings in the first part of 2017. We are well into that timeframe.

**Brian Whittle:** I think that the issue is non-contentious across the parties.

**Rona Mackay:** Yes, I would have thought so. We need to find out where the UK Government is on the issue and to seek clarity on why we in Scotland cannot strike out on our own.

**The Convener:** I am being advised by the clerk that the Scottish Government might be waiting for the UK Government's report in order to avoid differentiated regimes in different parts of the United Kingdom. However, there are other issues

that would be, by definition, differentiated, but people can move; they can travel. There could be consequences depending on whichever part of the UK they are in. The English inquiry into historic abuse is looking at survivors of abuse who were abused in Scotland. There are quite complicated issues.

On the specific issue of mandatory reporting, it must be possible that the Scottish Government is developing a view. We need to get clarification. Does it have a timescale? Is there a point beyond which it will say that it cannot wait any longer?

Do members agree to take the action that I have outlined?

**Members indicated agreement.**

### Sound Sensitivity (PE1613)

**The Convener:** We move on to PE1613, which is on taking account of sound sensitivity in regulating antisocial behaviour and environmental health. The penultimate petition on our agenda today is from Craig Thomson. We first considered the petition in October 2016, when we agreed to seek written submissions from a number of organisations in response to the action that is called for. We have received a number of responses.

The responses consider the action that is called for in the overall framework of housing allocations and building standards. Although the responses recognised that there might be issues for individuals with particular sensitivities, there was no support for the action that is called for in the petition.

We were very grateful for the scale of the responses that we received from a variety of organisations, including local authorities, and the time that they had taken to respond. They clearly recognised the issue as one of some concern; they also expressed concern about the implications of implementing the proposals as suggested by the petitioner.

It is worth reflecting on the petitioner's response. He said:

"I would like to thank all who have responded to and discussed my petition.

It is my hope that it generates awareness, compassion and help to those who find themselves in a similar situation through no fault of their own.

It is also my hope that it helps towards sowing the seeds of change towards a better, more humanistic and altruistic world."

That was a gracious response, given that the respondents were saying that they were not sure that the petitioner's solution was the right one. I agree with him that, even by raising awareness of the topic, he has performed an important role.

What are members' suggestions on how we deal with the petition? My sense is that we have explored the issue and that although we recognise that the solution that the petition calls for cannot be implemented, an opportunity has been afforded to people to be clear about their awareness of the question.

**Brian Whittle:** It strikes me that there is no real recourse for somebody in this particular situation. We feel empathy for individuals in such situations, but I do not know how the suggested solution could possibly be implemented.

**The Convener:** My sense is that it would be down to the sensitivity of the housing organisations. They need to recognise that this is an issue and then maybe they can think about their allocations policy. If they recognise the challenge that the issue presents for individuals, they can be sympathetic in terms of individual decisions, which cannot really be determined at policy level.

**Rona Mackay:** I agree. I think that the petitioner's response was very dignified, and we should commend him for that. We have taken the petition as far as we can, but I hope that we have raised awareness of the issue.

**Maurice Corry:** The submissions from the councils clearly indicate that they are aware of the issue and that they are doing something about it. Some are doing more than others. My own council suggested that one possibility might be to create a special room with more sound insulation, and I have worked on a case where that has been done. I know that the housing allocation officers take a lot of things into consideration. I think that there is not much more that we can do—it is really in councils' hands.

**The Convener:** Okay. I suggest that we close the petition under rule 15.7 of standing orders on the basis that there is no support for the action that is called for in the petition. However, there is recognition that there are options open to individuals who might be more sensitive to noise on a case-by-case basis. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** I thank those who responded to the petition and the petitioner himself.

### **Pathological Demand Avoidance Syndrome (PE1625)**

**The Convener:** We move on to the final petition, PE1625, which is on wider awareness, acceptance and recognition of pathological demand avoidance syndrome. It was lodged by Patricia Hewitt and Mary Black.

Following our previous consideration of the petition, we have received submissions from the Scottish Government, the National Autistic Society Scotland and Enquire, which is managed by Children in Scotland and funded by the Scottish Government. We also have a submission from the petitioners.

The petitioners are calling for PDA to be considered as a specific behaviour profile on the autism spectrum. The National Autistic Society's submission says that PDA is becoming

"increasingly, but not universally, accepted as a behaviour profile",

while the Enquire submission notes that calls to its helpline relate to concerns of parents that their children's needs are not being identified and that there seem to be differences of opinion between the professionals involved.

The Scottish Government refers to the two major diagnostic classification systems that are currently in use, ICD-10 and DSM-5—"International Statistical Classification of Diseases and Related Health Problems", 10th revision, and "Diagnostic and Statistical Manual of Mental Disorders", fifth edition. Those classification systems are regarded as the gold standard for autism diagnosis and neither of them recognises PDA. Similarly, neither Scottish intercollegiate guidelines network—SIGN—guidelines nor National Institute for Health and Care Excellence—NICE—guidelines recognise PDA as a distinct category for diagnosis.

It appears that the principal reason for that is that a greater evidence base and understanding of the condition has identified that the behaviour within PDA falls within the diagnostic profile of autism spectrum disorder, or ASD.

It also appears that whatever term might be applied—be it ASD, PDA or something other than that—an individualised approach to support and treatment is the recommended best practice. It might also be worth noting that the ICD-10 classification is expected to be revised next year.

Do members have any views or suggestions for action to take on the petition?

**Brian Whittle:** I was struck by the inconsistency across councils, with one council providing a full range of support and the council next door sending the mother for parenting classes. There has to be a better structure than that. As the convener said, autism is a spectrum; you cannot pin it down. I would be inclined to ask whether there is a way to formalise things a bit better in terms of treatment across the country. For example, in one authority, your child could get support and, in another, you could be sent for

parenting classes: those are wildly different approaches to the issue.

**The Convener:** The difficulty that we are wrestling with is that the clinicians or other professionals who do the diagnosis are not in agreement. There is a question about whether PDA is a condition on its own within the spectrum. I suppose the protection is that, regardless of whether the condition is recognised, all treatments and support should be directed to the individual. Some of that should be about listening to the carers or family members who look after the person with PDA. Their view was that they were getting solutions that created greater problems for the person for whom they were caring, and the thrust of the evidence was that they wanted to be offered support that would help.

**Rona Mackay:** That is right.

**Brian Whittle:** I do not know whether it would be possible, but I would like to hear from professionals on both sides of that argument.

**The Convener:** My issue is that, even with the wisdom of Solomon, if we heard both sides of that argument, we would not be able to judge between clinicians. What the petitioners are wrestling with is that there is no across-the-board recognition of the condition by experts in the field and that the condition, which they strongly identify, is not acknowledged.

We have two choices. Given what the Scottish Government has said, we can close the petition, or—in line with what Brian Whittle suggested—we can write to COSLA to get an overview of whether PDA is recognised among local authorities and, if they do recognise it, of how they support it. That might give us a sense of the division.

**Rona Mackay:** I am for going down that route because, as Brian said, there are inconsistencies among local authorities and it would help us to understand a bit more about it.

**Angus MacDonald:** Just for clarification, convener, have we already written to COSLA but not received a response?

**The Convener:** We have.

**Angus MacDonald:** That is disappointing, because we had difficulties with COSLA not responding quickly, or at all, in the previous parliamentary session. I hope that we are not going down that route again. I would be keen to hear COSLA's view on whether PDA is recognised among local authorities.

**Maurice Corry:** It might also be worth while talking to the health boards, as that would tie in the clinician side. We should remember that we now have half ownership by the NHS of whichever

region and the local authority, so we need to include a view from them.

**The Convener:** Technically, there is no purdah period, but we are moving towards the local government elections and the reconstitution of COSLA, so it might be a long-term process for COSLA to gather together the evidence on such an issue, which is very specific and probably not on the radar of everybody in local authorities. It would be worth contacting health boards, as Maurice Corry said.

**Maurice Corry:** I agree. As so much is being delivered through IJBs, that supersedes what the local authorities are doing. Social services come under the IJBs.

**The Convener:** Perhaps the reality is that, because PDA is not a universally acknowledged condition, it would not come across the radar of some of those bodies. If our work is partly about raising awareness, that would serve as being helpful.

We can write to COSLA and clarify the timescale within which it can reasonably respond, as we recognise the challenges involved. Is that agreed?

**Members indicated agreement.**

**The Convener:** That was our final agenda item to be discussed in public, so I close the public part of the meeting.

10:44

*Meeting continued in private until 11:12.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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