



OFFICIAL REPORT
AITHISG OIFIGEIL

Health and Sport Committee

Tuesday 22 January 2019

Session 5



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HEALTH AND SPORT COMMITTEE

2nd Meeting 2019, Session 5

CONVENER

*Lewis Macdonald (North East Scotland) (Lab)

DEPUTY CONVENER

*Emma Harper (South Scotland) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Miles Briggs (Lothian) (Con)

*Alex Cole-Hamilton (Edinburgh Western) (LD)

David Stewart (Highlands and Islands) (Lab)

*David Torrance (Kirkcaldy) (SNP)

Sandra White (Glasgow Kelvin) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Joe FitzPatrick (Minister for Public Health, Sport and Wellbeing)

Stewart Harris (sportscotland)

John Lunn (sportscotland)

Jacqueline Lynn (sportscotland)

Cheryl Paris (Scottish Government)

Robert Swanson (Scottish Government)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Health and Sport Committee

Tuesday 22 January 2019

[The Convener opened the meeting at 10:01]

sportscotland

The Convener (Lewis Macdonald): Good morning. Welcome to the second meeting in 2019 of the Health and Sport Committee. I ask everybody in the room to ensure that their mobile phones are off or on silent. Although it is acceptable to use mobile devices for social media, please do not take photographs or record proceedings—the Parliament does that. We have apologies this morning from two members of the committee—David Stewart and Sandra White.

The first item on the agenda is an evidence session with sportscotland. I welcome to the committee our witnesses from sportscotland: Stewart Harris, chief executive; Jacqueline Lynn, sports development head, schools and community; and John Lunn, sports development head, pathways. I thank you all for your attendance this morning.

I know that you are looking ahead to the next year, but I ask you to reflect on the past year and the ways in which you have measured the impact of your work. In general, how satisfied are you that the way in which you measure impact is giving you what you need with regard to achieving outcomes?

Stewart Harris (sportscotland): Thank you for the opportunity to have a conversation with the committee.

We are just coming to the end of a planning cycle. We tend to use the Commonwealth games as a touch point—it is not the priority—that allows us to review everything that we do. For the past six years, we have been clear about the way in which we want to work, in trying to create a system approach for sport and physical activity around the country.

The essence of our approach is that schools, clubs, communities and performance are all connected, and that is driven by fantastic people, the bulk of whom are volunteers, and great partnerships. I will probably talk quite a bit about partnerships in this evidence session because, in order to get effective and efficient results with the resources that we have collectively in this country, it is really important that we work together to make the most of them. The outcome that we all want is

that of people of all ages taking part in sport for whatever reason they want to take part.

There have been strong performances in all those areas. In schools and education, the active schools programme is now in its 14th year. At sportscotland, we feel strongly about a commitment to long-term outcomes, with young people being at the heart of that, and we make sure that our partnership with local authorities and the education sector, which reaches all 2,500 schools in the country, gives us an opportunity to introduce young people to activity and sport for life. For those who want to go to the performance end of the spectrum, if they have the talent, ability and ambition, they can do that.

In the community world, we established just over 100 community sport hubs after the Commonwealth games in 2014. Members will again recognise the theme that we are keen to put sport at the heart of communities across the country. We now have 196 community sport hubs, more than 50 per cent of which are in schools. A huge number of clubs and a huge number of people participate in those hubs, and they are self-determining and self-managing. We think that they will continue to grow and develop. I am on record as having said that every secondary school in Scotland should be a community sport hub—and perhaps some of the primary schools that have the facilities should be, as well.

On performance, we came through the Gold Coast Commonwealth games with 44 medals, which was a fantastic result.

Underpinning all that activity is the clear articulation of all our individual and partnership work in sport and physical activity with the active Scotland outcomes framework. We are very clear that that framework offers Scotland a fantastic opportunity to make the nation active if sport, education, health, transport and the environment can all work together to offer people opportunities to be active, whether that is just going for a walk or playing sport with friends at whatever age.

On measurement, we produce information annually on our contribution to the active Scotland outcomes framework—I think that members have been given a copy of that document. From our perspective, it is really important that all the areas that have been mentioned are able to articulate their individual and partnership contributions. We talk about active schools and our partnership with education. The results are not just ours; they are those of the partnership with education.

In each of the areas that we work with on active schools, we have data for every single school. That is very clear articulated data that is specific to each primary and secondary school. It allows us to review and reflect on where we are with partners

in order to plan better and try to improve opportunities for more activity.

The Convener: Do you regularly review the framework that you have described? Do you keep it under review? Does it change from year to year? What is the process for ensuring that you measure and capture the right things?

Stewart Harris: We are at the end of the four-year period, so we are looking at everything that we do. We are reflecting on what has impact, what gives us the best value for money, and what are our most effective partnership tools. We do not work with a huge number of activities; we have tended to work with and invest in people. For example, we work with partners to support and develop more than 1,000 full-time positions in active schools and community sport. Those are extended commitments for a number of years.

Annually, we drop down into community sport hubs and look at the data. The communities around those hubs and the officers who support them will review how they have got on, what the results are, and how they can target additional participation, albeit that they have to look at the capacity for that in respect of facilities and people.

It is really important that we continue to review annually everything that we do. At the end of the four-year cycle, we can look at that extended period, but the critical thing is that we look at how each of the sectors connects—at how the school connects with the community and how that all connects with performance.

Alex Cole-Hamilton (Edinburgh Western) (LD): How are investment and focus in sport calibrated in promoting elite performance and wider-access and ground-level involvement? We have rightly talked a lot about Scotland's plaudits in respect of elite performance, but what is the focus of your organisation's time between elite performance versus wider-access, grass-roots involvement?

Stewart Harris: I will answer that in a couple of ways.

We try to look at the issue from the perspective of Scotland. You have probably heard me say this before, but 90 per cent of the public investment is spent on grass-roots and community support. Last year, we spent about 18 per cent of our budget on performance sport. It is a very tight area. At the moment, 640 athletes are supported—athletes whose ambition is to win medals at major games on the world stage. There is also a connection to the United Kingdom, which brings with it UK resources, which we want to access. In other words, the calibration has always been about 90 per cent on activity around schools, communities, people and places, and about 10 per cent on performance sport.

Alex Cole-Hamilton: Could you explore the interface between Scottish sport and the wider UK—team Great Britain, as it were. How does that operate on a daily basis? Do we get funds from UK Athletics and other UK sports bodies?

Stewart Harris: I can give the committee a potted history of that. UK Sport funds the British bodies. Boxing is an example that is at the front of my mind following last week. Our expectation does not yet quite meet that of UK Sport; we think that there needs to be a greater alignment of the resources that are spent at the UK level in supporting a British body and what the reach into and impact on a Scottish body would be. The resources are given to the British body and it is our job to ensure, with Boxing Scotland, that there is an alignment and pathway to ensure that athletes have the best opportunity to step into a world-class athlete programme. There is a podium programme and a podium development programme. In all the sports that are Olympic or Paralympic disciplines, we try to ensure that that is the outcome for us. We then hand over to the British body, which is supported by significant resources—in the last cycle, about £350 million was spent on performance sport by UK Sport.

Alex Cole-Hamilton: Finally, elite performance begins with the grass roots: the children of today will become the track stars of tomorrow. How do we get the culture right so that those kids are encouraged and supported to be the best that they possibly can be, without leaving all their peers behind? How do we ensure that the focus of the gym teacher or sports coach is divided fairly, so that the elite guys get the time, but so does everyone else?

Stewart Harris: Things are probably in the best shape that they have ever been in. As a former physical education teacher, it was always my job to ensure that every child in the classes that I taught had the best opportunity to acquire and improve skills, to interact with their peers, to become more confident and to improve their communication—that was my job as a teacher. Then I would put another hat on and become a coach after school, working with young people who had potential and ambition, to explore—only explore—what that pathway might look like and how it could help them.

When we talk about the system, it is important that we value those connections and discrete areas in their own right. The outcome of getting young people active is not purely about performance sport, although for a few, it will be. The bulk of what we do is about ensuring that taking part leads to participation and all sorts of wider outcomes. The phrase that we use is "changing lives through sport" and, as individual units of schools, clubs and sportscotland, as well

as collectively, we passionately believe that there is the potential to do that.

The balance is in a good place. There is more work to do. Our chair, Mel Young, cannot be here today because he is down with UK Sport trying to help it to improve its system. Not to put too fine a point on it, we would like to see greater integration and alignment between UK Sport and sportscotland, and between British bodies and Scottish bodies.

Brian Whittle (South Scotland) (Con): I have a quick supplementary question. I want to go further into the link between sportscotland and UK Sport funding that Alex Cole-Hamilton asked about. I understand that the funding for our elite athletes in the podium athletes programme comes from UK Sport.

Stewart Harris: Yes.

Brian Whittle: The funding, which is to the tune of about £12 million, goes direct to our elite athletes. Is it correct to say that that funding does not come from sportscotland, but comes from UK Sport, once the athletes are part of the podium programme?

10:15

Stewart Harris: That is absolutely correct. In an ideal world, that is the solution that we are looking for. Our responsibility with regard to helping the UK system is to develop the system in Scotland to ensure that there is a pathway for athletes and that as many young people as possible are taking part. Tiny amounts of money might come in from other sources for small projects, but broadly, that is what we do. As soon as people step into the podium programmes, UK Sport and the British body take 100 per cent responsibility for them, while they are on the programme. As you know, athletes can go to and fro—they can step away from or be removed from the programme either temporarily or permanently, and we would pick up responsibility for supporting them at that point. That is how the system works, ideally.

Miles Briggs (Lothian) (Con): I want to touch on the school estate, which you have already mentioned. Various charities have tried to get access to the school estate in Edinburgh but have encountered cost issues and have not been able to do that. I have raised that issue a number of times in committee. Has the situation improved? Are there local authorities that have made some of those challenges go away?

Jacqueline Lynn (sportscotland): We conducted some research on that a few years ago. There is a perception that the school estate is not open and is not being used, but that research identified that 89 per cent of the school estate is

being used. We talked with our local authority partners about what access looks like, and we worked with them on what is happening in the school estate and how local authorities can plan and prepare better for the use of that estate in the interests of local communities. We had some real success with Glasgow City Council, which did some good work on its school estate and its community estate, and we had some further success with East Lothian Council. Again, the issue is how the local authorities can plan and prepare better. There have been real improvements, and there is an opportunity to combine the use of the local school estate and the community estate in order to provide more opportunities.

Miles Briggs: In recent weeks, the City of Edinburgh Council has gone back on a decision to increase hall charges, which I welcome and had been pressing for. Given the financial pressures that local authorities tell us that they are coming under, are you concerned that access to schools and to sports will be challenging in that environment? Unless a noise is made, increasing such charges can be seen as low-hanging fruit.

Stewart Harris: We were part of the conversation in Edinburgh, and we try to take part in such dialogue. The essence of what Jacqueline Lynne talked about, which we touched on earlier, is the fact that we see local authorities as vital partners. Their arm's-length bodies are key in how we work together.

We are trying to ensure that there is a clear plan for access. In some cases, our strategic conversations will cover that, but, in other cases, issues arise out of the blue, and we have to be able to react to them. It is our job to work with local authorities to persuade them of the best ways in which they can use their resources, make the most of their facilities and enable as many people as possible to participate. Of course, everyone has challenges with resources at the moment, but our job is to work closely with local authorities and their partners to try to persuade them of the value to communities of sport and physical activity. It is important to do that. We will continue to advocate that to all of them.

Miles Briggs: Last week, when everyone was talking about Andy Murray moving towards retirement, one issue that was raised with me was where we go with tennis in Scotland; there is a great opportunity there.

The panel will be aware of the discussions around the new elite centre in Stirling. The whole Murray family, I think, is saying that they do not feel that that is the direction of travel to develop a wider pool of players and additional coaches across our communities. In relation to not only tennis, but in general, where would you like to see

the future model go? In many sports, we have an opportunity to grow. Stirling is a fantastic campus—do not get me wrong—but it is not particularly easy for people in the various corners of our country to take their children to. What are your views on that?

John Lunn (sportscotland): It is an interesting point, which probably applies a bit more broadly. Specifically on tennis, there is work on the high-performance component, which will be in Stirling, but that links down to what we are doing with tennis below that level—along the pathway, with other partners and in the clubs and local communities.

Tennis is a facility-focused sport. We have our indoor tennis fund, on which we partner with the Lawn Tennis Association and Tennis Scotland, with the aim of expanding that provision. The high-performance centre at Stirling, on which we are also working in partnership with the LTA and Tennis Scotland, will be one piece of the jigsaw, but it is not the only piece of the jigsaw.

We take that approach systematically, across all sports. There are the grass-roots components that Stewart Harris and Jacqueline Lynn have talked about, which get children active and participating; then there is how those connect to the clubs, where children are guided and motivated to become the next world champion or to get to the Olympics. The opportunities and steps are there through the clubs and coaches and through the Scottish governing bodies' development programmes.

The situation has improved a lot and, ultimately, we are starting to see that in the performances at the top end. We are seeing more athletes getting into GB teams and representing Scotland, and better performances on the world stage.

Miles Briggs: Independent schools in Scotland still seem to offer more opportunities. What needs to happen in state schools in order to have more access? Mr Harris, you said that you used to do training in the evenings. Are there any opportunities that we are not taking up to grow the number of coaches in our school sector?

Stewart Harris: A key premise for us is ensuring that any facilities that are available are used to the maximum, which is exactly what we are beginning to see with community sport hubs. It is always difficult when we separate things and look at the school piece and the community piece. With community sport hubs, the connection with physical education, the after-school programmes that we support, the active schools programme and an extended community programme, is clear. Some schools are open until very late in the evening, which is the way forward. The issue is capacity.

Of course, there are still issues to do with increasing access, and we will continue to advocate on that with local partners. Our school estate report is a few years old now, but the principles would not be a million miles away now. The school estate is accessible and open, but there is still some capacity available. Consistently in sessions with the committee, we have wanted to continue to push the button to create more access to those facilities—that is all-encompassing; it involves all aspects of the community and the programmes.

I make a genuine offer: if any committee member wants to have a look at a community sport hub in their area, we would be absolutely delighted to facilitate that so that they can see what is beginning to happen to develop community capacity.

Jacqueline Lynn: We must recognise the work that our local partners and teachers in schools are doing for our children and young people. The active schools programme, which Stewart Harris mentioned, is a great example of that. It has been in place for 14 years and figures show that 45 per cent of those on school rolls participate. From an equality perspective, it gives equal opportunities across all the areas that reach into schools. We must acknowledge the work on that through education and our local partners, as well as the work to connect clubs and communities, to try to give pathways so that young people get chances in school but also have a link to a club.

The most important thing is that the network of people involved—the active schools co-ordinators, the community sport hub officers and the officers in governing bodies—try to improve those opportunities so that there is parity. The real difference over the past five to 10 years has been that we have taken a system approach to the issue, and where we are now is really encouraging.

George Adam (Paisley) (SNP): I have a short supplementary question on an interesting point that Jacqueline Lynn made but which Miles Briggs did not pursue. If I have got it right, she said that 89 per cent of the school estate is being used and is accessible. As a former councillor and now as an MSP, I know from speaking to sports clubs that they do not believe that to be the case. Will you give us more detail on that?

Jacqueline Lynn: The research that we undertook involved going out to all our local partners, who fed back in on the size of the school estate and what goes on in it. We spoke to our local partners about the authenticity of the information that we got back and how the estate was being used. We then worked with them to see what was planned. Did you say “successful”, Mr Adam? I said that the estate is accessible.

George Adam: Accessible, yes—but even 89 per cent accessible is good.

Jacqueline Lynn: People are using the estate because it is accessible. That is the information that came back from our partners in our research. What is happening on the school estate might not always be what people want, but the estate is certainly accessible.

Stewart Harris: As I mentioned earlier, there is still some capacity, without a shadow of a doubt. As a national agency, we have always taken the view that we will work with all 32 local authorities. We have good reach and a good track record, which allows us to get into those conversations—we have active schools co-ordinators in every school and information on accessibility and the use of the estate. There is definitely still some capacity and we need to work with each local authority to free that up so that people can access it. That access must be planned, because how the estate is used and where different types of activity take place need to be thought through. A bit of sophistication in that regard can reap huge rewards.

Brian Whittle: Following on from George Adam's question, although 89 per cent of the school estate is accessible, do you agree that what is important is when and to whom it is accessible? The estate might be open for clubs from 6 o'clock or 7 o'clock in the evening, for example, but there would be more impact from having the estate available at 4 o'clock in the afternoon, or half-past 3, when the school closes, so that kids would not have to go home and then come back. That is hugely important and can have a significant impact, especially in the most deprived areas, where cost is an issue. Do you agree with that?

Jacqueline Lynn: That is about planning for that when we work with our local partners in schools on what is going on in the estate. It is about what happens in the 3 o'clock to 6 o'clock slot in schools: what active schools are putting on in school time, how that connects to clubs and how they replan and focus on what goes on in the evenings. To go back to the principle of community sport hubs, it is about asking what local clubs and communities want.

We have had some traction from doing that, and developing that principle is exactly what we are trying to achieve. It is not easy to do it across the whole country, because we cannot dictate where things will happen, but we are working with our partners to see where it can get better.

The Convener: That has been of interest to a number of members, but it would be useful to us all if you could provide some more substance on

that, particularly on the different time slots that you mentioned.

Jacqueline Lynn: We can provide the report.

The Convener: That would be great.

Emma Harper (South Scotland) (SNP): Good morning, panel. I came across a sportscotland spreadsheet with a summary of sports facility fund investment. It seems that, over the period 2014 to 2017, 171 projects were funded, 32 of which were in my South Scotland region, with finance ranging from £14,500 to £300,000—the funding was used to install 3G pitches, tennis courts, changing facilities and so on.

I suppose that that would support having community hubs. The amount being invested in places across Scotland—including, as I mentioned, in 32 projects in my South Scotland region—is a good news story. I am keen to hear a bit of detail about the work with local authorities to support those additional facilities.

Stewart Harris: A number of facets are involved. We have had an extensive relationship with all 32 local authorities for almost 20 years now. We try to connect with their local needs and plans around their ambition to have people take part in and access activity. It is about how they will do that and how their local plan is connected through the community planning process. We will try to add some value to that and, where we see that we can contribute, we will look to put in place active schools co-ordinators and community sport hub officers. The facility piece is very much based on local needs.

I thank Emma Harper for her comments about the investment so far. We have invested a significant amount of resource over a number of years—it is more than £168 million, which is a lot of money. Going forward, we would like to target the investment a bit more and to support the building of greater capacity in communities that face socioeconomic challenges. In our new plan, we will try to do exactly that—to work much more closely with local partners to meet their needs. We are not an agency that dictates; we are a partnership-oriented agency that works to fulfil local needs, and that will remain the case. That is also the most effective way of achieving the outcomes. There is no point in us putting in place something that does not fit with local need.

10:30

Emma Harper: A couple of weeks ago, I attended the women's under-18 ice hockey world championships at the ice bowl in Dumfries. It was a fantastic event, at which I had the chance to speak to Bethany Scoon, the assistant captain of Great Britain's senior ice hockey team. It was

interesting to hear about the challenges that are faced in getting young lassies to play ice hockey—there is the cost of the equipment, the padding and all of that.

How can sportscotland help to support the ice hockey teams, which are working well in partnership with the UK agencies?

John Lunn: That is an interesting question. Different challenges are faced by different sports when it comes to the costs of participation, equipment and so on.

We have the national lottery awards for all programme, under which clubs can apply for grants to cover things such as equipment, the training of coaches or the provision of other additional training and support. Those grants are for relatively small sums of less than £10,000, but they meet local need. The programme is community based and the awards that we have made under it have been highly successful. You gave the example of ice hockey. Depending on its need, an ice hockey club could access that fund—it is an open application fund that we manage and administer.

More recently, we have started to invest directly in clubs. In the past four or five years, we have recognised that not all the challenges that clubs and individuals face are short-term or one-year challenges; some of them require more sustained investment. We have supported more than 100 clubs with such investment, which can include support for additional facility costs for a period of time, until the club makes it more sustainable or finds a way of sustaining it. Such funding can cover additional coaching time, if that is needed, and other support areas, and it can last for up to four years. Again, access to that funding is application based. We have staff locally in the governing bodies and in our teams who can work with clubs to work up those applications. The provision of such investment is based on the need of the club and local community need.

Emma Harper: I have another question about partnership working. The national health service is not mentioned in our briefing papers, but it is a big partner. Social prescribing has become something that general practitioners are keen to participate in, because of the health benefits of exercise. It is not necessarily competitive sport that is being prescribed—I am aware that people do tai chi to support pulmonary rehabilitation, for example, which I think is worth while, because keeping people's lungs healthy helps to reduce hospital admissions.

Greystone Rovers in Dumfries provides support, coaching and time for people with mental health diagnoses to play football, and that is working extremely well.

I am interested in hearing about any partnership working on social prescribing and the health benefits of exercise—as opposed to competitive sport—that could be developed with the NHS.

Stewart Harris: There are a couple of elements to talk about here. A huge amount of such work is being done locally, but we would not claim responsibility for that. We have been part of those conversations, but we are talking about local partnerships.

We are trying to do that kind of work on a slightly bigger scale in the east end of Glasgow. Over the past 18 months, a consortium that includes NHS Greater Glasgow and Clyde, Clyde Gateway, Community Safety Glasgow, Glasgow Life, sportscotland and the housing associations, has been having a conversation about how we can integrate our resources and all play a part in getting people in that part of the city active. The need to get partnerships that actually mean something is very clear.

The common outcome is getting people active and keeping them healthy, particularly people who are not active; that is the way forward. That connects to the active Scotland framework, in which, in my view, every organisation should have the job of contributing to making the nation active; it cannot just be about sport. We are trying to develop—and we look to our colleagues in active Scotland to develop with us—some national conversations about that. That would be more valuable. There are some fantastic local partnerships; Jacqueline Lynn might have some examples.

Jacqueline Lynn: An example is the strategy that we have just pulled together in Dundee, which is a physical activity and health strategy rather than a strategy just on sport. The NHS is leading in the area of play and physical activity, alongside sport. That is an integrated strategy and we see a lot of good local projects being driven on the ground on that. In Dundee, again, there are links between the hubs for the geographical areas and health through things such as walking groups.

Dundee is an example of somewhere with an integrated strategy for sport, physical activity and health, ensuring that health is connected locally. The Glasgow example that Stewart Harris talked about is also a way forward. We have a lot of those partnerships.

The important thing for sportscotland as a community planning statutory partner is where we connect with the community planning partnerships and the health and social care partnerships. That is again very much driven by our local partners in their context. I know that a lot of work is being done in the Highlands and Islands on health and

social care, and the Highlands and Islands are leading on a number of strategies.

We are looking at different approaches to the health and sport strategy for communities and for children and young people.

All that also connects with mental health and the Scottish Association for Mental Health. Again, we cannot take all the credit for the work; a lot of it is done by our local partners and we contribute to it.

Work is being done. We recognise that there is still work to be done but we see the difference with integration of the national agencies.

Emma Harper: My final question is about engaging older people. You have talked about walking and we have seen an increase in walking football and in netball groups. Does sportscotland track the number of groups across local authorities to manage the increasing trend towards that kind of participation?

Stewart Harris: We have not tracked that yet. As you say, there has been a swift upturn in a lot of activity of that sort.

During this new cycle of planning, we are trying to pick up from local and national partners what would be good to measure, so that we can look at impacts. There is probably a huge number of things being measured; our job now is to filter out those that actually mean something.

Getting older people engaged certainly has a higher profile than it has had before. That is great, because the message is so positive. We do not have specific data on that right now, but we will look to work with partners to make sure that we get it in the future.

Jacqueline Lynn: Our go live projects include walking football, table tennis in Aberdeen, and so on. We have done some evaluation of participation in such projects and I hope that, when it is done, we can share the results with the committee. We are looking to get the inactive to be more active, as the focus of a number of the 92 go live projects shows. We will have some more information about that shortly.

Miles Briggs: Emma Harper's question reminded me of when some of us from the committee went to Aviemore to visit the sports hub there. One of its best practices was staggering classes so that grandparents who were taking their children to a sport need not just sit at the side and watch. Are you making sure that best practice is being spread across Scotland? It does not feel like that in some sports venues in Edinburgh, where all classes start on the hour, which makes it more difficult for other family members to do an activity themselves. It is good that people are taking their kids there, but venues need to take an intergenerational approach.

Jacqueline Lynn: We are trying out a club and communities framework across the country in order to provide consistency and share practice. As part of our research approach we use—as well as the data that Stewart Harris gave an update on—impacts and interventions returns. They are the stories that come from the groups and communities in which we are looking at best practice. The Highland examples include a fantastic headteacher at Kingussie high school. There are many such examples around the country. We share them with our partners, and around the active school networks and community sport hubs.

The connections between local authorities and the governing bodies are important because people in our governing bodies can see and acknowledge local planning and programming, which comes down to the school, to what goes on in the community at night and to what the community needs. In all that work, we are trying to integrate, share good practice and make sure that we know where good practice exists.

Stewart Harris: Our review and our consultation with the community over the past six months have shown that engaging parents, carers and families is key. Our ambition for the coming cycle is to put resources into developing a partnership with education nationally and locally.

My daughter goes to Braes high school in Falkirk, the headteacher of which is always looking for parental engagement—not just on parents' evenings—as a contribution to the life of the school.

We think that we can develop a national and local partnership with schools with the general aim of getting more parents engaged in the life of the school, from which sport and physical activity will benefit. That is coming—I am trailing it now. We have always done a lot of local work on parental engagement, but we will try to scale that up to another level. Everything that we do is really about that national scale. We want to take some of the really good ideas and make the principles accessible across the country.

The Convener: When I look at the national outcomes over the past four years, a few things jump out at me in terms of movement—or lack of movement. First, the percentage of young people who are involved in active schools seems to have been pretty static over the past four years—about 70 per cent in primary school and 30 per cent in secondary school. You might have hoped for more movement on that.

Secondly, the drop-off between primary and secondary remains significant. Some 45 per cent of children in lower primary meet the physical activity guidelines over the course of a week, but

that reduces to 20 per cent by middle secondary. Finally, the gap between boys and girls seems not to be closing—in particular, through formal sports clubs.

What are your reflections on those important measures of success? What can be done to address them?

Stewart Harris: This is a really interesting conversation: we have had a number of conversations with the committee about the subject in the past. The national figures from the Scottish household survey and the Scottish health survey have been quite static and there are gaps in respect of some measures. However, we have collected data from every school in relation to the active schools programme. The data that you mentioned is not specific to active schools.

I make the general point that it cannot be just our responsibility to deal with the matter: the work that is done in education by people who have the young people in their care every day is also important. We can look at our contribution, and of course there is work to do, but we do see changes in the trends. In the active schools programme, there is almost parity between boys and girls in participation, which is not the case in the general population. Of course we accept and look at the national measures, but a lot of our detailed work looks at specific communities and specific schools and considers how they can improve and close the gaps that you mentioned.

The Convener: There is partnership working between sportscotland and education, but if it has not delivered the level of change that you might have wanted over the past four years, what do you need to think about doing differently over the next four years?

Stewart Harris: We are trying to engage more young people, but I argue that the active schools programme has delivered that. There has been a huge jump in the statistics. We can give you the most recent report. When we consider the matter in context, the active schools intervention has been hugely successful, which is why we have kept it going for 14 years, during which it has cost £12 million of our budget, or thereabouts. As a national agency, we would not have continued with it if it had not been working.

We need to work with communities and bring more resources and capacity into them to enable people to access sport and physical activity. It is about a mindset: we understand that there has to be an incentive for young people.

As I have said, my daughter has just gone into first year. She has been heavily into dance, so I hope that she will stay in dance and get a huge number of new experiences in secondary school. That is, I think, the aim of us all with regard to

young people going through the school system. We think that the interventions that we have specifically worked through with local authorities have been successful.

10:45

The Convener: I am struck by the fact that your own annual review reflects on active schools numbers remaining static over the past three or four years, even if there are some positive trends within that.

I know that the measurement of physical activity in the Scottish health survey is not your direct responsibility, but you use it to measure your performance. Some people might think that there is something odd about numbers that suggest that only 18 per cent of children aged 13 to 15 are meeting the physical activity guidelines, while the percentage of adults aged 16 upwards meeting the moderate-to-vigorous physical activity guidelines is as high as 65 per cent. Clearly, we are comparing apples with pears, but is there a need for more consistent measurement with regard to under-16s and over-16s if we are properly to track levels of physical activity in people as they grow up?

Stewart Harris: I guess that we have to use the data that is available, because it really helps us. You are correct to say that the Scottish health survey is not our responsibility, but we have a huge contribution to make, and we have to use its data to improve our plan against outcomes. If the data is telling us that what you describe is the situation, we have to improve it. We will continue to look at the various ways in which young people disengage from activity, but the key is to ensure that the opportunities exist for them when they want to re-engage. We must not simply accept that disengagement; instead, we have to find ways of motivating young people both personally and with outside effort, and at different points in their maturity, in order that they can see the benefits of such activity.

We are quite simplistic and open in our approach to the world of sport—we do not look at it as something technical. If young people want to run or jog, or just swim with their friends, we should call that sport, and we should encourage as many people as possible to be with and have fun with their friends as well as to improve at what they are doing, if they so wish. That needs to be the aim of us all. The convener has made a good point. We must all work closely together to improve the outcomes from the data that we collect.

Jacqueline Lynn: The active schools programme is offered to all children, and with that universal approach, there has been an increase of

6 per cent or so. Over the past 14 years, there has been an increase, albeit that it has been small.

However, the focus of the agenda for young people is now on taking a more targeted approach with partners. The bell curve showing what happens in the move from primary to secondary school has stayed the same for quite some time. We have just finished a series of meetings—64 in total—with local authorities and their trusts about where they are going in the next few years, and one of the issues that has arisen is participation of the 13-to-15 age group and the interventions that can be put in place for girls and young women as part of that. That is really important.

I hope that it will not come as a surprise to the committee, but we have found that consulting young people and asking them what they want really works. We have done a lot of work with small groups of girls; for example, in Aberdeenshire and South Ayrshire, we have set up girls committees to consider what they want and what it might look like. We have recently put together the fit for girls training initiative, in which we go into schools and work with the physical education department on what after-school provision might look like. Things have just repeated themselves over the past 10 or 20 years, but we hope that the kind of intervention in which we talk and listen to girls and young women will help to change things over the coming period. We need to monitor and evaluate that activity.

Finally, we are beginning to look more closely at our statistics on equalities, which perhaps have been a bit generic. We hope that, in the next few years, we will be able to create and show the committee that picture.

The Convener: That was helpful.

John Lunn: It is important to remember some of the choices that young people who are entering the 13-to-15 age group have. Many governing bodies and clubs have recognised that it is very difficult to retain and maintain membership from that young cohort. As a result, a lot of sports are looking at modified formats. We have already talked about walking football and the bounce back initiative in netball, which are for older adults, but the sports are also looking at how they might modify things by, for example, having games with smaller sides, reducing the time commitment, and making games more inclusive by adapting the rules. The sports themselves have recognised the challenge.

The young people who take part in sport today are the older people who will continue to do so for the rest of their lives. That is important for the sports generally.

The Convener: I return to Stewart Harris's point about the health survey and whether it is

measuring the right thing and reflecting it in the right way. Are you engaging with colleagues on that?

Stewart Harris: We are. As I said before, the active Scotland outcomes framework focuses everyone on that. There have been changes in the data. In physical activity among children, the 33 per cent figure is new and there is no trend data from it. It would be helpful to maintain that measure for the next while because that will allow us to see trends. At the moment, it is just a one-off figure. We continue to talk with colleagues. The active Scotland framework is on the website and has a dashboard of measurements. Every sector in Scotland can own those and be part of the contribution to getting the nation active.

David Torrance (Kirkcaldy) (SNP): You mentioned participation of young girls in the active schools programme. Do you measure the third sector and, specifically, the uniformed organisations, which are very successful at getting young girls into sport, and offer physical activity every week in their meeting halls? I put on record that I am a member of the Scout Association.

George Adam: I wondered when that was going to come.

David Torrance: We have, in Scotland, membership of 50,000, to whom we offer physical activity, sport and outdoor activities all the time.

Jacqueline Lynn: Stewart Harris mentioned our work in partnership. We have a partnership with Youth Scotland, Youth Sport Trust and Young Scot and are connecting to wider opportunities. We are going beyond the current inward-looking system of defining what sport contributes, to look externally. We have had a good relationship with Youth Scotland and the uniformed organisations that we have brought in to look at how we can use sport to add value to what they do.

In our work in the changing lives through sport and physical activity programme, we are beginning to consider the different organisations that could come round that table, with which we see an opportunity to work with young people. David Torrance is involved in such an organisation, so he knows the difference that they can make.

We also have our young people's sport panel, which is in its fourth iteration. It is fantastic to see that group of 16-year-olds from across Scotland, and from a variety of backgrounds, helping to shape and influence, because we are listening to their voices.

On boys and girls participation, within our leadership programmes—the young people's sport panel and young ambassadors—the percentage of females is greater than the percentage of boys: we get more girls and young women in leadership

than are participating. We need to look at that, and we need to listen. We are working with the young people to engage with them.

The year of young people helped to bring a lot of organisations together to share what we are doing and to promote the value of young people. There is a great opportunity because, as John Lunn said, they are the future participants and the future leaders. We have developed significantly in that area over the past five years with our partners in education.

Brian Whittle: I am always interested in surveys and their outcomes, because the results depend on the questions that are asked. A huge trick was missed with the Scottish household survey in terms of what it asked people. It asked “Are you active?” but did not follow up with “Why are you not active? Would you like to be active and if you would like to be active, why are you not?” That would have been much more illuminating.

I am looking at the proportion of children aged between two and 15 who participate in sport. There is a marked difference between the most deprived and the least deprived areas. There is a 30 point spread: 82 per cent of children from the least deprived areas participate in sport, compared with 52 per cent from the most deprived areas. The interesting anomaly is that more girls participate in the most deprived areas than do so in the least deprived areas. There is something within those figures. Are we asking the right questions? There are gaps in our knowledge in respect of why people are not active. Are you doing work on that or are you considering work to fill that gap?

Stewart Harris: That is another great question. We can take the national indicators into account. They reflect a moment in time and tell us a bit of the story. What we find, however, is that we need to look at what goes on locally.

I spent some time at the Inverness royal academy cluster. The active schools co-ordinator there is hugely professional and absolutely committed. She spent most of her time identifying young people in the school and community who were not active. Through targeting young people in the school who were not participating in anything, she began to shift the position.

It is about local solutions. The national indicators tell us the story and give us a moment-in-time picture to take on board. What we find really useful, however, is getting to local areas to ask those questions. Active schools co-ordinators are mandated to keep asking those questions. If young people are not participating, we need to ask why. Jacqueline Lynn talked about hearing the

voice of young people. More and more, we are listening to that voice.

The national picture does not help us to talk about the primary school down the road or—in my home town—the school estate in Dundee. We have to continue to get into schools, as we have been committed to doing over the past 14 years and which has shown some benefit.

We have spoken about our ambition to get more parents engaged in the life of the school. We will, with our partners, be targeting our active school co-ordinators at schools that show lower participation rates. We will try to increase the impetus and the resource that is available to those schools in order to give young people additional opportunities.

All that we can do is plan better and seek interventions that are for everyone and interventions that are targeted. We cannot move that around. National figures tell us a bit of the story, but I set store by what is happening in individual schools and clubs in communities in terms of activity and how people access it.

Jacqueline Lynn: As part of our wider evaluation of the active Scotland outcomes framework, we asked a number of questions. We have a report and can share the findings with the committee. We have some information on how young people are feeling and how active they have been.

The Convener: That would be helpful.

Brian Whittle: Let us cut to the chase. The committee has discussed the matter with Stewart Harris before, and it is not rocket science. You have discussed linking up work in physical education with the community and club offer. I do not see the point in having six weeks of, for example, introducing kids to basketball in school if there is then no outlet for them locally.

We talk about the ease and cost of access, and the committee has alluded to those things today. Especially following the Commonwealth games, a number of clubs have waiting lists, which tells me that there are kids out there who want to participate but are not getting that opportunity. Stewart Harris has talked about utilising the school estate more efficiently. I have never understood the idea of kids having to leave a facility, go home and go somewhere else to participate when they are already where there are facilities.

We are in general agreement on the direction of travel in which we need to go. Given the discrepancy in participation between the most-deprived and the least-deprived areas, what are the barriers to implementing the overall plan?

Stewart Harris: Without doubt, those barriers will be location specific.

I take issue with something that you said. I am a great believer in connectivity, and I have talked about it with you a lot. If there is a demand among young people for, say, basketball, and there is no club in the community, it is incumbent on those who are there to provide one. The connectivity should be that basketball is taught in schools as part of the physical education curriculum or at an after-school club and sportsotland, supporting local professionals, should look to build a club in the community.

In areas of socioeconomic challenge, there is almost parity of participation in the active schools programme, which is a positive intervention. However—here is the barrier—in those areas, there is not enough capacity in the club infrastructure to give young people the chance to participate in the community, so we need to work with local partners. The evidence is really clear that the programme seems to be working in schools, but there is a lack of capacity in the communities.

11:00

In our new cycle, we want to spend more time with partners looking at how we construct things and use the available resources and facilities—which do not have to be brand spanking new and shiny—in communities where there is a lack of infrastructure. Our part in that will be to bring governing bodies together, because, as you can imagine, 10 sports governing bodies wanting to talk to one community would be a bit resource intensive. We can help in that by bringing the governing bodies, as a group, closer to communities. I am beginning to look at how we build that capacity.

It is pretty clear that we must take positive action and make sure that there is an extended and sustained long-term commitment such as there is for the active schools programme, as physical education is a long-term, sustained part of education. There is work to be done in communities on how we build that capacity and give communities the opportunity. Community sport hubs are a vital part of that in giving communities the opportunity to do things for themselves and, with support, to make opportunities available to people in their community. We are hugely passionate about that.

We are changing the model from being delivery oriented, with local partners delivering programmes, to trying to build capacity in communities. We want to be able to say to communities, “Here is the resource and the available support. Build it yourself and we will help you to do that.” The barrier is infrastructure—there is not enough of it to accommodate demand. We all have to get our heads around that.

Brian Whittle: We have discussed the development of community sport hubs. In more rural communities, there are also council-run facilities, which are being closed at a rate of knots. That must be a barrier to local communities participating in any kind of activity.

Jacqueline Lynn: I guess that some rural communities have acknowledged that, and, by bringing people together to look at that, the community sport hub principle is working really well in some rural communities.

With regard to the barriers that you have talked about, one of the things that we need to improve for the most deprived is our work with the professionals in the system. Sport makes a contribution, but in our work in the changing lives programme, we really need to work with partners such as community learning and development, social work and other groups that see the whole lives of children and young people in their communities and really try to make a difference. We have received additional money from the Government and the Robertson Trust to find partners with which we can work. We just established a £1 million fund, and there are 17 projects and 35 partners who will go in and look at the issue. There is also a consortium that is working to review it.

That is a way for us to look at the barriers and challenges that you talked about in the areas of most deprivation. The sporting world is new to that, so we have to learn, be educated and listen to others. We can bring the sport and physical activity component to the changing lives programme and make a difference so that there is a bit more parity, but we recognise that we will never change things overnight on our own.

George Adam: That is perfect timing, because my question is on national lottery funding and sport hubs, as the on-going national lottery cuts will affect such things. It was interesting to hear you say that every community in Scotland should have a community sport hub—I hope that I have not misquoted you.

Stewart Harris: No, not at all.

George Adam: I totally agree with you. In my constituency—Paisley—there is an area of deprivation called Ferguslie Park, and St Mirren Football Club is right in the heart of it. We have worked with the University of the West of Scotland and West College Scotland on a programme that seeks to use the club to improve educational attainment and, as a way forward, to use the multisports complex to make a difference in that area.

The problem with the project is that I and the 13,000 fans who have bought the club have a funding issue. The first people to talk to would be

yourselves. Then, having built up the programme, we would talk to the national lottery, which has already said that it is a good plan of the type that it invests in. However, we need to get it together. Do you share our concern? This is the first year-on-year cut in national lottery funding, and such projects will suffer. My big concern is that, when we are trying to get the programme together—it is not just us; such programmes are happening around the country—an extra impediment and challenge will be put in our way.

Stewart Harris: I share your concern about the drop in national lottery funding. I will provide some context for the committee. Three years ago, we received £31.5 million, and that figure is projected to go down to about £25 million. I reassure you that, when we face financial challenge, we prioritise, and community sport hubs and the community element of what we do are a priority. We may look at other ways of making efficiencies and savings, or we may have to park something because of our prioritisation process.

It is challenging for me, as the chief executive officer, to ask the team to do that, as everyone has important things in their work. However, when we face challenges, it is important to have a prioritisation process and not just a salami-slicing approach.

We encourage communities to continue to talk to us about what is happening. We probably have more to do with football clubs, as they have potential, and we are having a conversation with the Scottish Rugby Union about a similar methodology and the capacity of bigger sports to support other activity. I hope that I have reassured you about the challenging lottery issue.

I thank the Scottish Government for its commitment to underpinning our income to allow us to plan, which is really positive. We had £31 million of funding at one point and then it became £25 million—members can see how challenging that would be for planning if we did not have the Government's £3.4 million available for planning

We will continue to prioritise those programmes. If any conversations are required, we will be happy to have them.

George Adam: You mention the Scottish Government's £3.4 million to mitigate those cuts. The 2019-20 draft budget says:

"We will work with sportscotland to protect sport investment"

and mitigate

"the impact of continued reductions in lottery income."

You say that you will have to find savings elsewhere. What is the impact of those continued

cuts on the delivery of your programme and what you want to do at a national level?

Stewart Harris: The situation is very positive. There are challenges around resources and the choices that we make, but we look at the outcomes and the impact that we believe we are having through data, results and what partners are saying to us. Our investments have, in the main, always been big infrastructure projects such as active schools and community sport hubs. They are big priorities for us, so we manage around them. We are as efficient and effective as we can be, and we will always look first at ourselves if we have to make reductions in resources. It is important that we continue to do that.

The key is to try to get best value, and our work in all those circumstances is underpinned by partnership working. We combine resources with local partners and we add value. That work is in a pretty good place and will continue, but we will have to redouble our efforts to make the most of it. We will continue to advocate to yourselves and others that sport activity is a value-for-money product across the piece.

George Adam: Finally—and very quickly—I want to go back to sport hubs and the idea of using professional clubs. In Renfrewshire, in some of the work that we have done with St Mirren FC Community Trust, we have found that young people gravitate towards the football club more than they would if it was run by a similarly qualified individual from Renfrewshire Council. Do we not need to do more work like that, with clubs, to have an impact not just through healthy lives and participation in sport but on the education attainment gap? We can use sport as the catalyst for young people staying in education.

Stewart Harris: Absolutely. We have had lots of conversations with the Scottish Football Association about that. As you can imagine, we are always trying to encourage the governing bodies to take on much of that role—we cannot do everything. As a national agency, we can see that there needs to be a conversation with the SFA and local clubs about the role that football clubs can play, along with rugby clubs. There is a big infrastructure—I am thinking particularly about facilities—that we must start to engage. I recognise the good work that is already going on, though.

David Torrance: How successful has sportscotland been in delivering on the outcomes that are set out in the 2015 to 2019 corporate plans?

Stewart Harris: Do you have any specific outcomes in mind?

David Torrance: Generally, how successful do you think you have been?

Stewart Harris: In general, the outcome that we are always looking for is people taking part in sport. We look at how that happens locally and then take a step back to consider what we contribute to that. Our assessment of that is that we have seen increases each year around our big investments, across active schools and community sport hubs.

We have seen process and system improvements for performance sport in respect of the interrelation between governing bodies and our staff at the sportscotland institute, and better use is being made of those resources to give young athletes the ambition and potential to step forward. We have also seen increases in the number of people that we support directly. We can give you the detail of all of that, which is in our report.

We feel that, within the system—I remind the committee that it is about schools and education, clubs and communities, and performance, which are all connected—it is people, places and the stories that we tell that bring it all to life and make it all happen. The partnerships that we have are really important.

We think that we have had a positive four years. We have reviewed all of that and we have listened. We have had more than 1,200 responses to our consultation, some of which have encouraged us to do more of what we are doing while others have asked for a slight shift. The parental engagement issue came from big consultation input from partners across the piece.

Our job now is to build on that work and take it to the Government in our corporate strategy from 2019 onwards—we do not need to specify the years, because it is based on principles. We want to build on the success that we have had so far, because there is still lots to do.

The mechanism that we use to assess is the strength of our partnerships, and we think that we are in a good place in relation to governing bodies, local authorities and their partners. There are challenges, but, as a national agency, we are probably getting good results that we can reflect on because of the strength of our partnerships.

David Torrance: You say that more than 1,200 individuals or groups replied to your consultation. Have any of sportscotland's priorities changed because of that input?

Stewart Harris: Inclusion has always underpinned what we do, and we feel that we need to play a stronger role in co-ordinating efforts to achieve inclusion. The area that we want to focus on is a massive priority and something that we have always covered: the targeting of resources—both our own and those of partners—into areas of socioeconomic challenge. That

priority will underpin everything that we do. We talked earlier about trends, and it will be important to see, over the next four years, some shift in both the infrastructure that is available—people and places—and the impact that that infrastructure has.

Emma Harper: I just want to clarify what George Adam asked about. You talked about parking certain projects and using sportscotland money to underpin projects that have seen their lottery funding reduced. Are the parked projects big projects such as the 3G pitch that cost £300,000? Will you fund smaller projects across Scotland? How do you decide which projects to park?

11:15

Stewart Harris: I emphasise that we take a needs-based approach, so we will not make such decisions in isolation. We will look at what we have available.

We have not taken anything out, but we have had to reduce our capital investment because it relied hugely on lottery funding. However, we will look at it again and see where we can get the best impact from the combined Government and lottery resources that we have. We are also starting to look at how we engage with the private sector and how resources might be made available there.

I talked about parking projects—I am not a huge fan of the word “cuts”. We will have a strategy at a particular time—perhaps with a governing body—to meet the need in a particular area, and we will try to prioritise that need.

As I said earlier, we will continue to make the case that what we and our partners do is great value for money for the Scottish public purse. We will continue to make that argument and provide as much evidence as we can that that is the case.

The committee probably talks to lots of people and will know that, in every business, there are times when some activities are prioritised over others. We will have to continue to do that every year—it is probably to do with our cycle. We are in the middle of a four-years-plus look at the situation, and we will base our decisions on what people are telling us and what we think are the needs of our partners. We do not impose and we do not try to determine what local people should do for themselves.

The Convener: I thank the witnesses for their attendance and for their offer to send us some further information.

11:17

Meeting suspended.

11:20

On resuming—

Subordinate Legislation

Cremation (Scotland) Regulations 2019 [Draft]

The Convener: The second item on the agenda is consideration of an instrument that is subject to affirmative procedure: the draft Cremation (Scotland) Regulations 2019. As usual with such instruments, we will hear from the minister and his officials, then there will be an opportunity to ask questions on issues arising from the regulations. I welcome to the committee the Minister for Public Health, Sport and Wellbeing, Joe FitzPatrick. I also welcome Robert Swanson QPM, who is Her Majesty's inspector of crematoria for Scotland; Johanna Irvine from the Scottish Government's legal directorate; and Cheryl Paris from the burial and cremation team at the Scottish Government.

I invite the minister to make an opening statement.

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): I am delighted to join you to consider the draft Cremation (Scotland) Regulations 2019, which will put in place a much-improved framework for cremation in Scotland and introduce new application forms for those applying for a cremation.

For most people, the death of a loved one is one of the most difficult experiences that they will ever face. Grief impacts on each of us differently, arousing different emotions and affecting the way in which we make decisions. It is crucial, therefore, that when a person dies, each agency or organisation involved at the time ensures that it is respectful and sensitive to the wishes of the bereaved and that it maintains the dignity of the deceased at all times.

In 2017, approximately 65 per cent of all Scottish funerals were cremations. That percentage has been steadily increasing and is expected to rise further in future years. Therefore, cremation authorities and their staff have an increasingly crucial role to play in the funeral market and in supporting the bereaved at a very difficult time.

In 2014, following an examination of practices relating to the cremation of infants in Scotland, Lord Bonyon published his recommendations for the future. He noted that while the work of the infant cremation commission was confined to the cremation of babies and infants, his investigation and recommendations might have more general implications for older children and adults. That has proved to be correct, and his recommendations,

as well as those made by Dame Elish Angiolini's national cremation investigation, will in part be implemented by the regulations under consideration.

The regulations will standardise cremation practices and put in place clear and consistent processes for all cremations. They introduce new requirements on cremation authorities that are specifically designed to prevent the unacceptable practices that we have seen in the past. Failure to comply with those requirements is an offence under the Burial and Cremation (Scotland) Act 2016 and, for the very first time, we will set out procedures and timescales for the handling and dispersal of ashes.

In line with Lord Bonyon's recommendations, the regulations increase record retention timescales from 15 years to 50 years, guaranteeing future traceability for families. They will require cremation authorities to create and publish management plans, which will improve transparency for the public, and to keep accurate and up-to-date registers of each and every cremation that takes place. Each of the 30 crematoria that operate in Scotland will be inspected annually against those regulations by our inspector, Robert Swanson QPM.

The regulations also introduce new application forms that distinguish between different types of cremation. The forms have been deliberately designed in that way to be sensitive to the individual circumstances. That was a recommendation of Lord Bonyon, and his view was supported by the Local Government and Regeneration Committee during the passage of the Burial and Cremation (Scotland) Bill. Importantly, each form contains a separate section on ashes, which means that a formal record of the applicant's wishes will be created, thereby introducing an additional safeguard for the applicant. The regulations and forms were formally consulted on in 2017. Forty responses were received, all of which supported the proposed changes.

Since the consultation, we have engaged extensively with the cremation authorities and others in the industry, and our approach has been welcomed by trade associations and business alike. We have produced comprehensive Government guidance for the industry and we will produce similarly comprehensive guidance for the general public. We are also developing training materials for cremation authorities and funeral directors to ensure that they are adequately equipped to support members of the public.

I hope that members agree that the regulations will, with Parliament's support, bring about a positive change in an important industry that

concerns us all. I look forward to the regulations taking effect from 4 April.

The Convener: Thank you. I have one or two questions, as do some of my colleagues.

You talked about procedures and timescales. Clearly, some thought will have gone into the timescales that will apply. How were those timescales arrived at? There is an implication that cremation authorities and funeral directors may operate longer timescales than the minimum that you have set. What is the level of expectation, and how will that be communicated?

Joe FitzPatrick: You are absolutely right that the timescales are minimums. The timescales were arrived at after discussion and they are roughly the average of what is in place now. That means that, in some cases, much shorter timescales are currently adhered to. The changes will give a degree of continuity across the country and will ensure that no authority goes below the levels that are set out in the regulations. The timescales are the average, but it is likely that some crematoria will decide to go beyond the minimum.

The Convener: What will the processes be for contacting relatives to seek directions as to what should happen next, and what will happen if there is no response to those contacts?

Joe FitzPatrick: The flow chart that we have provided in the guidance details what happens at each stage. There is an initial period of four weeks and then a further four weeks. Obviously, it depends on which part of the pathway is being followed. In general, the communication will normally be sent by recorded delivery, but it can be sent by email if someone has indicated that that is their preferred method of communication.

I ask Cheryl Paris whether there is anything to add.

Cheryl Paris (Scottish Government): That is just about everything. At the moment, the letter is usually sent by recorded delivery, to ensure that it is properly received by the applicant. If the applicant decides that they want to be contacted by electronic means, they can let the cremation authority or funeral director know. As long as it is done in writing and there is a record that the emails have been sent, that is good enough under the regulations.

The Convener: The implication of the flow chart is that, if there is no response, it will be assumed that there is no intention to collect the ashes. Will there be a way of confirming that impression, or will that simply be the procedure that crematoria and funeral directors will go through?

Joe FitzPatrick: There is an additional period of four weeks. To a degree, there is an issue about

how many times an authority should keep trying and whether they would hold ashes for ever. It is a question of getting a degree of consistency in what happens before ashes are scattered. The ashes are not lost—obviously, the information is recorded so that, if for some reason, 20 years down the line somebody wanted to pay their respects to a loved one with whom they had lost contact, they would be able to get a record of where the ashes were scattered. That is important.

The Convener: Yes, but there is not an additional fallback. One of the issues that arose in the cases that we know about was that, in some cases, families were very distressed and did not respond to official communications in a timely manner. Clearly, there is a continuing risk that that will happen, but you are saying that there comes a point when the process can no longer be continued.

Joe FitzPatrick: That is why there is not just the four-week period. There are other checks.

Robert Swanson (Scottish Government): It is worth mentioning that the authorities can deal only with the applicant, and that there are good reasons for that, especially in cases of pregnancy loss and suchlike. You cannot go knocking on neighbours' doors and so on to see about something that is confidential in the extreme. That restricts the process.

The Convener: So there is a means of communication, and people stick to it.

Robert Swanson: Yes. The new forms provide extra information. In the past, emails did not exist, so that was a line of communication that crematoria did not have. They can use the telephone to pass on a message and ask people to contact them, and they have the home address, so there are now three ways of communicating with people.

11:30

Alex Cole-Hamilton: Minister, thank you for your opening remarks. Will you talk about where we are on the support that is offered to the families who were caught up in the baby ashes scandal?

Joe FitzPatrick: Are you asking about on-going support?

Alex Cole-Hamilton: Yes.

Cheryl Paris: At the time, the Scottish Government gave money to agencies that could support families who had come forward and wanted counselling or other support. I have not heard of families looking for new support for some time, but I know that some families are receiving on-going support. For example, Stillbirth and Neonatal Death Society Lothians continues to

support some families. I do not know whether the demand is as high as it was initially, but support is still there if families need it.

Alex Cole-Hamilton: In respect of a stillbirth on or before the 24-weeks cut-off point, the schedules to the regulations set out the forms that are used—they are clearer than I thought they were. By using form A3 or form A4, the mother or a nominated individual, or the hospital, respectively, can take charge of the process. Is it entirely left to the family to decide whether to ask the hospital to deal with the disposal of the remains or to take the matter into their care?

Joe FitzPatrick: That is an important point, and it is why it is important that we have the appropriate forms and registration processes for different circumstances. I will bring in Cheryl Paris on that.

Cheryl Paris: It absolutely is for the family to decide. When they are in hospital, they will have a conversation with the hospital staff, and they can decide at that point—or afterwards, because we do not want to put them under time pressure—whether they want to arrange the funeral themselves, as I think that a lot of people do after a stillbirth. If they want the hospital to arrange an individual burial or cremation, they can ask the hospital to do so.

Alex Cole-Hamilton: Can they come back after a time and say, “We would like the ashes”?

Cheryl Paris: Yes; if there is to be an individual cremation, they can say up front that they would like the ashes.

Joe FitzPatrick: There is a part about the ashes on all the forms.

Alex Cole-Hamilton: A grieving family might say, at what is obviously a very difficult time, “I just want you to deal with it; I don’t want to know about it.” If they do that, is what will happen to the remains of their pre-24 weeks stillborn baby made clear to them?

Cheryl Paris: Yes. What will happen is made clear to people. There are hospital forms, too, which the families will go through with staff, and what will happen if they choose a particular option is made clear.

Emma Harper: The infant cremation commission, which Lord Bonomy chaired, made 64 recommendations, all of which were accepted by the Scottish Government. Have all the recommendations been implemented? If not, is further progress needed on some of them?

Joe FitzPatrick: A large number of the recommendations have been implemented, and I think that 22 recommendations will be implemented on 4 April, along with the regulations

that we are considering and some other regs. Of the remaining recommendations, I think that five have been implemented but are on-going. For example, there was a recommendation that we keep things under review; obviously, we must keep doing that, so we can never say that implementation is complete.

A further five recommendations have not yet been implemented. Three of those will be dealt with in the code of practice for cremation authorities that we intend to produce. For the fourth, which is recommendation 40, we are working with cremation authorities to ensure that software can be developed to help crematoria to meet the requirements of the regulations in the future.

Recommendation 56 asked us to consider whether there should be a national memorial. We said that if there was a major demand for that, it should be considered. A specific memorial has been erected in Edinburgh, and that approach might be what people want rather than a national memorial. We must be mindful of people’s wishes.

Emma Harper: Will the Scottish Government’s website continue to be updated so that people know where to go for information?

Joe FitzPatrick: Yes.

Miles Briggs: Are all crematoria in Scotland now able to recover the ashes of babies and infants?

Joe FitzPatrick: Yes—as I understand it, 100 per cent of them can do so. Robert Swanson might want to provide a bit more information.

Robert Swanson: Yes, that is the case. I am pleased to say that, since I was appointed almost four years ago, on the back of the Mortonhall issues, there has been 100 per cent recovery of baby and, indeed, adult ashes. That is not entirely down to my appointment. Many changes have taken place: baby modes have been fitted, additional training has been put in place and there is an appreciation of what happened previously, which staff have been alerted to. Much greater care is taken and there is much stricter management guidance, with lots of instructions.

A lot of what is in place at the moment will not change that much with the regulations. At the moment, crematoria are complying with what is being asked out of good will. The difference that the regulations will make is that it will be a requirement that they do so; they will not be requested to do so. That will be the major change. In all honesty, the approach has come on a lot. Cognisance has been taken of all the problems that there were, which were well documented, and that has contributed to the success that we now see. I say “success”, but we are talking about what

should happen and what is expected to happen. Given the definition of “ashes”, there is no real reason for instances of what happened previously to happen again, other than mechanical failure, which cannot be overlooked—that can happen, although it has not happened to such an extent so far.

Miles Briggs: At the cross-party group on funerals and bereavement, an issue was raised with regard to paupers’ funerals, as they are known, when no one comes forward and the state pays for the cremation to take place. Will the same protocol apply? If there is no registered contact, what protocol will be followed?

Cheryl Paris: The primary legislation includes a provision that will replace a provision in the National Assistance Act 1948; under the commencement regulations, it will come in at the same time as the regulations that we are discussing. It is for local authorities to pay for and arrange the burial or cremation when there is no next of kin or if, for whatever reason, the next of kin cannot do so. The regulations set out a new application form. In the past, there have been concerns about ashes not being returned to a next of kin when the local authority has arranged the funeral. The form in the regulations will ensure that ashes will be returned in such circumstances. When there is a next of kin, the local authority must ask them how they would like the ashes to be handled; if they want them to be returned, they will be. The regulations strengthen the position of next of kin, but they will still allow local authorities to fulfil their requirements under the Burial and Cremation (Scotland) Act 2016.

Miles Briggs: You have mentioned a timescale of four to eight weeks for contacting relatives, but how has that been arrived at? There is a concern among committee members that, with that sort of timescale, there is a possibility of disturbing people who are in mourning, who might not be ready to pick up ashes. I know from a lot of constituents’ cases that there has been flexibility in the past and people have been able to say, “We’ll pick them up when we’re ready.” Should we not ensure that that sort of thing continues and that we are not too prescriptive?

Joe FitzPatrick: If someone says, “I want the ashes, but can I have a bit more time?”, that request is respected. The regulations put in place an absolute minimum time period for contacting people who have not yet made contact; at the moment, there is no such minimum and, in some cases, the timescale is less than what we are putting in place.

Robert Swanson: The crematoria are very flexible. Indeed, of the 30 crematoria that we have at the moment, I can think of one that has a six-month retention policy. For some, the timescale is

less than that, but someone might say, “My brother’s coming over from Australia for the summer holidays. Can you hold on to the ashes until he arrives?” and it will not be an issue at all.

However, there has to be some guidance, given what experience and the historic side of things show us. The number of cases in which ashes remain uncollected runs into the thousands. It is not right for those ashes to be kept in storerooms in funeral directors’ premises or in attics in crematoria around the country, and the legislation is very much geared towards moving forward on the matter.

It is also worth saying that the opportunity is being taken to address the historic cases, because we feel that some arrangement needs to be put in place in that respect. From a practical point of view, somebody has to deal with the matter, and there will be costs involved if it all comes back to the crematorium where the person was cremated. Somebody has to spend time doing something with the ashes. I point out that not all crematoria scatter the ashes—some might inter them. They do not all do the same thing. All those issues must be taken into account.

Miles Briggs: Thank you.

The Convener: Minister, you indicated that the intention was for the regulations to come into force on 4 April. When do you expect the code of practice to be published?

Joe FitzPatrick: We will start working with crematoria and the industry on the code of practice once the regulations are in place, as they provide the legal basis. However, as Mr Swanson has said, a code of practice is already in place. This is about updating that and giving it a legal basis.

The Convener: So there will be no gap.

Joe FitzPatrick: There will be no gap.

The Convener: Excellent. That was very helpful.

We move to agenda item 3, which is the formal debate on the affirmative instrument on which we have just taken evidence. I remind all present that once the minister moves the motion, which I will invite him to do in a moment, officials will no longer be able to participate. Members who wish to speak in the debate should catch my eye.

Motion moved,

That the Health and Sport Committee recommends that the Cremation (Scotland) Regulations 2019 [draft] be approved.—[*Joe FitzPatrick*]

The Convener: As no member wishes to participate in the debate, I ask the minister whether he wishes to sum up.

Joe FitzPatrick: I think that we have covered all the issues, convener.

Motion agreed to.

The Convener: I thank the minister and his officials for their time.

Burial and Cremation (Pregnancy Loss Prescribed Information and Forms) (Scotland) Regulations 2018 (SSI 2018/384)

11:44

The Convener: Agenda item 4 is consideration of an instrument that is subject to negative procedure. No motion to annul has been lodged, and the Delegated Powers and Law Reform Committee has made no comments on the instrument.

If members have no comments, does the committee agree to make no recommendation in relation to the instrument?

Members *indicated agreement.*

The Convener: Thank you very much. We now move into private session.

11:44

Meeting continued in private until 12:14.

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