



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 28 June 2011

Session 4

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PUBLIC PETITIONS COMMITTEE
2nd Meeting 2011, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Neil Bibby (West Scotland) (Lab)

Richard Lyle (Central Scotland) (SNP)

*Nanette Milne (North East Scotland) (Con)

*Bill Walker (Dunfermline) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED

Donna Alexander (Renfrewshire Parent Council Forum)

Keith Brown (Minister for Housing and Transport)

Rhoda Grant (Highlands and Islands) (Lab)

Ian Robertson (Transport Scotland)

Kevin Stewart (Aberdeen Central) (SNP) (Committee Substitute)

Stephen Wright (Renfrewshire Parent Council Forum)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 28 June 2011

[The Convener *opened the meeting at 10:03*]

Interests

The Convener (David Stewart): Good morning, everyone. I welcome you all to the Public Petitions Committee's second meeting this session. We have received apologies from Richard Lyle, for whom Kevin Stewart will substitute. I ask Kevin Stewart to declare any relevant interests.

Kevin Stewart (Aberdeen Central) (SNP): I declare an interest as an elected member of Aberdeen City Council, which will inevitably come up. I also declare an unremunerated interest as the chair—until tomorrow—of the north east of Scotland transport partnership.

The Convener: I understand that Bill Walker will attend the meeting, but that he is running late. We expect him in about half an hour.

I remind everyone to switch off all mobile phones and other electronic devices, because they interfere with our sound system.

Current Petitions

School Bus Safety (PE1098 and PE1223)

10:04

The Convener: The first current petitions—PE1098 and PE1223—relate to school bus safety. Members have a briefing note by the clerk, which is paper 1.

I welcome Keith Brown, the Minister for Housing and Transport, and his officials from Transport Scotland. Good morning, minister. Thank you for coming along. I know that you have a busy schedule and that you need to go fairly quickly, but I appreciate you and your officials taking the time to be with us.

Given the minister's commitments, I will go straight to questions. The committee is new, so I would be grateful if you could set out a little of the context of the complicated legal and policy issues as far as you are concerned.

The Minister for Housing and Transport (Keith Brown): The complexities lie in the seat belt issue, rather than the matters in PE1223, and relate to the devolved powers of the National Assembly for Wales, the United Kingdom Parliament's reserved powers and our devolved powers, which do not include the ability to insist on seat belts.

The background to the petitions shows that Mike Penning of the UK Government offered more recently to devolve to us the relevant powers. When that offer was made, the thought was that doing that would be similar to the Welsh experience. However, that has not turned out to be the case, because of the different devolution settlements.

Following my update at the previous committee's 8 March meeting, we wrote to the Department for Transport to ask it to go through some of the complexities so that we could make progress. The issue now lies with legal officials in the Scottish Government and in the DFT. The issues are not insurmountable—they revolve around finding a suitable reserved power to devolve, which sounds a bit odd but is what we must wrestle with. Officials on both sides are wrestling towards a resolution, which we expect fairly soon.

Sandra White (Glasgow Kelvin) (SNP): Good morning, minister. You mentioned discussions with the previous committee on 8 March and said that progress has been made—you have written to the DFT and await a reply. Can you give any indication of the timescale for that reply? What

might be the complexities of the new devolution settlement? Can we look to a positive outcome?

Keith Brown: To answer your last question, we see a positive outcome—both sides are willing to reach a positive resolution. I have described the complexities, which involve finding exactly which reserved power to devolve or, in the absence of such a power, finding a mechanism to give us the devolved authority to make the change. Those matters are in train.

As for the timescale, I understand the feeling that such matters move very slowly. However, we seem now to be at the point of being able to reach agreement between the two Parliaments. It is fairly obvious that legislation will be required here, so time will be needed to take that forward after we reach an agreement with the UK Government. However, I do not expect that to take much time. I hope for progress over the summer towards a position where we can decide how to proceed.

Bill Walker (Dunfermline) (SNP): I apologise for being late—I was confused about the meeting's start time.

Good morning, minister. I will follow up the business of what can be devolved. Is there any chance of including such issues comprehensively in the Scotland Bill that is going through Westminster, or are they too technical?

Keith Brown: The original impetus was the question of which powers could be included in the Scotland Bill, on which I made a suggestion, but it seems that the issue would be dealt with better on its own, rather than as part of the bill. We will keep an open mind on that, which will depend on how the situation progresses. You will be aware of the myriad negotiations that are taking place on different powers in the bill. I do not want to add to that complexity and hold up the bill. If we can take the issue forward in a transport bill in this Parliament, we will do that.

Nanette Milne (North East Scotland) (Con): I appreciate the complexities of the issues raised in the petition. However, as you will acknowledge, it has been live for a considerable time and Mr Beaty, who is in the public gallery, has faithfully attended every meeting at which it has been discussed and is frustrated at the length of time it is taking to get a solution to the problem. Indeed, the previous committee felt the same frustration. The Government clearly hopes for a fairly speedy resolution to the issue, but I ask it to put as much pressure as possible on the Westminster Government or whoever needs to have pressure put on them to get an early resolution. In the meantime, there have been a number of other accidents and there is certainly potential for more fatal accidents involving children on school buses.

Keith Brown: First, I pass on my condolences to Ron Beaty, whose wife died in April, and acknowledge his efforts over the years in pursuing this issue. Ever since I became Minister for Schools and Skills and, indeed, since I became responsible for transport, I have pushed this issue as hard as I have been able to because I believe that it is the right thing to do. The important point is that there is now political unity between the Parliaments and we need to keep up the pressure to ensure that the matter goes through as quickly as possible at official level.

Kevin Stewart: In your letter to the convener, you say that

“given the strong connection with education”,

you will be having

“further discussions about various policy and legislative issues”

with that department. Will that delay progress?

Keith Brown: No. We can conclude any further negotiations while we are waiting for resolution at an official level. I have already had a couple of brief discussions with Alasdair Allan on this matter and my view is that, although it would be possible to take things through on an education basis, it would be best to get the devolved powers and then proceed on that basis. In fact, by doing it that way, we will also respect the concordat.

Kevin Stewart: Have you discussed with individual local authorities the possibility of ensuring in tender documentation that any contracts issued now, before the law is in place, allow for seat belts to be fitted? I think that as most local authorities will co-operate in that regard such an approach might be a sensible way forward in the short term, while we are awaiting this legislative change.

Keith Brown: That is indeed the position. Local authorities are well aware that they have that ability—and if they were not aware, we have made them so. Although you could take things further and try to change legislation to insist on the measure, we are not doing so because of the concordat. You are right to say that many authorities already take that approach, but it might be worth pointing out that, no matter whether they do so in the meantime, when we reach the point of legislating on the issue we will follow the Welsh approach and set out a timescale for implementation instead of simply stipulating that it all happen in one go. After all, that would have a fairly substantial knock-on effect on the bus industry. We will give people warning and have further dialogue with local authorities when we take it all forward. As you have rightly pointed out, however, local authorities can insist on this just now.

Kevin Stewart: Many local authorities operate their own fleets of buses, particularly smaller ones, in rural areas. Have you tried to get those authorities to ensure that their fleets are equipped with the right seat belts to ensure that they in turn are equipped to meet any future change?

Keith Brown: We have only done so through discussion and advice, because we are not able to insist on such measures. Councils can do these things for themselves. It is also worth bearing it in mind that the majority of people travel to school on public transport buses, which are not specifically dedicated for such a purpose and cannot be touched by this particular legislation. Nevertheless, local authorities are aware of the issue—we have said as much to them in the past—and are still able to insist on such measures not only in their own stock but in their tenders.

John Wilson (Central Scotland) (SNP): Kevin Stewart has already asked most of the questions that I had, but I wonder whether the minister is able to indicate the last time local authorities were surveyed on the use of contracted buses and the number of such vehicles that are and are not fitted with seat belts.

Moreover, does the minister know how many local authorities regularly use double-decker buses to transport primary school children? After all, there are wider school bus safety issues to consider and, as Kevin Stewart pointed out, where local authorities provide their own transport much of it is actually contracted. Is the Government keeping up to date with how local authorities are putting such contracts out to tender and the types of vehicle that are specified in the contracts that are being awarded?

10:15

Keith Brown: I will ask officials whether they have details on that. It is fair to point out that it is not really down to us to survey local authorities' contract details in that respect. I think that there is general awareness on the issue. I have seen double-decker buses being used in my area, so I know that that still happens.

Ian Robertson (Transport Scotland): At the Public Petitions Committee meeting in Fraserburgh I think that Stewart Stevenson gave an indication of the number of local authorities that contract only for seat-belted school buses. I got figures from education colleagues two years ago, which suggested that four local authorities already contracted only for buses with seat belts and another 11 authorities had the matter in mind when contracts were being renewed, so almost half our local authorities had put in place measures in that regard.

Keith Brown: In the first instance it is for local authorities to collect the information, but I will be happy to see what information we hold centrally and provide it to the committee.

The Convener: That would be helpful, minister.

Nanette Milne: We have not yet talked about safety signage and lights on school buses that are used only when children are on the bus. I am a little confused about where we are at with the ongoing negotiations, but will discussions cover the issue, which is extremely important and is the basis of Mr Beaty's petition?

Keith Brown: We have discussed the matter with the DFT, which said that it is reviewing the issue. It is for the DFT to take the matter forward. The DFT also said that it wants to see the outcome of the European Union safe way to school initiative, which will not conclude until September next year. That substantial project, which involves about €350 million across the European Union, is all to do with safety signage, so I think that the DFT is keen to wait to see what happens. If it did not wait, but prescribed certain signage requirements and the requirements then changed as a result of the safe way to school initiative, that would add to the cost. The UK Government's current position is, therefore, that it wants to await the outcome of the initiative, but the UK Government has also said that it is reviewing the issue.

In addition, I think that a joint letter has gone out to local authorities from me and Mike Penning, to give the most recent advice on some of the signage issues that Mr Beaty raised.

The Convener: If members have no more questions, I thank the minister and his officials for coming along today and for offering to provide us with further information. The committee is very interested in the issue and we would appreciate being kept involved in and up to date on what is happening. I suspend the meeting to allow the minister and his officials to leave.

10:17

Meeting suspended.

10:18

On resuming—

The Convener: I confirm that the minister has agreed to keep the committee updated on developments. Does the committee agree to keep the petitions open and to await updates from the minister?

Members indicated agreement.

Nanette Milne: In view of what the minister said about safety signage, we should perhaps keep the matter open in the backs of our minds until we hear about the European decision, which will be made more than a year from now—what I am trying to say is that I do not think that we should let the matter go.

The Convener: Thank you.

New Petitions

Education (Qualified Teachers Contact Hours) (PE1391)

10:19

The Convener: PE1391 is on protecting the right of children to be taught by qualified teachers for 25 hours a week. I refer members to paper PPC/S4/11/2/2. Members have a note from the clerk, the briefing from the Scottish Parliament information centre and the petition.

Neil Bibby (West Scotland) (Lab): I declare an interest. I am a member of Renfrewshire Council and I know members of Renfrewshire parent council forum.

The Convener: Thank you. I welcome our witnesses from Renfrewshire parent council forum: Stephen Wright, who is the chair; and Donna Alexander. I invite Mr Wright to make a short presentation, after which we will move on to questions.

Stephen Wright (Renfrewshire Parent Council Forum): Thank you convener. I thank the committee for the invitation to come along and give evidence.

The petition stems from an attempt by Renfrewshire Council to, in its own words, exploit a loophole in the law in relation to the two and a half hours of so-called McCrone time. An attempt was made to introduce what was described, without any apparent irony, as an enrichment programme. It would have seen the two and a half hours that are currently taught by teachers being taught by a range of other staff, such as sports coaches, drama workers and so on.

The council was clear that that was being done not for educational purposes, but to save money. As the petition says, there was a significant campaign involving parents and teachers to oppose the move, which we see as a diminution of the education of our children. Opposition to the move is the purpose of the petition.

Most parents in Scotland will be unaware that the law does not stipulate that teachers should teach for 25 hours of the school week. I understand that the number of teaching days—about 190 days per year—is enshrined in statute, but the number of hours is not. It is that apparent loophole that we are looking to the Parliament to close.

We are not in any way suggesting that this is merely a little local difficulty in Renfrewshire, but we are concerned that, if the proposal goes ahead, by the end of their time at primary school, children in Renfrewshire will have had

approximately 700 fewer hours in front of a qualified teacher than their counterparts in East Renfrewshire, Glasgow or any other local authority area. If we open up the prospect of some sort of postcode lottery, in which all 32 local authorities can hold differing views, that would be a recipe for anarchy.

We are of the view that the universality of the way in which primary school children in particular are taught is essential to the Scottish education system. We think that the proposal was not made because people want to see the number of taught hours drop to 22.5 from 25, but because of a loophole in the legislation. I suspect that our view as parents in Renfrewshire is the same as that of parents throughout Scotland. We want our children, particularly our primary school children, to be taught by professional, trained and qualified teachers. Obviously sports coaches, drama workers and others have a role in the school, but it needs to be as part of the curriculum and directed by qualified teachers.

The petition is about defending the professionalism of our education system and ensuring that our children are properly taught by properly qualified teachers.

The Convener: Thank you, Mr Wright. I will start with a couple of questions and then throw the discussion open to committee members.

If I understand your petition correctly, you are advocating that a teaching time of 25 hours a week be protected by law.

Stephen Wright: Yes. Teaching time is not protected by law, so the local authority in Renfrewshire was able to propose reducing that time by two and a half hours. We acknowledge that there are a number of issues around teachers' terms and conditions and we are aware that the McCormac review is on-going, but we are clear that when kids are in school for 25 hours, they should be being taught by a professionally qualified teacher.

The Convener: Would a two-and-a-half-hour enrichment programme, as opposed to being taught for that time by a qualified teacher, mean that children in Renfrewshire would lose out on quality education?

Stephen Wright: Renfrewshire Council's proposal was certainly to use people who were less qualified than teachers. At one point, the council was talking about people who were qualified to SVQ level 2. Although all parents are in favour of more sport, drama and other such subjects being taught, particularly to primary school children, the basics of reading, writing, maths and English are essential. I suspect that members are well aware of the problems of kids who cannot do the basics going to secondary

school, and how much that holds them back. Frankly, we thought that the council's proposal would be a diminution of education, which, as parents, we could not accept.

Sandra White: You mention the enrichment programme and drama and sports. Was it the programme itself that you were against, or was it just the fact that it was not to be taught by qualified teachers? Would you be happy to have the enrichment programme for the two and a half hours per week, but with a qualified member of staff along with a drama worker or sports coach?

Stephen Wright: There is a fair amount of semantics around the term "enrichment". As I am sure you know, most parents are in favour of education enriching their children. One issue that the teachers and teaching unions raised about the proposal was that, at present, when people who are not qualified teachers come in to deliver sport or other activities, that is done during school hours in the context of the curriculum and with the supervision of a qualified teacher. So they are not merely doing sport for sport's sake—it is part of the curriculum. That is what we are keen to defend. As you will be aware, there are enough issues about the changes that are taking place with the curriculum for excellence, so we should not further cloud the issue with things such as the enrichment programme.

Sandra White: We can take away the word "enrichment" and use "enhancement" or whatever you want. I was asking whether you would be happy if primary school children were to be given more sports or drama, for the two and a half hours per week that we are talking about, with a qualified teacher along with someone else. That was the point that I was trying to make. Alternatively, is it your point that you would prefer the 25 hours to be spent on teaching the three Rs, if I can put it that way?

Stephen Wright: On the question of enrichment or enhancement or whatever we call it, in Renfrewshire, the term "enrichment" was a euphemism for cuts. That was part of our objection to the plans. The other concern was that all schools are already meant to deliver two hours of physical education a week, and the proposal was to add another two and a half hours of sports to that. I am very much in favour of sports, and both my children are very sporty, which is great, but that would be an imbalance in the curriculum. So my answer is that we can look at that and there can be a degree of flexibility, but most parents are pretty insistent that the three Rs are critical, particularly at primary stage.

Kevin Stewart: Many specialist coaches have a qualification in coaching, but not in teaching. Do Mr Wright and the parent council forum think that

such coaches are not fit to teach children about those individual sports?

Stephen Wright: Teachers go through a fairly extensive programme of training to learn to teach classes of 30 kids. I do not doubt that qualified sports coaches or experienced drama workers have a role in schools, but the issue is the link to the curriculum. It is one thing to bring in such people because that enhances and develops the curriculum, but if we bring them in because we need to save money and we can get a sports coach for about a third of what a teacher costs, that is not being done for educational reasons. That is our objection. The proposal was not about enhancing or enriching the kids; it was about saving money.

Kevin Stewart: The curriculum for excellence changes education delivery in this country. I believe that it is much better than previous systems because it allows children to attain, and not necessarily just in the academic subjects. Far too many children miss out because, in some cases, there is an overemphasis on academic subjects.

10:30

I am thinking back to my childhood and to some of the experiences that I had in Aberdeen of teachers being taken out of the classroom to allow kids to be taught other things. In my day, it was motor mechanics and hairdressing. The folks who deliver those things are not qualified teachers, but they are ensuring that kids can aspire to be all that they possibly can be.

I have a great fear that if we put caveats on this, we might not allow for cases such as I am talking about of children who do not fit into the normal education system and for whom a qualified teacher is not beneficial. We need to help those children to acquire life skills so that they can aspire in areas other than academia.

Stephen Wright: We do not spend a lot of time in Renfrewshire teaching primary 1s motor mechanics or hairdressing, so that argument falls down slightly. I take the point that you are making, but either we take the view that teachers are professionally qualified and are the best people to teach our kids or we do not. Within that framework, it is entirely possible that we can bring in other experts and specialists to teach kids in particular sessions, but to replace teachers and not to have such sessions linked to the curriculum is not acceptable at all.

Donna Alexander (Renfrewshire Parent Council Forum): The sort of enrichment that was suggested included things like finding out about your favourite footballer and the sport that he is involved in and drawing a picture of him. The

quality of the enrichment was very poor. It was a babysitting service; it was not providing a level of education in which parents would be interested.

Kevin Stewart: I had moved off primary 1s and 2s. I know of various folks from Satrosphere Science Centre, which is a science organisation in Aberdeen, who go into schools. Those people are not qualified teachers. From my perspective, having seen some of the work that has gone on in the past, I think that in some regards you can get more out of children by teaching them things other than just the basic three Rs, as some folk would have us do.

Curriculum for excellence is broad based, from early years all the way up to secondary school. We have to realise that there are going to be changes to the system that currently exists, and rightly so. In recent years we have had McCrone in place, which was supposed to drive up attainment, but attainment has actually remained static. With curriculum for excellence, we are already seeing some changes in that. If we stick to the current system and do not change it at all, we will probably end up with static attainment. We have to tailor things to individual children. That might mean bringing in folk who are not qualified teachers.

Stephen Wright: Bringing in other experts and specialists is fine but, as I understand it, at the moment that is done under the supervision of the headteacher and a member of the teaching staff. People do not wander in and out of schools to deliver whatever they like willy-nilly. The distinction was that the qualified teaching element stopped at 22.5 hours and the remaining 2.5 hours were to be delivered by people who are not qualified. That is what caused parents concern. As I said previously, within the context of the curriculum and under the direction of the headteacher and other qualified teachers, we want more people to come in. Such diversity does help to improve attainment and to develop children, but that is not what was being proposed in Renfrewshire. The majority of parents in Scotland would take the view that they want their children to be taught by teachers at primary school. If those teachers decide that they can enhance the education experience by bringing other people in under their supervision, that is great—I do not think that anybody has a problem with that—but in our view you cannot replace teachers with non-teachers.

Neil Bibby: How confident are you that the budget savings that have been made in authorities such as Renfrewshire will not lead to proposals to reduce teaching hours? Did Renfrewshire Council back down because of the protest from parents or was it because the council considered that the idea was not worth proceeding with?

Stephen Wright: I will take the first part of your question first. Clearly, if we had been confident that local authorities would not introduce the proposal, we would not have presented the petition to the committee and we would not be here. Our concern is that in these times of economic difficulties, local authorities think about saving money rather than educational benefit.

I cannot speak for Renfrewshire Council or say why it eventually decided to scrap the proposal. The parent power that was demonstrated in Renfrewshire earlier this year, the demonstrations, the lobbying of councillors and MSPs and so on had a major effect in shaping its thinking. On Mr Stewart's comment, parents are prepared to consider how education is delivered. We know that we need to be flexible and that we need to consider changes, but that must be done in a particular way and it must be done with parents and not to them, as happened in Renfrewshire. There are some changes that it is extremely difficult for parents to go along with, particularly when those changes are presented in such a way that they are all about saving money rather than the education of people's children.

Neil Bibby: Am I right in saying that part of the problem with the enrichment programme was that the activities that were talked about previously were rather basic because the only people who are able legally to teach the curriculum are professionally qualified teachers?

Also, what discussions did you have with the Educational Institute of Scotland and the General Teaching Council throughout the period earlier this year?

Stephen Wright: As I understand it, legally only teachers are allowed to teach, which is why staff coming in for the enrichment programme were described as "helping pupils to learn"; that was the somewhat odd phrase that Renfrewshire Council used. Non-teachers cannot teach, but can help children to learn, apparently.

The EIS was clear in its opposition to the proposal and balloted its members on industrial action. It had a 77 per cent turnout and a 97 per cent vote in favour of taking industrial action, were the proposals to be introduced. The GTC indicated that it thought that the proposal from the council was illegal. It was difficult to find support in any quarter, other than from a small number of councillors in Renfrewshire Council and perhaps a few officials. Parents, teachers, the GTC and the churches were all opposed to the proposal. The community of Renfrewshire was united against it.

This is about how changes are made in the education system. People are rightly proud of education in Scotland, and parents in particular are prepared to defend it.

Bill Walker: I am very much in favour of the three Rs—I am a bit of a dinosaur in that regard. I want everything to be focused on that, including the so-called enrichment activities. I was in a primary school in Dunfermline recently as a newly elected MSP to help the children understand politics. It was interesting that the project involved all sorts of numbers, writing and drawing under the control of the teacher.

I am sympathetic to the point that you are making. This is one of the many not-so-unforeseen consequences of McCrone, which I did not think was very good in the first place. The 22.5 hours of teaching issue has allowed this to come to the surface: "Oh, let's see how we can save some money." I was surprised that there is not a statutory obligation on the amount of professional teacher contact children must have.

I am very happy with non-professional teachers coming into schools subject to all the disclosures and so on. I take it that your point is that there should always be a professional teacher present in enrichment activities.

In addition, I know that schools must be open for 190 days a year, but I noted in what I read that it said only that they must be open and not that children must be taught. Is there scope in that regard for referring to the total number of hours in a year rather than to the amount of hours in a normal week?

Stephen Wright: On Mr Walker's first point, I think that most parents would take the view that MSPs should not wander into schools unchaperoned. However, as you pointed out, you would not go into a school to do anything other than what would enhance children's education, and it would be done within the context of the curriculum. From what you described, the teachers put the activity in a context that allowed them to teach maths and English, too.

We argue that the issue of the number of days needs to be looked at. I suspect that when the legislation was framed—perhaps in better economic times—people assumed that schools would be open for 190 days a year and 25 hours a week and that kids would be taught for that time. However, because it was just an assumption, an apparent loophole has been created. Our hope is that this committee and Parliament will consider the issue in more detail and see where the legislation can be firmed up in that regard.

John Wilson: The petition raises a number of issues in which the committee is interested. The petition refers only to primaries 1 and 2. Would you be happy for the variation also to take place in primaries 3 to 7?

Stephen Wright: The petition is intended to apply to all primary schoolchildren. There is a

reference to primaries 1 and 2 because we became aware that in some areas, though not in Renfrewshire, the teaching hours for P1 and P2 are flexible.

John Wilson: I read the petition as referring just to primaries 1 and 2, so that is why I sought clarification. We must try to develop questions for other bodies that are based on the petition that is before us.

On the enhancement element, the petitioner said that the petition's proposal could be adopted Scotland wide. The issue for me is that a number of local authorities use classroom assistants alongside teaching staff to assist children's educational attainment. How do you envisage the role of classroom assistants in the context of the petition's proposal? Your view is that only qualified teachers should be involved, but classroom assistants are not, in the main, qualified teachers. How does that fit with your view of who should deliver education in the classroom at any level?

Stephen Wright: The petition's text is clear. A subordinate clause refers to primaries 1 and 2, but the substantive clause refers to "children", which is intended to mean all children in primaries.

The point on classroom assistants is interesting. In Renfrewshire, as in many other areas, the council has reduced—often disproportionately—the number of classroom assistants in schools. I know that the numbers have been reduced drastically in other parts of Scotland. My understanding is that classroom assistants should not and do not teach children, but support teachers.

10:45

In some circumstances, the dividing line between teaching and teaching support can get blurred. Over the past 10 years or so classroom assistants have played a vital role in supporting and developing education not just for children with special needs but more generally and, as a result, many parents are concerned about the reduction in their number. However, given that it was looking to reduce the number of assistants by 40 per cent at the same time as it was attempting to introduce an enrichment programme, Renfrewshire Council did not seem to think that the answer was more classroom assistants.

John Wilson: Much has been made about the 190 days provision in education legislation. Does Mr Wright know for how many hours each week or each day education should be provided to children?

Stephen Wright: My understanding is that that is not provided for in legislation. Taking Mr

Walker's point, I guess, therefore, that schools could be open for 24 hours a day.

John Wilson: Or 23.

Stephen Wright: Indeed.

John Wilson: Or 22 and a half.

Stephen Wright: I want to make it clear that we are not suggesting that—on this occasion.

John Wilson: My point is that it has been suggested that Renfrewshire Council found and were exploiting a loophole in the education legislation to deliver less of an interface between teachers and pupils in the school week. We want to examine that, because we need to formulate questions for certain bodies. As I have said, what might come back to us is that the school week is being shortened to help local authorities deal with the McCrone agreement and other matters, which will take care of the issues that are raised in the petition.

There are also a number of people who, although they are not teachers, have professional qualifications in various areas and who have, as part of curriculum for excellence, access to pupils. Are you saying that none of those individuals should be allowed to speak to schoolchildren on their own without a qualified teacher being present?

Stephen Wright: The current position is indeed as you described it: there are people who go into schools and either are supervised by a teacher or, if that is not directly the case, are properly disclosed. We are not suggesting for a minute that those people should not come into school or that allowing them to do so is not educationally a good thing. However, that is very different from the proposal that they replace teachers. For us, the key thing is that whatever happens in a school during school hours should be under the headteacher's jurisdiction and guided by people who are suitably qualified to form the curriculum in a way that most benefits children. We are not in any way suggesting that no one else should come into schools—indeed, quite the contrary.

Donna Alexander: There was a slight anomaly in how schools dealt with McCrone time. For example, some dealt with it through classroom assistants continuing with project work and in other schools, following the introduction of curriculum for excellence, other teachers on the staff gave additional lessons. However, the whole point about the two and a half hours of enrichment time is that, as a result, the assistants dropped their existing project work and worked on drama, drawing or other quite meaningless subjects and children from P1 to P7 lost out for those 700 hours.

Kevin Stewart: I have two points. First, I want to follow up on what Ms Alexander said, because I think that we need clarification. Are you saying that, at present, in certain schools in Renfrewshire, while the teachers are out for their 2.5 hours of McCrone down time the classroom assistants deal with classes and work on projects? Is that correct?

Donna Alexander: In some cases, yes. That is what we were told.

Kevin Stewart: That being the case, bringing in qualified people to do other things during that time might have been a better approach than using mainly classroom assistants who do not have any formal teaching qualifications.

Donna Alexander: No, I do not think so. The classroom assistants are supported by additional teachers as and when required, and the teachers' class work is continued. That did not happen in the school that my children go to. My children were fortunate, in that other teachers came in. For instance, my P6 daughter was taught French, which was an extra. I see that as a real enhancement to her education, as opposed to someone coming in and doing a drama workshop with them, which is something that they get anyway through their weekly time at school.

Kevin Stewart: I return to Mr Wilson's point about the number of days of teaching per year. The petition is all about hours. I wonder whether the petitioners are aware that one council—North Ayrshire Council—decided to see whether it was possible to introduce a four-day school week but was told that that would be illegal. How would you feel about the 25 hours being delivered over four rather than five days? I have a great worry that, if you want to change things and not concentrate on the number of days, which I believe is important, you might hit other difficulties in the future.

Stephen Wright: That happened in the middle of our campaign. As I understand it, the suggestion was flagged up by officials in North Ayrshire Council, but it was not pursued by the council in any way. To be clear, we are not suggesting in the petition that things be changed. We are suggesting that what already happens should be enshrined in statute. That is the key point.

It seems to me on a personal level that making schools reduce their week to four days is a crazy suggestion. Many parents would struggle with that. It would be difficult for those who work, for example. For us, it is not about the number of days. That might well be something that could be looked at at some point but, at the moment, most parents understand that they send their children to school for 25 hours and they expect them to be taught by a teacher—in fact, they assume that that will be the case.

You talked about “McCrone down time”. My understanding is that the time is for preparation, so I think that that is a rather pejorative term for it, to be honest.

We need to acknowledge that the world is changing. We need to look at things, and McCormac is doing that. That is fine but, at the risk of oversimplifying the issue, parents expect their children to be taught by teachers, in the main. That is the point of the petition.

Kevin Stewart: The petition does not say anything about the existing legislation remaining. It just mentions the 25 hours. I have some concerns about that, convener, which I will raise in our discussion after we have heard from the petitioners.

Sandra White: Mr Wright, you mentioned that you wish the number of hours to be enshrined in statute. We heard from Donna Alexander that her child in primary 6 had an enriching time because she was taught French. This is where I see a problem. Local authorities do things differently. I am not sticking up for Renfrewshire Council, which is basically what the petition is about, but there are implications—

Stephen Wright: No.

Sandra White: Well, we have heard about what Renfrewshire was doing to try to save money, and we have heard about North Ayrshire, but not all local authorities have taken that approach. The problem is that enshrining the petitioners' proposal in statute might mean that local authorities that are good at providing enriching and enhancing activities for a certain number of hours a week will have to stop doing that, and those children will lose out. Do you have any evidence of other local authorities doing what Renfrewshire was trying to do, before it stepped back from its proposal?

Stephen Wright: I am quite clear about the fact that this is not a Renfrewshire issue. We have dealt with it in Renfrewshire, at least for the moment, but there are implications across all 32 local authorities. The director of education in Renfrewshire was quite clear, in a number of meetings, that his colleagues in other local authorities were looking to see what happened with the proposal in Renfrewshire, and there is no doubt that, had the council been successful, a number of others would have followed suit. It is a Scotland-wide issue.

We are not suggesting in any way that our proposal should restrict the enhancement and enrichment of children's education. We acknowledge that some local authorities take a different approach from the rest. The reference in the text of the petition to flexibility in primary 1 and 2 was because we recognised that Edinburgh—I think—has a slightly different school week in those

two years because of local arrangements. We do not want to get in the way of that. Why would we? To some extent, we, as parents, will be guided by you and others, as lawmakers, about how best to implement our proposal. However, the intention is to enshrine what already happens. If you asked any parent in Scotland how many hours a week their children are taught for, they would say 25, not 22 and a half.

The Convener: Does Donna Alexander have anything to add?

Donna Alexander: I should make clear that the French lessons to which I referred are taught by a qualified teacher—the school's deputy headteacher—not a person who is brought in and does not have a teaching qualification. That means that those children are being taught by teachers for the full 25 hours that they are at school for.

The Convener: I thank the petitioners for their attendance. They are welcome to stay for the rest of our proceedings, but I will understand if they have other things to do.

Stephen Wright: That sounds like a threat, convener.

The Convener: I will suspend the meeting for a minute to allow the petitioners to leave the table.

10:57

Meeting suspended.

10:58

On resuming—

The Convener: That was a useful question-and-answer session. Do members have any views on the next steps for the petition?

Nanette Milne: We should continue the petition. It would be sensible to write to various organisations to seek their views on the points that have been discussed. In particular, we should write to the Scottish Government, the Convention of Scottish Local Authorities and Her Majesty's Inspectorate of Education.

Kevin Stewart: I do not disagree with Mrs Milne, but I think that we probably need to do a combination of things. In some regards, we should let the Education and Culture Committee consider the petition, as that is the committee that deals with such matters. Beyond that, I have no problem with writing to the Government and COSLA. In the first instance, there are concordat issues to consider, so we must talk to COSLA before we move forward.

11:00

One of the key things that have been highlighted throughout is that different things happen in different areas. It seems that, even in Renfrewshire, classroom assistants are used for that two and a half hours of down time when teachers are out of the classroom doing preparation. It seems that different things are going on within one local authority. Having been an elected council member and turned down such proposals in the past, I look at some individual classroom situations and ask whether it would not be better to have an expert in some other field in the class rather than another teacher at that time. In my experience as a pupil, which was a number of years ago now, many of the experts who entered the classroom were not qualified teachers, and the teacher was not in the classroom while they were there discussing the subject and ensuring that children were getting new experiences.

I have difficulty with the petition but, in the first instance, it is a matter for the Education and Culture Committee. Beyond that, this committee should write to the Scottish Government and COSLA on the concordat issue and pass our findings on to the Education and Culture Committee.

John Wilson: I agree that we should write to COSLA, the GTCS and the EIS. It is also important to give Renfrewshire Council the opportunity to address some of the issues that have been raised today. We have heard one side of the argument and what the parents are objecting to, but we did not delve into why the council stepped back from making the final decision. As well as writing to COSLA, it is incumbent on the committee to write to Renfrewshire Council for its views on the petition as it has been presented to us and so get a fuller picture.

Kevin Stewart is right to say that, once we have written to the various bodies and received their responses, the committee might want to move the petition on to the Education and Culture Committee, depending on the issues that COSLA and the others raise and whether there is a general fear that the proposal to reduce hours will be enacted more widely by local authorities.

Sandra White: It is a local authority issue and different local authorities will look at it in different ways. I do not want us to be too prescriptive and put something in legislation, as has been suggested. We should find out what schools elsewhere do and whether they follow the practice in Renfrewshire. I agree with Nanette Milne and others that we should ask for more evidence, but the Education and Culture Committee is best suited to considering the petition.

Bill Walker: I agree with much of what colleagues have said, particularly about going to the Education and Culture Committee. I am concerned about falling standards in all walks of life but, in this case, subject to limits, we should leave it to local authorities. I echo a lot of what Kevin Stewart said about the issue.

Neil Bibby: We have heard concerns about the deprofessionalisation of education and the removal of teachers from classrooms. That stems from what happened in Renfrewshire, but it has ramifications for all Scotland. I support what other members have said about what we should do before we refer the petition to the Education and Culture Committee. We should write to the Scottish Government, the GTCS, the EIS, COSLA and HMIE to ask for their evidence on what has been discussed and the concerns that have been raised.

Nanette Milne: I want to follow up on that and on what John Wilson said. I do not disagree that the petition might eventually need to go to the Education and Culture Committee, but it is important for this committee to gather a little bit of evidence initially before referring it. When John Wilson and I were on the previous committee, we found that there are a lot of issues that could go to subject committees at the risk of overloading their work programmes. It is quite important for us to sift out what we can and decide what is important enough to send on to other committees and what is not. We should therefore do a little bit of groundwork first.

The Convener: For the benefit of new members, the clerk has advised me that, as experienced members know, if we refer the petition to a subject committee, that will be the end of it as far as the Public Petitions Committee is concerned. Everyone here is saying that the petition is very important and we all seem to feel that a lot of other work should be done. It is a case of deciding whether we call for all the extra information or refer the petition to the Education and Culture Committee immediately. As far as Nanette Milne's point is concerned, when subject committees have a lot of work, particularly later in the parliamentary session, it is difficult for us to refer work on because it might not be dealt with. As it is early in the session, this is clearly a good time to refer petitions to the subject committees because—although I cannot speak for other committees—they do not have all their work programmes sorted out yet.

If the petition goes to the Education and Culture Committee, it will do a lot of specialist work, very much like what we have suggested. It is a case of timing. Do members think that we should send the petition straight to the Education and Culture Committee and let it do a considerable amount of

extra work, or do the further work that members have talked about ourselves and then consider whether we should pass the torch to that committee at a later stage?

Kevin Stewart: I am sorry for not knowing all the protocols as I am a newbie here. Being used to protocols elsewhere, I am glad to be corrected.

We should probably gather a little bit more evidence, but we should not hang about for long. From my experience of dealing with such issues, we will have to work around the school year. I am sure that it will not be possible for the Education and Culture Committee to deal with the petition before the next school year, which begins in August. However, I would like to think that it could run its eye over it before the following school year at the latest. If we are going to deal with the petition, we should act quickly so that we can pass it on quickly, so that the Education and Culture Committee is not overloaded and is able to deal with it prior to the start of the school year after next.

The Convener: That is a reasonable point.

Sandra White: I am not disagreeing with Kevin Stewart, but I want to move on. We could send the petition to the Education and Culture Committee with the recommendation that it contacts COSLA, HMIE and so on, and that committee could go straight to them.

John Wilson: Although I accept that we might want to pass the petition on to the Education and Culture Committee at some point, as Nanette Milne has indicated there is no point in doing that if the evidence that we gather shows that no other local authorities are considering taking action in this way. We could be passing on a red herring to the Education and Culture Committee. If evidence that is provided to the committee starts to ring alarm bells, we can pass the petition to that committee.

The previous Public Petitions Committee tried to pass petitions on, but if we try to pass the petition to the Education and Culture Committee at this stage and it decides to take no further action, that is the petition finished. It will be referred back to us and we will only be able to tell the petitioner that the subject committee decided that no further action should be taken. Our hands will be tied and we will not be able to proceed with the petition.

My plea is for this committee to consider the petition and get some evidence. If we think that there is an issue to discuss, we can refer it to the Education and Culture Committee. If we do not, we can deal with the petition ourselves and respond accordingly.

The Convener: I agree with John Wilson, in that we cannot determine the actions of another

committee. There will be other opportunities for referrals of petitions later on the agenda, and we have to be aware of that option.

Neil Bibby: I agree with the comments that have been made. We should write to ask for evidence from the various organisations before we refer the petition.

The Convener: There is a lot of agreement in the committee. I suggest that we continue the petition and follow up on all the extra pieces of information to which members have referred and which the clerks have noted. However, we should build in a strict timescale, so that we do not sit on the petition. It is important that we get all the information. When we meet again early in the autumn, we will decide whether it is appropriate to refer the petition on to the Education and Culture Committee. That way, we will have done a lot more homework, which was John Wilson's point, and actively considered this important petition. We can then decide at a later date whether to refer it on. Is that acceptable?

Members indicated agreement.

Coastguard Stations (Closure) (PE1389)

The Convener: PE1389 concerns the adverse impact of coastguard station closures. Members have a note by the clerk, a Scottish Parliament information centre briefing and the petition. Members will be aware that the House of Commons Transport Committee recently published its report on the future shape of the coastguard service. That committee accepted the need for modernisation, but it was of the view that the UK Government's plan was "seriously flawed". Members will also be aware that there was a members' business debate on the issue in the Parliament last week, sponsored by Stuart McMillan. I contributed to that and other members might have spoken in it.

I invite comments from members on the issues that are raised by the petition.

As members have no comments, we need to consider the three options that the clerks have given us. They are to continue the petition in order to look for further information and, in particular, ask for an update from the Scottish Government; to refer the petition to the Infrastructure and Capital Investment Committee, which is the appropriate subject committee; or to close the petition, not because it is not important—it is extremely important—but because, in effect, the Scottish Government has done what the petitioners have requested, which is to make representations to the UK Government. It is important that we process some petitions. The danger is that we will not move any petitions on, which will make it difficult to look at new ones.

Those are the three suggested ways forward. What are members' views?

Bill Walker: The petition is important, and I am not just saying that because one of the coastguard stations is in Fife. The issue is important to Scotland, without regard to the party politics of it. We have a long coastline compared to that in the rest of the UK. Members might not realise it, but Scotland's coastline is longer than England's. Further, proportionately, we have a greater relationship with the sea through ferries and fishing. The issue is important to us. That is apart from the safety aspects and the political considerations.

For me, it is not all just emotion and it is not just a nimby-type thing because I want to keep my station. The issue is important. It would be a dramatic move to reduce the number of stations so that there was one for the whole of the north of the UK and another one for the south, with other stations that are part-time. As far as I can see, those will operate only during the day, which is kind of daft, as an awful lot of dangerous things happen at night.

I am another new boy but, one way or the other, we must continue the petition and do something about the issue. We should certainly not dump it in any way. The issue is proportionately more important to Scotland than it is to the rest of the UK. For that reason, we are right to pursue it strenuously.

Kevin Stewart: If I were being parochial, I would say that everything is hunky-dory because Aberdeen coastguard station will stay. However, Bill Walker is absolutely right. In the past, we have seen some of the awful things that can happen when there is an inability to deal with an emergency. It is vital that the UK Government gets the issue right. We should continue to monitor the situation. I know that the UK Government is talking about adapting the original proposals—I believe that there was news yesterday about a slight change of heart. We need to continue the petition. We should at least get one more update to check that the Scottish Government is lobbying hard to ensure that we have the coastguard service that we need and deserve in Scotland.

11:15

Nanette Milne: I wonder what we can do in a practical sense. Obviously, the Scottish Government has been in touch with the Westminster Government, the Cabinet Secretary for Rural Affairs and the Environment has been involved, and there has already been a lot of activity. I wonder whether we should simply write to the Scottish Government to ask for an update, as Kevin Stewart has suggested. We could say

that the committee is aware of the on-going action and ask whether the Scottish Government could keep us up to speed, as we are very interested in the outcome.

The Convener: That seems to be a sensible way forward. Are members happy to continue the petition and to write to the Scottish Government to ask for an update on progress?

Members *indicated agreement.*

Essential Ferry Services (Governance) (PE1390)

The Convener: PE1390 is on the governance of essential ferry services.

I want to place on the record that, over the past four years, I have been involved in the issue of the governance of essential ferry services; that I have had communications with Neil Kay on a number of occasions; that I have shared a platform with Neil Kay at an event on the matter; and that I recently lodged a number of parliamentary questions on the matter.

As members do not seem to have any specific comments to make on the petition, I refer them to the clerk's note, which outlines possible actions. The first possible action is to continue the petition, seek further information, and look at the issue again in September. As members know, there is currently a Scottish ferries review, which will cover some of the points that have been made. Unfortunately, Neil Kay could not be here today, but I know that he is keen to give evidence in September. Would members be happy to continue the petition in line with the option in the clerk's note?

Members *indicated agreement.*

City Status (PE1392)

The Convener: PE1392 is on city status by right of ancient prescriptive usage. Do members have any views on the petition?

Bill Walker: I do not know whether this is the appropriate time to say that I have a little declaration of interests to make. I am the member for Dunfermline, which is mentioned quite heavily in the petition, and I believe that I signed an e-mail request some weeks ago for the petition to go forward. I do not know what the correct procedure is, so I wanted to make that declaration at this stage.

The Convener: Thank you, Mr Walker.

I think that Mr Walker is basically arguing for the petition to be continued.

Bill Walker: Very much so.

The Convener: There is an argument, which does not apply uniquely to this petition, that the issue is wholly reserved and that we do not have any locus in it. It is possible that we could close the petition on that basis. As members know, we must give reasons for closing a petition. Would members like to continue or close it? There is, of course, the option of referring it to the Education and Culture Committee.

John Wilson: I suggest that we write to the Scottish Government to make it aware of the petition and ask for its views on it. The petition calls on

"the Scottish Parliament to urge the Scottish Government to make representations to the UK Government".

The petitioner has therefore recognised that the matter is legally within the UK Government's jurisdiction. Given that the petitioner has requested that we get the Scottish Government to write to the UK Government, we should continue the petition and proceed along those lines. We should ask the Scottish Government to take up the issue with the UK Government in order to move it forward.

Bill Walker: The issue is similar to issues that we have previously discussed this morning. It could be fitted into the Scotland Bill, and it could come to Scotland. I hope that I will not be pulled over red-hot coals for being guilty of referring to "the city of Dunfermline", but it seems that the matter should be devolved to Scotland, and one of my questions to the Scottish Government would be whether it could be fitted into the Scotland Bill.

The Convener: Do members agree that we continue the petition to refer it to the Scottish Government and pick up Bill Walker's point?

I flag up to members that we have a lot of petitions to deal with, so, although I agree with the point that has been made, it is important that we have some sort of timescale so that we do not end up having no time to consider new petitions.

Is that agreed?

Members *indicated agreement.*

Current Petitions

Deep Vein Thrombosis (PE1056)

11:20

The Convener: We have eight current petitions to consider. I will start with PE1056 on deep vein thrombosis. I ask members for comments and refer them to the note by the clerk on the options that are available to us. I also point out that there is an additional paper, which members should consult.

Nanette Milne: This is a long-standing and extremely important petition. I share, to some extent, the frustration that comes through in Gordon McPherson's later note to us. Guideline 122 already has a risk assessment tool within it, but it appears that a further delay is being proposed until a meeting of medical directors is held in September to allow boards to share their work regarding all boards developing risk assessment tools. One of the petition's aims was to get a common assessment tool across health boards, so that all sufferers of this potentially fatal condition are treated in the same way. We should do what Gordon McPherson suggests in his letter; if the meeting is not going to be held until September, we should hold the petition over until after we have heard the medical directors' decision. It is far too important an issue for us to let go of it.

Sandra White: Nanette Milne is right. The issue has been raised on numerous occasions; Trish Godman had a debate in Parliament on it and there is PE1056. Although not all the issues have been addressed, there has been movement on a number of them, as can be seen from the letter from the Cabinet Secretary for Health, Wellbeing and Cities Strategy. Trish Godman proposed that leaflets be produced to make people much more aware and so on, and there is certainly movement on that. Taking on board the convener's comments about committees just starting up, I wonder whether it would be a good idea to pass the petition to the Health and Sport Committee at an early stage, because we should not forget that we will be in recess soon, so it might be November or December before the petition gets to that committee. Work is being done on the matter, so it might also be a good idea to pass the petition to the Health and Sport Committee and ask it to get a letter itself from the medical directors committee.

The Convener: I should flag up that—as members are probably aware—the legacy report from the previous Public Petitions Committee recommended that course of action.

As no other members wish to comment, I put that point to Nanette Milne.

Nanette Milne: I do not disagree with Sandra White's suggestion. It is just a question of whether we wait until September or do it now and flag it up that a decision will be made in September. I do not mind when we do it.

Sandra White: We could certainly say that to the Health and Sport Committee. It will be aware that the report is coming out anyway, so we could ask it to pay special attention to it.

The Convener: There is probably a strong argument for referring the petition to the Health and Sport Committee at this stage, because that would also satisfy Nanette Milne's objective of trying to get things moving. It is important that we forward some petitions to committees now, because their work programmes have not yet been set in stone and we will probably not get that opportunity in later years.

Sandra White: Or in later months.

The Convener: Indeed. That is a good point.

Is everyone happy to refer PE1056 to the Health and Sport Committee?

Members indicated agreement.

Nanette Milne: Yes—we could do so with a note to look out for the decision.

The Convener: Yes. The clerks will ensure that that piece of information is highlighted.

Scottish Prison Population (Catholics) (PE1073)

The Convener: Our next petition is PE1073, on Catholics in prison. Members have a note by the clerk. As in previous discussions, I invite members first to make contributions and secondly to make recommendations for action. If there are no comments, I refer members to the options for further action.

This petition is interesting and a lot of important research has been done. It seems to me that it would be an appropriate piece of work for the Equal Opportunities Committee to take on. There is also, of course, an argument for referring the petition to the Justice Committee. However, it does seem that the Equal Opportunities Committee is the appropriate committee, particularly given what was said earlier about space in committees' work programmes.

Neil Bibby: I agree that the Equal Opportunities Committee would be a good place to which to refer the petition. It seems at first that the petition raises a justice issue, but the cases that we are talking about have different elements, such as deprivation and so on.

The Convener: Do other members have other views?

John Wilson: I do not disagree with the suggestion that we refer the petition to the Equal Opportunities Committee. As Nanette Milne will testify, the previous Public Petitions Committee dealt with the petition quite extensively; the report that was produced was commissioned by the committee. A number of worrying factors were identified in the evidence that we were presented with as we considered the petition.

I make the same plea that I made in the previous committee: if we are to pass the petition to the Equal Opportunities Committee, we have to widen out the scope. Although the petition refers in particular to Catholics in prison, it was identified that it is not only Catholics who are disproportionately represented in prisons; other minority groups are equally, if not more, disproportionately represented. If we are to pass the petition to the Equal Opportunities Committee, we should refer to all the material that was gathered on the petition, as well as to the report. The report was interesting, but I felt that there was a slight flaw in that the research concentrated on the petition's main focus, which was Catholics in prison, rather than looking at all minorities in prison. We should say to the Equal Opportunities Committee that in order to do the petition justice, it has to look at minorities in the criminal justice system as a whole and not just at a particular group.

The Convener: That is a very good point, which we should definitely emphasise when it comes to referring the petition. Are members happy for us to take that course of action?

Members indicated agreement.

Fatal Accident Inquiries (PE1280)

The Convener: PE1280 is on requirements for fatal accident inquiries. I first invite members to make contributions on the substance of the petition, before I ask them about options for further action.

Kevin Stewart: I am most interested in the situation relating to military personnel who are killed overseas and how hearings are held in the coroner's court south of the border. This comes from personal experience; I know families who have lost folks in Afghanistan. It can be extremely traumatic, particularly if the coroner's case goes on for some time. If it is at all possible to change legislation to allow fatal accident inquiries to happen here, that would be beneficial for everyone and could prevent a lot of trauma. This needs to be dealt with sooner rather than later. We should refer the petition to the Justice Committee.

11:30

The Convener: I agree with the thrust of Kevin Stewart's comments. The clerk has advised me that military personnel who die abroad are covered by the Coroners and Justice Act 2009—paragraph 4 of the clerk's note refers to that. It seems appropriate that the Justice Committee consider the petition.

Sandra White: I agree entirely. There is an anomaly in that Scottish courts cannot carry out a fatal accident inquiry in cases of Scottish persons dying overseas, but the situation is different south of the border. We need to get that sorted out. I agree with Kevin Stewart and the convener that the petition should go to the Justice Committee.

The Convener: Are members happy to follow the suggestion?

Members indicated agreement.

Planning Circular 3/2009 (PE1320)

The Convener: PE1320 is on amending planning circular 3/2009. The clerk has prepared a paper on the petition, which members have before them.

Sandra White: As someone who tried unsuccessfully to introduce a third-party right of appeal into the planning system, I have always thought it strange that people who would be affected by huge planning applications for opencast mines and so on do not have the same rights as others to be notified and to become involved with the Scottish Government.

The petition has merit, and I would refer it to the Local Government and Regeneration Committee, which deals with such issues.

Bill Walker: I concur with Sandra White's recommendation, although she is just passing it to my other committee.

The Convener: You should declare an interest in that.

Do we agree to refer the petition to the Local Government and Regeneration Committee, under rule 15.6.2?

Members indicated agreement.

Institutional Child Abuse (Victims' Forum and Compensation) (PE1351)

The Convener: PE1351 is on a time for all to be heard forum. The clerk has prepared a paper on the petition, which members have before them.

John Wilson: As one of the committee members who was on the previous committee, I recall that we took evidence on this petition from Tom Shaw and other commissioners from the time

to be heard forum in March, just before dissolution. At that time, the Scottish Government ministers would not have had time to consider the commissioners' report, "Time To Be Heard: A Pilot Forum", and we wanted to give them an opportunity fully to consider the report and its recommendations before coming back to the committee at a later stage to give us an indication of what they had taken from the report and what recommendations they wanted to take forward. The report made many useful recommendations with regard to the treatment of people who were in care and I urge any member who has not seen the report to have a look at it. The committee should write to the Scottish Government ministers to ask for their views on the report and how they are going to take forward the report.

Sandra White: As someone who was on the Public Petitions Committee back in 2002 when one of the petitioners lodged another petition. I do not think that anyone can fail to be moved by the experiences of the people and how brave they were to bring their cause to the committee. We served them well then and we should serve them well now. These people have not had an end to their suffering. I agree with John Wilson that we should write to the Government.

The Convener: This is an extremely important petition and I appreciate the comments from members who were on this committee in previous years.

I feel that this is a good example of a cross-cutting piece of work that we need to do a lot of detailed work on. I do not think that we should refer the petition; we should keep it here and come back to it once we have got a detailed response from the Scottish Government, and the clerks and I have done a bit more work on it. We could flag it up as a petition on which we might want to do a lot more detailed work in the future. That is very much the role of the Public Petitions Committee, and I think that this is an ideal subject for us to have an inquiry on in the future. Are members happy for us to keep the petition open and to undertake more detailed work on it?

Members *indicated agreement.*

Justice for Megrahi (PE1370)

The Convener: PE1370 is on justice for Megrahi. I refer members to the clerks' paper and invite comments from the committee.

Nanette Milne: I find this to be a difficult petition to deal with. There is an option to get an update from the Scottish Government on its plans for legislation regarding the Scottish Criminal Cases Review Commission. Beyond that, however, I think that the committee has gone as far as it can with the petition. I know that I have been a bit

reluctant to refer petitions to subject committees, but this is clearly one to refer to the Justice Committee.

Sandra White: It is an extremely important petition on a subject that people have various views on. It could be controversial, but I think that it is an honest petition that is seeking the truth. I was not a member of the previous session's committee, which deliberated on the petition. Would it be sufficient for the Public Petitions Committee to ask the Scottish Government to open an inquiry, or would it be better to send the petition to the Justice Committee with the recommendation that the Government pursue an inquiry? My problem is that I do not want it to get hidden in the Justice Committee stuff and not come back out again.

Kevin Stewart: I agree that the petition should go to the Justice Committee. As a new member of Parliament, I should probably declare an interest in that I may have signed the petition—I am not quite sure. If I did not, I probably did not see it, otherwise I would have signed it. It is a matter for the Justice Committee and we should allow that committee to have a clear look at it.

The Convener: I should have mentioned that Jim Swire and Robert Forrester are present. I thank them for the comprehensive work that they have done on the petition and for referring us to the interview with Gareth Peirce, "The Quiet Storm", which made fascinating reading.

Bill Walker: I am desperate for the truth of the matter to come out. It is fundamental that the truth come out, and we should do everything that we can to help it to come out. I agree with Kevin Stewart that the petition should go to the Justice Committee, although I was a bit concerned when Sandra White said that it might get buried in that committee's paperwork. The terrible events happened a long time ago so we must get to the truth sooner rather than later. Let us not let the Justice Committee bury it.

The Convener: I cannot make any predictions about other committees, but given Christine Grahame's interest in the matter, I would be extremely surprised if the petition did not have a high profile in the Justice Committee.

John Wilson: You said it, convener. The interest of the new convener of the Justice Committee in the matter will do the petition justice and ensure that the issues that have been raised are examined. The previous Public Petitions Committee tried to deal with the petition although it came to the committee late in the previous session. However, the responses that we have received and the further evidence that has been submitted by the petitioners indicate that the matter is for the Justice Committee to consider.

The petition raises a number of concerns about who takes responsibility for what decisions in relation to the process of appeals within the Scottish criminal justice system, so I would be happy to see it passed on to the Justice Committee.

The Convener: If no member wishes to make any further comment, we will move on. Is it agreed that we will refer the petition to the Justice Committee under rule 15.6.2?

Members *indicated agreement.*

The Convener: I will postpone part of the agenda because I think that Rhoda Grant wishes to speak to PE1378.

Incineration (Green Alternatives) (PE1379)

The Convener: PE1379, on green alternatives to incineration, is covered in paper 13. Do members wish to make any comments on the substance of the petition before we talk about the options that are open to us?

Members: No.

The Convener: Okay. Do members have any views on the three options, which are to continue the petition, to refer it to the Rural Affairs, Climate Change and Environment Committee, or to close the petition on the basis that the action has already been carried out? We have to give an explanation if we close a petition.

Sandra White: If the action has already been carried out, the petition has done its job, so I recommend that we close it—unless anyone has any other view.

Kevin Stewart: I agree with Sandra White. I do not know what guidance is given to petitioners, but some things in a petition can be nigh on impossible to achieve. If the petition is not correct or cannot be acted on, I cannot see the point of going forward with it. We are told in the papers that it would be impossible, even if we so wished, to close all existing plants within five years, so the petition is null and void, in that regard. I would close the petition. The petitioner might want to resubmit a petition, using other wording; I do not think that we can move forward with the petition, because of its wording.

John Wilson: I suggest that the committee refer the petition to the Rural Affairs, Climate Change and Environment Committee. The petitioner has raised a number of issues in relation to the incineration programme in Scotland and the innovative ways in which some developers work—they are coming out with phrases that do not mention the word “incinerator” to describe something that does the same thing.

There is a much wider issue for communities throughout Scotland because we will see growth in the number of pyrolysis plants or incinerators—whatever we want to call them—due to the desire of the Government and the European Union both to reduce the amount of waste that is going to landfill and to find alternatives. If we refer the petition to the relevant subject committee, it will be able to conduct a greater examination and to pull together some of the other factors that might be involved.

Although Kevin Stewart is right that we may not be able to shut down all plants in five years, I hope that the committee could examine what methods or actions have been taken by plant operators to reduce emissions from incinerators.

Kevin Stewart: I do not disagree that the issue probably needs to be looked at by the Rural Affairs, Climate Change and Environment Committee, and I will not enter into a debate about energy from waste, whether that is conventional incineration, pyrolysis or whatever. That is a debate for elsewhere.

The point for me is that the petition is very specific. It is clearly impossible to shut all existing plants within five years. Having listened to colleagues and hearing that today we have perhaps referred more petitions to committees than has been done for a long time, I do not think that we can agree to refer a petition when we know that what it wants cannot be enacted.

11:45

If the petitioner wanted to submit a modified petition, I am sure that the committee would look at it, but we all know that it will be absolutely impossible to shut all existing waste incineration plants within five years. If that were done, we would have to find many more landfill sites, which I am sure none of us wants. Because we know that what the petitioner wants is impossible, the right thing to do is to close the petition. I do not know whether we are allowed to suggest that the petitioner submit a modified petition.

Bill Walker: I agree with much of what Kevin Stewart has just said. The petition calls for the Government to

“immediately ban the construction of new waste incinerators”.

That seems to be straightforward enough, but what concerns me is that it also calls for a ban on the construction of “large biomass burners”. To me, those are not the same thing. Biomass is a different kettle of fish—that is a terrible metaphor—so, in my view, the petition is not consistent. It would be impossible for the Government to close down such plants within five years, which is what the petition asks for. I just do

not think that that is right, especially in the case of biomass.

The Convener: Just for the record, I point out that I was summarising some of the points in the petition, but the petition goes into a lot more detail.

Sandra White: I agree with Kevin Stewart. People submit petitions to us, which we act on by taking evidence and so on. If one of the issues that the petition deals with were included in a different petition, we could probably act further on it, but there is no way we could call on the Government to shut all existing waste incineration and biomass burning plants. We should not become a sifting committee for other committees. If we were to pass the petition on to the Rural Affairs, Climate Change and Environment Committee, I think that it would say exactly what we have said—that what the petitioner is asking for just could not be done.

The Convener: There is a division of opinion on whether to refer the petition to the Rural Affairs, Climate Change and Environment Committee or close it. I invite members who have not commented to make clear their views.

Nanette Milne: I appreciate John Wilson's argument, but it is clear that the petition raises issues that cannot be acted on—although I do not know that I would say that it is not competent. I would like it to be made plain to the petitioner that it is an interesting petition, which could, with rewording, be resubmitted.

The Convener: Would that satisfy Kevin Stewart?

Kevin Stewart: Absolutely. I think that I made that suggestion. We cannot deal with a request that we know that we could not action. I think that the petitioner should resubmit a modified petition. I do not know whether the clerks are allowed to do this, but perhaps the petitioner could be given some guidance.

The Convener: The suggestion is that we close the petition under rule 15.7, on the basis of incompetence, and that the clerks have a discussion about reframing the petition, which we might then see in a modified form in the future—although that would obviously be up to the petitioner. Are members happy for us to go down that route?

Members indicated agreement.

Silicone Breast Implants (PE1378)

The Convener: PE1378 is on silicone breast implants. It is good timing, as we now have Rhoda Grant with us. We were running a bit early.

Before I ask for comments from members, I invite Rhoda Grant, who has a track record of

work in this area, to make a few comments, as that will help the committee to make judgments on the next steps for dealing with the petition.

Rhoda Grant (Highlands and Islands) (Lab): I am extremely grateful to the committee for waiting for me. I have just come off a train, so I am sweating a bit, but I am here and I am pleased that I have been allowed to speak.

I appreciate that the committee has done a lot of work on the petition, but it seems to me that the more it digs, the more questions remain to be answered. On one hand, we have big business, which makes a lot of money from implants, and on the other hand we have the national health service, which not only uses implants, but picks up the pieces when they go wrong. In addition, there is the impact on people who have side effects that are not recognised, and who might not be getting the treatment that they need because of the lack of work in that area.

I suggest that the committee refer the petition to the Health and Sport Committee, especially because it might have some time on its hands at the beginning of the session, before proposed legislation starts to come through. It is about getting the timing right. The Health and Sport Committee might be able to conduct a short inquiry into the matter and consider the implications for the NHS and for patients who have not had proper diagnoses and who face serious health issues. I hope that the committee will consider referring the petition.

The Convener: Thank you. Do members have questions for Rhoda Grant?

Bill Walker: When I read the petition I wondered what it was doing in this committee—I am inexperienced on this committee, of course—when it seems to raise a serious health issue. I agree with Rhoda Grant that it should be referred to the Health and Sport Committee.

Nanette Milne: The petitioner made a number of points, including a point about the failure in the system for recording incidences of rupture. It is suggested that ruptures are not currently identifiable through NHS blood tests and that many doctors do not know what to look for. If that is the case, a number of cases are potentially going unreported—and of course the public will be unaware of the issue, too. If we refer the petition to the Health and Sport Committee we should flag up the petitioner's concerns.

Kevin Stewart: I might be a little ignorant on the matter; perhaps Rhoda Grant can help. Are cosmetic surgeons still using silicone implants, or is there a move to using saline implants? If silicone is still being used, that is a can of worms that the Health and Sport Committee should probably have a thorough look at.

Rhoda Grant: I understand that silicone is still being used. The trouble is that the health impacts of silicone have not really been explored. The petitioner raised that issue as well as the issue to do with the checks that should be in place. Until we can prove that silicone is dangerous, it will continue to be used for cosmetic and medical reasons. Given that complications and ruptures occur and that individuals can be poisoned, there is a huge health issue, which we might be putting off for another day when we should be exploring the matter.

Kevin Stewart: If that is the case, the petition should go to the Health and Sport Committee sooner rather than later.

The Convener: Do members agree?

Members *indicated agreement.*

The Convener: We will refer the petition to the Health and Sport Committee for further consideration, under rule 15.6.2. I thank Rhoda Grant for helping us with our consideration of the petition.

New Petitions

11:53

The Convener: Paper PPC/S4/11/2/14 gives details of a new e-petition, which has been received since dissolution. I invite members to note the petition.

I formally close the meeting, but I ask members to stay behind for a minute.

Meeting closed at 11:53.

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