



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 28 October 2014

Session 4

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PUBLIC PETITIONS COMMITTEE
15th Meeting 2014, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)
*Angus MacDonald (Falkirk East) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*David Torrance (Kirkcaldy) (SNP)
*John Wilson (Central Scotland) (Ind)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ashley Husband Powton

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

the Robert Burns Room (CR1)

Scottish Parliament

Public Petitions Committee

Tuesday 28 October 2014

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you all to this meeting of the Public Petitions Committee. As always, I ask you to switch off mobile phones and other electronic equipment because they interfere with our sound system.

I am afraid that the weather has led to a couple of casualties this morning. Angus MacDonald and Chic Brodie have been delayed, but we hope that they will appear at some time during the proceedings.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take in private agenda item 6, on external research, and agenda item 7, on the committee's work programme?

Members *indicated agreement.*

New Petitions

Private Schools (Charitable Status) (PE1531)

10:01

The Convener: Agenda item 2 is consideration of two new petitions. The committee agreed to invite a petitioner to speak to one of the petitions.

The first new petition is PE1531, by Ashley Husband Powton, on removing charitable status from private schools. Members have a note by the clerk, the Scottish Parliament information centre briefing and the petition.

The committee will take evidence from the petitioner via videoconference from the University of the Highlands and Islands in Orkney. I remind members that, because of the technical aspects of the videolink, a delay will occur between a member finishing their question and the witness hearing them and responding. Equally, there will be a delay the other way round. Given that we are using a videolink, it is important that no one tries to speak over anyone else. Therefore, a member should speak only if they are called to do so and should not try to interrupt a colleague or the witness, as that will affect our ability to hear the answers.

I welcome the petitioner, whom I can see in front of me. I hope that she can hear us in Orkney.

I am the convener of the committee. I ask my colleagues to introduce themselves.

John Wilson (Central Scotland) (Ind): Good morning. I am an MSP for Central Scotland.

Anne McTaggart (Glasgow) (Lab): Good morning. I am a Glasgow list MSP.

David Torrance (Kirkcaldy) (SNP): Good morning. I am the MSP for the Kirkcaldy constituency.

Jackson Carlaw (West Scotland) (Con): Good morning. I am a West Scotland regional member.

The Convener: Thank you, colleagues.

I invite Ms Powton to speak for around five minutes. After that, I will kick off with a couple of questions and then invite my colleagues to ask further questions. Ms Powton is very welcome to the committee. I thank her for attending via videolink.

Ashley Husband Powton: I thank the committee for the invitation and the opportunity to address it.

Fundamentally, the charitable status and taxpayer subsidy for private schools are

inappropriate and unjust. That charitable status means that all taxpayers, including the poorest, are subsidising the rich and the privileged to privately educate their children. That corrupts and derides the true spirit of charity, which is helping the needy and the most vulnerable in society.

When we consider the true spirit of charity, it is very difficult to understand how private schools can come to be classified as charities. The committee will be aware that, to qualify for charitable status in Scotland, there are three central considerations: that public benefit must be provided; that that benefit must not be outweighed by disbenefit; and that access to the benefit must not be unduly restrictive. Private schools would appear to fail on all three counts.

On public benefit, only around 4 per cent of pupils in Scotland attend private schools. The figure becomes even smaller—less than 1 per cent—when they are taken as a percentage of the whole population. To put that in another way, more than 99 per cent of the public do not benefit from the education that those schools provide.

The staggering detriment of private schools to society is even more significant. Extensive academic research bears out that, in allowing for the education of children according to their family's social status, private schools are at the very heart of a society that is divided by inherited wealth and privilege. They entrench and perpetuate social inequality.

I recently graduated from the University of St Andrews. More than 40 per cent of Scottish students there have attended a private school.

Scotland's most elite private schools charge fees in excess of £30,000 per year. To put that in context, average pay in Scotland is £26,472, with a cleaner earning about £8,000 per year, a care worker earning £12,000, a bus driver earning £23,000, a nurse earning £26,000 and a teacher earning £32,000. It is extremely difficult to contend that access to private schools is not unduly restrictive and it is undeniable that for the majority of the Scottish population a private school education is far beyond their reach. I stress that that fact is altered not in the slightest by the provision of a few bursaries. The figures show that they are for a negligible amount, and they are a symptom of, not a solution to, the fact that access is granted by the ability to pay—shifting the privilege ever so slightly does not get rid of it.

I hope that in these opening remarks I have made clear how charitable status and taxpayer subsidy for private schools is, at its most basic, morally wrong and entirely at odds with the true meaning and sentiment of charity. Furthermore, by reference to the Office of the Scottish Charity Regulator charity test I hope that I have made

clear my difficulty in accepting the legitimacy of the status quo for private schools, given their limited provision of public benefit, the unduly restrictive access to them and, more important, the huge disbenefit of private schools to society, given their clear role in perpetuating social inequality.

The recently published report of the social mobility and child poverty commission stated that child poverty is set to rise and warned that the United Kingdom is at risk of becoming a “permanently divided” society. The evidence is that 20 per cent of children in this country already live in absolute poverty. In an era of profound and increasing inequality, brutal austerity and cuts to public services, I find that I am just one voice among an increasing number that are very uncomfortable with the anomaly that is charitable status for, and taxpayer subsidy of, private schools.

I will do my best to answer any questions that the committee may have. Thank you for your time.

The Convener: Thank you very much for your submission and for keeping within your time, which was very impressive. I will kick off with a couple of questions. Are you satisfied with the current charitable test that is overseen by OSCR?

Ashley Husband Powton: Yes, I am. I just query OSCR's decision to award charitable status to private schools. I suggest that there are two options, one of which is, as I hope I pointed out in my opening remarks, that even working to current guidelines we could conclude that private schools are not charities; the other option would be to exclude all private schools from consideration for charitable status on the basis that the sole criterion for access to them is the ability to pay. They could be excluded on the basis of that principle.

The Convener: Obviously, I am not here—and nor is the committee—to argue a case for or against OSCR's view, but OSCR says that it merely complies with the rules that are laid down by the Scottish Government. I will give you an example. I looked at the website last night in preparation for today's meeting and I randomly clicked on one school, which was Fettes College. The information there was that following the initial analysis of Fettes, it failed the charitable test but the school changed its guidelines and it now satisfies the test and complies with charitable status.

It could be argued that, in fact, the regulations are working perfectly adequately. How do you respond to that?

Ashley Husband Powton: I am very aware of the Fettes case. As you said, Fettes failed the test in 2013, so it then increased the proportion of the school roll on assistance from 9.6 to 10.6 per cent.

My question for OSCR would be why 10.6 per cent support is okay but 9.6 per cent was not. Why does 10.6 per cent of support cease to make fees of over £30,000 a year unduly restrictive? I do not think that that makes any difference to the overall unduly restrictive nature of access to such schools. As I hope I made clear in my opening remarks, no amount of bursaries whatsoever changes the fact that private schools should not be allowed to qualify for charitable status.

The Convener: Could your petition be characterised as saying that we should put to one side any sense that we have of current regulations via OSCR, because what you want to do is remove charitable status from private/independent schools per se and that is it? You want no regulation; you want a clear—if you like, ideological—change in the current rules. Is that a fair summary of how you feel about the issue?

Ashley Husband Powton: Yes, certainly. I think that that would be the clearest way forward, although as I pointed out, even working to the current guidelines it is very questionable to give private schools charitable status. However, for the sake of clarity, I think that on principle it would be best to exclude private schools from consideration for charitable status full stop.

The Convener: That is very clear.

Jackson Carlaw: Good morning. Which private schools did you visit before presenting your petition?

Ashley Husband Powton: I did not visit any private schools.

Jackson Carlaw: So you have never visited a private school. Your view is therefore an opinion in abstract rather than one that is based on direct experience of the benefit that any private school might provide.

Ashley Husband Powton: No. It is based on extensive academic research, and on the experience of a brilliant state school education and extreme educational inequality, as I attended the University of St Andrews and saw the results of privilege and elitism in the education system.

Jackson Carlaw: Interestingly, St Andrews university qualifies for charitable status but charges fees to international students, as do colleges, universities and the Royal College of Physicians and Surgeons of Glasgow. There are lots of academic institutions that charge fees and have charitable status. Are you proposing that charitable status should be removed from them as well?

Ashley Husband Powton: No, because in the case of universities and colleges the ability to pay is not the only criterion for access. People have to attain certain grades, write a personal statement

and so on, whereas private schools provide general compulsory education that is otherwise provided by the state and the only criterion for access to private schools is the ability to pay. There is a big difference between universities and colleges having charitable status and normal schools that provide general compulsory education having it.

Jackson Carlaw: It is of course your assertion that the only criterion for entry into an independent school is the ability to pay, but you have not visited any private schools or asked them whether your assertion is vindicated. You say that private schools receive a subsidy, but it is of course an indirect subsidy in the sense that money does not get paid to the Exchequer. How much does it cost to educate a child in the state sector?

Ashley Husband Powton: It is an average of £5,468 per pupil.

Jackson Carlaw: So, if the 33,000 students who are currently in the independent sector required to go to the state sector, that sector would have to find 33,000 times the £5,000-plus that you suggest the education of an individual student costs. Could it not therefore be argued that, by not sending 33,000 students to the state sector, those people who have their children educated independently are subsidising the state sector by not placing that additional burden on it? Where would the Scottish Government find the money for those 33,000 students if independent schools were not there?

Ashley Husband Powton: I anticipated that the point would inevitably be raised that private schools save the state money, and there are a few points to be made in response. First, it is fundamentally not a point about finances. I will address the finances in a second, but this is fundamentally a point of fairness—

Jackson Carlaw: No, no.

Ashley Husband Powton: —doing the right thing—

Jackson Carlaw: Excuse me, but the question was not about fairness; it was about finance.

Ashley Husband Powton: Yes, and I will come to the finances. I think that the longer—

The Convener: I remind members, particularly those who have just come in, that because we are doing a videoconference it is important that we do not interrupt either the witness or fellow members.

Jackson Carlaw: But we need to answer the question.

The Convener: Yes. It is just a technical point, Mr Carlaw. Please carry on.

Ashley Husband Powton: I have a couple of points to make, the first of which is that although this is a moral issue as opposed to a financial issue, the financial issue can be addressed, too. If private schools were no longer to have charitable status, they would save the state even more money, if Mr Carlaw wants to maintain that that is what they do.

Secondly, the longer-term and wider consequence of private schools in society is their role in social inequality and perpetuating a divided society. The cost of that to the taxpayer and to the Government in terms of health inequalities, housing inequalities and employment inequalities is arguably if not demonstrably much greater than whatever money the private sector saves the taxpayer in spend per pupil.

Lastly, saving the state money is not one of the recognised charitable purposes, so if the only argument in defence of private schools having charitable status ends up being that private schools save the state money, which is disputable, it must be said that that is not a charitable purpose. That is a point to be made with regard to whether private schools should exist. However, as for private schools' charitable status, saving the state money is not a charitable purpose.

Jackson Carlaw: However, there is a requirement to deal with consequences as well rather than just the high principles that you think are demonstrable, although I would say that they are only arguably potentially evident. Lots of community groups benefit from the independent sector because they are allowed as a result of the schools' charitable status to have considerable access to the schools' facilities during out-of-school hours. How many of the thousands of community groups that benefit in that way have you spoken to about the potential loss of their access to those facilities?

Ashley Husband Powton: I have not spoken to any of them. I do not doubt for a second that private schools would, even without charitable status, still have enough money to provide those services if people wished them to. The provision of community services such as bursaries cannot be allowed to mitigate the overwhelmingly negative role of such schools in society. As I pointed out at the beginning, public benefit is provided to an extent, but we must also take into account the disbenefit from private schools. You can say that they provide benefit in that they give a few bursaries and provide community services, but the disbenefit still outweighs the negligible benefit that is provided.

10:15

Jackson Carlaw: The polemic is entertaining, but it would be helpful if you contained yourself to answering the questions rather than giving us your general political philosophy.

John Wilson: You should declare your interest, Mr Carlaw.

The Convener: Colleagues, Mr Carlaw is asking the questions just now.

Jackson Carlaw: I have a final question for Ms Husband Powton. You have not visited the schools; you are not clear about whether community groups might lose access and what their opinion of that would be; and you are not clear about how the Scottish Government would fund those services.

Instead of the withdrawal of charitable status from the independent education sector, would another route be to extend charitable status or adjust the tax arrangements so that all the schools in the state sector would benefit equally from the tax status that is made available to the Royal College of Physicians and Surgeons of Glasgow, to colleges and universities and to the independent education sector? Would it be the right move to allow the state sector schools that currently do not enjoy that benefit to have it extended to them?

Ashley Husband Powton: Yes, I completely agree that state schools should have charitable status, but I would still remove that status from private schools.

The Convener: Do any other colleagues wish to come in?

Chic Brodie (South Scotland) (SNP): Good morning—I apologise for being late. Travelling in from Ayr this morning afforded me the opportunity to listen to the director in charge of independent schools speaking on the radio, but I will come to that in a minute.

Can you clarify something for me? A charitable organisation must have regard to whether any condition on obtaining that benefit, including any charge or fee, is unduly restrictive. It is clear that you believe that the conditions are unduly restrictive. Can you give an example of where such a restriction applies?

Ashley Husband Powton: Yes—I am not sure whether you missed my opening remarks.

Chic Brodie: I beg your pardon—I am sorry about that.

Ashley Husband Powton: That is fine—I will repeat myself a little bit. Scotland's most elite private schools charge fees in excess of more than £30,000 a year. For example, the fee for

Fettes College is £10,060 times three for three terms. To put that in context, the average pay in Scotland is £26,472. A cleaner earns on average £8,000 a year; a care worker earns £12,000; a bus driver earns £23,000; and a nurse earns £26,000.

Looking at the figures, it is undeniable that, for the vast majority of the Scottish population, the privilege of a private school education is far outwith their reach. It is impossible to argue that access to those schools is not unduly restrictive, given the staggering tens of thousands of pounds in fees that they demand.

Chic Brodie: Thank you—that answers my first question. I will move to my second question. I was slightly bemused to hear the discussion, having come in late. I know I was a bit dizzy, but the feeling was compounded by Jackson Carlaw's economic juggling; we were talking about the cost of moving public school students to state schools, but of course there would also be a saving.

Can you explain for my benefit, as I am very slow this morning, how we have reached a situation in which schools such as Fettes—and the Glasgow Academy, no doubt—have seen their tax liability fall from the likes of £209,000 to £41,000, which represents a taxpayer-funded subsidy of £167,000? Can you take me through the mechanics of that?

Ashley Husband Powton: Sorry—I did not quite follow your question.

Chic Brodie: You say in the background information to your petition that one private school—you name several of them, so I will use one example—saw its tax liability fall from £209,000 to £41,000, which is a taxpayer-funded subsidy of £167,000. What are the mechanics behind that?

Ashley Husband Powton: That is due to private schools receiving an 80 per cent compulsory discount on non-domestic rates as a result of their charitable status. It is not the only tax benefit that they get: they also do not pay corporation tax on profits and they receive gift aid on cash donations. There are other examples, too.

Chic Brodie: Thank you. I have one last question. When I was listening this morning to the gentleman who is responsible for running independent schools—or at least for developing their policy—he was unable to tell his questioner how many bursars there are in independent schools. I suspect that he was not sure of his numbers. In addition, he was unable to give the household income levels of students, including bursars, who attend independent schools. Is that information available anywhere?

Ashley Husband Powton: Is the information on the number of pupils on support available?

Chic Brodie: Yes.

Ashley Husband Powton: Yes—

Chic Brodie: Why was the gentleman on the radio not able to tell the questioner, then?

Ashley Husband Powton: He would have been able to tell them if he had had the information to hand. I can give you some examples now. There are currently six pupils at Fettes on 100 per cent support, which is 0.8 per cent of the school roll. At St Columba's School, the percentage is 1.6 per cent. It is generally the case that the number of pupils on 100 per cent support tends to be negligible.

Furthermore, it appears to be the case that the bursaries that are awarded are made less in a spirit of charity than as a response to repeated coercion from OSCR. Private schools often fail the charity test, but are deemed to pass it after they have upped their provision slightly. That is what happened to Fettes—I am not sure whether you were present for that part of the conversation, Mr Brodie. Fettes failed the charity test last year. It then increased the proportion of the school roll on assistance from 9.6 to 10.6 per cent, at which point it was deemed to have passed the test.

My question then was, why does having 10.6 per cent of pupils on assistance mitigate charging fees of £30,000? Is it not arbitrary and ultimately unjustifiable to decide that that level of support should mitigate unduly restrictive fees? I certainly do not accept it.

Chic Brodie: Thank you. I said that that was my last question, but I have one other. Given that you know what the numbers are, do you know whether there is any information on the income distribution of households of students at private schools?

Ashley Husband Powton: Not that I am aware of at present. However, given the fees, a household would need to have a disposable income of at least £30,000 a year, so it is safe to say that we are definitely talking about the richest and the most privileged in society.

Chic Brodie: Yet most of the major private schools receive taxpayer-funded subsidies.

Ashley Husband Powton: Yes.

John Wilson: Good morning. The petition is about the charitable status of fee-paying schools. Do you think that OSCR has correctly applied the rules as established in 2005 to those schools?

You have highlighted and the convener referred to the fact that Fettes was able to change its operation to meet whatever criteria OSCR looked at in order to get charitable status. Was it correct for OSCR to accept that?

Ashley Husband Powton: No. Before lodging the petition, I wrote to OSCR twice. It was because its response was unsatisfactory on both occasions that I decided to petition the Parliament in order to direct my concerns to the body to which OSCR is accountable.

John Wilson: I declare that I do not have a vested interest in the independent school sector, and my child had no dealings with an independent school. Jackson Carlaw's assertion that one has to visit an independent school to understand what it does almost implies that one needs to be in a war zone to understand what war means for many people. Is your petition one step in trying to eradicate the independent school sector in Scotland?

Ashley Husband Powton: Yes—I hope that that will continue. Brian Boyd, professor of education at the University of Strathclyde, has also given me some remarks to quote today. He said:

“The first step towards that goal”—

that is, making it illegal to charge money for education, as in countries such as Finland—

“should be the removal of charitable status, triggering a debate on the contribution education can make to the achievement of a more equal society.”

John Wilson: I return to the issue that the convener raised of Fettes being able to adjust its application to OSCR to continue to receive charitable status. Does the value of the number of bursaried students attending Fettes outweigh the value of any benefits from having charitable status?

Ashley Husband Powton: Could you repeat the question?

John Wilson: I shall rephrase it. You indicated that Fettes adapted its rules in order to receive charitable status, which I assume was granted in part because of the number of bursaried students that it accepts. Is the value of adjusting the number of bursaried students sufficient to justify having charitable status?

Ashley Husband Powton: The bursaries that those schools provide are negligible in comparison with the total income at their disposal and the school roll. I shall restate the figures. Six pupils at Fettes are on 100 per cent support; that is 0.8 per cent of the school roll. For that, the school gets a status that legitimises it from the point of view of the Government and the public, or OSCR speaking on behalf of the public.

I do not think that such schools should be given that legitimacy and freedom of conscience. They should be forced to accept what they are, as they perpetuate an entrenched social inequality in society and educate children according to the social status of their families.

The Convener: I invite colleagues who have not yet asked questions to comment. We have some leeway with time, so I am happy to keep the debate going for a bit longer.

Angus MacDonald (Falkirk East) (SNP): I have followed the issue since it came to my attention about 15 years ago, when it was discussed at length in my party. It was subsequently highlighted in Parliament in 2005. I should declare that I am the product of a private school—I attended a boarding school—although perhaps I am not the best advert for private education.

You mentioned Finland as an example of a country where charity for private education is illegal. Have you looked at Sweden, just next door to Finland, where private education seems to be spreading quite significantly?

Ashley Husband Powton: I have not looked at that example. When I referred to Finland, I was quoting Professor Brian Boyd. I am aware of the situation there to some extent, but his papers give a more in-depth and detailed view than anything that I can tell you about international comparisons.

Angus MacDonald: As I said, I have followed the issue for some time. When it was discussed in my party, I was quite vociferous against removing charitable status. However, having read your submission, I have to say that you present a strong argument, particularly when we consider the differences between private school pupils and those in Wester Hailes—an area with high levels of deprivation where 40 per cent of pupils require free school meals. Your argument is strong and I thank you for bringing it to the committee's attention.

Ashley Husband Powton: Thank you very much.

Anne McTaggart: You certainly gave a robust presentation. I do not have questions, but I have an observation. What you have said today has set alarm bells ringing. I will look at some schools in my area with what you have said in mind.

I would be interested in continuing the petition. I know that we are not at that stage yet, but there is other information that I would love to hear in order to make more decisions on it. Thank you very much for your presentation.

10:30

Ashley Husband Powton: Thank you for your time.

David Torrance: Good morning. You are talking about charitable status for private schools. I was a councillor in a local authority and I know that local authorities across Scotland have moved their sport

and leisure facilities and their arts and library facilities to organisations with charitable status, and they are now considering moving some of their schools to charitable status. If local authorities can do that, how can you compare the two positions to stop independent schools getting charitable status?

Ashley Husband Powton: Is your point that state schools can be awarded charitable status?

David Torrance: Yes.

Ashley Husband Powton: That is a separate issue. The comparison is important, but that is a separate issue.

As I said in response to an earlier question, I would completely welcome all state schools having charitable status, but that in no way lessens my belief that private schools should not have it. I call for a complete reversal. We should take charitable status away from private schools and give it to state schools.

Chic Brodie: In the current state of affairs, charities pay no corporation tax on profits from trading and, in effect, these schools are a business selling education—

Ashley Husband Powton: Yes, they are.

Chic Brodie: Just let me develop this. The schools pay no corporation tax on profits, which might include income from the sale of assets. Under stamp duty rules, they had tax relief. I believe that that relief will continue under the land and buildings transaction tax. Is that not a great incentive—I am not suggesting that they all rush out and do it today—for public schools to sell and lease back their buildings? They could pay no tax on the profit from selling their buildings—which would be huge, given the age of the buildings—and they would pay no tax or little tax on the transaction of leasing. That is standard business practice in some cases. They are businesses, are they not?

Ashley Husband Powton: Yes, they are—I completely agree with you. It is almost misleading even to refer to them as schools, because they are profit-making institutions that sell general compulsory education.

The Convener: Does Mr Carlaw wish to come back in? We have a little time.

Jackson Carlaw: I am not sure how productive that would be. I make the point that it is slightly misleading to suggest that all bursaries are at 100 per cent. I understand that there are many independent schools where the level of bursary that a pupil is offered varies between 100 per cent and another figure. If we follow the petition up, I think that Mr Brodie asked a perfectly legitimate question at the start about trying to establish the

extent to which bursaries are available. However, simply to focus on the number of 100 per cent bursaries is perhaps not a reasonable or fair interpretation of the extent to which bursaries are granted.

I will return to a point that Ashley Husband Powton rather glossed over. Her definition of access to the schools and the benefit that they give related entirely to the pupils who study there, whereas many of the schools have quite significantly—as a result of the charitable status test that has been introduced, which some of them have had to adjust their policies to comply with—made their wider school facilities available to the community at large. They did not do that before; they did that as a result of charitable status being extended. Many community groups that would otherwise be denied such access can now use those school facilities—some of which are excellent—at weekends and in the evenings.

I worry about that. I understand the higher principle that you hold, but I wonder whether you understand the wider consequences that could accrue from some of the suggestions that you are making.

Ashley Husband Powton: As I said earlier, some benefit is provided by private schools, but it is more than outweighed by their disbenefit to society. I will not shake on that principle; it is far too important.

If private schools were to lose their charitable status, I do not doubt for a second that they could still provide the services that you describe if they so wished.

Jackson Carlaw: The point is that the services became available because the schools were complying with the charitable status provisions. I am content to leave the questioning there.

The Convener: I am conscious that Ashley Husband Powton's time for videoconferencing is coming to an end. There are no further questions, so we will go to the summation, where we stop asking you questions and you stop asking us questions. The summation is for the committee to consider next steps.

I am sure that the committee would agree that we need to ask the Scottish Government for its views, since it is responsible for laying down the rules. Since the Office of the Scottish Charity Regulator carries out the administration and assessment of the rules, the committee might find it useful to get OSCR to come to a future meeting and give evidence.

What are the committee's views? Do we ask the Scottish Government for its views? Perhaps we should also ask OSCR to come in and talk about the day-to-day reality. How would the committee

feel if we asked OSCR to come to a future meeting? Is that agreed?

Members indicated agreement.

The Convener: It would be useful to invite views from the Convention of Scottish Local Authorities and the Scottish Council of Independent Schools. John Wilson often raises such points. It might also be useful to ask a couple of the independent/private schools for their views, to give us a flavour of this. We can ask the clerk to give us a cross-section of them.

Jackson Carlaw: The obvious route would be to approach the Scottish Council of Independent Schools, which I am sure would be able to provide a lot of the more detailed information that would be valuable to the committee and to talk to the wider charitable advantage to the community.

The Convener: That is a good point.

John Wilson: I agree that we should write to the organisations that have been mentioned. Given that this is an education issue, I suggest that we also write to the Educational Institute of Scotland to find out its views on the continued use of independent schools.

When we are writing to OSCR, I would like to forewarn it—if that is the best term to use—of a particular question. That question is, “On what grounds was Fettes allowed to amend its registration with OSCR so that it continued to receive charitable status?” It is important to find out the grounds on which OSCR decided not to grant charitable status and the grounds on which it subsequently reviewed that decision.

It would be useful to find out how many other independent schools amended their registrations with OSCR to allow them to continue to receive charitable status. Other independent schools might have found themselves in the same position as Fettes and been unable to register for charitable status. That might be a question for the Scottish Council of Independent Schools.

Further to Mr Carlaw’s assertion that the amendment to the charitable status was mainly due to access to facilities—

Jackson Carlaw: I did not assert that. I mentioned the point—it was not an assertion.

John Wilson: Well, you stated it. You mentioned that the position was to do with community organisations having access to facilities at weekends. We could ask the Scottish Council of Independent Schools how many hours in the year independent schools allow access to facilities for communities that surround those facilities and whether any charges are made for community use of those facilities.

The Convener: I am conscious that we will lose our petitioner in a second when the window for videoconferencing closes.

Chic Brodie: I agree with Jackson Carlaw’s point and John Wilson’s request for information. Being a numerical wonk, I would like to see much more information regarding bursaries and, if possible, regarding the income distribution of households with pupils attending independent schools.

The Convener: Just to be clear, is the committee content with those suggestions? I suggested that we should seek oral evidence from OSCR; some of the points that John Wilson raised could be put to it.

Jackson Carlaw: On the points that John Wilson made, I must point out that the matters were not secret; they were on the public record. If a school failed to meet the charitable test, that was widely reported in the press, along with the reasons for that. The subsequent reassessment by OSCR has always been a matter of public record. None of this has been hidden from public view. Reports are published and the media widely cover instances of any school’s failure to comply.

The Convener: Right.

The committee has a comprehensive list of organisations that we will consult. Does the committee agree to invite OSCR to appear before us and is the committee content with the various points that have been raised?

Members indicated agreement.

The Convener: I thank our petitioner very much—I see from the notes on the screen that you are about to disappear. You gave a very articulate presentation of your thoughts and I really enjoyed hearing your evidence. As you can see, we are taking the petition seriously. The clerks will keep you up to date with developments. I hope that the weather in Orkney—and here—improves.

Ashley Husband Powton: Thank you very much for your time and your consideration.

Bank Deposit Protection (PE1527)

The Convener: The second new petition is PE1527, by Margaret Mackenzie, on bank deposit protection. Members have a note by the clerk and the petition. The petition was lodged on the basis that there would be a yes vote in the referendum. Without dragging the committee into a discussion of whether there should have been a yes vote or a no vote, which I suspect would take up a lot of time, I suggest that, because there was not a yes vote, we close the petition and thank the petitioner for the work that she put into it. Do we agree?

Members indicated agreement.

Current Petitions

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

10:41

The Convener: The first current petition is PE1408, from Andrea MacArthur, on updating the understanding and treatment of pernicious anaemia and vitamin B12 deficiency. Members have the clerk's note and submissions. Members will appreciate that this has been a good petition, on which we had a plenary session some time ago.

Some actions have been suggested that I would endorse, including writing to the Scottish Government to seek an update on the outcome of the diagnostic steering group's consideration of issues raised by the British Committee for Standards in Haematology's guidelines, following its November meeting. It is also suggested that we ask the Scottish Government for its view on the petitioner's suggestions that patients might benefit from more frequent injections and that the guidelines be included in the British national formulary.

I invite views from members.

Chic Brodie: I agree with the suggested actions. I do not know whether the petitioner's letter of 6 October, which highlights her continuing concerns, has been drawn to the Government's attention.

The Convener: We will ensure that it is clearly brought to the Government's attention.

John Wilson: I declare an interest in this matter, as a close family member has pernicious anaemia and depends on regular injections to cope with the condition.

On the BCSH guidelines, the Scottish Government's letter of 4 August says:

"we have also received advice that dissemination of these guidelines in their current form to GPs could be unhelpful as they are not presented in a suitable format for use in the practice setting."

When we write to the Scottish Government, could we ask when the guidance will be issued in a suitable format for general practitioners, who are very much in the front line when it comes to dealing with patients with pernicious anaemia? I still hear of cases in which patients trying to get more regular injections for pernicious anaemia are met with a refusal by GPs and practice nurses, who continue to indicate that they have some form of guidance, even though the minister has told us that there is no guidance in relation to the

treatment of pernicious anaemia. It would be useful to find out when the guidance or information will be available in a useful format for GPs.

The Convener: I am sure that members will wish to endorse John Wilson's comments. Do members agree to the suggested actions?

Members indicated agreement.

Congenital Heart Disease Patients (Care) (PE1446)

The Convener: The next petition is PE1446, by Dr Liza Morton, on Scottish standards for the care of adult congenital heart patients. Members have a note by the clerk, and I invite contributions. I note that it is recommended that we consider whether to seek a formal update from the Scottish Government, which seemed to me to be a sensible course of action. Are members agreed?

Members indicated agreement.

Organ Donation (Opt-out System) (PE1453)

10:45

The Convener: The next petition is PE1453, by Caroline Wilson, on behalf of the *Evening Times* and Kidney Research UK (Scotland), on an opt-out system for organ donation in Scotland. Members have a note by the clerk.

Again, I am sure that all members will wish to thank Caroline Wilson and the *Evening Times* for all their work. The committee has also done a lot of work on the matter. This is a first-class petition, and I note that Anne McTaggart has lodged a proposal for a member's bill on the issue.

On the basis that the Scottish Government has made its position very clear and that there is a proposal for a member's bill, the committee may now close the petition, as we have probably gone as far as we can. I am, as always, open to contrary views from members.

Chic Brodie: I will say what I am about to say with the best intentions. When we went through the petition and discussed it, we talked to the Welsh Government. As I have sympathy for the petition, I had hoped that we could have ensured that the required change was made once we had all the information. I am not sure—as I have said, I am saying this with the best intentions—that the member's bill will not create dissension, certainly given the Government's position; in fact, it might impact on or damage the outputs from the position that we basically all shared. I just wish that we had waited until we had more information.

The Convener: I will bring in Anne McTaggart, but before I do so I point out that the committee

needs to decide what it can do and that we do not have a particular locus in what individual members do. The member happens to be here, but what she is doing is secondary to her role on the committee.

Anne McTaggart: First of all, convener, I declare an interest.

Now that the consultation period on the proposal for a bill has closed, I can share with the committee the information that there were 556 responses, around 80 per cent of which were for a change in the law. As a result, I would be quite concerned if we closed the petition. I hear what the convener says about the committee having done all that it can do, but there is still more to be done. More is happening out there. I am aware, for example, that the petitioner attended the Scottish Kidney Federation forum at the weekend. I simply think that there is still more to be done by the committee.

The Convener: I cannot speak for all members, but it was clear during the debate on the petition that all members appreciated the great work done by the petitioner and the *Evening Times*. There is a lot of sympathy and good will.

However, my question about how we manage the petition is: what else can the committee do? If another practical next step could be taken, I would be the first on the barricades to demand it. I would like some practical managerial advice on the matter.

Jackson Carlaw: I very much sympathise with the view that you promote, convener. The practical next step is, in fact, the member's bill that Anne McTaggart is taking forward. I have my own views on where the balance of evidence currently lies, but given that a member's bill is being taken forward, I find it difficult to know what the committee would seek to do to advance the petition further. On that basis, I am content that its future progress will be through the member's bill rather than through the committee.

Angus MacDonald: I agree with Jackson Carlaw and Chic Brodie that there seems little purpose in keeping the petition open, given that a member's bill is in progress, and with the comments that have been made.

The Convener: I am delighted that Anne McTaggart is taking forward a member's bill. That might not have happened if we had not received the petition and the committee had not had the debate.

I note that if we close the petition but the member's bill proposal does not go forward, there is nothing to stop the petition being reintroduced in the current session; indeed, I am sure that the committee will want to look at the issue again. There is tremendous good will among committee

members in relation to the principle behind the petition. I am merely looking at our practical next steps; after all, we do not want to duplicate the parliamentary work that the member's bill will rightly do.

Anne McTaggart: I am aware that we have done loads of work on the issue, but given that there is on-going work in which the committee should remain involved, we should keep the petition open. For example, a poll commissioned by the British Heart Foundation Scotland from Ipsos MORI on the introduction of a soft opt-out system is due to be published in the next few weeks, and it is important that the committee looks at the figures and the poll's outcome.

Chic Brodie: No one questions the motivation behind Anne McTaggart's bill proposal. However, I agree with Jackson Carlaw and Angus MacDonald. What would we do if the bill fell but we had kept open the petition, for which there is a degree of sympathy? The bill just about hits the petition on the head, and there would be a difficult recovery situation if the bill fell—although I am not saying that it will fall. We should close the petition and let the member's bill go ahead.

Jackson Carlaw: I add a caveat to what I said. I have sympathy with any committee member who has a strong personal interest in a petition being kept open. I have expressed such an interest before and fellow committee members have sometimes supported me. Although I do not think that we are being invited to take additional formal practical action, and although I think that the arguments are more in line with closing the petition, if our keeping the petition open would assist Anne McTaggart, I would be happy for us to do so until a subsequent meeting, at which we could look at the matter again in light of what might have happened by then.

The Convener: If members think that we should defer closing the petition until a future meeting, at which point we will likely have had an update on the bill proposal, I am comfortable with such an approach.

Chic Brodie: I am happy to do that. It is just that in the course of debates on the bill most of the points that the petition raises will be considered. However, rather than kill it stone dead, we could keep the petition open.

John Wilson: As the convener has said, we can close the petition, but if Anne McTaggart's bill is not progressed the petitioner has the right to come back to the committee and we can reopen it. I am content to close the petition, with the proviso that the petitioner is made aware that they can come back if things do not go well with the member's bill.

The Convener: I think that Jackson Carlaw was suggesting that we keep the petition open pro tem and consider it at a future date.

John Wilson: But at what future date do we consider it, given the time that it might take for the member's bill to go through Parliament and reach an outcome? Does the petition stay on the committee's books until an outcome is reached?

Jackson Carlaw: I do not think that I would support such an approach. I thought that Anne McTaggart was saying that further information will become available in the immediate future, which will help us to judge whether we need to ask further questions. If the information did not prompt further questions, I would not suggest that the petition simply stay open for the duration of consideration of the member's bill. It is only because our colleague feels strongly that we should keep the petition open that I am happy to facilitate such an approach for two or three months.

The Convener: Yes. We are perhaps talking about a deadline of early spring. If no further action was required, we could close the petition then.

John Wilson: Might I seek clarification, convener? As I understand it, the member's bill would be referred to the Health and Sport Committee, which means that the Public Petitions Committee could have a live petition while a bill was being considered by another committee. My question is: at what stage can we reconsider the petition? We need to think about that. When we refer a petition to another committee, it becomes that committee's property. We need to be clear that if the member's bill is referred to the Health and Sport Committee, it will become that committee's property to deal with as it sees fit and will not lie within this committee's jurisdiction.

The Convener: John Wilson is probably sensibly suggesting that as a compromise we refer the petition to the Health and Sport Committee, on the basis that that committee will look at Anne McTaggart's bill. That way, all the evidence and the work that we have done will be considered by our colleagues who will consider the bill.

Angus MacDonald: That sounds like a fair compromise to me.

The Convener: Are other members content?

David Torrance: I am happy to go along with that.

The Convener: Chic Brodie?

Chic Brodie: I agree.

The Convener: I thank John Wilson—also known as Henry Kissinger—who is very good at these kinds of compromises.

Again, I thank Caroline Wilson and the *Evening Times*, and I thank Anne McTaggart for the work that she has done on her member's bill.

Judiciary (Register of Interests) (PE1458)

The Convener: The next petition is PE1458, by Peter Cherbi, on a register of interests for members of Scotland's judiciary. Members have a note by the clerk and submissions.

Members will know that this has been a long, hard-work saga for the committee. I thank all members for their thoughtful contributions in the plenary debate that we had. Mr Cherbi has written to us to suggest that we take careful note of the Judicial Complaints Reviewer's annual report for 2014 and that we invite Kenny MacAskill to appear before the committee to talk about the judicial oaths issues. It was also argued that we should write to the Lord President seeking an update on changes to the rules on complaints about the judiciary.

There are a few issues for members to look at. I ask for members' views on whether those suggestions would be acceptable.

Chic Brodie: This saga will not go away. I have a couple of things to say. One is that the JCR has left and, as far as I am aware, no replacement has been announced.

The Convener: I understand that the Government has appointed a new Judicial Complaints Reviewer.

Chic Brodie: That was probably done during the recess.

It is also important that we receive the JCR's report unexpurgated, so that we can take a definitive view of something that is close to the problem, and we should ensure that the Lord President is encouraged to let us know as soon as possible what changes have been made to the rules on complaints. He will have had the JCR's report.

The Convener: Do members agree with Peter Cherbi's suggestion to invite Kenny MacAskill to appear before us?

Members indicated agreement.

The Convener: The other suggestion, which I hope makes sense, is that we get the JCR's report. We can have that in a written format, as the previous JCR has left. In addition, does the committee agree to write to the Lord President for an update on changes to the rules on complaints about the judiciary?

In fairness, there was a change regarding recusals—instances when a judge decides not to take part in a case because there is some

conflict—and there has been a register of them since April. I identified that in my speech in the plenary debate. At the time I spoke, there were 14 instances. There is now a website, which is an improvement. I am glad that the Lord President has taken the issue on board, and that move helps. I do not suggest that it fully satisfies the petitioner, but a move in the right direction is always welcome.

John Wilson: I agree that things have moved in the petition's direction of travel. I accept your comment, convener, about the fact that the register of recusals is now available on the website, but I would seek the Lord President's clarification of whether those recusals were voluntary. Judges may still be sitting on cases in which they have an interest.

I would like some clarification. I know of a recent case in which a judge recused herself because she was a member of an organisation from which she was about to hear evidence. As we still do not have a register of interest for judges, is it still very much up to individual judges to decide whether they feel that an interest is relevant and whether to recuse themselves from a case?

11:00

The Convener: The Lord President could give you a definitive answer on that. My understanding comes from the discussions that I and Mr Brodie had with the Lord President and from my reading of the website, which contained a list of 14 recusals when I looked at it. Most of those recusals were made because there was a conflict in relation to personal issues—for example, the judge knew a witness. As far as I could see, there were no financial issues involved at all.

I am not sure about any involuntary recusals that have taken place. In all the cases in the list that I saw, the judge had said, "There is a conflict and I do not want to appear in this case." We might need to get some comments from the Lord President on the matter. I was going to suggest that we invite him to the committee, but we have already covered that subject.

Jackson Carlaw: The recommendations that have been made are appropriate. With reference to the debate, the Law Society of Scotland has subsequently been keen to assure me that any indirect briefing that I may have received that suggested that the society regards this committee as being of any less value than any other committee of the Parliament certainly did not represent its views. I was happy to accept that reassurance, given that the impression might have been created in the debate that the Lord President somehow felt that he would prefer not to appear before this committee because it was not covering

weighty matters that required his direct attention. I am happy to be reassured that that is not the Law Society's view.

The Convener: I am pleased that you have raised that matter and that the Law Society has put those comments to you. They are now on the record.

Are members satisfied with the suggested course of action? First, we will invite Kenny MacAskill to appear before us; secondly, we will get in written form the annual report from the JCR, which we can discuss when it comes before the committee; and, thirdly, we will write to the Lord President seeking an update on changes to the rules on complaints about the judiciary. In particular, we will highlight John Wilson's point about involuntary recusals, in which a judge does not wish to raise a matter but is approached about not taking the case.

Chic Brodie: I want to come back to the JCR's report. I am not suggesting that anything wrong has been done. However, given the strength of the incumbent's view regarding the register of interests, it is important that we see the naked report in order to get a true evaluation of whether anything has moved on.

The Convener: Yes.

Angus MacDonald: Is there a deadline by which the report is due? According to the petitioner's letter, it is due soon.

The Convener: My assumption is that it is almost upon us. The previous JCR has completed her term of office, so I assume that the work in 2014 of which she has been a part will be available very soon. We will ask the clerks to chase it up.

John Wilson: I also ask the clerks, in chasing it up, to get clarification of when the JCR's report was submitted to the Lord President. My understanding is that the report may be on the desk of the Lord President at present. Given that the JCR gave up her post during the summer, it would be interesting to find out when the report will be released.

The Convener: That is a good point—thank you. Do members agree with that course of action?

Members indicated agreement.

Alzheimer's and Dementia Awareness (PE1480)

The Convener: The next petition is PE1480, by Amanda Kopel, on behalf of the Frank Kopel Alzheimer's campaign on dementia awareness. Members have a note by the clerk.

I invite contributions from members, with the caveat that it might be sensible to write to the Scottish Government seeking an update, as we want to be informed of developments. We can perhaps keep the petition open in the meantime to monitor progress.

John Wilson: If we are writing to the Scottish Government, I suggest that we ask whether it intends to take up the same position as the UK Government in relation to what some have described as a bounty for GPs for diagnosing patients with dementia.

The Convener: Yes. I had a parliamentary question about free personal care for under-65s who have dementia answered by Michael Matheson, the Minister for Public Health. From memory, I think that about 7,000 people fell into that category, and the minister said that he would look into the issue. I do not know whether members are more up to date than I am, but it might be worth clarifying with the Cabinet Secretary for Health and Wellbeing what the position is. The provision of free personal care would be of huge help to those under-65 who have dementia.

Chic Brodie: Last week, I was in Surrey at my daughter's wedding. In the course of my visit, there was a welter of commentary about the national health service in England and Wales. This is not a light-hearted matter but, because of the £55 bounty for GPs for each diagnosed dementia case, the *Daily Mail* had a cartoon in which a nurse, who was showing in three young children—they were five or six-year-olds—was saying, "Here's another three candidates for dementia approval."

An element of this suggests that we should look at the care that is provided for those aged under 65. However, you are right that we need to get an update from the Government and, as John Wilson said, an update on what is happening elsewhere.

The Convener: Is that agreed?

Members *indicated agreement.*

Confidentiality Clauses (NHS Scotland) (PE1495)

The Convener: The next petition is PE1495, by Rab Wilson, on the use of gagging clauses in agreements with NHS staff in Scotland. Members have a note by the clerk.

There are a number of options. We could defer consideration of the petition until March next year and request that the committee be copied into the Scottish Government's report to the Public Audit Committee.

Jackson Carlaw: I support that action.

The Convener: Is that agreed?

Members *indicated agreement.*

Group B Streptococcus in Pregnancy (PE1505)

The Convener: The next petition is PE1505, by Jackie Watt, on awareness of Strep B in pregnancy and infants. It is suggested that we write to the Scottish Government and NHS Health Scotland seeking confirmation that a full rewrite is planned this year and that the petitioner's suggestions will be taken account of at that time.

John Wilson: I am concerned about the comments that have been made on what were described as minor changes to the guidance in response to the petitioner's submission on the consultation. I want to make NHS Scotland aware that giving six days' notice for people to engage and make amendments to a document is insufficient and that the committee will be seeking that it have meaningful dialogue and consultation with the petitioner on any changes to any guidance that is issued. Although the petitioner clearly met the 30 June deadline for submissions, she feels that none of her suggestions were taken up. I want us to raise the issue of the consultation period, as we would expect it to be much longer.

The Convener: Do members agree with John Wilson's suggestion?

Members *indicated agreement.*

Edward Snowden (Asylum) (PE1515)

The Convener: The next petition is PE1515, by Mick Napier, on offering asylum in Scotland to the rector of the University of Glasgow, Edward Snowden. Members have a note by the clerk.

Chic Brodie: I suggest that we close the petition

The Convener: Mr Brodie suggests that we close the petition on the basis that the petition is premised on a majority vote for independence. Do members agree to close the petition?

Members *indicated agreement.*

Planning System (Consultation) (PE1518)

The Convener: The next petition is PE1518, by George Chalmers, on meaningful public consultation within the Scottish planning system. Members have a note by the clerk.

There are a series of options for following up the petition with the Scottish Government. I suggest that we go ahead with those options as outlined in the clerk's note.

John Wilson: There was a helpful letter from the Scottish Government with information attached about a consultation exercise that took place and a survey that was commissioned by the Scottish Government to look at planning issues in local authorities and how planning applications are advertised and placed on local government websites. Having read the results of the survey that was carried out, I would like to ask the Scottish Government what action, if any, was taken to discuss the outcomes of that survey and whether any changes were suggested to local authorities. The scoring matrix for the survey shows clearly that the majority of local authorities scored below 50 per cent. It would be useful to find out exactly what is happening in the Scottish Government to ensure that we are convinced that local authorities are carrying out appropriate consultation with communities on planning applications that are submitted.

The Convener: I flag up to members the suggestion that we ask the Scottish Government about the alleged practice of phasing applications to avoid the obligations for a major development. That was the major thrust of the points made by the petitioner. Do members agree to the action points that are set out in the clerk's report, in addition to John Wilson's suggestion?

Members *indicated agreement.*

Save Our Seals Fund (PE1519)

The Convener: The final current petition is PE1519, by John F Robins, on behalf of the Save Our Seals Fund, on saving Scotland's seals. Members have a note by the clerk and the submissions. Given the responses that we have received, and recognising that the work is ongoing, the committee may wish to refer the petition to the Rural Affairs, Climate Change and Environment Committee to consider in the context of its work. Is that agreed?

Members *indicated agreement.*

The Convener: Item 4 is the committee's inquiry into child sexual exploitation in Scotland—

Jackson Carlaw: Forgive me for interrupting, convener. It was an oversight on my part, but I ought to pick up on something that John Wilson alluded to earlier. I fully intended, before we took evidence this morning, to say that I am myself a product of and user of the independent education sector. I was briefly a governor before being elected as an MSP, and on one occasion I undertook a short commercial consultancy for an independent school. I had intended to say all that but I completely forgot. I think that John Wilson was trying to prompt me at one point, and it was only later that I realised that that was what he had been trying to do.

The Convener: We are happy to add that to the *Official Report*, Mr Carlaw.

Child Sexual Exploitation in Scotland

11:12

The Convener: Item 4 is the committee's inquiry into child sexual exploitation in Scotland. Before considering the letter that we have received, I acknowledge the recent evidence session that the Justice Committee had with the Solicitor General for Scotland and Police Scotland about the use of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. Members will know that the issue was raised specifically by Barnardo's Scotland, and it was felt that we needed to look at it in more detail. I understand that a number of issues are being followed up by the Justice Committee in relation to the number of prosecutions.

In following up this committee's inquiry, we agreed at our meeting on 17 June to await sight of the national action plan, which was expected to be published over the summer. However, the letter from the Minister for Children and Young People provides an update advising that the plan will not be available until November. Members have copies of the minister's letter, and I invite comments from members.

Chic Brodie: As I said in the debate, we ignore this issue at our peril. As an acquiescent back bencher, I am not sure whether I am angry or disappointed. It was before the recess that we started talking about what we were going to do. We had a full and comprehensive inquiry that embraced goodness knows how many witnesses. If the report of that inquiry is lying on somebody's office shelf, I would like to understand why, and I want to know why we are reinventing the wheel. There should be a fairly robust question from this committee as to why the matter is not being given the attention that it deserves. I suspect that we are now reacting to what happened in Rotherham although there are issues on our own doorstep that we need to address.

11:15

The Convener: Thank you for that. If no other members want to contribute, I thank the witnesses and committee members, clerks and adviser for their work. This was an important inquiry. Subsequent events, not just in England, Wales, Northern Ireland and Scotland, have reinforced how appropriate our recommendations were. I am keen that all the work that we did should not be forgotten. In November, we will hear the minister's views and we will want to debate the matter again.

John Wilson: Let me say in support of Chic Brodie that the landscape on child sexual

exploitation is changing almost daily. The Rotherham case is only one of many that we are becoming aware of. When we carried out our inquiry, we sought assurances that procedures and practices are in place in Scotland that will prevent a repeat of what happened south of the border, but I am not entirely convinced that we have such procedures. Allegations that are being made indicate that there have been issues to do with child sexual exploitation in Scotland.

The minister says in her letter, of the national action plan:

"I hope to be in a position to provide you with a copy in November."

I would like us to have an assurance—rather than a hope—that the national action plan will be available in November. Time has passed and there has been slippage in reporting back to the committee. Can we write to the Scottish Government seeking clarification that the national action plan will be with us before Christmas?

The Convener: I agree with Chic Brodie and John Wilson. It is important that we write a strongly worded letter to the minister saying that we would like the work to be completed so that the committee can discuss the matter before Christmas.

Chic Brodie: With all due respect, convener, although we have to be mindful of the proprieties of process, we could draw up an action plan by Friday by taking the recommendations from our child sexual exploitation inquiry. Why are we not doing that? Why are we wasting public money on having inquiry after inquiry? It is not good enough and our letter should be worded as strongly as possible.

The Convener: Your comments are well made but they should be directed at the Scottish Government and the minister. The committee has done the work, and now we want action.

Does the committee agree to send a suitably worded letter as soon as possible?

Members *indicated agreement.*

The Convener: Again, I thank the committee for all the work that it has done and for its commitment to the issue.

Scotland's National Action Plan on Human Rights

11:18

The Convener: The next item of business is consideration of Scotland's national action plan on human rights—SNAP. I refer members to the note by the clerk. You will recall that, at our business planning discussion, Professor Alan Miller, the chair of the Scottish Human Rights Commission, talked about the interface between the commission, the SNAP process and the Parliament. The committee agreed to consider whether it wanted formal involvement.

There seem to be two main ways forward. One is that, having noted the Justice Committee's involvement, the Public Petitions Committee decides not to seek a formal role, although we might want to invite Professor Miller to provide an oral or written briefing before the Justice Committee debate in December. The other is that we appoint our own rapporteur—in which case, members might want to volunteer for the role. Those seem to be the two main ways forward. I am interested in the committee's views.

Chic Brodie: I agree with you, convener.

John Wilson: I agree.

The Convener: Right. I suggest that we ask Professor Miller to provide a written briefing on the work, which we can consider in due course. Do members agree?

Members *indicated agreement.*

The Convener: As agreed, we move into private to consider agenda items 6 and 7.

11:19

Meeting continued in private until 11:40.

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