



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 25 November 2014

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PUBLIC PETITIONS COMMITTEE
17th 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:

Alexander Fraser

Dr Roberta James (Scottish Intercollegiate Guidelines Network)

Professor John Kinsella (Scottish Intercollegiate Guidelines Network)

Elaine Smith (Coatbridge and Chryston) (Lab)

Peter Stewart-Blacker (Accountability Scotland)

Dr Sara Twaddle (Scottish Intercollegiate Guidelines Network)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Public Petitions Committee

Tuesday 25 November 2014

[The Convener opened the meeting at 10:01]

New Petition

Scottish Public Services Ombudsman Investigations (Transparency) (PE1538)

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

Apologies have been received from Jackson Carlaw, Anne McTaggart and John Wilson, and no substitute members will attend in their place.

The first item is consideration of a new petition: PE1538, by Dr Richard Burton on behalf of Accountability Scotland, on transparency in Scottish Public Services Ombudsman investigations. Members have a note by the clerk, the Scottish Parliament information centre briefing and the petition. Dr Burton has provided an extra briefing, which is in our additional papers.

The committee agreed to invite Accountability Scotland to speak to the petition. I welcome Peter Stewart-Blacker, who is the chairman of Accountability Scotland. I invite him to address the committee for a maximum of five minutes, after which I will ask questions and invite my committee colleagues to ask further questions.

Peter Stewart-Blacker (Accountability Scotland): Good morning, ladies and gentlemen. I have the hardest job: I have to try to make the equivalent of a train timetable exciting to you, so I apologise.

Administrative justice is the foundation of social justice. Without it, we will not have a fair society. It is important that the Government machine is held to account effectively. The ombudsman is, in effect, the public voice to Parliament.

A complainant needs the full facts of a complaint so that he can understand how to make it effectively. Some of our members have not been given the full facts of their cases. Correspondence between the ombudsman and the bodies under jurisdiction has been kept secret, in line with the Scottish Public Services Ombudsman Act 2002.

The problem with the definition of secret is that it seems to be applied in many ways and the

ombudsman has a tight grip on it. We need it to be properly defined, so we seek a change in the act to give us a more accurate definition.

The ombudsman has precluded many of our complainants, who have tried to get the correspondence to be able to rebut the arguments that are put by the bodies under jurisdiction. They do not know what the other side is saying. We do not have the advantages of the situation that applies in a court of law, in which both sides of the argument are put.

It is possible to redefine or to properly define what is private. The Welsh manage that by getting the complainant to sign a non-disclosure document when there is information that is sensitive and needs to be kept away from the public. In that way, complainants can defend themselves properly and can see the facts.

We need a wholly transparent system, which we do not have at the moment. We want all the evidence to be available to both sides so that, when the ombudsman makes a decision, the complainant can understand the facts. When the ombudsman does not find in favour of the complainant, time should be taken to give them an explanation. We need understanding. If people do not understand decisions, that causes them huge amounts of stress. We have members who are stressed and who have great difficulty in doing this sort of thing because they feel that they are not heard and are not given effective administrative justice.

The ombudsman has been in power since 2002. No one has independently investigated any of the cases that he has made decisions on for the effectiveness of those decisions and the quality of the justice that he delivers. We need real justice so that we can deliver social justice to the people of Scotland.

The Convener: Thank you for your evidence. I have two questions for you. What would the effects be if the Scottish Government accepted your petition in full?

Peter Stewart-Blacker: That would allow justice to be delivered and complainants to have that satisfaction. We do not know what the ombudsman's recent success rates are; we think that they are in the low 50s. The Gibraltar Public Services Ombudsman achieves a satisfaction rate that is in excess of 95 per cent by virtue of the way in which he investigates complaints. He does that in private, but both sides of the argument are provided. The Gibraltar PSO finds in favour of only 25 per cent of complainants, yet he has a satisfaction rate of more than 95 per cent. That is what we are looking for. We want to deliver effective justice.

The Convener: What evidence do you have that change is required?

Peter Stewart-Blacker: We have 100 members, who all agree with the statement that the ombudsman fails to investigate adequately and effectively. There is no easy recourse to justice for them. The only recourse that they have is to judicial review, but they do not get legal aid so, in effect, that avenue is blocked. There is no effective remedy.

The Convener: Do you have any evidence from outwith your membership?

Peter Stewart-Blacker: It is difficult to get such evidence because—rather like the train timetable—the issue that we are raising is not very popular and is not something that the press are desperately interested in. We find one another. Outwith that, it is extremely difficult to find evidence. We have a small membership of 100 people. However, it is still the case that those 100 people have sought us out.

Chic Brodie (South Scotland) (SNP): Good morning. I have some sympathy with anything that is free, open and transparent, which has been evident from consideration of previous petitions. However, I wonder what you are asking for in relation to openness. You ask to be made aware of the content of any verbal communications. That is an extremely difficult thing to do, is it not?

Peter Stewart-Blacker: It might be difficult, but I do not see why the notes of a conversation cannot be provided. In an operation such as the ombudsman, which I presume records telephone conversations, I would think that some sort of précis of those conversations would be made relatively easily with modern technology.

Chic Brodie: People interpret stresses on particular words differently and interpret particular words differently.

To move on to process, since the Scottish Public Services Ombudsman Act 2002 was passed, has there been any review of the process at all?

Peter Stewart-Blacker: Not independently.

Chic Brodie: Has there been no need for a review, or is there a need?

Peter Stewart-Blacker: There is considerable need for a review. An organisation such as the SPSO cannot go without some form of checks and balances or review. It is easy for the ombudsman to say that everything is all right in the garden, but we do not know that unless somebody goes in and inspects whether the weeds are growing. We need that reassurance.

The ombudsman has gained more and more importance within the Scottish Government

machine and I understand that he has been given more responsibility. We need the confidence and reassurance that things are being dealt with properly, because we have a membership that says that that is not the case.

Chic Brodie: You just said that the SPSO is becoming increasingly important within the Scottish Government machine, but our briefing says:

“in the exercise of the SPSO’s statutory functions, the SPSO is not subject to the direction or control of any member of the Scottish Government or the Scottish Parliamentary Corporate Body.”

Who does the SPSO report to?

Peter Stewart-Blacker: That is the problem. The ombudsman reports to nobody and is entirely independent. There is nobody to review him.

Chic Brodie: So there is no audit—

Peter Stewart-Blacker: There is an audit of financial matters and effectiveness, but that does not look at the operations. One of my overused analogies is that the SPSO is a beans factory. It has a wonderful machine that takes the beans in, cooks them and cans them but, at the other end, there is no quality control—nobody tastes the beans. That is what we feel is necessary—some form of checks and balances so that we know that the ombudsman is doing the job.

Chic Brodie: You mentioned checks and balances. You are asking for a free, independent, impartial and open review of complaints. How do you think most complainants would feel if the guarantee of confidentiality was removed? There might be issues in a complaint that it would not be desirable to require to make public.

Peter Stewart-Blacker: I do not think that the removal of confidentiality is necessary. It can be kept in place.

In Wales, people can sign a non-disclosure agreement, so the information does not need to be put in the public domain. If a person was in breach of a non-disclosure agreement, the information would not be put into the public domain. Such an approach would allow a proper investigation to be carried out, because the complainants would have the same access to the facts as the ombudsman and the body under jurisdiction had. That process is transparent.

10:15

Chic Brodie: For the development of fairness, I can understand, appreciate and agree with that. However, is it not possible that the SPSO could argue, from its frame of reference, that it wishes its deliberations or information to be confidential?

Peter Stewart-Blacker: For what reason? That is what we do not understand. We do not understand why there is any need for most of those things—

Chic Brodie: I did not say that there was a reason, but is it not possible that the SPSO would argue that?

Peter Stewart-Blacker: I am sure that it will, but we do not understand it. If the ombudsman is meant to be impartial and fair, and therefore transparent, we do not understand why he cannot be open with us.

Chic Brodie: I have a couple of questions about the SPSO's efficacy. Another committee heard in evidence:

"The complainant will be contacted within two weeks by the complaints reviewer who is dealing with their case".— [*Official Report, Local Government and Regeneration Committee*, 11 December 2013; c 2999.]

Does that happen?

Peter Stewart-Blacker: I am sure that it happens, but I go back to my analogy of the beans factory. Things can move from one department to another seamlessly and there could be the most brilliant process in the world, but that is no use unless the quality of the work that the reviewers do is subject to review, or without the inclusion of something such as ISO 9001 to ensure that external reviewers can look not only at the process by which the complaints are handled but at the effectiveness of the decisions that are made by that process.

Chic Brodie: I understand that.

Peter Stewart-Blacker: ISO 9001 is starting to be introduced into some Government departments, which we welcome.

Chic Brodie: We talked about a response within two weeks. The SPSO also advised:

"We will normally provide an update for the complainant in writing and we will decide within a 10-week period, although it can be much shorter than that".— [*Official Report, Local Government and Regeneration Committee*, 11 December 2013; c 2999.]

I ask about efficiency because I want to know what goes along with that and about the quality of the people who are handling complaints. How many people are involved with the SPSO? Is it just one? What is the organisation's constitution and how many people are handling complaints?

Peter Stewart-Blacker: From the ombudsman's point of view?

Chic Brodie: Yes.

Peter Stewart-Blacker: Obviously, the SPSO has a whole process that I am sure it could answer

questions about. I am not really in a position to do so.

Chic Brodie: Okay but, in general, does the SPSO get back to people within 10 weeks with a decision?

Peter Stewart-Blacker: Yes, but a can of beans can be delivered in three minutes. If the beans are inedible, they might as well not have been delivered.

Chic Brodie: The producer might argue that they are edible.

Peter Stewart-Blacker: If the producer does not have a quality control department, how can he possibly argue that?

Chic Brodie: That relates to the question that I asked about efficiency and therefore about the quality of reviewers.

Peter Stewart-Blacker: The concept of unconscious incompetence comes into this point. If somebody does not understand, they do not know what they do not know. If a reviewer is completely unconscious of a subject—if, for example, they have no idea about building and they are dealing with a complaint about buildings—they could produce a fantastic report that misses the point.

The Convener: You highlighted quality control with your beans factory analogy but, as you may know, there is already quality control in the system. Every year, the Local Government and Regeneration Committee takes evidence on the quality of the work that is being carried out. Are you aware of that? Are you really calling for a change in the legislation? If so, our colleagues on that committee might be better placed to look at the issue in more detail.

Peter Stewart-Blacker: First, we need the process to be changed and clarified, because we need to understand the whole complaint. In a court of law, the case for the prosecution and the case for the defence are heard. However, with SPSO complaints, we do not get to see the other side's information or have the chance to rebut it. That is why we are looking for the documents to be disclosed, but we would also be happy to sign non-disclosure agreements, with all the penalties that go with them. We are therefore looking for a change in the legislation.

The Convener: Have you or any of your colleagues been in the public gallery when the Local Government and Regeneration Committee has carried out its yearly analysis of the SPSO's performance?

Peter Stewart-Blacker: Yes. Well, the majority of us watch it on television.

The Convener: In summary, you are looking for a change in the procedure or the legislation to allow you to access documentation.

Peter Stewart-Blacker: Yes.

The Convener: Would it be useful if we referred the petition to the Local Government and Regeneration Committee, which has a direct responsibility in this area?

Peter Stewart-Blacker: Yes. We are happy for that to happen.

The Convener: After all, we are keen to get quality control for petitioners, too.

Before I go to the summation, I ask whether my two colleagues who have not spoken have any points to make.

Angus MacDonald (Falkirk East) (SNP): I will make a couple of short comments. Similar examples of the lack of accountability of bodies have been highlighted to the committee, and there is a perception that there are no proper checks and balances. It certainly defeats the SPSO's purpose if it is not wholly transparent or, at least, if such a perception exists. A larger issue is whether we need to consider whether the Local Government and Regeneration Committee's monitoring is robust enough, but it could probably examine that for itself.

I ask Mr Stewart-Blacker for a point of clarification. You stated that there has been no review of the process, but did you also say that there has been no independent review of any cases?

Peter Stewart-Blacker: The process has been reviewed. The ombudsman went south of the border to get someone who was independent, and Jerry White reviewed and reported on the handling of cases. However, he was specifically excluded from looking at casework. Someone has looked at and monitored the process but, at the end of the day, the issue is whether justice is being delivered. That work has never been done anywhere in Scotland.

Angus MacDonald: As far as you are aware, there is no process for inspecting previous cases.

Peter Stewart-Blacker: There has been no independent inquiry into the quality of the casework. I should point out that we are not asking for the ombudsman's decisions to be reviewed or changed; we are asking purely for an examination of the quality of decisions.

The argument that has been led a lot is that the ombudsman's decisions cannot be looked at because he is independent. However, if a review is not setting out to change any of his decisions, it is not interfering in any way with his processes—it

is merely checking whether the man is doing the job that he has been asked to do.

The Convener: I think that Chic Brodie has a final question.

Chic Brodie: The petition says:

"We do in any case know from experience that the SPSO can inadvertently misrepresent details of the accusation and we also know from experience that BUJs—bodies under jurisdiction—

"can provide false evidence ... presenting second-hand evidence or from lower levels in the organization".

Where is your evidence for that?

Peter Stewart-Blacker: I would need to ask Dr Burton to answer that—

Chic Brodie: That is essential, because that is a serious accusation.

Peter Stewart-Blacker: At the end of the day, the issue is about how we as complainants see it. We need to see the evidence on the other side. The problem with the ombudsman's decisions—I can talk only about my experience of the decisions—is that they are sometimes made without reason. Sometimes, what is written is just, "In my opinion, X." The matter is not weighed in any way. When there are two competing facts, there is no attempt to say, "Mr X said this and Mr Y said that. I favour Mr Y's argument." There is never—or very seldom—any reason given, any weighing of evidence or any judgment. The comment is simply, "In my opinion, X."

In my case, I got the world expert on the computer system versus an accountant. The ombudsman just wrote that he favoured the other guy. No reason was given why he was dismissing the world expert. That was the degree of certainty.

The Convener: As my colleagues have no further questions, we now come to the summation and looking at next steps. Mr Stewart-Blacker indicated that he would favour the petition being referred to the Local Government and Regeneration Committee. I suggest that we refer the petition, with all the evidence that we have taken, to our colleagues on that committee, which has a yearly responsibility in relation to the SPSO. Do colleagues agree?

Chic Brodie: We should write to the Local Government and Regeneration Committee. I have two concerns. First, I just asked Mr Stewart-Blacker about the serious accusation in his petition. It appears that we do not have a sufficient evidence base. Of course, that will happen if, as with the Judicial Complaints Reviewer situation, we do not have openness and transparency.

Secondly, it is time that we had a review of the SPSO's service. If we seek openness and

transparency and if we recognise the need for public participation in all aspects of our life, there should be no hint of closed information, subject to maintaining the confidentiality of the individuals involved.

David Torrance (Kirkcaldy) (SNP): I am happy for the petition to go to the Local Government and Regeneration Committee.

Angus MacDonald: There is a lot of merit in Chic Brodie's point about a service review. I am not quite sure how we would go about requesting that. Perhaps we need to indicate to the Scottish Government that that might be a good idea.

If we are speaking to the Government, we should also highlight the petitioner's comment about making a brief amendment to the 2002 act to the effect that complainants should be allowed to see all exchanges between the SPSO and the bodies complained about, albeit that they might be redacted.

The Convener: That is a good point. It is perfectly competent for us to refer the petition to the Local Government and Regeneration Committee and, at the same time, to write to the Scottish Government with the comments made by Angus MacDonald and Chic Brodie. Is that agreed?

Members *indicated agreement.*

Angus MacDonald: I think that that is the way forward.

The Convener: As you will have picked up, Mr Stewart-Blacker, we are keen to ensure that your petition is looked at seriously, so we will refer it to the Local Government and Regeneration Committee and ask the Scottish Government for its views. All the evidence that we have taken today and in written form will go to our colleagues on that committee. The next step will probably be for the clerk to the Local Government and Regeneration Committee to keep you up to date with developments.

Thank you for giving evidence to the committee and for lodging the petition. Perhaps you can pass on thanks to the members of your association, too.

10:30

Meeting suspended.

10:31

On resuming—

Current Petition

Thyroid and Adrenal Testing and Treatment (PE1463)

The Convener: Agenda item 2 is consideration of a current petition. We will take evidence from the Scottish intercollegiate guidelines network—SIGN—as part of our consideration of PE1463, by Lorraine Cleaver, on effective thyroid and adrenal testing, diagnosis and treatment. Members have a note from the clerk and the submission from the petitioner.

I welcome the representatives from SIGN: John Kinsella, the chair; Sara Twaddle, the director; and Roberta James, the programme lead. I welcome also Elaine Smith MSP, who has had a long-standing interest in the subject. I thank you all for coming along and helping the committee in its consideration of the petition. I invite Mr Kinsella to make a brief opening statement of two to three minutes, after which we will move to questions.

Professor John Kinsella (Scottish Intercollegiate Guidelines Network): Good morning. I am professor of critical care at the University of Glasgow and chairman of the Scottish intercollegiate guidelines network.

SIGN was set up in 1993, with a council made up of representatives of the royal colleges and their faculties, and other interested bodies. That remains to this day. I chair the council, which is the decision-making body on SIGN guidelines. In 2005, SIGN became part of NHS Quality Improvement Scotland, which is now Healthcare Improvement Scotland.

We produce clinical guidelines for clinicians and patients based on an evaluation of the evidence. A guideline group is set up in response to a request for a guideline. The group consists of clinicians and people who are not clinicians, such as health economists and lay representatives. Over two years, the group produces a comprehensive guideline on specific clinical questions. The clinical questions have to be pertinent to Scotland. There has to be a health need and some evidence for that. There also has to be a reasonable expectation that a guideline will produce changes in healthcare and improve the health of the relevant patient group.

The Convener: Thank you. Your colleagues should feel free to intervene at any time by catching my eye.

I flag it up to my committee colleagues that, although the witnesses are here to talk about the

SIGN process, they are not necessarily experts on the technicalities of the petition. If they happen to be experts on the petition, that is all well and good, but I do not assume that they will be. I do not know all the details of their backgrounds.

I am interested in guideline development. What factors are taken into consideration in that development?

Dr Roberta James (Scottish Intercollegiate Guidelines Network): As John Kinsella said, we accept proposals—which can be made through our website—from healthcare professionals, patient organisations and patients. We take those proposals to the SIGN council and have a scoping search done. We look at the high-level background evidence, and the SIGN council can determine what evidence there is to answer the questions that proposals need to fit, which John Kinsella outlined. That is followed by a process of prioritising topics that we think are suitable for a clinical guideline.

If we think that a topic is unsuitable for a guideline, there are other avenues that we can ask colleagues in Healthcare Improvement Scotland to consider—for example, it might be more suitable to develop a standard, a set of indicators or an evidence note than a guideline. We work with our colleagues in the bigger organisation.

Once we have decided that a topic is suitable for a guideline, we get the SIGN council to appoint a chair, who will be a healthcare professional who works in NHS Scotland. After that, we go about forming a guideline development group, which is a multidisciplinary geographically representative group of people who can ask the pertinent clinical questions and help to examine the evidence that we find.

We have information specialists who take the questions and look at the published literature. We critically appraise all the literature that we find and summarise it so that the guideline development group can look back and see whether it answers the questions that have been asked. We then summarise the evidence and make recommendations, if there is enough evidence and if the evidence is pertinent to the population in Scotland. That is how we end up with a guideline.

The Convener: I said that you would not necessarily be experts on the petition, so I will try to steer away from the technical aspects of it. If I struggle, I am sure that Elaine Smith will be able to help out. Have the petitioners approached you to develop guidelines in the area that they are concerned about?

Dr James: I spoke to a petitioner on the phone a while back and explained how we accept proposals, but I have not yet seen a proposal on the subject of the petition.

The Convener: In theory, there is nothing that jumps out at you to indicate that there could not be a guideline on thyroid and adrenal disorders or that SIGN could not do work on that area.

Dr James: No.

Elaine Smith (Coatbridge and Chryston) (Lab): I thank the witnesses for coming along. You mentioned the ways in which proposals can be made. Could a committee make a request to you?

Dr Sara Twaddle (Scottish Intercollegiate Guidelines Network): Absolutely. Anybody can make a request.

The Convener: That is useful to know.

I invite contributions from my colleagues.

Chic Brodie: Good morning. Having looked at the petition, I am very supportive of it.

Thyroid Patient Advocacy claims that patients with on-going symptoms often go on to be misdiagnosed. Is there any scope for guidelines to be developed for a specific subset of patients—in other words, those with on-going symptoms?

Dr Twaddle: When it comes to how we develop guidelines, the crucial thing is that there is an evidence base on which to base recommendations. As Roberta James described, we would undertake a systematic review of the evidence and if there was evidence that was pertinent to particular subgroups, that could be included. Essentially, it is not possible to produce an evidence-based guideline without having an evidence base to base it on.

Chic Brodie: Have there been any other circumstances in which subsets of patients with particular diseases or illnesses have been looked at by SIGN?

Dr Twaddle: Absolutely. Almost all our guidelines will include the evidence that was relevant to subsets of patients. That is particularly the case now that we are increasingly looking at multimorbidity as part of our guideline development process.

The Convener: You mentioned evidence. As you know, we have done a lot of work in this area. In fact, we had an open session with practitioners and the petitioners. Could evidence include concerns from patients that might not necessarily be accepted by medical practitioners?

Dr Twaddle: As part of our guideline development process, we actively seek and engage with patient groups so that patient information is included. Patient concerns come under qualitative research and we would include them. When the guideline development groups determine the recommendations to be made on

the basis of the evidence, patient concerns would be actively reviewed as part of that process.

The Convener: I presume that you compare and contrast with your colleagues across not just Europe but the world—that you look at what is happening in the World Health Organization, the European Commission and so on. Is that an active part of your day-to-day job as you develop guidelines?

Dr Twaddle: We actively seek information that is in the public domain from across the world—that includes information from WHO and other organisations. If the information is in the public domain and it is pertinent to the question, it will be considered.

The Convener: There are particular characteristics in Scotland, but I assume that, compared with the rest of the world, the day-to-day health of Scots is not that different.

Dr Twaddle: That is right.

Elaine Smith: On that point, would the big issues around vitamin D deficiency, for example—which also affects patients with thyroid problems—make the whole issue more pertinent to Scotland?

Also, the scoping report on hypothyroidism that Healthcare Improvement Scotland carried out for the committee says that desiccated thyroid hormone

“can be prescribed on a National Health Service (NHS) prescription as a specials product.”

However, general practitioners do not prescribe it for various reasons. I think that if SIGN guidelines looked into that, GPs would prescribe it.

The report also stated:

“At the end of the study 49% of patients preferred DTE”.

A lot of that preference for desiccated thyroid extract was to do with weight. Weight issues are a major problem in Scotland on their own, without considering tiredness and everything else. If SIGN guidelines allowed GPs to perhaps think about prescribing desiccated thyroid hormone, that might have a big effect on weight. Apart from the fact that there may be issues that are particular to Scotland, healthcare is devolved to Scotland in the first place.

My other point goes back to what my colleague Chic Brodie was asking about. It is admitted that 15 per cent of patients with thyroid problems are unwell. What are we doing about that 15 per cent of patients? There is an issue here for those people.

Dr James: It might be helpful if I went into a bit more detail about how a guideline is developed, as that would address all your questions. The proposal just gives a broad remit of what the

guideline should cover. Once we get the multidisciplinary group together, with all the people involved—the healthcare professionals, all the lay input and the other professionals such as health economists—round the table, we start asking the questions.

The questions that you asked are the kind of questions that people will bring up, because when we bring together GPs, patients and people who are working at the coalface, they see the questions that they need answers to, and those are the questions that will ultimately appear in the guideline to be answered. The flipside of that, as Sara Twaddle said, is that if you ask those questions and we are not able to find any evidence to answer them, we are not able to make a recommendation. Any recommendation would be that further research was needed in those areas.

10:45

Elaine Smith: We definitely need further research. The committee knows that the research that Lorraine Cleaver has been doing is quite intense.

Angus MacDonald: Lorraine Cleaver’s most recent submission seeks to draw our attention to a perceived inadequate evidence base for the current approach to treating hypothyroidism. She says:

“I urge the committee and SIGN to take particular note of the finding of Healthcare Improvement Scotland’s scoping report on Hypothyroidism that the guidelines on the use of Thyroid Function Tests are based on ‘generally poor quality, non peer reviewed evidence’”.

As we know, SIGN has no current guidelines for hypothyroidism; doctors are guided by the recommendation from the Royal College of Physicians

“that patients with on-going symptoms should be investigated further.”

Will concerns about the evidence base for the standard approach to diagnosis and treatment prompt a review of the current approach?

Professor Kinsella: There is a difference between the evidence that is out there and the product that SIGN produces. We use the clinical evidence from clinical trials, investigations and research that is carried out on patients in a clinical environment, which tests and compares investigations or treatments, to synthesise guidelines. The guideline itself is not evidence. It is a synthesis of evidence and a summary and recommendations based on that evidence.

We therefore have a difficulty: if in the wider world there are no good-quality clinical studies,

when we come to do a guideline, we are not in a position to make high-quality recommendations.

David Torrance: Could you give a more in-depth description of the make-up of a guideline development group? To what extent are patient opinion groups involved?

Dr James: If a guideline was being developed on stroke, we would have stroke physicians, specialist nurses, clinical psychologists, neurologists and so on. The group would be made up of all the people who would see a patient on their journey. We would then have our lay representatives. They might be previous patients, carers or representatives from Chest, Heart and Stroke Scotland, for example. We have had all those people in the past. We try to include on a group a representative of everyone who would see a patient during their care journey, including GPs and pharmacists.

You asked about the patient's voice. If we are developing a guideline and we find that the patient group is difficult to reach—children with autism, for example—we take further steps to do some focus groups or work with schools or patient organisations to get more of an opinion from patients and carers.

David Torrance: If the petitioners do not succeed in getting a SIGN guideline, are there any alternative routes that they can take?

Dr Twaddle: There are parts of HIS that produce different types of recommendations for NHS Scotland. The committee has already seen some of the outputs in the work from the Scottish health technologies group.

We are also developing a number of approaches to consensus guidelines or recommendations for NHS Scotland where there is a sparse or absent evidence base. Instead of undertaking the systematic review of evidence that SIGN does on an on-going basis, we would bring together a group of a similar composition to that described by Roberta James, and it would reach a consensus on how to manage a condition. If there is no evidence to guide us, we can bring people together who represent all the different groups to work together, according to the scientific methodology that they use, to derive a consensus for the management of a condition. That is a new type of work that we are just developing.

Elaine Smith: That is interesting, but let us return to the question of evidence. Would you call for evidence, or would you specifically ask certain people to supply you with evidence? I ask that because there is evidence from abroad that is different from the evidence in this country. There is a suggestion that, although we have a brilliant NHS—we are much to be envied in many ways—we are working 40 years behind on thyroid issues.

That is a problem particularly because there are gender issues to be addressed, given that thyroid conditions are associated with women.

First, how would you gather the evidence to make a decision? Secondly, could you produce SIGN guidelines that put the patient first? One of the problems with thyroid testing is that the patient's signs and symptoms are ignored by many medical professionals who simply look at blood tests, which cannot always be relied on. In addition, the results of the blood tests are treated differently in this country. The results of some people's blood tests would lead to their being immediately put on replacement therapy if they were in America, Cuba or other parts of Europe, whereas in this country that does not happen. A number of people in this country, including some of my relatives, have been told by GPs that they are borderline cases although they clearly have thyroid issues—they suffer weight gain, difficulty in conceiving and hair falling out—and they get no treatment. Could there be a guideline that says that the most important thing is how the patient presents? Dr Anthony Toft says that in some of the evidence that he has written up.

Dr Twaddle: When we undertake a systematic review of the evidence, we take evidence from around the world. We do not request that evidence; it is found through searching electronic databases—and medicine has many very high-quality databases that contain evidence from around the world. The only restriction that we place on the evidence is that it must be in the English language, as the cost of translating scientific evidence is phenomenal.

I hope that our guidelines are always patient centred. That is why we have actively included patients, patient representatives and laypersons in the development of the guidelines right from the start. Around the world, we are considered an exemplar in terms of our involvement of patients in guideline development.

Chic Brodie: In the evidence that we have received, it is suggested that SIGN should take particular note of the findings of Healthcare Improvement Scotland's scoping report on hypothyroidism, which tells us that the guidelines on the use of thyroid function tests are based on "generally poor quality, non peer reviewed evidence".

Given that background, how sure can we be that the guidelines will be adequate? You know better than I do that the inadequacy of guidelines could cause further harm to thyroid patients. What auditing goes on? What checks and balances are built in to ensure that the guidelines will be secure and will not cause further harm?

Professor Kinsella: SIGN has an enviable reputation around the world for its high-quality guidelines.

The pressure is always to produce guidelines that are reliable, and the evidence is weighed up in a number of ways in relation to the way that it was gathered; the scientific methodology and its robustness; and whether it has been published in peer-reviewed journals. That means that you end up making guidelines on the basis of high-quality evidence. The strength of a recommendation depends on the quality of the evidence that has been assessed. Therefore, if the evidence is not of a high quality, there is a danger that, if other people did the same investigations, they would not get the same answer. We are keen not to produce guidelines that then prove to be erroneous. A guideline can be written only when you are confident that there is sufficient robust evidence. Otherwise, you make mistakes, which is perhaps a reputational risk.

Chic Brodie: I understand that. Am I right in thinking that Roberta James suggested that we are applying only to English-speaking specialists and that, because of translation costs, we are not looking at what might be produced elsewhere? If so, that seems to be an extremely dangerous situation to be in. Applicable treatments might be available in non-English-speaking countries.

Professor Kinsella: English is the language in which the majority of medicine is practised. Almost all the leading journals in the world are in English. Many of the countries in Europe and around the world that produce high-quality evidence publish it in English in their journals. There are few sources of robust evidence that are not in English and have not already been translated.

The Convener: We could continue this discussion for a considerable amount of time, but we are just about out of time, so we will move to our summation of the issues. At this stage, we have finished asking questions.

There is a lot of complex information to absorb. I suggest that we ask the committee clerk to analyse the evidence that we have taken today and in the past and to quickly produce a paper that will enable us to consider next steps. Today's session has given us a useful insight into not only SIGN but other options that might be open to the petitioners. I feel that that is a bit of a breakthrough for the petitioners, following all the work that they have done. However, as always, I am open to suggestions and contrary views from committee members.

Chic Brodie: I might have misunderstood what you said. Are we asking SIGN to go off and prepare draft guidelines?

The Convener: We could ask the committee clerk to do an in-depth look at next options. We have heard from our witnesses that it is competent for us to refer the petition to SIGN at this point. We can do both things—we can ask the clerk to do an in-depth analysis and we can refer the petition to SIGN immediately.

Chic Brodie: You will have heard my previous comments about pipelines and how long it takes for things to be done, so I suggest that we do as you suggest and ask SIGN to produce guidelines now, notwithstanding the parallel work of the clerk to produce an in-depth report.

Angus MacDonald: I agree with that suggestion. Given that the petition has been dragging on for some time, and that time is of the essence, we should immediately refer it to SIGN.

The Convener: We have received lots of in-depth information and written reports from across the world. It goes without saying that we will provide SIGN with all the evidence that we have taken, which those who are with us today might not be party to.

David Torrance: I am happy to go along with the recommendations.

The Convener: I thank committee members. We are actively dealing with the petition. We will ask our clerk to produce a comprehensive report on the options that are open to us but, immediately, we will refer the matter to SIGN so that it can consider potential guidelines. We will pass on all the information that we have had sight of.

I thank the members of the panel for coming along today. This has been an informative meeting and we appreciate people giving up their time for it. Obviously, our aim is to do as good a job as we can for the petitioners, who have given us some harrowing stories of the difficulties that they have faced over many years. I again thank Elaine Smith for coming to the meeting to offer her guidance in relation to this tricky and involved petition.

I suspend the meeting for two minutes to allow a change of witnesses.

10:59

Meeting suspended.

11:01

On resuming—

New Petition

Sustainability Teaching and Ban on Plastic Bags (PE1535)

The Convener: Item 3 is consideration of new petition PE1535, by Alexander Fraser, on teaching sustainability and banning plastic bags. Members have a note by the clerk, the SPICe briefing and the petition. I welcome the petitioner to the meeting and thank him for coming. I invite Mr Fraser to speak for around five minutes, after which I will ask some questions and then pass over to my colleagues.

Alexander Fraser: I thank the convener and the committee for inviting me here today to give evidence on my petition.

The environment is the most precious thing that we have. It is what supports us and gives us the ability to live, but it is under direct threat from us. My petition seeks to address the two simplest things that we can do to help protect the environment: educate the next generation on the environment and ban all single-use plastic bags. I will address separately the two things that my petition calls for.

The first part of my petition calls on the Scottish Government to make teaching about sustainability and the environment mandatory in secondary schools. Currently, it is not a required part of the curriculum to teach about the environment and sustainability. The decision on what to teach about that topic is left in the hands of local authorities and schools but, in my opinion, that must change, as many schoolchildren go without teaching in this area as a result.

Making the teaching of sustainability and the environment mandatory will help Scotland guarantee an overlooked right of children. Article 29(1)(e) of the United Nations Convention on the Rights of the Child states that education should include

“The development of respect for the natural environment.”

That means that all children should receive teaching on how to care for and protect the environment, which is an issue that is overlooked in many countries, including Scotland.

The word “environment” and words to that effect appear only in social outcomes SOC 4-08a, SOC 4-09a and SOC 4-10a in the experiences and outcomes for the social studies section of curriculum for excellence. For example, SOC 4-08a states:

“I can discuss the sustainability of key natural resources and analyse the possible implications for human activity.”

That experience and outcome is non-specific and is often taught as, “How can we keep using oil for as long as possible?”, which is the complete opposite of what we must do to protect the environment. SOC 4-10a states:

“I can develop my understanding of the interaction between humans and the environment by describing and assessing the impact of human activity on an area.”

That is also non-specific, but it could mean teaching children how they can help stop climate change. However, in my school we decided to study the trans-Alaskan pipeline instead, which is something that we in Scotland cannot change.

We should be teaching children things that they can do on a day-to-day basis to protect the environment. We should be teaching them about things such as walking instead of taking a car, and maintaining good gardens to promote plant and wildlife diversity. They could be taught in relevant subjects such as geography or personal and social education. I believe that they should be taught as part of the broad general education at around the fourth level to ensure that the children are mature enough to understand the issues being taught.

The second part of my petition calls on the Scottish Government to ban all disposable plastic bags in supermarkets and shops. Plastic bags will take around 400 to 1,000 years to degrade and they are produced and used globally at a rate of 500 billion to 1 trillion a year. They are already banned in many countries throughout the developed world, such as Germany and Australia. As recently as 30 September, California joined a line of states in the United States that have banned plastic bags. They are even banned in some of the poorest developing nations in the world, such as Somalia, Botswana and Uganda—countries that have to deal with famine, drought and disease took the time to ban plastic bags.

It is no wonder that countries have banned plastic bags, given their environmental impact. Worldwide, discarded plastic bags kill nearly 100,000 turtles and other species of marine wildlife every year because they are mistaken for food. Their effect is worse when they begin to break down, because that releases their toxins into the soil, and parts that tear off in the wind are swallowed by wildlife ranging from birds to hedgehogs. The use of plastic bags affects not only Scotland but everywhere because, thanks to the wind, plastic bags end up all over the planet. That fact is no more visible than in what is called the great Pacific garbage patch, where rubbish, much of it plastic bags, has ended up in an area that covers about 700,000km², which is the size of Texas.

The Scottish Government has attempted to take action on plastic bags, but its action does not go far enough. The 5p mandatory charge on carrier bags was a step in the right direction, but it is by no means the final step. Recent data shows that supermarkets have seen a reduction in plastic bag use of around 80 to 90 per cent since the legislation on carrier bags came into effect. If nine tenths of the population can ditch their plastic bags in a matter of weeks, why can the rest not?

When I started this petition three months ago after a nudge from one of my subjects at school, I never thought that it would get this far or get as much support as it has. From conversations that I have had with teachers, friends and families I have heard one consistent message, which is that there is an appetite to protect the environment and for Scotland to set an example to the rest of the world by doing so. I believe that the two points that are outlined in my petition can set us on that path to protecting the environment.

The Convener: Thank you for your very articulate evidence. You are possibly the youngest petitioner we have had, certainly in the past few years, so congratulations on coming along today.

You have probably partly answered my first question already. However, given that the Scottish Government's policy of a 5p charge on carrier bags has altered how plastic bags are used, does that fully satisfy the plastic bags element of your petition or do you think that there is still some way to go yet?

Alexander Fraser: I do not think that it fully satisfies my petition. Ultimately, my goal is to see no more use of plastic bags. A point that I would add to my opening statement is that, although the mandatory 5p charge might be reducing the use of plastic bags, I have not seen any hard evidence that shows that charging for the bags will reduce their environmental impact. To my knowledge, plastic bags are still going to be produced, so they will still end up getting left on the street and will still harm wildlife and the environment.

The Convener: Thank you for that. The second element of your petition is about the teaching of sustainability in schools. We have had a number of petitions about having wider curriculum aspects laid down across Scotland. Have you done any research on other schools and local authorities to find out whether they are teaching sustainability in more depth?

Alexander Fraser: I do not have any research on other schools across Scotland. I can speak only for my own school, which is fairly good on the environment and is a very active member of the eco-schools initiative. However, I have heard from many teachers that, because teaching sustainability is not mandatory, there are schools

throughout the country that do not regard it as being as vital a subject as mathematics, English or foreign languages, so they set it aside and do not give it much time. I cannot remember spending any more than two weeks in second year on the experiences and outcomes that I mentioned in my opening statement. That was practically the entirety of our teaching on the environment for that year.

The Convener: Thank you. I now pass over to committee colleagues.

Chic Brodie: I thank Alexander Fraser for coming along today. He might be the youngest petitioner we have had in front of us, but he is certainly one of the more articulate. I had planned to bring forward a member's bill on litter when I entered Parliament, but that plan was overtaken by the Government's action on litter programme, although I do not know how successful that has been. However, is the 5p charge enough to reduce the use of carrier bags?

Alexander Fraser: Personally, I would say no. In my opinion, people who go into a shop in the morning or evening to grab a pint of milk or something for their dinner, and spend only £5, will not think twice about leaving the house without a bag just for the sake of 5p. They will not get in the car and all of a sudden think, "Oh I've left my reusable bag in the house—I will nip in and get it." They will just pay the 5p charge.

I would have a more substantial charge—perhaps around 20p—that would still go to environment charities to clean up plastic bags and help the environment. Any amount between 10p and 20p would make people think twice, which is what we are looking for. I am not sure that a 5p charge is enough to change people's attitudes straight away.

Chic Brodie: On the same subject, there is another route that we could go down, although I am not sure of the cost. Biodegradable bags have not, as far as I am aware, entered the spectrum of the argument. Are you aware of any conversations or reports that take a bag's biodegradability into consideration?

Alexander Fraser: No. That is one alley that we could go down to mitigate the harm from the use of plastic bags and other plastic products. At present, however, there is no completely biodegradable bag that works so fast that it can be seen on the street one day and will have faded into the soil by the following week.

Any such bags that currently exist are not strong enough to carry the heavy items that people buy in shops. A lot of research and scientific work would be needed to come up with a strong plastic bag that biodegrades quickly, if that was a route that

we wanted to go down. That would be costly, and such a bag would need to be able to do the job.

Chic Brodie: The issue is not just plastic bags, is it? We know what the problem is with plastic bags, but packaging of all sorts can have an impact on the environment. Why have you focused on plastic bags?

Alexander Fraser: They are the biggest menace, and they are more likely—apart from cans of beer on a Saturday night—to be seen lying in the street. You would be more likely to see a plastic bag in the street than to see the packaging that someone bought their meat in. If someone buys a food product at a shop and takes it home to cook, they will put the packaging in the bin because they do not want to litter their home. Plastic bags are more likely to end up on the street as rubbish, and they can contain a lot of other plastics.

Chic Brodie: I agree with you to some extent, but it is not just plastic bags that litter the streets—there is packaging outside takeaway premises and other shops that could be construed as impacting on the environment.

I have one last question. Is it right that, as part of the basics in the curriculum, teachers are trained in environmental sustainability? We also need to secure economic sustainability. The national planning framework has a clear indicator for environmental sustainability. How much awareness is there among the teaching profession about that important topic? I am putting you on the spot as you are at one particular school, but the issue does not affect only your school.

11:15

Alexander Fraser: I definitely think that the teaching profession is aware of the topic, given everything that we see in the news on global warming and climate change. I think that it is aware of the issues, but I do not think that it feels as obliged to teach environmental sustainability as much as it would other subjects.

Angus MacDonald: Good morning, Alexander. Your petition is commendable and clearly well researched. However, I understand that sustainability and environmental issues are included in the curriculum for excellence through the experiences and outcomes guidance, at least from pre-school to secondary 3. As far as I know, although I stand to be corrected, only religious education is mandatory.

Have you taken the issue to your local education authority and raised it with its education committee?

Alexander Fraser: No, I have not.

Angus MacDonald: Would you consider doing that?

Alexander Fraser: I would consider that. My school and many other schools and nurseries that I know of make an effort with extra-curricular clubs, such as the eco-schools movement clubs, but from my work over the past four years in our eco-schools movement, I know that there is only so much that we can do. We are a group of around 30 trying to teach sustainability and the environment to a school of 1,400 pupils, which is just not physically possible for us to do. Like religion, sustainability and the environment need to be taught much more strongly in the curriculum.

Angus MacDonald: Okay. As you say, there is only so much that some individuals can do, but it might be an idea if teachers took a leaf out of the Government's book. It is working towards a policy in which all ministers are climate change ministers, no matter what their portfolio is. Extending that to teachers suggests that all teachers should be climate change teachers, as well, whether they cover English, maths or whatever. That is clearly a way forward that should be considered. Do you think so?

Alexander Fraser: Yes, that is a way forward that should be considered so that all teachers would have the knowledge and, if they felt that they could, they could link that into their subject. That would be good.

Angus MacDonald: Good. Thanks.

David Torrance: Good morning, Alexander. Your petition has been well presented.

In my area, many different voluntary groups or organisations go into high schools and play a huge and active role. How important is it for education systems to give such groups and organisations easier access into schools to take part in the curriculum for excellence?

Alexander Fraser: That is a huge part of the issue. In the eco-schools group in our school, we try to get as many environmental groups in as possible. I do not know how widespread that approach is across all schools, but it needs to be made easier.

As I said earlier, there is only so much that expert groups can do. There are only so many classes and people they can teach in a day. They will not be there for a whole year; they will be in different schools across the day, and they can speak and spread their knowledge to only so many people. They are experts in the field, so they probably know more and can get better information out than teachers can. The approach may need to change in the way that Scottish Government ministers are all becoming climate change ministers.

David Torrance: I have just one other question, on the plastic bags issue. In all the recent beach cleans that I have done, the two commonest things have been polystyrene and plastic bags. Would it be acceptable to replace plastic bags with paper bags and the packaging of many goods that we receive with cardboard? Would that make a huge difference?

Alexander Fraser: I am not sure how big a difference that would make. Certainly from a disposal point of view, paper and cardboard are much easier to recycle, but the problem would be in ensuring that people recycled them. If things were made from paper and cardboard, that would be good, but we could not say that they would be recycled and disposed of responsibly. We could then end up in the same place with carrier bags. Instead of there being plastic on the beaches, there could be cardboard and paper on them.

David Torrance: Many councils promote recycling and there are different types of bin—I think that I am correct in saying that, in Fife, we now have five types of bin and our recycling rates have gone up to between 70 and 75 per cent. It is very easy to put cardboard and paper in designated bins. Would that not help?

Alexander Fraser: I think that it would help. People might feel that it was easier for them to dispose of paper and cardboard packaging responsibly. At the moment, people think that they can put a plastic bag in a litter bin, from where it will go to landfill and pollute the environment, or they can leave it on their street, where it will pollute the environment. The proposal to use cardboard and paper would also give people two options, one of which would be a better one. They could recycle the material and have it not harm the environment, or they could drop it and have it harm the environment. I think that that suggestion is a good way forward, which would give people better options, but I do not know whether it would solve the problem.

Chic Brodie: I do not wish to be in conflict with my colleague, but there is a point that I must put to you as a keen environmentalist and someone who is very knowledgeable on the subject. We have come to an argument about trees versus oil. Why would you want to use paper and cardboard when that would destroy the environment and the contribution that trees make to it?

Alexander Fraser: The straight answer is that I would not want to do so. If we were to replace plastic with paper and cardboard, we would have to cut down many more trees. As recyclable as those materials are, all of a sudden we would be saving one resource to completely drain the other. Deforestation is already a bad problem.

The Convener: I do not want any conflict among committee members on the issue. [*Laughter.*]

As members have concluded their questions, we come to the summation stage, when we consider the next steps. It is an excellent petition, and I praise Alexander Fraser for giving evidence to us today. It is not easy appearing before a committee. We have all been on the other side of the table, and sometimes it not very pleasant.

There are two issues here. The first is plastic bags. It seems sensible for us to write to the Scottish Government on that, because it has a key role to play. Organisations such as Zero Waste Scotland and the Scottish Retail Consortium will have sensible things to say, too. If the committee agrees, I would like us to write to them. We can discuss their responses at a future meeting. The clerks will keep the petitioner up to date on how things are going.

On sustainability, it would make sense for us to write to the Scottish Government for an update on the work of the learning for sustainability implementation group, and it would probably be useful for us to write to some headteacher organisations to get their views.

Does the committee agree to that course of action?

Members *indicated agreement.*

The Convener: We take an enthusiastic interest in the petition. We will seek information from the organisations that I have mentioned, which we will discuss at a later date. We will keep the petitioner up to date.

I again thank Alexander Fraser for coming along and for his excellent contribution. I will suspend the meeting for a minute to allow him to leave.

11:23

Meeting suspended.

11:24

On resuming—

Current Petitions

Gender-neutral Human Papillomavirus Vaccination (PE1477)

The Convener: We move on to agenda item 4, which is consideration of a further seven current petitions.

The first is PE1477, by Jamie Rae, on behalf of the Throat Cancer Foundation, on a gender-neutral HPV vaccination. Members have a note by the clerk and a copy of the interim statement by the Joint Committee on Vaccination and Immunisation.

I ask Angus MacDonald for his views on the petition.

Angus MacDonald: Thank you, convener. It should certainly be welcomed that the JCVI interim report recommends the targeted extension of the HPV vaccine to include men who have sex with men aged 16 to 40 years old and who attend genitourinary medicine and HIV clinics in the United Kingdom. However, it is disappointing that there has been no discussion about the significant added value of vaccination before initial HPV infection. It should be highlighted that there is increasing support for vaccinating boys from a wide range of public health and patient organisations as well as from others, including Professor Heather Cubie from the University of Edinburgh and Professor Margaret Stanley from the University of Cambridge.

Clearly, we have to await the formal guidance from the JCVI. However, it would be good if Scotland could lead the way on introducing an HPV immunisation programme that includes adolescent boys as well as girls.

Chic Brodie: In general, I agree with Angus MacDonald. However, I know of a situation—it is not necessarily related to this—in which girls aged 11 to 15 years old are being vaccinated and there have been certain, severe consequences. I cannot remember what the vaccination is for—actually, I can remember what it is for; I just cannot pronounce it.

That situation concerns me because we have just been talking about guidelines. We need to know what the consequences of these injections may be for individuals and what the authorisation process is for that age group. In relation to the particular constituency case that I have, it is disconcerting that even three, five or 10 girls can be impacted by injections. We need to be

extremely careful that the appropriate authorisation and the appropriate checks are there to make sure that there is no consequential damage to girls or boys.

David Torrance: I am happy to go along with both statements.

Angus MacDonald: I will point out to Mr Brodie that vaccination of adolescent males is already under way in Australia and the USA, so presumably a number of checks have been made in those countries.

The Convener: There has been a suggestion that we seek the petitioner's view on the JCVI's interim statement and then consider the petition again once we have that information back. Does that tie in with your recommendation, Mr MacDonald?

Angus MacDonald: Yes, I am content with that approach.

David Torrance: I am content with that.

Chic Brodie: I am too.

The Convener: So are members agreed that we will seek the petitioner's view on the interim statement and consider the petition again as soon as we get the information back?

Members indicated agreement.

National Bird (PE1500)

The Convener: The next petition is PE1500, by Stuart Housden OBE, on behalf of RSPB Scotland, on declaring the golden eagle as the national bird of Scotland. Members have a note by the clerk and submissions.

This is quite a significant petition in that, as the name suggests, it is the 1,500th petition that the committee has considered. There has obviously been a bit of debate about national symbols. One view is that we could seek time in the chamber to debate the petition in a plenary session. There are time constraints on that—we cannot have a debate every week that we would wish to have one—but certainly, in the past, having a plenary debate on a petition topic has been very effective.

Members may have different views. We could ask individual members to lodge a motion, which could then be debated, or we could ask RSPB Scotland to contact VisitScotland, business leaders and the Scottish Council for Voluntary Organisations to look at wider interest and support for the designation of national symbols.

What are the views of the committee on the various steps?

Chic Brodie: I am somewhat amused that this petition has come up this week. I bought one of

those beautiful stone pheasants—my granddaughter calls it Geoffrey. I do not know why she calls it Geoffrey, but it is Geoffrey the pheasant. I was surprised to get a photograph from my good lady saying, “Look at this,” and there was a lady pheasant next to Geoffrey, who could not understand why she was getting no reaction. I am sorely tempted to say that we should move to having the pheasant as our national bird but, anyway, I believe that it might be worth while debating this and listening to a rerun of Jackson Carlaw’s statements.

The Convener: Thank you, Mr Brodie. I was really wondering where that story was going. Nevertheless—

Chic Brodie: I stopped in time.

Angus MacDonald: I am not sure whether a debate at this point would be helpful but, if that is the will of the committee, that is fair enough. I would certainly be loth to close the petition, given its importance. If the debate would help to move the issue on, I would be happy to go with that.

David Torrance: I am happy to debate the issue in the chamber.

The Convener: With the committee’s permission, we will make a bid at the Conveners Group or via the clerk for a future plenary session to debate the issue in more detail. Do members agree to do that?

Members indicated agreement.

Unmarried Fathers (Equal Rights) (PE1513)

Child Court Reform (PE1528)

11:30

The Convener: The next petitions are PE1513, by Ron Park, on equal rights for unmarried fathers, and PE1528, by John Ronald, on child court reform. Members have a note by the clerk and submissions. Do members have any views before we consider the next steps?

Chic Brodie: This is a very difficult issue. I know of a couple of situations in which fathers are being denied access to their children. I would like the matter to be pursued to its conclusion.

David Torrance: Like Chic Brodie, I have a number of constituents who have been denied access to their children, so I would like to take the petitions all the way.

Angus MacDonald: I have similar views.

The Convener: It is fair to say that the issue is extremely difficult. We have taken some good evidence on it. It is very difficult for families who

are in such circumstances. Because the Courts Reform (Scotland) Act 2014 makes provision for specialist family law sheriffs, there might be an argument for closing the petition on the basis that there is, we hope, some change ahead. If members are not happy with that, we will obviously need to think of a practical next step in managing the petitions.

Chic Brodie: When will those changes come about?

The Convener: The Courts Reform (Scotland) Bill was recently passed and has received royal assent, although I am not sure when the act will be implemented. There are positive changes on the horizon. If we close the petitions, it is possible for another petition to be lodged after 12 months, which would allow us to analyse how the new legislation is working.

David Torrance: I think that we should continue the petitions, because I would genuinely like to see how effective the changes are when they come in.

Chic Brodie: That is a fair point. Why do we not just wait until the bill is implemented?

The Convener: That is what I was just going to suggest. It is clear that members feel that the petitions are important and we should not close them, so do we wish to continue the two petitions until the act is implemented and we see how it works in practice?

David Torrance: We can take evidence on that.

The Convener: Yes. Perhaps we could return to the issue in six months. Do members agree to continue the two petitions and to look at them again in light of the working of the Courts Reform (Scotland) Act 2014?

Members indicated agreement.

Child Court Orders (Enforcement) (PE1529)

The Convener: The next petition is PE1529, by John Ronald, on the enforcement of child court orders.

We could request further information or we could close the petition on the basis that the responses that the committee has received from the Scottish Government are not supportive of what the petitioner seeks, which is the establishment of a new Government agency to oversee enforcement.

This is another good petition, but on many occasions a good petition goes to the Government, which makes it clear that it will not enact the proposal, and we then have the difficulty

of where to go with the petition. I seek members' views.

Chic Brodie: As I understand it, this is another petition that relates to the Courts Reform (Scotland) Act 2014. On the basis of what we did with PE1513 and PE1528, unless the advice is strongly to the contrary, we should keep the petition open until that act is implemented.

The Convener: We have just dealt with PE1513 and PE1528 on child court reform. PE1529 is a separate petition about the enforcement of child court orders. I am not sure that the Courts Reform (Scotland) Act 2014 would have any bearing on this particular petition.

David Torrance: Could we ask for further information?

The Convener: We could do that if members thought that that would be helpful. We could ask SPiCe to double-check that the new legislation has no impact on the petition.

The clerk has advised me that the legislation has no impact on the petition.

Angus MacDonald: If the new act has no bearing on the petition, we have no option but to close it, given that the Scottish Government is not supportive of the petitioner's proposal.

The Convener: Do you agree, Chic?

Chic Brodie: Yes.

The Convener: This was a very good petition. It is regrettable, but I cannot see what further work we can do. I thank the petitioner for the work that he has carried out. On the basis that the Scottish Government is not supportive of its aims, we have no choice but to close the petition.

Wi-fi in Public Buildings (PE1524)

The Convener: The next petition is PE1524, by James Macfarlane, on free wi-fi in Scottish public buildings. Members have the clerk's note and submissions.

Given that the Scottish Government has responded positively to the concept of developing national standards or guidance, the committee may wish to press the Government to ask whether it will undertake the work. Therefore, I suggest that we write to the Government to ask it to do so. We are pushing at an open door as it is very supportive of the petition's terms. Do members agree?

Members indicated agreement.

Access to Justice (PE1525)

The Convener: The final petition is PE1525, by Catherine Fraser, on access to justice. Members

have the clerk's note and submissions. As I have flagged up before, members will know that Catherine Fraser is a constituent of mine. She approached me in advance of the petition appearing on the agenda.

I was interested in the Scottish Human Rights Commission's analysis of the petition. To summarise, it said that the denial of legal aid deprives the applicant to present a case fairly, which it refers to as

"an unacceptable inequality of arms".

The SHRC says that that is a violation of article 6 of the European convention on human rights.

Members will also note that, since 2007, legal aid has been awarded only four times. Internal Scottish award criteria were developed following a test case.

My view—members know of my interest—is that it might be useful to invite the new Cabinet Secretary for Justice to come along and have a discussion, because the issue goes much wider than access to legal aid for defamation; rather, it is about access to legal aid generally. The Law Society of Scotland reflected that in its submission. However, it is important that committee members have their view.

Chic Brodie: I am not sure that bringing along the new Cabinet Secretary for Justice will necessarily present a change of view. We previously had a fairly lengthy discussion about the petition. I know that we have had the SHRC's view, but I am not sure where the petition would go.

The Convener: We want to try to work consensually. Members will know that, because I have a particular interest, I take a slightly different view. An option would be to refer the petition to the Justice Committee, which may be looking at legal aid in due course, and present all the evidence to it. Would that be acceptable?

David Torrance: I am happy enough with that suggestion.

The Convener: Obviously, we cannot dictate the Justice Committee's programme, so I cannot promise the committee that it will actively consider the matter; we can say only that it is the committee with responsibility for the policy.

Angus MacDonald: I am happy to go with that recommendation on the condition that the petition is not parked by the other committee. Could we defer a decision until we hear from the Justice Committee?

The Convener: We could discuss the matter with the Justice Committee's clerks. That is perfectly acceptable, if the committee would rather get some further information.

We will defer consideration of PE1525 until clerks discuss the matter. We cannot dictate what another committee does, but we will come back with further information at a future meeting. Do members agree?

Members *indicated agreement.*

The Convener: That concludes our current petitions, which brings us to the end of the meeting.

Meeting closed at 11:39.

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