



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Citizen Participation and Public Petitions Committee

Wednesday 23 April 2025

Session 6



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Pàrlamaid na h-Alba

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**Wednesday 23 April 2025**

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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**

**7<sup>th</sup> Meeting 2025, Session 6**

**CONVENER**

\*Jackson Carlaw (Eastwood) (Con)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

Foysol Choudhury (Lothian) (Lab)

\*Fergus Ewing (Inverness and Nairn) (SNP)

\*Maurice Golden (North East Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Neil Bibby (West Scotland) (Lab)

Dianne Breen (Sport Aberdeen)

Kirsty Doig (The Darcey Sunshine Project)

Jillian Gibson (Convention of Scottish Local Authorities)

Ben Lamb (West Lothian Leisure (Xcite))

Monica Lennon (Central Scotland) (Lab)

John Lunn (Scottish Swimming)

Derek McGown (East Kilbride Swimming Club)

Duncan Scott

Abi Thomson

Tess White (North East Scotland) (Con)

**CLERK TO THE COMMITTEE**

Jyoti Chandola

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 23 April 2025

*[The Convener opened the meeting at 10:02]*

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, and welcome to the seventh meeting in 2025 of the Citizen Participation and Public Petitions Committee. We have received apologies from Foyso Choudhury, who is unable to join us this morning. Our colleague Fergus Ewing joins us online from Inverness, and our colleague Maurice Golden is en route from another committee that has been meeting this morning. I thank everyone for their forbearance in allowing a slightly later start, to enable him to arrive here.

The first item on the agenda is a rather dry item: it is a decision for David Torrance, Fergus Ewing and me on whether to consider in private any evidence that we might hear this morning, under agenda items 4 and 5. Are we content to take items 4 and 5 in private?

**Members indicated agreement.**

## Continued Petitions

### Swimming Pools (Financial Relief) (PE2018)

10:03

**The Convener:** Item 2 on the agenda is the consideration of continued petitions. The first of those is PE2018, which was lodged by Helen Plank on behalf of Scottish Swimming. I gather that she is with us in the public gallery.

The petition was last considered in January this year. It raises issues that I think the whole committee were concerned to see addressed fully, and, at that meeting, we agreed that the right way forward was for us to hold a round-table discussion on the issues.

At the meeting in January, we also agreed to seek further information from the Convention of Scottish Local Authorities and individual local authorities. In advance of today's meeting, we received written responses from COSLA and Dundee City Council and another submission from the petitioner. We have also received representations in support of the petition from MSP colleagues Tim Eagle and Beatrice Wishart. All of those submissions are in the committee meeting papers.

We have two panels of witnesses with us this morning. On the first panel are John Lunn, who is the chief executive of Scottish Swimming; Derek McGown, who is a coach at the East Kilbride amateur swimming club; Duncan Scott OBE, who is an Olympic gold medal-winning swimmer and Scotland's most decorated Olympic athlete, adding a touch of lustre to the rather dry proceedings of the Scottish Parliament; and Abi Thomson, who is a young volunteer programme champion with Scottish Swimming. We will hear from the second panel of witnesses later.

We are also joined by our colleague Neil Bibby, who has taken an interest in the petition. He was with us when we last considered it and decided that we would go with the round-table discussion. Mr Bibby joins us for the first panel of witnesses and will, I think, leave us after that.

We will move straight to questions. Please indicate to me if you would like to speak, or you can nod to one another and decide whether you are going to speak. It helps if we say who is to speak, because the *Official Report* folk will not necessarily know who is speaking, and it will allow me to invite you to contribute, through the chair.

I turned 66 over the recess. When I was at school, swimming was not seen as just a recreational hobby, as some people seem to think

of it now. Learning to swim was seen as a vital and essential life-saving tool. We learned to swim because we might be in a circumstance that meant that we needed to know how to swim, given that we are an island nation that has always had great interest in water and the sea. Therefore, I was very surprised to find, when we first considered the petition, that that is not now normally the case.

I had a look around my constituency of Eastwood, and it seems that we are quite well served there. We still have school swimming pools, and all the schools have programmes whereby everybody is encouraged and has the opportunity, as part of the curriculum, to learn how to swim. I am pleased about that, but it is not necessarily the norm any longer.

We understand that 40 per cent of children now leave primary school unable to swim. Why is the focus on swimming no longer there? In the future, what effect will the closure of swimming pools around Scotland have on the ability of young people to swim? In some cases, we are now talking about fairly significant geographical distances between where somebody lives and the nearest available pool. I would be interested to get your perspective on your experience of coming into swimming and what you think the consequence of that might be.

**John Lunn (Scottish Swimming):** It is nice to meet you all today. Thank you for inviting us all along. I hope that you get some useful information to add to the extensive evidence that has already been provided.

It is important to pick up on the point that you made about your age, convener, and the fact that you are an active swimmer in your local community. Swimming is really intergenerational. We see that a lot. If children learn to swim early, when they are very young, they continue to swim throughout their life, well into adulthood and older age. It is something that families can do together, and it is a really important life skill. If you do not learn it when you are younger—at primary school age, in particular—you cannot do any of that later on. That is really important. Swimming is also a gateway activity into other sports. It helps people if they want to do other water-based activities and sports.

As an island nation with 11,800km of coastline and 3,000 inland waterways, we are never far from water in Scotland. The important aspect linked to that is safety. Unfortunately, what we have seen—and we know it will happen again over the summer—is people having terrible accidents and instances of drowning. Scotland has the highest number of drownings in the United Kingdom. You cannot draw a cause-and-effect correlation between that and the ability to learn to swim at

school or the availability of public pools, but there will definitely be an impact as pools start to come under threat, are not replaced and close. I believe that, in the years to come, we will see a higher number of drownings. The statistics will not improve; they will only get worse.

We have around 295 swimming pool facilities in this country. That is not just the number of pools, because some facilities have more than one. However, that number is under threat. We know that the ageing pool stock requires a lot of maintenance and incurs high energy costs. It is important not only to maintain, replace and repair those buildings to keep them in good order, but to look at the geographical spread to understand the gaps. Scottish Swimming has published its vision for aquatics, and our facilities strategy is linked to that. We know where some of the gaps are and we want to work with partners to address them and ensure that everyone has access in their local communities to what you and I experienced as children, which is the ability to learn to swim.

I learned to swim, transitioned to a local swimming club and worked my way up to not quite the level reached by Duncan Scott and Abi Thomson, although I did become a reasonable club swimmer. That stood me in good stead for teaching and coaching swimming in adulthood. My mum was a volunteer, because swimming was very much a community activity. That is another aspect: swimming is part of wider societal cohesion and of creating communities. Swimming pools are community assets. They are not just buildings where people come to learn to swim or to take part in an activity and to compete or perform; they are community hubs in the widest sense.

**The Convener:** I am struck by a couple of points in that comment. The council-owned swimming pool in my Eastwood constituency is about to be replaced by a completely new community infrastructure development with a pool and theatre, whereas, in other areas, assets are just being axed without any replacement programme. We will come on to discuss that idea and what the consequences of that might be for the sportspeople of the future.

You touched on the fact that we have the highest rate of drownings in the UK—it is almost twice the UK average. Has that always been the case? Is there a deteriorating trend, or is that an emerging statistic? Would all those deaths have been avoided if people had known how to swim, or are we talking in some cases about people getting caught up in a force majeure that would have been impossible for them to survive? I suppose that, if they had known how to swim, they would have had an opportunity to survive. I am interested in

understanding where that statistic sits and what might underpin it.

**John Lunn:** I will start at the end. Some accidents are avoidable. It is not always possible to say that someone having learned to swim or having had water safety skills would necessarily have made a difference. Those things will sometimes happen and will be unavoidable. However, if people have the opportunity to learn to swim and learn life-saving or water safety skills, they have a better chance of understanding what they might be going into, so accidents are a bit more avoidable. It is difficult to say whether there is an absolute correlation, but we could easily say that equipping people with swimming skills and a basic understanding of water safety would give us a chance of reducing the drowning rate.

There are wider statistics over time. I do not have them to hand, but we can provide those. We have looked at the recent statistics, which are quite startling.

**The Convener:** Do even the recent statistics show a deterioration, or are those statistics from when you uncovered the difference in drowning rates?

**John Lunn:** Those were the statistics when we uncovered it. We can look out those figures and get back to the committee with them.

**The Convener:** Does anyone else want to come in?

**Duncan Scott:** Thank you for allowing us to speak here today. I am hugely passionate about the area, not only as an athlete whose entire life has been devoted to swimming and who has learned so many lessons from the sport, which is a real passion for me, but as a learn to swim ambassador, which is also really important. We cannot have a framework for learning to swim if there is a lack of pools throughout the country.

As has been said, that is an issue and a challenge in Scotland. You said that your Eastwood constituency has a good number of pools, but, when I look back on my career as an athlete and at some of the pools that have been part of that journey, I know that Alloa Leisure Bowl and Bo'ness swimming pool have both now closed. With my athlete head on, I wonder where the next athletes are going to come from.

10:15

I also think about the issue with my learn to swim ambassador head on. I have been in that role since 2016, and the save our pools campaign really started to hit home for me after I visited the Broxburn pool in 2022 and saw at first hand the impact that it had on the small local community. I saw the children's faces as they were learning to

swim and the effect that it was having. I saw parents enjoying seeing their kids swimming, and I saw what the teachers were doing. It was great to be there, but that pool was closed later that year.

From my perspective, there is a direct correlation between pool closures and the real struggle for the learn to swim framework. In the 2023 report "The Future of Swimming Facilities in Scotland", Scottish Swimming estimated that £40.5 million per year was needed to maintain the current level of pool provision. That would allow for the building or, potentially, the refurbishing of four swimming pools a year. Costs are rising, though, and that figure is already out of date.

For me, there is some good news around the corner. There are going to be new swimming pools at Blairgowrie and Currie high school, and a pool is in the pipeline in Clackmannanshire, where I grew up. I swam at Alloa swimming club, and the current head coach at British Swimming is from there as well. There is a real ethos of swimming in Scotland, and we are starting to take over the British Swimming team.

**The Convener:** Having visited pools and been an ambassador in the way that you articulate, do you think that the obstacle to children being given the opportunity to learn how to swim is simply about the availability of facilities, or has there been a regression in the provision of that opportunity because of the significantly increased costs that are associated with providing those facilities? It has been suggested that the cost has increased by 53 per cent over the past five years or so. Has that also proved to be an obstacle? Is the problem due to a mixture of the reduced provision of facilities and something more fundamental, which is that the area is seen as one in which expenditure can be reduced?

**Duncan Scott:** Yes. Swimming is a life skill, and we need to hit that point home. We have already talked about the drowning element. There is pressure because of the energy costs of keeping pools alive, but it is of paramount importance that people can learn to swim and have that life skill. The learn to swim framework reaches, I think, 82,000 kids and adults throughout the week, and more than 100,000 people have already gone through the programme. However, without pools throughout the UK, such figures will not be possible.

**The Convener:** Before I bring in colleagues, I note that you mentioned the position throughout the UK, and you will obviously understand what is happening elsewhere. Our concern is the provision of opportunities for people to acquire this life-saving skill here in Scotland, but is the trend that we are discussing also being felt across the rest of the UK? Are your colleagues who compete elsewhere similarly concerned about what is

happening, or does Scotland perhaps have a swimming pool estate that is older and more susceptible to closures?

**Duncan Scott:** Across British Swimming and the team that I am a part of, there is a big concern about where the next generation of athletes is going to come from, but also about how we can continue to take forward the “everyone can swim” idea. Scottish Swimming has a real focus on that.

A recent study by Swim England estimates the life span of pools to be 38 years. Scotland currently has 122 public swimming pools that are over that threshold, which is an alarming statistic.

**The Convener:** It sounds like our ferry fleet. *[Laughter.]* Sorry. Would either of our other two guests like to comment?

**Derek McGown (East Kilbride Swimming Club):** Thanks for having us along today.

I am a coach but, in my day job, I am a school teacher, so I have a vested interest in the education background of everything that goes on, and I have seen at first hand the knock-on effects and implications.

Although we come from a swimming perspective, it is not just about swimmers. There is water polo, kayaking and scuba diving, and there are our emergency services. We cannot have the emergency services learning out in open water—we need the pools to train them to their best capacity to be able to go and save lives. That is an important factor.

Based on the studies that have been completed, around 63 to 64 per cent of Scots want to holiday beside water. If we add that to the statistics that we have previously mentioned, it is a fair chunk of risk if we do not have everyone learning to swim in future, never mind just the kids.

I have been coaching swimming since I was an athlete, probably for the best part of 20 years, and I see at first hand the positive impacts of fun, fitness and friendship. There is a social and a physical element to it. We can always bring in current issues, such as the statistics of mental health in education. There is a real drive to improve the mental health of young people because they are the future of tomorrow.

That has affected me personally. I coach at the Dollan aqua centre in East Kilbride, which has just undergone what was to be a short-term closure that went 10 weeks beyond the original time that was planned for. That significantly impacted on the mental health of the young people who needed to travel to other pools and spend money to do that. The club had to negotiate getting pool time when it was already critical for the other clubs that were involved. I get that we needed the refurbishment and renovation, but we can do that while

collaborating with other people to plan these things out, so that we can develop the pools that are more than 38 years old while keeping them open. There are methods for doing that.

I want to get across the fact that there are many different user groups. We have come here to represent Scottish Swimming, but there are so many other groups across the country. It is only when we see the fatalities on the news, unfortunately, that how much we need these things hits home.

**The Convener:** When young people learn to swim, do the majority of them learn in a swimming pool as opposed to open water?

**Derek McGown:** Yes.

**The Convener:** The swimming pool is the catalyst—not the catalyst; the genesis.

**Derek McGown:** Absolutely. I do not know if you have been in open water yourself. We have all the things that say that cold water immersion helps to improve mental health and so on, but it is not a good experience for three, four, five or six-year-old kids who are learning to swim. We are looking for positive experiences for young people.

**The Convener:** No, but I was interested when you said that the majority of Scottish people like to be near water when they are on holiday. Perhaps it is just that we are used to getting wet.

Abi Thomson, would you like to contribute at this stage?

**Abi Thomson:** Yes. Thank you for having us here again today. The closure of swimming pools and the reductions in opening hours have had an impact on people of all ages. Learning to swim is an essential life skill. Scottish Swimming has 23,000 members, volunteers and coaches, 16,000 of whom are athletes who swim for their physical and mental health.

Mental health is a challenge here in Scotland, as it is in the rest of the world, with one in four of us experiencing mental health challenges in our lifetime. As a student physical education teacher, I witnessed that in one of my placement schools, with topics such as self harm and anorexia being talked about more and the rise in mental health issues among young people.

Physical exercise, such as swimming, can make a huge difference—it did to me. Having attention deficit hyperactivity disorder when I was younger, I struggled in school with social things but swimming was my thing. It was my way of channelling my energy and finding my focus. It almost became my superpower.

JL Partners conducted a survey that showed that 70 per cent of adults swim for mental health, but it also showed that the same 70 per cent said



that they swim for physical health, too. A lot of people think of swimming as getting up early on mornings like Duncan and a lot of other swimmers do, but it is a social thing. A lot of people come to the pool for social experiences, whether it is a cup of tea afterwards or whether they are doing an aqua fitness class. It is a social butterfly and, for some elderly people, it might be their only social interaction in a day.

**The Convener:** Thank you. I asked quite a bit. I think that we are developing themes rather than pursuing specific points. I should also say that we have now been joined by our colleague, Maurice Golden.

**David Torrance (Kirkcaldy) (SNP):** I am younger than the convener, but I remember when Kirkcaldy swimming club was in the harbour, and its membership numbers were very few until we got a pool in Kirkcaldy and I learned to swim.

On the benefits of swimming and the health and wellbeing of the population of Scotland, I once played football, but I am no longer able to do that physical activity, so I recently got a membership for a swimming club in Kirkcaldy, and I use it two or three times a week. As Abi Thomson says, I now interact socially with a number of people there. Will somebody expand a wee bit on how the health and wellbeing of the population of Scotland is affected by swimming?

**John Lunn:** I will expand a bit on the Scotland-based JL Partners survey that Duncan Scott and Abi Thomson have referred to. The headline figure is that 95 per cent of Scots agree that swimming pools are important for safety, but it goes further than that. If we start to unpack it, they are saying that pools are important for communities. They see them as community assets—88 per cent responded positively in that respect.

Scots also see swimming pools as an important piece of infrastructure in relation to Scotland as a successful sporting nation, so 87 per cent said that they felt that pools are important to that and 86 per cent said that they are important for overall health benefits; for social interaction, it was 69 per cent.

There are statistics that back up the assertion that swimming pools are not just about where people learn to swim and do that singular activity. As Derek McGown said, a lot of different activities take place in pools, and our partners in community leisure facilities and the local authorities and leisure trusts that run them work hard to put on engaged, active programmes and opportunities for children, young people, older adults and those with health issues, including long-standing health issues.

We know that swimming and aquatic-based activities are non-load-bearing and helpful for people who are recovering from long-term or post-

surgery conditions and trying to get themselves back to normal activity levels. Such activities are incredibly beneficial as a health improvement and health benefit tool, as well as having some of the wider mental health benefits that Abi Thomson talked about. People are social animals. Increasingly in this day and age, we spend a lot of time online, but in swimming pools and community facilities such as those, it is the face-to-face interaction that develops us as people and supports our mental health and wellbeing in a broader sense.

**Duncan Scott:** Did you say that you swim two or three times a week?

**David Torrance:** Yes.

**Duncan Scott:** That puts you right in the 13 per cent of adults who swim regularly. It is the most participated-in sport in Scotland, outside of just going to the gym. The figure was actually 17 per cent before Covid, which just shows the magnitude and scale of the difficulty of saving pools. Everyone is affected.

From a personal point of view, from being an athlete and a learn to swim ambassador, I can say that Scotland punches above its weight on an international scale. Twenty-one per cent of Team GB's 2024 Paris team trained in Scotland, and five of the eight Team GB medals won in the pool at the 2021 Olympics were won by athletes who were made in Scotland. Those are quite big figures.

I will now put my learn to swim hat on. With the national framework for Scottish swimming, the Scottish Swimming and Scottish Water organisations have the vision of generation swim. The whole idea is to have a generation of safe, competent and confident swimmers who will get the most health and safety benefits from swimming. It is about the whole package. It is about not only the potential of going on to become a swimmer but, as has already been mentioned, the mental and physical health benefits.

As has already been said, more than 100,000 people have taken part in the learn to swim framework. However, pool closures are happening. We want to increase this area, not start to dampen it. The save our pools campaign would affect the learn to swim framework for athletes at the top end, the elderly and the injured in all the little communities up and down Scotland.

10:30

**David Torrance:** My next question was going to be about how competitive and successful we are at swimming, as a nation. You mentioned that we punch above our weight for the size of our population. However, somebody has already

mentioned that pool closures affect the distances that people have to travel to learn to swim or to compete or train. The Kirkcaldy amateur swimming club is a great club that trains people, and the Fins competitive swim club in Fife is also a good club. Will pool closures restrict the way that we can bring athletes forward because of the distances that they have to travel to train?

**Duncan Scott:** The club that I grew up swimming for has decided to join with other clubs due to the financial costs being so high and pool closures happening. Forth Valley tridents swim team is a brand-new club that did not exist when I was beginning to swim, and it was created simply because the costs are now so high and the demands on clubs are so difficult. That being said, the travel aspect is even harsher. It makes it more challenging for parents to take their kids to swimming lessons to learn to swim or to take them to clubs or even to competitions, as they are all in locations across the country that are further away and more demanding to reach.

**Derek McGown:** When we talked about the rise in costs, the figure of 53 per cent came up. In South Lanarkshire, over the past three years—now that we have hit the new financial year—we have faced a 107 per cent increase in the overall costs of hiring a pool. They originally wanted to increase the costs within a two-week timeframe; we were told in mid-March that the costs would go up in the next April. We fought that and the increase has since been staged over three years. However, we have still had to deal with that 107 per cent increase, which is way beyond the 57 per cent figure that was spoken about.

We have managed to keep the travelling time down by working really hard with the young people and the athletes and by keeping things as close as we possibly can and working within our local community.

We have managed to increase our numbers. We cannot measure exactly how we have been able to achieve that, but I believe that it is down to the benefits that swimming brings. From an educational perspective, swimming involves transferable skills. I would probably not be sitting here today or be able to do what I do as a teacher and a coach without having some of the skills—such as confidence and resilience—that I learned as a youngster through swimming. There was a study back in 2017 that matched rising attainment with swimming. There will be other sports that make attainment rise, too.

I know that we talk about being up early in the mornings and so on, but those kids are ready to learn. The kids that leave me at 7.15 in the morning to go to school for 9—we can have 50 or 60 kids—are more ready to learn than the child who gets out of bed at half past 8. How can we

encourage more children to do that? In my day job, I am South Lanarkshire Council's data officer for education resources, and we talk every single day about how we can reduce the attainment gap. This is one method to do that—if we can sell that, keep places open and increase participation.

**Fergus Ewing (Inverness and Nairn) (SNP):** I am sorry that I am not able to be with you in person today. Thank you for all the work that you are doing in your different ways, which is hugely valuable to Scotland. As someone who is even older than the other members of the committee—I will not say by what margin, but I learned to swim 60 years ago—I feel that the advantages of swimming, as the panellists have explained in different ways, are myriad and immense. They affect just about every area of life, including mental health, physical wellbeing and the ability to learn—we have heard that in the evidence.

I want to ask just one question: should there not be a statutory duty in Scotland to ensure that every child has the opportunity to learn how to swim at school at the appropriate age? I presume that the younger they do that, the better, although I defer to your knowledge on that aspect. I ask that question for a very simple reason. We have already heard about the very real pressures and costs that local authorities face, which will never go away. It seems to me that, unless there is a very clear legal duty to ensure that every child has the opportunity to learn how to swim, we will always be floundering around as we face the pressures of pools closing, and we will never achieve what we all want to achieve.

In order to fund that, we could stop spending money on a range of things—I could make suggestions about those but, frankly, now is not the time to do so—and could instead spend that money on ensuring that every child in Scotland at least has the opportunity, as a right, by law, to learn how to swim, because it is so important that they do that, for the reasons that the witnesses have identified. I do not know whether the witnesses are able to answer that question now or whether they wish to go away and reflect on it, because it is a big one.

My final point is that there is an election coming up, so you have an opportunity to make a pitch to all the parties to include such a proposal in their manifestos at the forthcoming election, which some of us may hope to participate in.

**The Convener:** Thank you, Mr Ewing. You always provide an appropriate metaphor—in this case, it was “floundering around”. You put a challenge to members of the panel, and I think that they are ready to respond to your question. I first ask John Lunn whether he agrees with your suggestion about making it a statutory duty to

ensure that every child has the opportunity to learn to swim.

**John Lunn:** We whole-heartedly agree. We have been lobbying hard and engaging on the subject of getting school swimming back on the curriculum and making it compulsory, and we have obtained cross-party support for that. You will be aware that the issue has been debated in the chamber. We have colleagues here who have vigorously supported that campaign, which we have undertaken for a long time. We have gone to the annual conferences of different parties to get support for the proposal, and we believe that there is already cross-party support for it.

**The Convener:** If that is the case, what is the issue? You have cross-party support, but not cross-party action.

**John Lunn:** Yes—that is probably the best way to put it. You have put it a bit more politely than I might put it. The way that I would describe the situation is that nobody has written the cheque yet. There is support for the proposal but, frustratingly, that has not translated into action. We have done pilots and gathered evidence, and we have a shovel-ready proposal to roll out. We have an on-ramp to that, and we think that we could roll it out to every school in the country within five years.

Obviously, there are different starting points, because there is different provision in different areas. We would use the learn to swim framework that Duncan Scott has mentioned, which he strongly advocates. We have the mechanisms to do this, and we also have the support—91 per cent of headteachers would support schools undertaking that activity. How the time would be found within the curriculum to do it is a slightly different question, which I would put to colleagues in education departments, but there is support at headteacher and school level for what we are proposing.

We would absolutely like such provision to be written into statute. That would also align with the goal of supporting and maintaining swimming pools, because it would bring activity to them during the day, when they tend to be less busy. Aligned with provision of the opportunity for every child to learn to swim at school, we would like to protect swimming pools as community assets and to make it a statutory requirement for consultation to be held on the closure of any pools, in the same way as such a requirement already exists for football pitches and playing fields.

That is not to say that pools would not be closed, but we are finding that, because of the nature of the estate—some of it sits in education, with schools, some of it sits in leisure trusts' control and some of it sits in local authority control—when it comes to our becoming aware of

any pools that might be under threat, it is a very mixed picture. There is not a joined-up approach. In some areas, the local authority might be considering rebuilding a school for educational reasons, while a swimming pool down the road might be closing. Why not take a joined-up approach and build a community facility that has swimming pools and other things attached to it, at the same time as rebuilding the school? We believe that a statutory provision that required consultation with us and sportscotland at an early stage where any pool is under consideration for demolition, rebuild, new build or refurbishment would strengthen that.

Our other suggestion is that the answers should not sit with just a few people. We would like a task force or a group that is made up of a mix of representatives from local authorities, trusts, sportscotland, the Scottish Government and us to look at the solutions. How do we keep the pools open? How do we create universal or better access for people? What are the sustainable models for swimming pools in the future? At the moment, a piecemeal approach is taken and decisions are made locally. That is fine—I am all for local democracy and local decision making. However, when these things come under review and threat, we get a very animated local community, supported by local and national politicians, who do not want to see the assets disappear. Those are our three suggestions on things that could help.

**The Convener:** Mr Ewing, do you have a follow-up to that, or has that answered your question?

**Fergus Ewing:** Rarely have I heard an answer from any witness that combines such clarity with a comprehensive account of what needs to be done. Perhaps that is a model for our ministers and Governments to emulate. In all seriousness, it is time for the parties to sign the cheque, instead of just uttering words.

**The Convener:** I will bring in Neil Bibby, who has been with us from the start of the panel's evidence. I note that he touched on the topic during a debate in the chamber.

**Neil Bibby (West Scotland) (Lab):** Thank you for the opportunity to join you this morning, convener. I thank the committee for carrying out the inquiry and the witnesses for their evidence. I have raised the issue in Parliament on a number of occasions.

My children are learning to swim, but it was delayed because of Covid. I am aware of the increases in costs and reductions in opening hours, which are making it difficult for children and young people to access the opportunity to swim. There are benefits for people of all ages, but I want to focus on the fact that, as Fergus Ewing

said, we have to ensure that every child has the opportunity to learn to swim and to learn the basics of water safety. I commend the work that Scottish Swimming is doing and the work that Duncan Scott is doing on the swimming framework.

It is clear that, at present, we have a postcode lottery. My question follows on from Fergus Ewing's question. If we want to ensure that every child has the chance to swim, do you agree that that needs to be a national priority and a national mission? Previously, 40 per cent of children left primary school unable to swim, but when I asked the Minister for Social Care, Mental Wellbeing and Sport for the latest figures, the Scottish Government was unable to tell me what they were. In addition to making it a national priority and a national mission, do you agree that we need a national audit? To tackle the problem, we need to understand its extent so that we can address it at the national level.

**John Lunn:** I will give a very quick answer. We consider that, as well as providing the ability to swim, part of embedding learning to swim in the curriculum is to establish a baseline level of swimming safety skills, because that will let us know what the starting point looks like.

**Derek McGown:** The curriculum for excellence is continually under review, and potential changes to certain things are being considered. We therefore have an opportunity to, ultimately, get that into the curriculum.

If we consider the framework and how things can be embedded, it is not the case that we just need a set skill for those in primary 5, for example. Some of us live in very rural communities, so we need to consider how we can combine certain year groups to make it financially valuable and possible. It should not be set in the curriculum that it must be done at a certain time. If it could be on the curriculum before children leave primary school, that is great, but how it happens within the curriculum could be up to headteachers and leaders in local authorities, especially in rural communities.

**Abi Thomson:** Some leisure facilities have not restarted their learn to swim programmes since Covid, and entire communities of people in possibly vulnerable locations are not getting that essential skill. Swimming should be higher on the political agenda. It is not all about sport—it is also about promoting the skill of learning to swim and about people being safe. Not everyone will be like Duncan Scott, but everyone should at least have the opportunity to learn, and we hope to get those programmes back up and running.

10:45

As children get older, we see the benefits of sport, as Derek McGown said. As well as generation swim, we need a generation of sustainable, carbon-efficient pools. It is great to see the new technologies in some of the pools that are being built, such as those in Blairgowrie and Currie community high school, but we need pools to be more sustainable so that they will serve future generations and not just the current generation. Swimming pools should be protected community assets. Having a statutory requirement for consultation on every pool closure would be a step in the right direction to keep them open.

**The Convener:** Mr Bibby, do you have a follow-up question?

**Neil Bibby:** No. As Mr Ewing did, I thank the witnesses for their clear and concise answers.

**Maurice Golden (North East Scotland) (Con):** I was interested to hear about the 38-year life span of a pool, because in Dundee we cannot make it to 10 years. After nine years, the Olympia swimming pool closed for two years, and it then opened for two months before closing again. However, I walked past it just last week and it was queued out, which is a great sign.

I am interested in the types and sizes of pools and the groups that they might attract. Swimming pools are not all equal. There are leisure-type pools and more traditional-style pools. Do you have any thoughts on that? Is there a geographical gap in the provision of certain types of swimming pools? How are pools that are in schools set up for access by the wider community? When I have tried to access facilities in schools, I have found it incredibly difficult. There is no online service, so people have to go back to phoning and things like that.

Perhaps you could answer those questions in the round so that we can hear different points of view.

**John Lunn:** You asked about the different types and sizes of pools. We recently released our strategic vision for aquatics facilities in Scotland. I would not call it a facilities strategy, because we do not have the capital investment for that. However, we want to use the strategic vision as a tool to help to develop our understanding of the local context. It has mapping elements so, within that, we can overlay participation and travel distances. We think that early consultation with us would really help. We want to work with partners so that we can help them to understand the geography and travel distances.

Within that vision, we have categorised pools as national, regional and local facilities, and we talk about the different types of facilities. For example,

Edinburgh has an Olympic-size swimming pool with an adjustable floor, and the teaching pool next to the main pool and the diving tank also have adjustable floors. There are flexible models and facilities that can accommodate multitudes of users. That is what is required and what is being built.

It is not about having a single type of pool for every location or use. The likes of the Commonwealth pool in Edinburgh and the Tollcross pool in Glasgow have spectating facilities and they are used for world-level events as well as British-level events. Aberdeen sports village falls into that category as well. We have facilities that are capable of hosting—and do host—international and world-level events, but they are also able to accommodate learn to swim programmes, disability groups and people with wider health needs. We have the capacity to provide that within the strategy, and providers are looking at the models that work best for local communities.

In answer to Mr Golden's question about wider community access to school pools, it is a mixed bag—we have some good access, but it is not universal. There has been a lot of narrative about the school estate not always being accessible. In some cases, facilities are not suitable for wider community access because of the set-up, the nature of the access points and the management of that. We understand that. Wider community access can be accommodated, but it needs work.

Again, it comes down to having better, more joined-up planning at inception so that a facility can cater for community needs from the outset. Community needs should be taken into account when pools are planned either at existing schools that are being rebuilt or at new schools. Headteachers and the education department will be critical in that. We need to have better conversations to join up the processes and ensure that facilities can be accessed by communities. When pools are built in education environments, the wider community benefit and the ways that the community will use the facilities need to be considered.

**Duncan Scott:** Mr Golden joked about the Dundee pool being open for nine years. The Royal Commonwealth pool has been open for 56 years, which shows what can be done with a healthy amount of investment. It has undergone some major refurbishment over time, but it is one of the busiest aquatic centres in the country and is needed by all levels. It hosts international competitions, which I have been part of for many years, as well as day-to-day club swimming, learning to swim, diving and all sorts. It is a beating heart of Scotland learning to swim. That it has been running for 56 years speaks volumes.

Maurice Golden spoke about school swimming and access to pools. I agree with John Lunn that the pools are very different. I was a club swimmer and swam a lot in pools in schools throughout the Falkirk area, and I know that getting access to those can be difficult. The proposal for that combination with sportscotland to learn about the pools that are opening and which are closing—having that consensus across the board—will allow more efficient use of pools across Scotland. We will be able to get the most out of the pools that we have as well as the pools that will potentially open in different areas.

**Derek McGown:** It is about the conversations and the things that are possible. There is a wealth of experience in my club. Come August, I will have been part of the East Kilbride swimming club as a swimmer and coach for 31 years, so it has been a significant part of my life. I know from the strong structure and wealth of experience in my club—this applies across the 150-odd clubs in Scotland—that we have ways of assisting people to make better use of facilities, but sometimes we are not listened to. People do not want to do those things, because there are pressures on them in the background. We could explore how you guys could help us to start conversations in our areas and your constituencies that would help to increase the efficiency of facilities. That will not happen in every area overnight, but we could get some fine examples of where things are working well.

Duncan Scott made a point about the international facility at the Royal Commonwealth pool. Sometimes, on Fridays, in setting up before the weekend, there are inflatables and other things that add a fun element. The Olympia in Dundee does something similar. You do not need to spend money specifically on additionality, but you can add to what we see as the traditional swimming pool and have that fun and social element. That is about creativity. If we can be creative, we could make massive strides.

**Abi Thomson:** Definitely. I swam competitively for 15 years and I am now a coach and teach at my local swimming club, which is Kingston. The facility that we primarily use has three pools: it has a tiny wee teaching pool for those who want to learn to swim, a boom pool for those who are developing their skills and the main 25m pool. Since Covid, only one of those pools has opened. We might not even need to have more pools—we could open up the facilities that we have already. Those facilities are useable, but we need more staff. Let us try to open up the pools that we have.

I am still trying to teach little ones with arm bands in the main pool, which is the same depth all the way along. We have had to invest in platforms and other things to enable us to do that,

but it also takes away from the club swimmers. Instead of having all six lanes to use for swimming, they are down to four lanes, because we are teaching in part of the pool. Instead, we could use all three swimming pools. We need to look at whether we can make adaptations and fully open facilities, as they were prior to Covid.

**Maurice Golden:** I thank the panel members—that was very comprehensive.

**The Convener:** Thank you all very much.

**David Torrance:** Convener—

**The Convener:** David, I was just about to give you the opportunity to tell me whether you want to come in with some final questions before I ask whether there is anything that we have not covered.

**David Torrance:** Thank you, convener. My question is on opening facilities that have been closed. We all know that swimming pools have huge costs, especially running costs, and that heating the water is probably the biggest cost that such facilities will have. There is modern technology out there and there are new ways of heating pools and using energy. Why are local authorities not embracing that as quickly as they could? Would facilities be more viable if they embraced the new technology that is out there to reduce costs?

**The Convener:** I am conscious of time—

**John Lunn:** Thanks, convener—

**Duncan Scott:** This is just a quick comment—

**The Convener:** You can both come in, but I am conscious of time.

**John Lunn:** I will keep my comments brief. That is probably more a question for our colleagues who will come in later in the meeting; they will be more au fait with the technologies and the current developments. We always advocate for investment in sustainable technologies and for looking at how those can make buildings more efficient, particularly in relation to heating the water.

A point that we have not covered is that a reduction in the availability of swimming pools and the ability to swim has an impact on the groups in society in Scotland who are most in need. We know that for a fact. If we continue to see an erosion in not just pools but the provision of the learn-to-swim programme and access to clubs, community groups and other activities, it will be children and others from the most deprived backgrounds who will be impacted the most. We need to remember that, as well as all the other factors that we have talked about. The evidence shows that eroding those facilities will impact on the groups that need them the most.

**The Convener:** Duncan, do you want to say something?

**Duncan Scott:** No, let us carry on. Will we get one final comment?

**The Convener:** You will get one final blast when the moment comes, but I see that Fergus Ewing has put his hand up again. Fergus, do you have a quick question before we come to the final moments of this evidence session?

**Fergus Ewing:** I have a quick question for some members of the panel. If there were to be a statutory right to learn to swim, would there be more use of pools due to more children being taught how to swim than at present? Would there therefore be additional income to pools as a general proposition? If so, can the panellists quantify that factor to help to take forward the delivery of a statutory right to learn to swim? That would be on the basis that it would help to bring in additional income, which would thereby help to meet the steep costs of running swimming pools.

**The Convener:** Does anybody want to chip in on that?

**John Lunn:** I will again keep my comments brief. The school swimming proposal that we have put to the Scottish Government fleshes out the detail on that. There are currently around 14,500 children who learn to swim in a school setting. To take one example, there are about 50,000 children in primary 5. Our proposal would ensure that all 50,000 of those children learn to swim and get access to water skills and water safety activities as part of the school curricular time. As Fergus Ewing said, that would add income to the facility providers at times of the day when they tend not to be so busy.

**The Convener:** As we get to the end of the evidence session, I invite you all to think of any last comments that you want to make or any further thoughts that we have not touched on.

**Derek McGown:** Thank you for having us today. From what I have seen, I think that no political party would disagree with anything that we have said. It is about how we can work together to make this happen for us.

**The Convener:** You are speaking to a committee that is sometimes referred to as the awkward squad, in as much as we tend, irrespective of our political parties, to unanimously be a thorn in the flesh of everybody.

**John Lunn:** We have an opportunity not just to change lives but to save lives, and we need to lean into that. As Derek McGown said, there is almost universal support for pools, so we need to take positive action. I hope that we have outlined steps that the committee feels that it can support.

11:00

**The Convener:** I will come to the two witnesses who are still competitively swimming for us.

**Abi Thomson:** Swimming is a way of life for me. It is important that we continue to develop that way of life for others, too. Let us keep swimming at the heart of communities.

**Duncan Scott:** Thanks again for taking the time to listen. Some of the statistics are alarming. There are a number of reasons why pools are a beating heart of this country and are so important. As an athlete, that is special. I am grateful that I have been able to compete in many home competitions—“home” as in the UK—and in Scotland as well, which has hosted the European aquatics championships and the Commonwealth games.

I wonder what that legacy will come to if there is a lack of pools in this country. In 2023, 382 pools had closed in England since 2010, and as many were nearing the end of their lifespan. Because of that, a swimming pool support fund and a specific working group on swimming were set up for this vital life skill.

What can we do in Scotland to get the same level of focus and support? Without that, I fear that, instead of Scottish Swimming's generation swim idea, we will have a generation who cannot swim, and that our drowning figures will only worsen. Having a joint Government task force with the Scottish Government and COSLA to assess the investment needs for pools would be a great outcome.

I thank you all again for taking the time today to listen to us.

**The Convener:** Thank you very much. That is an important and thoughtful note on which we will end this round-table discussion.

I now suspend the meeting to allow for a change in witnesses.

11:02

*Meeting suspended.*

11:05

*On resuming—*

**The Convener:** Welcome back to this meeting of the Citizen Participation and Public Petitions Committee. We have just concluded our first round table and we now have our second round-table discussion on PE2018, which calls on the Scottish Parliament to recognise the value of swimming pools and provide financial relief to help to keep pools open.

We are joined by Dianne Breen, coached programmes manager at Sport Aberdeen; Kirsty Doig, director at the Darcey Sunshine Project; Jillian Gibson, policy manager for sport and physical activity at COSLA; and Ben Lamb, chief executive at West Lothian Leisure, which is also known as Xcite. A warm welcome to all the witnesses.

If you are content to do so, we will move straight to questions. I hope that you will take the opportunity to use the answer to any question to articulate any additional views that you have.

I invite my colleague Maurice Golden to open the questioning.

**Maurice Golden:** Welcome, witnesses. In the previous evidence session, we heard about the different types and sizes of swimming pools and how they attract different cohorts in society. What is the provision in your areas? Are there any gaps? Do you have any thoughts on access to school swimming pools in particular? What are your first-hand experiences of that?

**Ben Lamb (West Lothian Leisure (Xcite)):** Thank you for the opportunity to talk about such an important subject. I will start at the back end of your question. I am the chief executive at West Lothian Leisure, which is a charity, a leisure trust and a not-for-profit that operates facilities on behalf of the council. It was referenced earlier that there are different models for different local authorities, trusts and operators. Currently, we offer community access to nine schools across West Lothian, so we have good experience of what that looks like.

As John Lunn mentioned, there are different access levels depending on the school buildings and facilities and how those allow us to drive participation through the school estate. I might touch on this a bit more once we have gone through the opening bits but, unfortunately, 18 months ago, we were in a position such that we closed three swimming pools. We managed to migrate some of our programmes to the school estate to make sure that we continued to drive participation.

I will give an example of using a school's facilities. In 2022, West Lothian Council, in partnership with West Lothian Leisure, opened the Winchburgh sport and wellbeing hub in West Lothian. There was investment in a new-build facility, in which access was set up for the community. There is now significant usage of that facility. On the other hand, for other schools that have been there for a number of years, access is not possible at all times because, for example, the swimming pool might be at the back of the school and is not set up for public access. School facilities are set up in an array of ways. Access to

and use of school facilities is an important part of the conversation.

As Maurice Golden mentioned, there are different types and sizes of facilities. There are regional and national facilities but, sometimes, the access to water space in a school might be to a 20m or 25m four-lane swimming pool. That provides opportunities for many different types of use of school facilities—John Lunn mentioned intergenerational use. However, there are challenges with access to that.

I hope that that gives an insight into the different facilities that are available.

**Jillian Gibson (Convention of Scottish Local Authorities):** Thank you for the opportunity to be here. I cannot speak about school estate access across the entire country. You have heard from Ben Lamb and the witnesses on the previous panel that access is different across local authorities and within each local authority. Different schools have different access needs, based on the combination of children in the school and the public access.

COSLA has new infrastructure and governance around sport and physical activity. One key theme of the new sport and physical activity special interest group is access to facilities in the sport and leisure estate. As part of that work, we are exploring how to support local authorities to work together and to understand how to learn from each other about accessing the school estate for broader sport and physical activity, of which swimming is an enormous part, as you have heard from the petitioners and previous witnesses. We are trying to support those conversations.

Alongside that, sportscotland is undertaking an estates review of the infrastructure of the sporting estate in Scotland. Pools are included in that, along with access to all sports facilities, including community access to school pools.

Although I do not have that information at the moment, I am happy to try to gather additional information about the level of community access to school pools, because it is an answer to a problem that we have. As Ben Lamb said, we in COSLA are working with sportscotland on what the estate looks like and how we support and enable as much use as we can of the estate that we have. Abi Thomson also alluded to that in the earlier session.

**Dianne Breen (Sport Aberdeen):** Unfortunately, we have had a couple of pool closures in the past couple of years; I hope that I can speak a little bit more about that in answer to further questions. We looked at the school estate where we did not have that pool access and worked up agreements with the city council to get it. We were able to use underutilised school estate

to minimise the impact of the pool closures. That did not get rid of the whole impact, but it minimised it.

We moved some of our learn-to-swim programmes and club programmes across, but we have a real mix. We operate in six pools, four of which are school pools and two are pools that we run. Because of the closures, the council has allowed us good access to a couple of them, and we have good agreements in place. However, one pool sits empty from 4pm to 6pm at night—we cannot access it because of the design of the venue. School activity is still going on, so we are not allowed to use the pool.

There is a real mix of access. With those two pool closures, we have used up a lot of the capacity. We are working well and working closely to use as much of the school estate as we can, but it is a piecemeal picture.

**The Convener:** Kirsty Doig, do you have anything to contribute at this point?

**Kirsty Doig (The Darcey Sunshine Project):** Yes, absolutely. I reiterate our thanks for the opportunity to engage with you today. Five and a half years ago, I would not have expected to be sitting here having this discussion, but in 2020 I lost my daughter to drowning. Hence the start of our organisation, which looks specifically at making sure that all children have equitable access at least to basic swim skills. That is what has brought me to the conversation today.

When we talk about different sizes of pools, we are really looking for safe and warm bodies of water where children can embed the water safety education that we are trying to convey to them and embed those skills for a safer future. When we talk about maintaining the pools that we have and creating new infrastructure in new schools that we are building, it is important that ensuring safety for all children is at the forefront of our minds.

**Maurice Golden:** In relation to the attempts to keep facilities open, I presume that the issue is, in large part, lack of funding either from the Scottish Government or councils. If not, that is a flag. We have talked about maximising the assets that we already have, particularly in schools, as a way of not requiring extra funding for a facility, but there could be universities in certain parts of the country that have pools. With regard to maximising assets or income generation, are there any innovative examples of approaches or different practices that might allow facilities to remain open?

11:15

**Ben Lamb:** Typically, the model involves local authorities providing funding for leisure trusts or directly funding their swimming pools if they



manage them in-house. The model varies but, particularly across the trust sector in Scotland, the income generation element is quite high. For example, in West Lothian Leisure, nearly 90 per cent of the income that we generate and use to run our swimming pools and sports facilities comes from customers—what we call earned income—and the other 10 per cent comes from the local authority, which makes up the funding shortfall. Historically, the level of local authority funding was a lot higher than that, but that has come down due to the pressures on local authority funding over the years. That is the situation that others are facing across the sector, too, although the percentages are slightly different.

It is really important to make the point that, particularly across the leisure trusts, for a number of years, there has been a strong drive to have flexibility in programming to drive revenues, make the maximum use of space and find the balance between providing affordable and accessible access for the community and ensuring that revenue is coming in to support the operation of the facilities.

On innovations and models that have allowed trusts and other operators to generate income, you will find that, across the sector, there is a cross-subsidy model. In larger leisure centres, a large part of the income will come from, for example, gyms, studios or sports pitches that accompany the swimming pools and the other facilities—that is certainly the case in our example—and that income subsidises the operation of the swimming pools.

I am sure that this was in some of the evidence in the submissions, but, to help to quantify things, I note that the cost of running a swimming pool is between £100 and £200 per hour. That is certainly our experience, although it varies—as you rightly mentioned, there are different types and sizes of swimming pools. Larger swimming pools might have flumes, wave machines or a different configuration. Typically, more lifeguards and more members of staff are needed to ensure that those pools are safe, so the costs of operating those pools are greater. There is a sliding scale.

**The Convener:** The figure of £100 to £200 is for not just heating the water and so on; you are talking about everything that is involved in maintaining the operation of the pool.

**Ben Lamb:** That is correct—

**The Convener:** It covers the staffing costs and everything.

**Ben Lamb:** Yes, it covers the energy, staffing and chemical costs—everything that goes with the operation of the pool. Typically, as the previous witnesses mentioned, flexibility in programming is important. Dianne Breen from Sport Aberdeen has

some great examples, as we do, of trying to use the swimming pool and to tank it as much as possible. Earlier, we heard about pools being used for canoeing, children's swimming lessons and aqua fit classes, so pools are being used by a range of people from the community. It is about trying to maximise the use of the space. Over the past couple of years, that has become harder and harder to do, because, although the space is maximised, the cost is still significant, and our *raison d'être* in the leisure trust sector is to provide affordable and accessible access, so the issue is the cost per hour and the cost per head.

For example, across our estate, the cost to us per visit of an individual is just shy of £5. At the moment, as a leisure trust, we subsidise that by about 81p, so we subsidise a small amount, using the management fee that we get from the local authority. When you move to a stand-alone swimming pool, the cost per visit increases. In some of our stand-alone pools, the cost is more than £6.50, because the running costs are so high and the programming is almost at capacity. That gives you an idea about some of the challenges involved in trying to offset the costs that we face.

**Maurice Golden:** That is very useful.

**Dianne Breen:** The reasons for the closures are exactly as Ben Lamb said: the increase in energy costs and the reduction in core funding. We have had a 40 per cent reduction in core funding since Sport Aberdeen came into existence, and that does not even take into account any of the increases in the day-to-day costs and that side of things, so the reduction is hugely significant. We have lost two pools over that period. During the year in which we closed Bucksburn pool, our core funding was reduced by nearly £700,000. There are those challenges.

With regard to innovative solutions, following on from what Ben Lamb has said, one of our venues, which had been a stand-alone pool, was closed and refurbished to include a gym and fitness suite, as well as a space for the national health service, to try to make it a community hub. It reopened a couple of years ago and has been a huge success since. We have had pain clinics there, in partnership with the NHS. We have tried to make it a community hub and it has been hugely successful.

We have provided more water wellbeing programmes and have introduced Good Boost classes to support adults in their rehabilitation following injury and diagnosis. We are diversifying our programmes to ensure that we offer health initiatives that support the NHS. We have also increased the number of disability programmes and the pathways in that regard.

It is about diversifying our programming rather than having only a core, standard learning offering. Although that standard offering is vital and crucial for income generation, we need to ensure that we serve the whole community, so we provide those programmes. That has been our approach. We are reducing NHS costs—if we were not running some of our programmes, there would be a significant extra cost. We are trying to show evidence of that through the case studies that we are working on.

**Kirsty Doig:** We are talking a lot about the increasing financial output from our swimming pools, but the costs are being transferred to families and children through the 53 per cent real-terms increase in the cost of swimming lessons over the past five years. We heard earlier that the costs have actually gone up by more than 100 per cent in some areas over the past three years. As you can imagine, that is a massive financial burden, particularly on the least affluent families.

A recent study showed that a staggering 63 per cent of children in 2023 could not even pass the basic water competency test in East Lothian, which is a fairly affluent area. The figures are even worse in more deprived areas according to the Scottish index of multiple deprivation. If we are going to give children a fighting chance to survive in, on and around the water, we need to ensure that access is equitable through school swimming lessons for all. That will help families who have not had access to such education to use their community pools as a hub, which will, in turn, increase the income to those pools when they become thriving community hubs, with everyone able to use basic skills.

**Jillian Gibson:** I do not have much to add. Ben Lamb and Dianne Breen have covered the question about local innovation perfectly. You will find examples of innovation for communities in all 32 local authorities, and that innovation will generate income to try to reduce the impacts that Kirsty Doig has mentioned. Energy and staff costs are rising, and every leisure trust and local authority will do whatever they can to reduce and mitigate the impact of those rising costs and find a balance, whatever the pressures might be. However, no one perfect solution has been found in the fiscal landscape in which we find ourselves.

**The Convener:** I will bring in David Torrance to take us forward, but I think that he would like to start by following up on the area that we have just been discussing.

**David Torrance:** Ben Lamb said that is costs between £100 to £200 an hour to run a swimming pool. The biggest cost will be energy, whether it is heating the building and the water, lighting and so on. How do local authorities and trusts embrace new technology? There is technology that can

reduce energy costs greatly and probably make pools far more viable, but, from what I see in my local authority, local authorities are not very good at bringing new technology on board.

**Ben Lamb:** That is a great question about a pertinent point that resonated with me when it was made earlier. I speak for West Lothian Leisure, but I know that this applies more widely across the trust sector. We have been good at making low-cost interventions such as reducing pool temperatures, putting covers on pools, using LED lighting or making adjustments in plant rooms. The difficulties and challenges come from the cost of the high-impact and more innovative interventions. There are significant costs because buildings across the estate are 30 or more years old—someone mentioned 38 years—and retrofitting those can be challenging and difficult. It absolutely can be done, but there is a significant cost that local authorities and operators such as us just do not have the money for at the moment. That is the challenge.

We spoke earlier about statutory provision for swimming so that every child can have access to a pool and can learn to swim. I do not think that anyone would disagree with that, but we must ensure that facilities are sustainable, which brings on-going revenue costs because income does not match costs and they operate with a deficit.

As you said, there are also future capital and investment costs. I can give an example to clarify that. Everywhere is different, but one of our local swimming pools has a condition survey capital maintenance cost that will be in excess of £1 million over the next 10 years, whereas our annual budget for that swimming pool is less than 25 per cent of that cost, so we know that we face a real challenge. At the moment, like many others, my local authority leisure trust is struggling to pay life-cycle costs to maintain our buildings and, as a consequence, the lifespan of buildings is shortened. I am trying to show that there is a perfect storm that makes that all very difficult.

Kirsty Doig made a point about affordable and accessible pricing and price increases across the leisure trust and local authority sector. Everyone has concession schemes in place, and I know that we, in West Lothian, are working really hard to ensure that we can continue to provide discounted access for those who need it most, but it will not surprise you that it is becoming harder to do that. Our staffing costs have gone up because of national insurance increases and everything else that everyone is aware of. The real challenge is how to ensure that we have financial support for a number of areas.

I hope that that gives you a flavour of my take on investment in the capital side.

**David Torrance:** The committee has heard that 40 per cent of children in Scotland leave primary school unable to swim. What is the current provision of swimming lessons for primary school pupils, and how is that provision decided?

**Jillian Gibson:** I will address your previous point before going on to the next one. I can give a wider and more holistic picture than Ben Lamb—who painted the picture for West Lothian really well but spoke about the situation with only one pool—by talking about how local authorities and local public leisure services can innovate in order to be sustainable for the future.

It will be no surprise for you to hear COSLA talking about the cost pressures that local government faces, because we have done that on a number of occasions. We can look at the cost of innovation relating to swimming pools and at the amount of money that is available for that. The 2025-26 budget put £40 million of additional capital funding into the local government budget settlement, which represents an £11 million increase in the core capital budget after the cut from 2024-25 is reversed. To put that in context, that means that local government has £777 million of capital funding to support £55 billion-worth of assets, and that total amount has to cover the entire estate.

If you multiply the cost just in West Lothian by 32, you will see the cost of managing and sustaining what is already there as well as innovating for the future. The case for swimming and for pool and water safety has completely been made—there is cross-party support for that and very little disagreement—but we must have a holistic conversation about how we manage things for the future that takes account of the rest of the sport and non-sport capital assets in the country. It is important to understand the context of the capital funding that is available for continued and sustained innovation in the entirety of local government.

I know that Dianne Breen wants to come in, so I can come back to your second question.

11:30

**Dianne Breen:** Regarding the learn to swim programme provision, in Aberdeen, we have community programmes that follow the Scottish swimming pathway, which 6,000-odd children benefit from weekly. We also deliver a school swimming programme. As Ben Lamb said, there are pressures on finances year on year, and one thing that is always looked at when our budgets get reduced is whether we can still deliver the programme. All primary 4 swimmers in Aberdeen city—about 2,200 pupils—get a block of 10 swimming lessons per year.

The statistics on the number of eight and nine-year-olds who have not been in a pool before and are absolute beginners are frightening. Generally, that is the case in regeneration areas, which do not have the finance to access community learn to swim programmes. In those areas, 90 to 100 per cent of the swimmers in the P4 swimming lesson programme are absolute beginners who have not had any swimming lessons before.

**The Convener:** To whom does that percentage apply?

**Dianne Breen:** It applies to the swimmers from the most deprived areas who come to the P4 swimming lessons. On average, about 70 to 75 per cent of the swimmers are total beginners, but the figure for those from poorer areas is between 90 and 100 per cent. We give them 10 weeks of swimming lessons, but the budget is constantly under threat.

**The Convener:** Crikey.

**Ben Lamb:** I echo that point—the figures in West Lothian are very similar. Last year, just over 1,000 P5 children who used our school swimming programme were assessed: 69 per cent—just over 750 children—were identified as weak swimmers and beginners. You can probably times that number by 32 or extrapolate the result across the country to get an idea of the challenge.

**Kirsty Doig:** Although many local authorities are delivering school swimming lessons despite that not being a statutory requirement in the curriculum, the provision remains very variable. What is delivered in one local authority certainly does not match what is delivered in another. It very much comes down to facilities, staffing and training. About six local authorities still do not offer any primary school swimming lessons whatsoever.

Although some people might believe that, if children do not learn to swim in primary school, they might well learn in secondary school or later in life, in reality, that is just not the case. As children grow older, they develop a certain self-consciousness and shame about not being able to swim, particularly at an age when risk-taking behaviour becomes more prevalent. It has been found that the best age to get children in the water and swimming is when they are in primary school.

A lot of the work that we do at the Darcey Sunshine Foundation is primarily based in South Africa, where we are dealing with generations of non-swimmers and have found that financial, social and cultural barriers exist. As we bring those basic swim skills into children's lives early, they take them back to their families, which builds a safety culture at the foundation level and throughout communities. We introduce and embed those skills early, before children get to the age

when risk-taking behaviour and more independent activities take place.

**Jillian Gibson:** Kirsty Doig, Ben Lamb and Dianne Breen have highlighted the local and national challenge. I do not think that you will find a headteacher in Scotland who wants to cut school swimming lessons, but they must consider the logistical reality and the cost of transport to get to and from a pool. Not every secondary school in Scotland, whether it is brand new or 50 years old, has a swimming pool. We should consider the cost and time pressures on education in rural communities. There is the teachers' time to get the children to and from the swimming pool, along with the cost of the lessons and the holistic cost of swimming. Given the cost of transport, the time and the rest of the pressures on education, it is a real challenge, but that does not mean that it is a challenge not to be solved.

I would not counter anything that any witness has said, but the fact that providing school swimming lessons is not a statutory duty, along with the cost pressures on local authorities and the educational pressure on the school environment, means that it is a difficult but necessary conversation to have.

When I reached out to some local authorities for their views and school swimming situations, I found that there are issues not just with the cost of swimming lessons but with the availability of swimming teachers, the cost of training swimming teachers and the availability of lifeguards. The recruitment and retention of that workforce has been impacted by Covid. Typically, a young workforce has found other employment and other opportunities.

Although it is necessary, school swimming is serendipitous. Like the other witnesses, I have been involved in swimming my entire life. That has nothing to do with my job; it is personal to me. There is a need for a holistic conversation about school swimming, because decisions on provision are not taken lightly. We have a diverse geography in Scotland, as you all understand, and the time and cost pressures of getting to and from a pool are underestimated in conversations about simply providing school swimming lessons in the school day.

**David Torrance:** As somebody who represents some of the areas of highest deprivation in Scotland, I am a bit taken aback by the figures that Dianne Breen gave that almost 100 per cent of children go to those classes as first-time swimmers. That highlights how important it is for children to learn to swim at primary school.

On funding for that, how can the Scottish Government help to ensure that primary school children learn to swim? I am a member of the

governing party, so I am asking how we can ensure that every primary school kid learns to swim. It is so important. In areas of deprivation, levels of health and wellbeing are very low, so if we can increase that through sport and activity, it will help us.

**Jillian Gibson:** John Lunn made a good, clear case for Scottish Swimming's ask. We need an open conversation across local government, the Scottish Government, Scottish Swimming, our leisure trusts and the entirety of the sector to understand what the solution is and what it will take for it to be realised. Swimming does not sit in isolation from the rest of the public leisure estate. The Scottish Government launched the new physical activity for health framework at COSLA, and it makes the case for the importance of physical activity. Education through active places of learning is included in that. That is the impetus; it makes the case for physical activity, the eight investments for physical activity and the eight outcomes of being physically active. The case has clearly been made for swimming.

Kirsty Doig is absolutely right. As a former swimming teacher, I know that you will not easily teach a 12-year-old how to swim in a secondary school swimming lesson.

The cross-party support is welcomed. The cross-sector conversation about the realities of understanding the financial implications of school swimming does not sit with just giving the money for the lessons. Does the infrastructure sit there? Does the transport sit there? Do we have teachers? Do we have pools that are fit for the future? I do not have the figures for the cross-sector conversations and cross-party support, but, if we are to take an innovative approach, we must start by working together from the very outset to understand that.

**Kirsty Doig:** I reiterate what Jillian Gibson said about the importance of a joint task force to look at how we move forward. Scottish Swimming has done the work. The pilots have been put in place, and they have proven the impact that school swimming can have in the areas where the pilots were run. They were hugely impactful, but we need action now. It is about funding it and making it a priority. As soon as it is a priority and the funding is there, it is ready to go. The teams are there and ready to move it forward. It needs backing now.

**The Convener:** I am intrigued. Jillian, you spoke about associated transport costs. We recognise that issue here because we want to get as many primary schools as possible to come to the Scottish Parliament and have discovered that the issues in many cases are the distance between the school and the Parliament, the cost involved in getting here and back, and fitting it into

the timetable of the school day because parents want to pick their children up at a particular time. I was equally taken aback by the statistic that, for three quarters of all children and almost 100 per cent of those living in deprived areas, the first experience of water—

**Dianne Breen:** It is not that it is their first experience of water but that they are beginners; for some of them, it is their first experience of water.

**The Convener:** They are beginners, and their first experience of learning to swim is through school lessons. I am intrigued by something that we have not touched on. Do you have any understanding of where the ability to swim sits within parental priorities? Is there a parental understanding of its importance and a desire to see it happen, or is it something that happens, but without the impetus to ensure that it does?

**Jillian Gibson:** I am not a parent and cannot speak for all parents, but I have worked in local government for 20-odd years in some of Scotland's most deprived communities and have an understanding of that from conversations and anecdotally. For a parent who lives in poverty, or on the edges of poverty, in an area of deprivation and has to make difficult choices every day for their family and children, getting their children to a swimming lesson that they may not be able to afford, when they might not have a vehicle, might mean taking one or more buses to get to the local swimming pool. The child might be able to access that transport for free at the moment, but the parent might not. For the past few years, and certainly since Covid, we have heard about the choice between heating and eating. Where does swimming sit on that parent's priority list? That is not because it is not important or because parents and families do not understand that it is important.

**The Convener:** That is what I am trying to understand. I get what you are saying about the pressures on family budgets and that the scale of that is all the more intense in areas of deprivation. I am trying to understand whether the issue is the budgetary aspect of swimming or whether there is less appreciation by parents of how important it is. Does that need to be worked on, or is there a high level of understanding of that importance? I am curious about that.

**Jillian Gibson:** I think that it is both, but those who work more closely with communities can probably give you a better answer.

**Kirsty Doig:** One initiative by the Darcey Sunshine Foundation is that we offer bursaries for local authorities that do not currently offer swimming in schools, to try to remove the financial barriers to swimming. We know that there are

other barriers, including cultural ones, to break down, but we offer financial bursaries.

I can give examples of parents who have written to apply for bursaries. One lovely mum who was passionate about trying to get her children swimming was a widow with three children under the age of eight. There was absolutely no way that she was able to take those children swimming by herself, because you cannot take more than one child into a pool if they are not competent swimmers and she was unable to afford lessons, so there was no opportunity whatsoever for that woman to get her children to have even basic swimming skills. We understand the financial barriers and can remove some of those, but we should look at and explore the other barriers for parents.

Water safety education is a big part of that. We are talking a lot today about swimming but the understanding of water safety lies behind that. Being a competent swimmer and being competent in and understanding the water is a big part of that. Water Safety Scotland is working hard to educate people about all water-based activity, and part of that is about educating parents.

**The Convener:** Was the Darcey Sunshine Project able to intervene and assist in that situation?

**Kirsty Doig:** Yes.

**The Convener:** Was Darcey your daughter?

**Kirsty Doig:** She was.

11:45

**Ben Lamb:** I will let Dianne Breen come in, but I want to echo some of the points on the question whether it is about priorities or financial issues. I think that it is a combination of both. From a local point of view, the number of users of our facilities in West Lothian who are from the areas of most deprivation in the SIMD is minimal. I do not have any figures to support this, but I suspect that, if you looked at local authority areas more widely, the situation would be similar.

There will be a combination of reasons for that—it will be cultural, economic and societal. That is a particularly difficult challenge. The hard-to-reach groups and barriers to participation are evident more than ever now, and, as other witnesses have articulated, the challenge is how to change that picture and that landscape.

Sorry, Dianne—I came in ahead of you.

**Dianne Breen:** That is okay.

Last year, we introduced a new initiative on the back of the school swimming 10-week block. Any of the children who were involved in that could get

a free month in our community learn-to-swim programmes. That reduced the financial barrier, certainly for a month, and we wanted to see how that went. I think that there was 20 per cent take-up, which tells us that those are the parents for whom finance perhaps was a barrier. For the rest, there might be other barriers, whether they are to do with time, transport or opportunity. That is our experience.

**The Convener:** Thank you all again. That has been very helpful. Is there anything that we have not touched on? If you would like to make any final points, please do so. Dianne, I will start with you. Is there any thought that you would like to leave us with?

**Dianne Breen:** I just emphasise our health and wellbeing programmes, which I have touched on. Trusts' and pools' programming is really moving towards helping with that. About 70 per cent of the people who participate in our Good Boost programmes have an injury or diagnosis, and about 16 per cent of them are unable to work. Through the programmes that trusts now offer, we are trying to reach inactive people. Through that wider offer, there are benefits to the country as well as just the swimming impact. Forty-five per cent of the participants come through general practitioner referrals. We are trying to be that future medicine and to provide that pathway.

I could list hundreds of participants, but I will mention one who is an ex-soldier in his 50s and who developed vasculitis about six years ago. He has permanently damaged his nerve endings, he has no feeling in his lower legs and he has balance issues. He started coming to the Good Boost programmes and has now lost 10 stone in weight. That is helping to deal with obesity, and it shows the wider benefits from the swimming offer. He has said that, after three days without swimming, he can hardly move. He told us that he was in a really bad place but now, when he comes in, it is amazing and makes a huge difference.

It is a social thing, too, and people can speak to others who are experiencing similar issues. We need to find a way to get the messaging out about how such programmes are having an impact, and what the impact on the NHS would be if we were not delivering them. It is hard to quantify that, but it is vital that we get the messaging out that we are not just a pool; we are having a big impact on the NHS agenda and are providing complementary support.

**Ben Lamb:** Thank you for the opportunity to come to the committee and raise some points. I have really enjoyed the discussion.

I will not reiterate what Dianne Breen said, but the impact on people's lives from leisure facilities,

swimming pools and sport is evident—everyone is aware of that and knows about it.

My closing remarks are probably a bit of an ask. You have heard today that there clearly needs to be greater investment. We need to consider spending in this area as an investment and not a cost, whether we are talking about new technologies, infrastructure or school swimming. Scottish Swimming and sportscotland have articulated that ask very well. There needs to be a long-term sustainable plan for investment, and I believe that there are mechanisms and support in place to do that. It is not just about asking for money; it is about asking for smarter investment and a different way of doing things because, frankly, without that, further closures are inevitable.

**The Convener:** I rather took that point from Jillian Gibson's earlier statement. I will come to you now, Jillian. It seems that, although you are grateful for the support of all the political parties, you feel that, unless something happens, the immediate prognosis could be one of reversal rather than progress. We have to be realistic and alert to that when we are considering the issue. What are your final thoughts?

**Jillian Gibson:** I echo others' thanks for the opportunity to speak today. I do not want to repeat what anybody else has said, but my plea would be around the holistic nature of the conversation on public leisure. You will have heard a lot about the wider fiscal challenges that the public sector faces. Dianne Breen makes an excellent point, which we all too often forget, about early intervention and prevention. That is about saving money not just for the NHS but for many parts of the public sector through the provision of public leisure.

There are very few stand-alone pools in Scotland that are not part of a wider leisure centre or school. We have to place value on public leisure in people's lives. You have heard the argument today about water safety, swimming for life, physical activity and rehabilitation—that is what public leisure does. I do not disagree with anyone's comments about school swimming and water safety, which are all well made, but it is important to have a cross-sector and cross-party discussion about public leisure services, which are discretionary services in local authorities at a time when they are under increasing pressure in providing statutory services. That means that, inevitably, there are conversations about future closures.

Those conversations will continue to happen while there is increasing pressure on statutory services, which leaves less money for discretionary ones. I do not like the term "discretionary", because I do not think that anyone would agree that leisure facilities should be

discretionary, but that is the provision at the moment. We need a wider conversation.

**The Convener:** Our colleague Liz Smith has a member's bill before the Parliament, which is about the right to outdoor learning in the general sense. That could be related, too.

Finally, since her daughter Darcey is at the heart of all that we have been discussing this morning, we will hear from Kirsty Doig.

**Kirsty Doig:** We have discussed so much today. I again thank the committee for giving us the opportunity to engage with you on this important topic.

As we have learned today, swimming pools are critical community hubs for vital life skills, for safety, health and wellbeing and for fitness, fun and friendships. For that reason, they need to be protected as essential community assets. Again, we urge the committee to ensure that there is a consultation process for every proposed pool closure.

Our pools are essential. They are safe learning spaces for essential life skills, and they must be protected. Closing pools today might offer a short-term win but will surely end in much more long-term loss, as I have experienced and as we have outlined today. Thank you very much.

**The Convener:** Thank you all very much. We very much appreciate your participation. It has been a fascinating morning for us. We have been able to give the issue the attention that it deserves and have heard from two panels of very high-quality witnesses.

I suspend the meeting briefly before we proceed with the next agenda item.

11:53

*Meeting suspended.*

11:56

*On resuming—*

### **Human Tissue (Scotland) Act 2006 (Post Mortems) (PE1911)**

**The Convener:** I will advance through the agenda to facilitate discussion of PE1911 and PE2136, respectively, for which our MSP colleagues Monica Lennon and Tess White are joining us this morning.

PE1911 was lodged by Ann Stark, who has been an assiduous campaigner on the issue of the petition. I see that she is again with us in the gallery this morning. The petition calls on the Scottish Parliament to urge the Scottish Government to review the Human Tissue

(Scotland) Act 2006 and relevant guidance to ensure that all post-mortems can be carried out only with the permission of the next of kin, do not routinely remove brains, and offer tissue samples to the next of kin as a matter of course.

As I said, we have been joined by Monica Lennon, who has spoken to the committee on the petition from time to time and has followed it through its course. Throughout the lifetime of the petition, the committee has considered a number of issues concerning bereavement and pathology services. We have heard about specific improvements that could be made, such as the use of CT scanners for post-mortems and giving loved ones more choice on the return of tissue samples.

We took oral evidence from the Lord Advocate and practitioners in England, and the committee also raised several of Ann Stark's points in writing with the Scottish Government, the Lord Advocate and the Royal College of Pathology. That work uncovered that there has been a lack of ministerial leadership to oversee and drive forward improvements in pathology services. At the most recent Conveners Group meeting, just before the recess, I had the opportunity to put that point to the First Minister directly. In writing to the Conveners Group, the First Minister noted the cross-cutting nature of the issues that have been raised in our work and highlighted the on-going consideration of alternative delivery models for pathology. I do not know that he actually answered our question, but he acknowledged that the lack of single ministerial accountability was not something that we should be rushing in search of but something that the Government ought to be offering us.

At our most recent consideration of the petition, on 29 May 2024, we agreed to write to the Scottish Government, setting out our recommendations and conclusions following our work on the petition. As the minister with portfolio responsibility for hospital-arranged post-mortems, the Minister for Public Health and Women's Health responded to our letter, and she included views from the office of the chief medical officer and the Crown Office and Procurator Fiscal Service. The response reiterates the Scottish Government's view that it is essential that independent investigations into the cause of a death take place. The minister also states that the Scottish Government does not support legislative change to offer tissue samples to next of kin as a matter of course.

12:00

The provision of forensic pathology services is currently being assessed by the Scottish Government, the Crown Office and Procurator

Fiscal Service and other interested parties. The response also highlights that the Crown Office and Procurator Fiscal Service is progressing a co-design process to prepare a business case for the future of forensic pathology services.

Ann Stark's most recent written submissions reiterate her call for the next of kin to be offered a choice about whether a post-mortem takes place in cases where the death is not suspicious. That is what we heard evidence to support. She emphasises the emotional distress that a post-mortem causes families, and she calls for change. Her written submission states that many of the systems that are in place are not fit for purpose and that the response from the minister does not give a clear answer on the issue of leadership.

We are at a difficult impasse, given where we are in the lifetime of the Parliament—we are now into the final 12 months of this session of Parliament. We have done a great deal to advance the aims of the petition, and I am not sure that the committee is entirely clear what more we can do in this session.

Before we consider the best options that are open to us at this stage and what we might recommend for the future, I invite Monica Lennon to contribute.

**Monica Lennon (Central Scotland) (Lab):** Thank you very much, convener, and good afternoon. I begin with a heartfelt “thank you” to you, convener, and to all the committee for your extensive and thoughtful work. You have been considering the petition for quite some time. On behalf of the petitioner, Ann Stark, who is here today with her husband, Gerry, I want to record the family's gratitude to you as well as my thanks to them for the personal sacrifices that they have made in pursuing the petition—as always, inspired by their much-loved and much-missed son, Richard. From your summary, convener, it is clear that the progress that has been made would not have been possible without the petition and the committee's work, so I offer a genuine “thank you”.

I know that a lot of work has happened behind the scenes, but I think that there has been significant progress since the last meeting at which the petition was discussed, in May last year. Some real movement has occurred. However, it is quite an honest reflection from you, convener, that we are now at a difficult crossroads in relation to both the time that we have left in this session of Parliament and, given the complex nature of the matter, the fact that, although we have had some clarity, we still do not really know who in Government is taking the lead on the issue and where responsibility for it lies. In your letter to the Minister for Public Health and Women's Health last year, you told her that the committee had been quite

“struck by the lack of clear ownership over policy, direction and decision-making across postmortem services in Scotland.”

We have had a better understanding of the Lord Advocate's role, which is unique, but it is still clear that no one organisation is taking responsibility for addressing concerns or leading on improvements. In fact, at one point, the Lord Advocate passed the matter back to the committee. The petition is relevant and essential—that remains the case.

I will touch on some of the progress that has been made. Your summary was very helpful, convener, so I will not repeat those points. I have become aware, through Ann Stark's direct meetings with the Lord Advocate, that there will be a visit to the coroner's office in Lancashire next Friday, 2 May, which is really good news. I am not sighted on the detail of who will be included. Ideally, the committee would have been represented, but I do not know whether that is still possible. I think that that is a bit of a breakthrough, because we have always felt that Scotland has been lagging behind and has been an outlier—not in a positive way—in relation to the choice and modernisation that we have seen in other parts of the UK and the world. The committee could ask for an update on the scope of that meeting.

We also believe that a pilot scheme involving the use of scanners is about to be embarked on. We understand that the Lord Advocate was going to update the committee, but I am not sure whether that has happened ahead of today's meeting. It feels as though there is more work to be done on that.

Beyond the work of this committee, the Criminal Justice Committee has taken a keen interest in the issue. The annual report for 2022-23 of His Majesty's Inspectorate of Prosecution in Scotland made a number of recommendations, and—similarly to your work, convener—it reflects the fragmented nature of pathology services in Scotland.

Let me bring us back to why that matters. Ann and Gerry Stark have had a terrible loss, which was made worse by the trauma of having to deal with the system and the services, of which there are many. There was a lack of communication with the family and a lack of compassion around sample retention, as it was a journey of discovery to have Richard's samples returned to the family. It feels as though we are making progress on scanners, although there is work to be done.

The committee could do further work on the Human Tissue (Scotland) Act 2006. I do not think that the Scottish Government has given proper reasoning for its not supporting any change to the law. Why is it that next of kin in England and Wales have choices, including about reuniting samples with the body prior to the body being



released for funeral and about samples being returned to the family for a separate funeral at the appropriate time, but those choices are not available in Scotland? There has been progress in Ireland during the past couple of years. I do not think that the minister, Jenni Minto, has given a proper reason for that in her response, so it would be useful to probe the matter further.

It is for the First Minister to organise his Government and ensure that there are no gaps in ministerial responsibilities. The minister told the committee that she has responsibility for hospital-arranged post-mortem examinations, and I believe that the First Minister has said that there will be a light-touch reshuffle due to circumstances, so the issue could be considered by the Government at that point. However, it is not clear whether all of the work on the co-design of what the future of pathology in Scotland should look like sits within Ms Minto's portfolio or whether there is a role for Angela Constance, as part of her portfolio. The Government needs to put that in writing to this committee and to the Criminal Justice Committee.

This continues to be a matter of importance not just for Ann and Gerry, but for all of our constituents. When I checked earlier this morning, more than 3,400 people had signed Ann's petition. It was good that the convener was able to raise it with the First Minister at the recent meeting of the Conveners Group. I noted the First Minister's answer and the follow-up letter. It is good that Government is beginning to engage, but there is still a lack of detail.

That convinces me that it would be helpful to keep the petition open, given that we are coming into the final year of the Parliament and there is interest among a number of MSPs and at least one other committee, and given that the Scottish Government is beginning to show interest and understands that there needs to be change. The Government has been quite vague and non-committal about what that change should look like, and, if more written and oral evidence could be taken, the committee is well placed to do that.

I will conclude by saying that we have not had a full update on the visit to the coroner's office in Lancashire or what the scanner pilot scheme would look like. If the Lord Advocate has not written to the committee on that, the committee could follow that up.

We want to send a signal to people across Scotland that, where there are gaps in legislation or policy, there is a place in the Parliament where people can come and have their experiences heard and change can happen. We have made a lot of progress, but there is still a bit of a journey ahead. I would be grateful for the committee's on-going interest in the matter, because there is more to be done.

**The Convener:** Thank you very much. I pay tribute to Ann and Gerry Stark. Their commitment to the petition has been absolutely magnificent. Progress has been made despite the dryness of the institutional response, if I can put it that way, to the individuals concerned, on whose experience it rests, but Ann and Gerry are also seeking to improve opportunities for others.

There are three reasons why we could move to closure now. First, the Scottish Government does not intend to amend the Human Tissue (Scotland) Act 2006 to require consent from families for procurator fiscal post-mortems. That seems to be its position. Secondly, the Scottish Government does not support legislative change to offer tissue samples to next of kin as a matter of course. Thirdly, the committee has extensively explored the issues raised in the petition, including in multiple oral evidence sessions, a substantial letter to the Scottish Government and a question put directly to the First Minister. There will come a point at which political parties may have to start to engage with the issues, but there is only so far that the committee can take them. I recommend that party health spokespeople become even more direct in cross-examining ministers in the chamber.

However, Monica Lennon has touched on two areas that the committee might be sympathetic to looking at further. It would be interesting to know the outcome of the visit to the coroner's office in Lancashire, because that is an incremental step in the consideration of the issues that we have not been able to consider. We could also pursue with the Lord Advocate the issue of the timing of the pilot that is supposedly taking place on the use of scanners, because we have been on a journey, during our consideration of the petition, to understand the use of scanners, from not knowing anything about them to hearing terrific evidence about their use elsewhere.

I am happy to keep the petition open, recognising that we are getting to a stage at which a fresh petition in the next parliamentary session, under a different set of considerations, may be the way forward, and we will take those two issues forward if my colleagues agree to do that. Is that agreed?

**Members indicated agreement.**

### **Non-fatal Strangulation (Ban) (PE2136)**

**The Convener:** PE2136, lodged by Fiona Drouet, calls on the Scottish Parliament to urge the Scottish Government to make non-fatal strangulation a stand-alone criminal offence in Scotland. As I said earlier, we are joined by our colleague Tess White.

We last considered the petition on 19 March, when we agreed to write to the Cabinet Secretary for Justice and Home Affairs, inviting her to give evidence on the petition at a future meeting once a response had been received. The cabinet secretary's response states that officials have had discussions with operational partners on the petition and will continue to engage with stakeholders, including the petitioner. The cabinet secretary outlines the range of crime types under which a physical attack involving non-fatal strangulation could be recorded, including attempted murder, serious assault, common assault, robbery, rape or attempted rape, and sexual assault. The submission states that, where non-fatal strangulation is present within sexual offending, that will be reflected in the prosecutorial action taken.

The response informs us that there is currently no individual marking used to record and monitor instances of non-fatal strangulation being reported as part of an offence. Similarly, regarding convictions, there appears to be no specific charge code for common assault when non-fatal strangulation is a component of the offence.

We have also been made aware that the Criminal Justice Committee, subject to final agreement at its meeting this morning, is planning to take oral evidence from a number of bodies on the issue of non-fatal strangulation. In the circumstances, a viable option for the committee is to refer the petition to the Criminal Justice Committee, which is planning to take evidence on the issues that it raises.

Before I seek the views of committee colleagues, I invite Tess White to address the committee.

**Tess White (North East Scotland) (Con):** I thank the committee for allowing me to speak. It is important that I support this very important petition. Unwanted sexual choking and non-fatal strangulation in cases of domestic abuse is pervasive among women, particularly women under the age of 40. I would like the committee to note the incredible work that Fiona and Germain Drouet are doing, through their charity EmilyTest, to stop violence against women in educational institutions. Fiona Drouet is here today, at the committee, to stress the importance of this. The committee knows how important the matter is and that she is tracking the petition very closely.

12:15

Non-fatal strangulation must be a stand-alone offence. Historically, aggravators have not been applied consistently, and, without the creation of that offence, nothing is likely to change despite any attempts that might be made to educate.

Having a legislative add-on would actually minimise the severity and the seriousness of this particular crime, not only for victims and survivors, but for perpetrators. The cabinet secretary references the Criminal Justice Modernisation and Abusive Behaviour Reviews (Scotland) Bill as a potential legislative vehicle. However, thus far, the Scottish Government has made no commitment to amend the bill in accordance with the petition.

I am sure that I speak on behalf of Fiona Drouet in thanking the committee for taking the matter seriously, for having this discussion a month after the last discussion of the petition and for recommending—as you have just said, convener—that the petition be referred to the Criminal Justice Committee, which I think is the right place for it.

It is absolutely clear to the committee that we must tackle this pernicious problem before more lives are irreparably damaged and lost. The lives and safety of young women and girls depend on it, so I thank the committee for recommending that the Criminal Justice Committee take evidence and progress the petition.

**The Convener:** Well, I hope that that actually will be the committee's recommendation. Thank you very much, Tess White. Do colleagues have any suggestions for action?

**David Torrance:** I am in full agreement that we should pass the petition to the Criminal Justice Committee, because it would have far more time for an investigation than this committee would.

**The Convener:** Are we agreed to do that?

**Members indicated agreement.**

**Tess White:** It is agreed unanimously. Thank you.

## **A75 (Upgrade) (PE1610) and A77 (Upgrade) (PE1657)**

**The Convener:** We come to a series of petitions that relate to road infrastructure. At our previous meeting on 2 April, we heard from the Cabinet Secretary for Transport, Fiona Hyslop, and from Transport Scotland officials on a number of road infrastructure-related petitions. That provided an opportunity to explore general issues that affect the trunk road network as well as to get updates on the individual petitions that we have been considering throughout the parliamentary session.

PE1610, lodged by Matt Halliday, calls on the Scottish Parliament to urge the Scottish Government to upgrade the A75 Euro route to dual carriageway for its entirety as soon as possible. PE1657, lodged by Donald McHarrie on behalf of the A77 action group, calls on the

Scottish Parliament to urge the Scottish Government to dual the A77 from Ayr's Whitellets roundabout south to the two ferry ports located at Cairnryan, including the point at which the A77 connects with the A75.

When the committee considered the petitions with the cabinet secretary on 2 April, we heard that £64 million has been spent on the completion of five major improvements to the A77, including the Maybole bypass, and that more than £50 million has been spent on six major road improvement projects on the A75. We also heard that work is progressing to design and assess options for creating a bypass at Springholm and Crocketford.

The Scottish Government held an initial meeting with the petitioners in March and has set regular six-monthly meetings between the campaign groups and Transport Scotland. The cabinet secretary stated that, given the existing promises to dual other roads, it would not be realistic to commit to new dualling projects.

Do members have any comments or suggestions for action on PE1610?

**David Torrance:** In the light of the evidence, perhaps the committee would consider closing petition PE1610 under rule 15.7 of standing orders for the following reasons: the Cabinet Secretary for Transport has stated that it would not be realistic to promise new dualling in relation to the A77 and A75; the Scottish Government has completed six major road improvement projects on the A75, and work is in progress to design and assess the options to bypass Springholm and Crocketford on the A75; and regular six-monthly meetings have been established between the petitioner, Transport Scotland, and Amey. In addition, the committee has undertaken significant work to explore the issues that are raised in the petition.

**The Convener:** On that basis, are colleagues content to close the petition?

**Members indicated agreement.**

**The Convener:** It is an important petition and we thank the petitioners for it, but in the light of the cabinet secretary's evidence, that draws to a conclusion—for the time being at least—our consideration of it.

Do members have any comments or suggestions for action on PE1657?

**David Torrance:** In the light of the evidence, perhaps the committee would consider closing PE1657 under rule 15.7 of standing orders for the following reasons: the Cabinet Secretary for Transport has stated that it would not be realistic to promise new dualling in relation to the A77; the Scottish Government has completed five major road improvement projects on the A77; and

regular six-monthly meetings have been established between the petitioner, Transport Scotland, and Amey. In addition, the committee has undertaken significant work to explore the issues that are raised in the petition.

**The Convener:** Are colleagues content to close the petition?

**Members indicated agreement.**

**The Convener:** That draws to a conclusion our consideration of the petition in this session of Parliament.

### **Rest and Be Thankful Project (PE1916)**

**The Convener:** PE1916, lodged by Councillor Douglas Philand and Councillor Donald Kelly, calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 Rest and Be Thankful project, which aims to provide a permanent solution for the route. Again, that was part of our session with the cabinet secretary on 2 April, when we heard that capital funding will be made available when it is needed to progress various stages of the A83 project, and that the estimated cost for the permanent long-term solution is between £408 million and £510 million. The cabinet secretary also told us that the process for commenting on draft orders for the medium and long-term solutions ended in February.

Transport Scotland officials talked about the civil engineering challenges of the project and suggested that the procurement stage could take 12 to 18 months, followed by three to four years for the construction period. That indicative timeline, of course, depends on factors such as whether a public inquiry on the draft orders is required, and weather conditions during the construction period—members will be aware of the particular risk of landslips on the route.

Do colleagues have any suggestions for action?

**David Torrance:** In the light of the evidence from the cabinet secretary, perhaps the committee would consider closing the petition under rule 15.7 of standing orders for the following reasons: a preferred route for a permanent solution to the landslip risks on the A83 Rest and Be Thankful has now been identified; draft orders for both the medium-term and long-term solutions were published in December 2024, and the period for submitting objections ended on 7 February 2025; and Transport Scotland is now in the process of considering representations on, and objections to, the draft orders.

**The Convener:** Do colleagues agree to close the petition?

**Members indicated agreement.**

**The Convener:** That draws to a conclusion our consideration of the petition in this session of Parliament.

### **A82 Upgrade (PE1967)**

**The Convener:** The next petition is PE1967, lodged by John Urquhart on behalf of Helensburgh and District Access Trust and the Friends of Loch Lomond and the Trossachs, seeks to protect Loch Lomond's Atlantic oakwood shoreline by implementing the high road option for the A82 upgrade between Tarbet and Inverarnan. The petition calls on the Scottish Parliament to urge the Scottish Government to reconsider the process for selecting the preferred option for the planned upgrade for the route and to replace the design manual for roads and bridges-based assessment with the more comprehensive Scottish transport appraisal guidance.

At our previous meeting, the cabinet secretary referred to improvements that are already benefiting road users and communities along the A82, such as the new viaduct at Pulpit Rock and the bypass at Crianlarich. We also heard that concerns similar to those that the petition puts forward were previously raised with Audit Scotland, which had investigated the issue and confirmed to Transport Scotland that it had considered the requirements contained in the STAG guidance and reviewed relevant evidence, and had concluded that the STAG process had been applied in the initial stages of the work on the A82.

The cabinet secretary was also candid in saying that, because of the interaction between the A83 and A82, it would not be appropriate to work on both roads at the same time, and that as a result of safety issues and economic importance, the A83 would be prioritised.

We explored the process for considering the various options proposed, including at what point in the process the STAG appraisal or DMRB guidance is applied. Officials also indicated that dialogue is continuing with the Loch Lomond and the Trossachs National Park Authority on the detail and make-up of the preferred route option.

The cabinet secretary also told us that consideration is being given to the feasibility of combining with adjacent schemes to make sure that the tree line and other environmental aspects are considered. She emphasised that there is still time left in the process to address issues relating to landscaping and the interaction with Loch Lomond's natural environment.

In light of that, do colleagues have any suggestions for how we might proceed?

**David Torrance:** Perhaps the committee would consider closing the petition under rule 15.7 of standing orders for the following reasons: Audit Scotland has investigated concerns about the application of the STAG guidance and concluded that the STAG process had been applied in the initial stages of the work on the A82; the Scottish Government has previously stated that it is unwilling to carry out a reappraisal of the preferred route option for the upgrade to the A82 between Tarbet and Inverarnan as it would repeat work that has already been carried out, resulting in

"considerable delay and additional cost",

and has confirmed that members of the public and other stakeholders will have the opportunity to provide formal comment or objection to the proposed scheme during the statutory consultation period; and Transport Scotland officials are continuing to engage with the Loch Lomond and the Trossachs National Park Authority on the detail and the make-up of the scheme, including having discussions on how to incorporate active travel facilities throughout the whole scheme in a sympathetic way.

**The Convener:** Are colleagues content to proceed on that basis?

**Members indicated agreement.**

**The Convener:** That draws to a conclusion our consideration of that important petition during the lifetime of this session of Parliament.

### **A96 Dualling (Inverness-Nairn Timeline) (PE2132)**

**The Convener:** The last of the road petitions is PE2132, lodged by the *Inverness Courier*, which calls on the Scottish Parliament to urge the Scottish Government to publish a clear timeline for the dualling of the A96 between Inverness and Nairn and the construction of a bypass for Nairn and to ensure that the timeline is made public by Easter 2025—which ended two days ago.

During the evidence session on 2 April, the cabinet secretary confirmed that the procedural steps for the acquisition of land had been concluded, and we understand that Scottish ministers took title to the land in question earlier this week. We also heard that the potential use of the mutual investment model to fund the dualling of the A96 from Inverness to Nairn is currently being consulted on as part of engagement with industry. The cabinet secretary indicated that the timetable for the project will be determined by the type of procurement that the Government decides to progress. She also indicated a willingness to provide a statement to the Parliament on dualling the A96 Inverness to Nairn bypass before the end

of the current parliamentary session—that would be a statement, at least.

Mr Ewing raised the issue of the certainty that could be provided to the public and contractors by having a long-term plan for road infrastructure plans, noting the approach that has been taken in Germany over a 30-year period. Although the cabinet secretary acknowledged that constructive suggestion, she also highlighted the challenges involved in adopting such an approach, particularly as we await the outcome of the UK Government's capital spending review, which will subsequently inform the update to the Scottish Government's infrastructure investment plan.

Do members have any comments or suggestions for action?

**Fergus Ewing:** I declare a very strong interest as the constituency MSP for this section of the A96 and as someone who has campaigned for at least three and a half decades for the dualling of the road.

The cabinet secretary's evidence raised more questions than it provided answers, so I respectfully suggest that we write to her to seek clarity on a number of issues. The first issue is the progress that the Scottish Government is making to develop a detailed timeline for the dualling of the A96 between Inverness and Nairn and the construction of a bypass for Nairn, given that the acquisition of the land is now about to take place or is about to be completed.

The second issue is whether the expected statement to the Parliament, to which the convener alluded, on the decision on the use of mutual investment model contracts for the remaining sections of the A9 will also include an update on the use of MIM as a procurement option for dualling the A96 between Inverness and Nairn, or whether the cabinet secretary expects that there will be separate parliamentary statements—one for the A9 and one for the A96.

There are three other brief issues that I wish to include in the letter to the cabinet secretary. First, the Auditor General has expressed some criticism about the use of MIM, and it would be interesting to hear the cabinet secretary's response to that.

12:30

Secondly, the convener referenced the review of the capital budget. However, the capital budget this year is over £6 billion, and it is to be expected that it would be of that order for the next 10 years—in other words, £50 billion or £60 billion over the next 10 years. By my reckoning, the combined cost of the commitments on the A96 and the A9 would be far less than a tenth of that. What the cabinet secretary has never done—and

what we might usefully invite her to do—is say why we cannot use the existing capital budget and the design and build options. It seems that, if the Highlands is to be attributed the priority that I believe that the area should be given, there is more than enough money for the investments in those roads, given the likely scale of the capital budget historically and going forward.

Lastly, there is considerable industry concern about the method of procurement at present—and under MIM, which might be unpopular with some contractors, because they would not be able to bid against European companies due to the scale of the contract. There is a belief that a framework approach, as used by Scottish Water and SSEN, should be used, which would mean that a number of companies would be qualified to obtain work over the next, say, 10 years, which considerably reduces the costs and bureaucracy involved and would provide certainty for the companies, as they would know that they would have an order book. It would also mean that we can deliver our roads contracts. Otherwise, the civil engineering contracting companies in the Highlands may well choose to do other less risky and more profitable work, such as projects involving pump storage, railways, grid upgrades, wind farms, housing, health infrastructure and so on.

Even if, after 15 years of dithering and indecision, we resolve the funding issue, there are increasing worries, as expressed by Grahame Barn of the Civil Engineering Contractors Association, that we might find that there is no one left to come to the ball—that is, there is no dance partner or contractor, because they are doing other work that has to be done, to the scale of around £50 billion to £60 billion in the Highlands alone over the next 10 years.

I am sorry to speak at such length—not for the first time, I daresay, convener—but I hope that members will agree that we should seek answers now to each of those issues, rather than waiting to the very fag end of the parliamentary session. Lastly, I thank the *Inverness Courier* for its campaigning efforts to stand up for the people whom I represent and the people who read it.

**The Convener:** Thank you for your comprehensive set of recommendations. I can see that the clerks have been scribbling furiously as they try to keep up with the various additional thoughts about how we might proceed.

Do members agree keep the petition open and proceed as suggested?

**Members indicated agreement.**

## Motorhomes (Overnight Parking) (PE1962)

**The Convener:** Our next petition is PE1962, lodged by Lynn and Darren Redfern, which calls on the Scottish Parliament to urge the Scottish Government to improve licensing enforcement on motorhomes to ensure that they are parked only in designated and regulated locations.

We last considered the petition at our meeting on 15 May 2024, when we agreed to write to the Scottish Government. The Scottish Government's response to the committee highlights the £4 million budget allocation for the rural tourism infrastructure fund, and the £2 million that was delivered through VisitScotland, which includes support for activity to spread visitor numbers more equally across Scotland.

On the visitor levy, the Scottish Government states that it remains open to discussion with stakeholders on the issue of a levy on motorhomes and camper vans, and will consider any developed proposals that work to support the visitor economy. The submission states that discussions with council and land management stakeholders have highlighted significant issues with such a levy, including potential difficulties with its application, with administration and with compliance.

A written submission from the petitioners highlights a number of concerns about safety and what they believe is a disparity between the licensing requirements for campsites and a lack of regulation for landowners. The petitioners call for all locations that offer overnight motorhome parking to be required to obtain a licence, including car parks and laybys.

The committee has also received a written submission from an individual, Mr Ed Hall, who raises questions about when land should be considered a campsite with the requirement to obtain a licence under existing legislation.

Do colleagues have any suggestions for action?

**David Torrance:** Perhaps the committee would consider writing to the Scottish Government to seek its views on whether, in the interests of safety and parity with formal campsites and areas, landowners who allow overnight motorhome habitation should be required to obtain a licence for that activity.

**The Convener:** Are colleagues content to do that?

**Members indicated agreement.**

## Performance-enhancing Drugs (Public Information) (PE2024)

**The Convener:** PE2024, which was lodged by Cael Scott, calls on the Scottish Parliament to

urge the Scottish Government to create a national public information programme to raise awareness of the impacts of using steroids, selective androgen receptor modulators and other performance-enhancing drugs. According to the petition, that programme should have a particular focus on the impact on young people between the ages of 16 and 25; should work with community learning and development practitioners, gyms and community coaches to raise awareness; and should develop a public health campaign to highlight the negative impacts of PEDs and encourage regular health check-ups for users, and a screening programme to allow users to test the safety of their PEDs.

We last considered the petition at our meeting on 29 May 2024, when we agreed to write to the Minister for Drugs and Alcohol Policy. Our late colleague Christina McKelvie, the then minister, responded to the committee on 27 June 2024. As this is the first opportunity that the committee has had to do so, I offer my condolences on behalf of the committee to all those who continue to mourn her loss.

In her response to the committee, the minister confirmed that the focus of the early interventions for children and young people working group has been on the treatment service in general, and it has not considered image and performance-enhancing drugs specifically. She also mentioned work to develop a framework that would include treatment standards for children and young people who are supported for any drug or alcohol problem, which was expected to support the introduction of the charter of rights for people affected by substance use that was launched, as our paper notes, in December 2024.

In her response, the minister also stated that the Scottish Government's policy on IPEDs remains that it will continue to support Police Scotland in tackling any criminality, and to support local treatment and recovery services to provide help for people who have been impacted by drugs of any kind, including IPEDs.

We have also received a submission from the petitioner that responds to the minister's submission and draws our attention to the mortality risks that are associated with IPED use, such as an estimated death rate of more than 550 people per year in Scotland. The petitioner also highlights that many IPEDs are legal and available to purchase online, and they suggest that the Scottish Government's position of working with Police Scotland to tackle criminality, as well as a lack of local advice services, will result in no action being taken to address the risks, including death, of IPED use in Scotland. So, the petitioner is not terribly impressed.

Do members have any suggestions about what we should do in the light of the information that we have received and the petitioner's submission?

**David Torrance:** In the light of the information that we have received, I ask the committee to consider closing the petition under rule 15.7 of standard orders, on the basis that the charter of rights for people affected by substance use has now been introduced, and that the Scottish Government's policy on image and performance-enhancing drugs is that it will continue to support Police Scotland in tackling any criminality, and to support local treatment and recovery services to provide help for people who have been impacted by drugs of any kind, including IPEDs.

I suggest that the committee, in closing the petition, might wish to write to the Health, Social Care and Sport Committee to highlight the petition and to ask that the issues that it raises be considered as part of further work on cross-committee scrutiny of matters related to reducing drug deaths and tackling problem drug use.

**The Convener:** Are we content to proceed on that basis and to write to the Health, Social Care and Sport Committee, as Mr Torrance has suggested?

**Members indicated agreement.**

### **Medical Facility Parking Charges (Exemptions) (PE2079)**

**The Convener:** PE2079, which was lodged by Martin James Keatings, calls on the Scottish Parliament to ask the Scottish Government to introduce legislation to provide for exemptions in paying medical facility parking charges and to create a new classification of parking badge for care givers.

We last considered the petition at our meeting on 15 May 2024, when we agreed to write to Disability Equality Scotland, COSLA, Carers Scotland and the Scottish Government. We have now received responses from all those organisations, which are detailed in our papers for today's meeting.

In its response, COSLA stated that it is "fully committed to supporting unpaid carers",

and that it supports the local implementation of the cross-Government carers strategy. It goes on to note the importance of parking charges as a source of income for local authorities, and it suggests that further work would need to be undertaken to quantify the cost of the petition's proposed policy and how potential lost revenue could be reimbursed to local authorities.

In its response, the Scottish Government highlights that the blue badge scheme is designed

to allow disabled people who experience severe barriers to their mobility to park closer to their destination, and that it applies only to on-street parking. The Government suggests that a separate concessionary scheme, such as a carers badge, would present significant challenges for administration, resourcing, enforcement, and measures to prevent fraud and misuse.

The Government also offers information on the introduction of the carer support payment, which became available across Scotland in November 2024. Further benefits, including the carers allowance supplement, might be available to carers who are on low incomes, and unpaid carers are encouraged to contact their social work department or local carer centre to find out what support it might be able to offer them.

Disability Equality Scotland has provided information about the financial challenges that disabled people experience and expresses its support for the introduction of legislation to provide for exemption from paying medical facility parking charges for disabled people, and for the creation of a new classification of parking badge for those who provide transport to disabled people for medical reasons.

Similarly, Carers Scotland has shared information from its 2023 state of caring survey, which found that 29 per cent of unpaid carers supported the person or persons they care for with 10 or more medical appointments in the previous year, while 69 per cent of unpaid carers visited community pharmacies to collect prescriptions on behalf of the person they care for.

Carers Scotland also draws our attention to work that City of Edinburgh Council is undertaking to develop a carers permit, which would be limited to those who can provide evidence that they are in receipt of the carers allowance from the Department for Work and Pensions, which is now Social Security Scotland's carer support payment, or carers credit. It is Carers Scotland's view that the petitioner's proposal to introduce a carers permit has merit and warrants further exploration by the Scottish Government.

Do colleagues have any suggestions on how we might proceed?

**David Torrance:** In the light of the evidence that we have received, I suggest that the committee considers closing the petition under rule 15.7 of standing orders, on the basis that no NHS facility in Scotland has car parking charges; local authorities are responsible for managing wider car parking policy, including deciding on whether exemptions should apply, as well as having responsibility for the administration and enforcement of the blue badge scheme; the Scottish Government has now introduced the

carer support payment nationally, and further financial support is available to eligible carers through benefits such as the carers allowance supplement; and the Scottish Government considers that a separate concessionary scheme, such as a carers badge, would present significant challenges, including around administration, resourcing, enforcement, and measures to prevent fraud and misuse.

**The Convener:** Mr Torrance has offered a suggestion as to how we might proceed. Are colleagues content to proceed on that basis?

**Members** *indicated agreement.*

**The Convener:** We thank the petitioner for bringing up the issue. However, in view of the position that has been identified to us as a result of the inquiries that we have made, this is as far as we can take the petition during the current parliamentary session.

## New Petitions

12:43

**The Convener:** We come to agenda item 3, which is the consideration of new petitions. As I always do, I will explain to anybody who might be looking in for the first time that, with new petitions, we take advice from the Parliament's independent research body, the Scottish Parliament information centre, as well as seeking the Scottish Government's initial thoughts, so that we can expedite our consideration, rather than meeting simply to determine that those are the first two things that we will do.

### Children (Automatic Expulsions) (PE2139)

**The Convener:** PE2139, which has been lodged by Maria Giordano, calls on the Scottish Parliament to urge the Scottish Government to introduce automatic expulsion for children charged on suspicion of committing a crime against another child. The petitioner's view is that victims are treated worse than perpetrators. She notes that, in some cases, an accused person goes on to share a classroom with the alleged victim.

The Schools General (Scotland) Regulations 1975, as amended, state:

"an education authority shall not exclude a pupil from a school under their management to which he has been admitted, except where they are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school"

or

"they consider that in all the circumstances to allow the pupil to continue his attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there."

12:45

In its response to the petition, the Scottish Government states that exclusion from school other than in conformity with the regulations has no statutory authority and may leave the education authority open to legal challenge. For that reason, its position is that it would not be lawful to employ a policy of automatic exclusion without considering the individual circumstances of each case. It goes on to state that it has no plans to change the law on exclusions. It also states that where staff are alerted via a multi-agency response that a young person has been charged in connection with an incident involving another pupil, school staff should follow the advice of social work and/or Police Scotland about how to manage the situation while the young people are attending school.



Do members have any suggestions as to how we might proceed?

**David Torrance:** Perhaps the committee could consider writing to stakeholders to seek their views on the action that the petition calls for. Those stakeholders should include COSLA; Connect, which was formerly the Scottish Parent Teacher Council; the Children and Young People's Commissioner Scotland; Together, the Scottish Alliance for Children's Rights; and the Scottish Youth Parliament.

**The Convener:** Even though the Scottish Government has said that it has absolutely no intention of doing anything about the matter, are colleagues nonetheless content to seek the views of those organisations?

**Members indicated agreement.**

### **In-vitro Fertilisation (Privately Sourced Donor Eggs) (PE2146)**

**The Convener:** Our final petition is PE2146, lodged by Jamie Connelly, which calls on the Scottish Parliament to urge the Scottish Government to allow couples and individuals to purchase altruistically donated eggs from private clinics for use in NHS-funded IVF treatment, and to instruct NHS Scotland to create a clear clinical pathway to support those using private donor eggs.

The SPICe briefing explains that large NHS-hosted clinics provide both private and NHS fertility treatment, for which there are separate waiting lists. Those in receipt of NHS treatment are fully funded by the NHS, while those who do not meet the criteria for NHS treatment can be offered private, fully self-funded treatment. That self-funded treatment is mostly provided by the NHS service at cost. However, NHS Greater Glasgow and Clyde is slightly different in that it partners with the only private clinic in Scotland in providing paid-for care. That private clinic is not for profit and partners with an egg donation supplier in Spain. The briefing notes that many of the private clinics in the UK will source donor eggs from suppliers abroad. However, there are risks associated with sourcing eggs abroad and with their transportation.

The petitioner and his partner were told that the likelihood of getting donor eggs through the NHS would be "miniscule" as the waiting time is potentially more than 30 years. He reports that the NHS in Scotland operates on an all-or-nothing policy, which means that, if patients source eggs from elsewhere, they will lose all NHS funding for IVF. My goodness—with a wait of 30 years, you would have to register at birth for it to be of any use to you at all.

In its response to the petition, the Scottish Government states that it has always been clear that couples who are eligible for NHS fertility treatment should not pay for any aspect of their treatment, and this includes the purchase and use of donor gametes. It also states that couples who require an altruistic egg donor may wait between three to four years for treatment. This wait time can change depending on donor availability and we are aware that NHS Greater Glasgow and Clyde is planning several campaigns this year to recruit egg and sperm donors, which will hopefully reduce the waiting times.

Do members have any comments or suggestions for action?

**David Torrance:** I wonder whether the committee would consider writing to the Scottish Government to ask for a more detailed response to the petition, in particular to the suggestion that those who face significant waiting lists for donor eggs should be able to use an altruistically donated, privately purchased donor egg for NHS treatment. We could also ask what data is available to support information on NHS waiting times for couples who require an altruistic egg donor; whether the waiting time exceeds four years and, if so, what is the longest waiting time; and whether the Scottish Government believes that NHS boards are currently meeting the needs of couples who face a significant waiting list for donor eggs, which could prevent them from receiving treatment in time to have a biological child.

**The Convener:** Thank you very much, Mr Torrance. Do members agree with that approach?

**Members indicated agreement.**

**The Convener:** That brings us to the end of our formal consideration of petitions. Our next meeting will take place on 7 May. I thank those who have been following our proceedings.

We now move into private session.

12:50

*Meeting continued in private until 12:54.*



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