PUBLIC PETITIONS COMMITTEE

AGENDA

12th Meeting, 2015 (Session 4)

Tuesday 9 June 2015

The Committee will meet at 10.00 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.

2. **Consideration of new petitions:** The Committee will consider—

   [PE1565](#) by James Dougall on whole of life sentences for violent re-offenders

   and take evidence from—

   James Dougall;

   Lindsay Dougall;

   and will then consider—

   [PE1568](#) by Catherine Hughes on funding, access and promotion of the NHS Centre for Integrative Care

   and take evidence from—

   Catherine Hughes;

   Irene Logan, Secretary/Treasurer, Fibromyalgia Friends Scotland;

   Dr Patrick Trust, retired GP.

3. **Consideration of continued petitions:** The Committee will consider—

   [PE1351](#) by Chris Daly and Helen Holland on time for all to be heard;

   [PE1482](#) by John Womersley on isolation in single room hospitals;

   [PE1493](#) by Peter John Gordon on a Sunshine Act for Scotland;
PE1533 by Jeff Adamson, on behalf of Scotland Against the Care Tax, on abolition of non-residential social care charges for older and disabled people;
PE1549 by Alan Clark Young on concessionary travel passes for war veterans;
PE1554 by Jacq Kelly, on behalf of Leonard Cheshire Disability, on improving the provision of disabled-friendly housing.

4. **Work programme**: The Committee will consider a paper by the clerk.

5. **Business planning**: The Committee will consider a paper by the clerk.

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Edinburgh  
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The following papers are attached for this meeting—

**Agenda item 2**

PE1565   Note by the Clerk    PPC/S4/15/12/1
PE1568   Note by the Clerk    PPC/S4/15/12/2

Fibromyalgia Friends Scotland Letter of 3 June 2015 PE1568/A
Elaine Smith MSP Email of 4 June 2015 PE1568/B

**Agenda item 3**

PE1351   Note by the Clerk    PPC/S4/15/12/3
PE1482   Note by the Clerk    PPC/S4/15/12/4

Scottish Government Letter of 5 May 2015 PE1482/L
Petitioner Letter of 15 May 2015 PE1482/M

PE1493   Note by the Clerk    PPC/S4/15/12/5

Scottish Government Letter of 30 April 2015 PE1493/Z
Petitioner Letter of 2 June 2015 PE1493/AA

PE1533   Note by the Clerk    PPC/S4/15/12/6

Scottish Government Letter of 11 May 2015 PE1533/L
Petitioner Letter of 29 May 2015 PE1533/M

PE1549   Note by the Clerk    PPC/S4/15/12/7

Scottish Veterans Commissioner Letter of 29 April 2015 PE1549/A
Poppyscotland Letter of 4 May 2015 PE1549/B
Transport Scotland Letter of 5 May 2015 PE1549/C
Petitioner Letter of 28 May 2015 PE1549/D

PE1554   Note by the Clerk    PPC/S4/15/12/8

Miller Homes Email of 9 April 2015 PE1554/A
Dundee City Council Email of 14 April 2015 PE1554/B
Angus Council Letter of 10 April 2015 PE1554/C
Fife Council Letter of 13 April 2015 PE1554/D
Stirling Council Letter of 17 April 2015 PE1554/E
Argyll and Bute Council Letter of 23 April 2015 PE1554/F
Comhairle Nan Eilean Siar Letter of 22 April 2015 PE1554/G
Homes for Scotland Letter of 27 April 2015 PE1554/H
Scottish Government Letter of 28 April 2015 PE1554/I
North Lanarkshire Council Email of 28 April 2015 PE1554/J
Midlothian Council Letter of 1 May 2015 PE1554/K
Moray Council Letter of 5 May 2015 PE1554/L
South Lanarkshire Council Letter of 1 May 2015  PE1554/M
East Renfrewshire Council Email of 7 May 2015  PE1554/N
West Dunbartonshire Council Email of 11 May 2015  PE1554/O
Local Authority Building Standards Scotland
Email of 11 May 2015  PE1554/P
Scottish Borders Council Letter of 11 May 2015  PE1554/Q
Glasgow City Council Letter of 11 May 2015  PE1554/R
City of Edinburgh Council Letter of 11 May 2015  PE1554/S
North Ayrshire Council Email of 11 May 2015  PE1554/T
Shetland Islands Council Letter of 13 May 2015  PE1554/U
South Ayrshire Council Letter of 13 May 2015  PE1554/V
Orkney Islands Council Email of 15 May 2015  PE1554/W
Dumfries and Galloway Council Email of 18 May 2015  PE1554/Y
Aberdeen City Council Letter of 26 May 2015  PE1554/Z
East Dunbartonshire Council Letter of 1 June 2015  PE1554/AA
Aberdeenshire Council Letter of 28 May 2015  PE1554/BB

**Agenda item 4**

PRIVATE PAPER  PPC/S4/15/12/9 (P)

**Agenda item 5**

PRIVATE PAPER  PPC/S4/15/12/10 (P)
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PE1565 on whole of life sentences for violent re-offenders

Note by the Clerk

**PE1565** – Lodged 2 May 2015
Petition by James Dougall calling on the Scottish Parliament to urge the Scottish Government to increase the maximum possible sentence for violent re-offenders who commit murder to be a whole of life custodial sentence.

[Link to petition webpage](#)

**Purpose**

1. This is a new petition. It collected 998 signatures and attracted 49 comments, all of which were supportive.

2. The Committee has invited the petitioner to speak to the petition; the petitioner will be accompanied by his sister, Lindsay Dougall. After hearing from the petitioner, the Committee is invited to consider what action it wishes to take on the petition.

**Background – the following is taken from the SPICe briefing**

**Proposed Reform**

3. The petitioner would like to see the law changed so that a judge, on sentencing a person convicted of murder, would have the power to direct that the rest of the offender’s life is to be spent in custody without the possibility of release on parole. He argues that a judge should have this option:

   “where a previously violent offender flagrantly disregards the rehabilitation offered and the opportunity given to him through early release [from a custodial sentence] and then goes on to commit a violent murder”.

4. Scots law already allows for a judge to set a minimum period of custody that exceeds the prisoner’s life expectancy. However, the judiciary in Scotland do not currently have the power to simply impose a whole life order without specifying a determinate period of years and months. In England a whole life order can be made.

**Current Law in Scotland**

5. A conviction for murder carries with it a mandatory sentence of life imprisonment. This does not mean that all (or indeed most) convicted murderers currently spend the rest of their lives in custody. Convicted murderers have their continued detention reviewed by the Parole Board for Scotland once they have served the punishment part of the sentence (as described below).
6. After considering a case, the Parole Board will either direct the Scottish Ministers to release the prisoner or order the prisoner’s continued detention. Any release is on life licence, with released prisoners being subject to appropriate licence conditions and supervised by criminal justice social work for the rest of their lives. A breach of licence conditions may result in recall to custody. Where the Parole Board does not direct a prisoner’s release, the case must generally be reviewed again no later than two years after the date of the last review.

7. Information on the length of time served by life prisoners prior to their first being released on life licence is set out in appendix A of the Parole Board’s Annual Report 2013-2014. The figures relate to all life sentences, not just mandatory life sentences imposed for murder.

8. The punishment part of a life sentence, for someone convicted of murder, is the part of the total sentence which the court considers appropriate to satisfy the requirements for retribution and deterrence:

   - taking into account the seriousness of the offence(s) for which the person is convicted, any previous convictions and any sentence discount justified on the basis of a guilty plea
   - ignoring any period of confinement which may be necessary for the protection of the public

9. The punishment part is set by the court at the time of passing the sentence and is served wholly in custody. Following the end of the punishment part, a life sentence prisoner will not be released unless the Parole Board is satisfied that continued confinement is no longer necessary for the protection of the public.

10. A court can set a punishment part which in practice may require a person to spend the rest of his/her life in custody, but cannot do this by simply stating that the offender must not be released. The court must set a definite period in years and months.

11. The issue was considered in the context of the Bill which became the Convention Rights (Compliance) (Scotland) Act 2001. The policy memorandum published along with the Bill noted that:

   “If, exceptionally, a judge considered that a particular case required a long punishment period, it would be open to him to specify a period of years which, if appropriate, clearly exceeded the individual’s life expectancy. This will cover the small number of situations where the seriousness of the crime or the age or health of the individual might make it necessary for the punishment part to be longer than that individual’s life expectancy. The requirement to specify the length of the period to be served as punishment will remove any potential misunderstandings about the court’s intentions.” (para 35)
Approach in England

12. The approach in England is similar in that a conviction for murder carries a mandatory life sentence, with the court normally setting a minimum term which must be served in custody before the offender can be considered for release on licence. However, unlike the position in Scotland, the courts do have the power to impose whole life orders (without specifying a determinate period of years and months) in cases where it is considered that the possibility of release on parole should not apply.

13. The Crown Prosecution Service’s website sets out the following guidance in relation to the circumstances where a whole life order might be considered appropriate:

“Where the offender is 21 or over at the time of the offence and the court takes the view that the murder is so grave that the offender should spend the rest of their life in prison, a ‘whole life order’ is the appropriate starting point. ... Such an order should only be specified where the court considers that the seriousness of the offence is exceptionally high. Such cases include:

a) the murder of two or more persons where each murder involves a substantial degree of premeditation, the abduction of the victim, or sexual or sadistic conduct;

b) the murder of a child if involving the abduction of the child or sexual or sadistic motivation;

c) a murder done for the purpose of advancing a political, religious or ideological cause; or

d) a murder by an offender previously convicted of murder.”

14. The above guidance refers to a whole life order being the appropriate starting point. Mitigating factors may still lead to the court not imposing such an order.

15. The Crown Prosecution Service’s Website also notes that “in July 2013 the Grand Chamber of the European Court of Human Rights ruled … that whole life orders of imprisonment violated Article 3 of the European Convention on Human Rights which prohibits inhuman and degrading treatment and torture. This ruling has now been successfully challenged.”

Action

16. The Committee is invited to agree what action it wishes to take on this petition. The Committee may wish to seek written views, from, for example:

- Justice Scotland
- Scottish Government
- Scottish Human Rights Commission
- Victim Support Scotland
Petition by Catherine Hughes calling on the Parliament to urge the Scottish Government to ensure that Scotland-wide access to the NHS Centre of Integrative Care (NHS CIC) is restored by providing national funding for a specialist national resource for chronic conditions, to uphold NHS patient choice and cease the current postcode lottery by removing barriers to patient access and prevent institutional discrimination by helping to promote the benefits of this care pathway for patients with long-term conditions.

Link to petition webpage

Purpose

1. This is a new petition. It was not open for signatures or comments.

2. The Committee has invited the petitioner to speak to the petition; the petitioner will be accompanied by Dr Patrick Trust, a retired GP, and Irene Logan from Fibromyalgia Friends Scotland. After hearing from the petitioner, the Committee is invited to consider what action it wishes to take on the petition.

Background – the following is taken from the SPICe briefing

3. The NHS Centre for Integrative Care (CIC) is located at Gartnavel Hospital in Glasgow and is operated by NHS Greater Glasgow and Clyde. The CIC combines conventional treatments with other holistic approaches such as homoeopathy, acupuncture, counselling and dietary advice.

4. Most patients referred to the CIC are experiencing chronic pain, chronic low energy, and/or chronic low mood or anxiety. However, any patient with a long-term condition may be referred.

5. One of the key services of the CIC is the provision of inpatient homoeopathic beds. The CIC is the successor of the Homoeopathic Hospital in Glasgow which has been a part of the NHS in Glasgow since the NHS was founded in 1948. The inpatient service is the only one of its kind in the UK and the centre takes referrals from all over Scotland.

What has prompted the petition?

6. The use of homoeopathy in the NHS is controversial due to questions around its evidence base. As a result, some NHS boards in Scotland have taken the decision to stop funding homoeopathy altogether, including referrals to the CIC
in Glasgow. These boards are NHS Highland, NHS Lanarkshire and NHS Lothian. NHS Lothian’s decision to withdraw funding for homoeopathy is currently subject to a judicial review. The ruling is expected in the coming months.

7. The future of the CIC was also under threat in 2005 but, following a review of the inpatient service\(^1\), NHS Greater Glasgow & Clyde made a commitment to retain the service. However a recent press release from the board stated:

“…we are reliant on the ongoing commitment from other Boards to make use of the inpatient services to maintain their viability.”\(^2\)

8. The 2005 review noted that patients from other board areas constituted 45% of the centre’s workload.

9. The recent statement also set out that any changes which may arise as a result of funding decisions by other NHS Boards would be the subject of full consultation with staff and patients. To date, the board has not announced that is considering any changes to the service.

**National Services**

10. Scotland already has some national services which are commissioned by the National Services Division (NSD) of the NHS. The NSD website explains that national commissioning is reserved for very specialist services where local or even regional commissioning is not appropriate. Such services are generally those concerned with the diagnosis and/or treatment of rare conditions.

11. Applications to become a nationally commissioned service are considered by the National Specialist Services Committee. The NSD website outlines the process for applying and details that applications can be made by:

- Clinicians and/or hospitals with the backing of their NHS board
- NHS boards
- Regional planning groups
- National groups

**Scottish Government Action**

12. The previous Cabinet Secretary for Health and Wellbeing, Alex Neil MSP, was quoted at a public meeting as saying:

"Anyone who is worried about the [CIC] closing, there is no prospect of us allowing that centre to close."\(^3\)

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\(^1\) NHS Greater Glasgow (2005) *Future of inpatient homeopathic services*.


\(^3\) The Herald (19 November 2013) *Minister vows to protect homeopathic hospital’s future*. 
13. At another meeting, the then Cabinet Secretary was reported to have suggested that the new national chronic pain centre could be located at the CIC\(^4\). Since then, the Scottish Government has announced\(^5\) that the national centre for chronic pain will be sited at Gartnavel Hospital but the exact location has not yet been decided and it is unclear what links, if any, it will have with the CIC.

**Scottish Parliament Action**

14. On 4 March 2015 Claudia Beamish MSP asked the Minister for Public Health, Maureen Watt, about the CIC and its funding arrangements. The minister said, “there are no plans to close the CIC, which we see as having a role for patients across Scotland.”

15. A number of written questions\(^6\) have been asked on the consultation process undertaken by health boards when decisions are made to stop referring patients to the CIC, and they made particular reference to NHS Lanarkshire; the Scottish Government’s position is that the decision was a matter for the board. There has also been a motion\(^7\) relating to the CIC which focuses on the process whereby NHS boards’ proposed changes to service are determined to be ‘major’, and therefore would require ministerial approval.

**Action**

16. The Committee is invited to agree what action it wishes to take on this petition. The Committee may wish to seek written views, from, for example:

- NHS Greater Glasgow and Clyde
- National Services Division
- Health and Social Care Alliance
- Scottish Government

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\(^6\) S4W-24877 by Jim Hume MSP and S4W-24722 & S4W-24721 by Elaine Smith MSP

\(^7\) S4M-13084 lodged by Elaine Smith MSP
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PE1351 on Time for all to be heard

Note by the Clerk

PE1351 – Lodged 30 August 2010
Petition by Chris Daly and Helen Holland calling on the Scottish Parliament to urge the Scottish Government to establish for all victims of institutional child abuse, a Time for All to be Heard forum incorporating a compensation scheme.

Link to petition webpage

Purpose

1. This petition was last considered by the Committee at its meeting on 4 March 2014. Since then, the Scottish Government has announced the establishment of an independent Inquiry into historical abuse of children in institutional care. In light of this, the Committee is invited to consider what action it wishes to take on this petition.

Background

2. The petition was lodged in 2010 seeking the establishment of a forum to give all victims of institutional child abuse the opportunity to relate their experiences and apply for compensation.

3. In 2010, Time to Be Heard: A Pilot Forum was established. The pilot was modelled on the Confidential Committee of the Irish Commission to Inquire into Child Abuse (CICA) and provided an opportunity for 98 former Quarriers residents to recount their experiences as children in residential care. In February 2011 Tom Shaw, the Chair of the Pilot Forum, published a report making a number of recommendations. In March 2011 the Scottish Government advised that it was keen that a National Confidential Forum (NCF) be taken forward without delay.

4. In February 2012 the Scottish Human Rights Commission commissioned CELCIS to set up a human rights InterAction on Historic Child Abuse. The InterAction process took place over a year. It provided a platform for people to give their views on how justice and remedies for survivors should be achieved and brought forward an action plan.

Scottish Government announcement

5. Last month the Cabinet Secretary for Education and Lifelong Learning announced the remit of the Inquiry with full statutory powers to compel witnesses and demand evidence. The Inquiry will be chaired by Susan O'Brien QC. In addition, a support fund is being set up for survivors of abuse placed in care by the state and support will also be provided for those who were not in care. It was also announced that a
draft Bill to lift the three-year time bar on civil cases for compensation in cases of historical childhood abuse would be published before the end of this session.

**Action**

6. The Committee is invited to close the petition on the basis that an Inquiry with full statutory powers has been set up and a commitment given to lift the three-year time bar on civil cases for compensation.
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PE1482 on isolation in single room hospitals

Note by the Clerk

**PE1482 – Lodged 15 June 2013**
Petition by John Womersley calling on the Scottish Parliament to urge the Scottish Government to ensure that patients in new-build hospitals are given a choice to share a multi-bedded rooms with other patients or offered a single room; and to subject all the evidence on the single room policy to independent scrutiny.

[Link to petition webpage](#)

**Purpose**

1. The Committee last considered this petition on 23 February 2015. At that meeting, the Committee agreed to write to the Scottish Government to ask when it expected to the expert opinion on a literature review it had commissioned on the impacts of single room only hospitals.

2. The Scottish Government has responded and a further submission has been received from the petitioner. The Committee is invited to consider what action it wishes to take on the petition.

**Background**

3. The petitioner was concerned about the apparent lack of evidence and public support for the policy of ensuring that new-build hospital accommodation and hospital refurbishment provides single-room accommodation for all in-patients. He asserts that the evidence base for such a policy is not robust and that a balance between single and shared accommodation in four-bedded bays would be the optimum option for necessary infection control and patient choice, as well as allowing better scope for future internal structural modifications.

4. The [SPICe briefing](#) outlined how the policy was developed in this area and research and evidence pertaining to single-room provision is available in the Appendix to the SPICe Briefing.

**Scottish Parliament Action**

5. There have been a number of Parliamentary Questions on the provision of single rooms, and about hospital acquired infections in relation to single rooms which can be found [here](#).
Committee consideration

6. The Committee initially considered this petition at its meeting on 17 September 2013 and heard evidence from the petitioner. This is the eighth time the Committee has considered the petition.

7. The Scottish Government commissioned a literature review in this area, which has now been published, and is included with members’ papers. It found that single rooms:
   - increase overall patient satisfaction, but attention should be paid to isolation, falls and monitoring;
   - are preferred by patients in general, however certain groups may prefer shared rooms;
   - may support in infection management policies, but as single intervention there is no convincing evidence for reduced infections;
   - have unclear staff outcomes. There is an indication for better patient-staff communication, but there is a need for more quality research on all outcome measures; and
   - increase construction costs and floor area related costs; impact on long-term operational costs are unclear. There is a need for more quality research.

8. The Scottish Government’s has received expert opinion on the literature review it commissioned. It concludes that the evidence supports the policy on single rooms and that the new Glasgow hospital presents an opportunity to undertake further research. The Scottish Government also highlighted a recent study into single rooms undertaken at a hospital in Kent. It concluded that staff preferred a mix of single and multi-bedded wards; two thirds of patients preferred single rooms; and that there was no evidence of an impact on patients’ safety. The Scottish Government intends to review this study with a view to it informing policy.

9. The Scottish Government indicates that it will revise the Scottish Capital Investment Manual later this year and update data collection requirements to help more clearly identify the impact of design on wellbeing and outcomes.

10. The petitioner also highlights the Kent study. He would like health boards to make it clear to doctors and nurses that a clinical case can be made for multi-bedded wards in new hospitals. He would also like to ensure that patient groups are involved in such discussions and the preparation of any business cases.

Action

11. The petition and the work of the Committee has ensured that the Scottish Government has reflected on the available evidence. The Scottish Government has clarified that is policy is a presumption of 100% single rooms for new hospitals, but that health boards can make a case for a different configuration on clinical grounds. The Committee may therefore wish to close the petition on the basis that the Scottish Government has no immediate plans to change its policy but has indicated that it will keep the policy under review.
Public Petitions Committee

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PE1493 on A Sunshine Act for Scotland

Note by the Clerk

PE1493 – Lodged 29 September 2013

Petition by Peter John Gordon calling on the Scottish Parliament to urge the Scottish Government to introduce a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHS Scotland healthcare workers from Industry and Commerce.

Link to petition webpage

Purpose

1. The Committee last considered this petition at its meeting on 31 March 2015. At that meeting, the Committee agreed to write to the Scottish Government to ask when it planned to complete its consultation and requesting that the petitioner be included. Responses have been received and the Committee is invited to consider what action it wishes to take on the petition.

Committee Consideration

2. In 2003, the Scottish Government published HDL (2003) Circular, guidance that aimed “to establish a common understanding on joint working between NHS Scotland and the pharmaceutical industry…that will help ensure responsibility, transparency and probity in the joint working process’.

3. This guidance asked NHS Board chief executives to establish a register for all NHS employees and primary care contractors and produce local standing orders specifying who is responsible for keeping and maintaining the register.

4. In its letter of 25th January 2015, the Scottish Government advised that it had sought to establish with NHS Boards why action was not taken in 2004 on the HDL (2003) Circular and concluded that ‘even if fully implemented, the circular from 2003 would fail to meet current demands for transparency’.

5. In this regard, the Scottish Government noted that the petitioner’s calls for the register to be made publishable and searchable is an ‘understandable demand’. As such, the Scottish Government committed to seeking wider views from the public. In particular, the Scottish Government aims to establish where there is consensus among stakeholders, including patients and families. It notes that ‘if such consensus can be achieved, then we can make an assessment of any associated resource implications’.

6. Since August 2014, the Scottish Government has been consulting with the petitioner.
7. In a letter of 30 April 2015 the Scottish Government advises that it has been in discussions with the Scottish Health Council seeking its view on how best to consult with patients and the public. The Scottish Health Council has agreed to use its networks across Scotland and to report back in autumn 2015.

8. The petitioner’s submission of 4 June 2015 reiterates his view that reporting should be mandatory and existing registers have failed to ensure compliance. The petitioner also responded to criticism that a statutory, independently administered register would be a significant bureaucratic burden, noting that a single mandatory register could replace multiple existing registers administered by different medical professional and related bodies.

Action

9. The Committee is invited to consider what action it wishes to take on the petition. Options include –

(i) To write to the Scottish Government asking it to report back to the Committee once the consultation feedback is available and to delay further consideration of the petition until that time;

(ii) To take any other action the Committee considers appropriate.
Public Petitions Committee

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PE1533 on Abolition of non-residential social care charges for older and disabled people

Note by the Clerk

PE1533 – Lodged 1 September 2014
Petition by Jeff Adamson on behalf of Scotland Against the Care Tax calling on the Scottish Parliament to urge the Scottish Government to abolish all local authority charges for non-residential care services as under Part 1, Paragraph 1, Subsection (4) of the Community Care and Health (Scotland) Act 2002.
Link to petition webpage

Purpose

1. The Committee last considered this petition on 31st March 2015. At that meeting, the Committee agreed to write to the Scottish Government to request that it convenes a round-table discussion on the issue of non-residential care charges involving local councils, the NHS, the petitioner and other third sector organisations representing the interests and concerns of people with disabilities. The Scottish Government has responded and the Committee is invited to consider what action it wishes to take on the petition.

Committee Consideration

2. The Scottish Government’s submission of 11th May 2015 advises that: “COSLA’s Charging Guidance Working Group [the ‘Working Group’] already provides a round table forum where COSLA, Scottish Government, local authorities and third sector organisations are able to discuss the issues around charging.” Whilst noting the concerns of those who have left the Working Group, the Cabinet Secretary welcomes progress it has made on some issues and is generally supportive of its work. In this regard, the Cabinet Secretary believes the Working Group would welcome back any organisations that had previously left.

3. The petitioner’s submission of 29th May 2015 expresses disappointment at the Scottish Government’s response. He is concerned that the Working Group has been left out of meaningful and important discussions, such as on the proposal to raise the 16.5% income threshold for care charges. In cases where consultations are held, such as on the Standard Financial Assessment Template, the petitioner reports the response rate from Local Authorities has been low.

4. Furthermore, the petitioner notes that there are no disabled people’s organisations represented on the Working Group. According to the petitioner, the remaining third sector organisations have different interests to those of disabled people and their organisations.
5. The petitioner also notes with concern the rise in care charges planned by many Local Authorities in 2015-16 and findings from the Scottish Government’s report ‘Severe Poverty in Scotland’ (2015) about levels of poverty experienced by people with disabilities. In addition, the petitioner is concerned by reports that Local Authorities do not routinely advertise eligibility for the waiver of care charges fees. According to the petitioner, many people who may otherwise be eligible for a waiver are being charged because they are not aware of the waiver.

6. The petitioner offers to convene a roundtable discussion if the Scottish Government is unwilling to do so and would welcome the Committee’s participation therein. The petitioner would also welcome the Committee’s support in calling on the Scottish Government to form another working group that would include disabled people’s organisations and non-COSLA councils.

**Action**

7. The Committee is invited to consider what action it wishes to take. Options include –

   (i) To write to the Cabinet Secretary for Health, Wellbeing and Sport asking her to respond to the issues and concerns raised by the petitioner;

   (ii) To take any other action the Committee considers appropriate.
PE1549 on concessionary travel passes for war veterans

Note by the Clerk

PE1549 – Lodged 28 February 2015
Petition by Alan Young calling on the Scottish Parliament to urge the Scottish Government to ensure that all war veterans that are in receipt of a War Disablement Pension can get Concessionary Travel passes.
Link to petition webpage

Purpose

1. The Committee first considered it on 31 March 2015 and took evidence from the petitioner. The Committee agreed to seek views. Responses have been received. The Committee is invited to decide what action it wishes to take on the petition.

Background

2. A Scotland-wide national concessionary travel scheme for older and disabled people (NCTS) was launched on 1 April 2006. This scheme operates under the provisions of the Transport (Scotland) Act 2005 and is administered and funded by Transport Scotland.

3. The scheme provides free travel on nearly all local and long distance bus services within Scotland, between Scotland and Berwick-upon-Tweed and between Scotland and Carlisle. Scottish island residents receive two free return ferry trips between their home island and the Scottish mainland every year. The scheme is open to anyone who meet certain criteria, with regard to age and disability.

4. One of the listed criteria for eligibility under the NCTS is being in receipt of a war disablement pension mobility supplement. Transport Scotland also notes that there are a number of injuries listed in the Armed Forces Compensation Scheme that automatically meet the disability criteria for NTCS.

Service personnel injuries

5. A veteran may be able to claim War Disablement Pension if he or she has been injured or disabled during a time of war as a result of service in Her Majesty's Armed Forces before 6 April 2005. The criteria for a War Pensioner Mobility Supplement require a serious impediment to an individual's capacity to walk and are set out in Article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

6. An individual can claim under the Armed Forces Compensation Scheme where the illness or injury was caused as a result of service on or after 6 April 2005.
Unlike the War Disablement Pension, the individual does not need to have left the armed forces before claiming. Awards are made on a tariff based system, with levels graded 1-15 dependent on the degree of severity of the injury, level 1 being for the most severe injuries and Level 15 for more minor injuries.

Scottish Government Action

7. The Scottish Government conducted a Review of the Scotland Wide Free Bus Travel Scheme for Older and Disabled People in 2009, which recommended that “The Scottish Government should aim to change the eligibility criteria from 1 April 2011 to include HM service personnel and veterans under the age of 60 who were seriously injured in service and are resident in Scotland.”

8. This recommendation was implemented from 1 April 2011, adding the eligibility criteria noted in paragraph 4 of this paper to the scheme.

Scottish Parliament Action

9. Derek Mackay, Minister for Transport and Islands, wrote to the Infrastructure and Capital Investment Committee on this matter on 19 March 2015 regarding the NCTS. In the letter the Minister referred to this petition and outlined the eligibility criteria. The Minister stated:

“I will be following the discussions on this petition with interest but have no plans to extend the eligibility criteria for the NCTS at this time.”

Committee consideration

10. Transport Scotland’s response to the Committee outlines the current eligibility criteria. It states that there is automatic eligibility for individuals who fall within the disability criteria for the NTCS and have received lump sums within tariff levels 1-8 (affecting mobility) under the Armed Forces Compensation Scheme. This means that those individuals’ applications can be fast-tracked.

11. Transport Scotland states that the Scottish Government is committed to the principles of the Armed Forces Covenant which states that the Armed Forces Community should not be disadvantaged in the provision of public services or in dealings with wider society as a result of their time in the armed forces. Transport Scotland argues that the current arrangements meet these aspirations. Its view is that treating veterans as a separate category could potentially lead to a legal challenge on disability discrimination grounds from civilians with similar disabilities.

12. The Scottish Veterans Commissioner stated that in his experience veterans wish to be treated the same as others and expressed reservations about a policy that could separate former service personnel from wider society.

13. PoppyScotland supports the petition and pointed out that Transport for London offer free travel on a range of public transport modes for individuals that are:
• Receiving ongoing payments under the War Pensions Scheme: this includes widows, widowers and dependants
• Receiving Guaranteed Income Payment under the Armed Forces Compensation Scheme: this includes widows, widowers and dependants

14. The petitioner argues that the veterans and civilians should not be treated in the same way as their experiences differ. In his view the proposal would assist veterans to integrate better into society and improve their access to the job and housing market.

15. Transport Scotland estimates that an additional 4,000 individuals would become eligible if the changes sought by the petitioner were made and that this would add around £0.6m per annum to the cost of the scheme in the short term. Transport Scotland also provide estimates for the civilian population should a similar eligibility criteria be universally applied; an additional 42,000 individuals could become eligible with an additional cost of around £6.8m in the current financial year and £7m in the next financial year.

Action

16. The Committee is invited to consider what action it wishes to take on the petition. Options include—

(i) To write to Transport Scotland asking whether it will consider replicating Transport for London’s eligibility criteria for veterans in the NTCS.

(ii) To take any other action the Committee considers appropriate.
Public Petitions Committee

12th Meeting, 2015 (Session 4), Tuesday 9 June 2015

PE1554 on Improve the provision of disabled friendly housing

Note by the Clerk

PE1554 – Lodged 3 March 2015
Petition by Jacq Kelly on behalf of Leonard Cheshire Disability calling on the Scottish Parliament to urge the Scottish Government to take action to ensure that all new homes in Scotland are built to fully meet all the Lifetime Homes Standards, with at least 10 per cent of new homes built to full wheelchair accessibility standards.

[Link to petition webpage]

Purpose

1. The Committee last considered this petition at its meeting on 31st March 2015. At that meeting, the Committee took evidence from the petitioner and Stephan Thomson, a Leonard Cheshire Disability service user. The Committee agreed to write to the Scottish Government, Local Authority Building Standards Scotland, the Lifetime Homes Foundation, local authorities, Miller Homes, Homes for Scotland and the Scottish Federation of Housing Associations. Most responses have been received and the Committee is invited to consider what action it wishes to take on the petition.

Committee Consideration

General Views on the Petition

2. The submissions received from local authorities were mixed in their support for the petition. Whilst a majority of local authorities are supportive of the principle of promoting wheelchair accessible housing, many express the view that further research is needed. In particular, there are concerns that a blanket target may not reflect local needs and circumstances.

3. The local authorities who oppose the petition cite concerns about inflated costs, adding burdens on the private sector, the marketability of any surplus construction that outstrips immediate demand, and the availability of land to accommodate an increase in properties designed to full wheelchair accessibility standards. Many of these concerns are shared by Homes for Scotland.

4. Homes for Scotland notes this petition is part of a wider UK campaign. It argues that many of the statistics used and assumptions made do not consider the Scottish context. Miller Homes was highlighted by the petitioner as an industry leader in the construction of disabled-friendly homes. It has responded to the petition via its industry body, Homes for Scotland.
5. The Scottish Government response notes: ‘The building standards system is set-up to cover how buildings are constructed. It is not well placed to address matters that require a strategic overview across the entire country or the local authority geographic areas, such as full wheelchair accessible new housing. It cannot be used to ensure that those who need full wheelchair access will occupy housing that achieves such a standard.’

6. The Scottish Government refers the Committee to the Local Housing Strategy Guidance and the Scottish Planning Policy. These give guidance to local authorities on formulating local housing strategies by assessing and meeting demand using resources such as the Housing Needs Demand Assessment tool.

7. In terms of the building regulations, the Scottish Government notes that significant changes were made in May 2007. These largely adopted principles from the Housing for Varying Needs (HFVN) and Lifetime Homes concepts with two exceptions: (i) the potential for future fitting of through-floor vertical lift and (ii) a support track and hoist. These principles are not covered because the former would result in ‘over provision of future proofing’, as the width of stairways facilitate future installation of a stair lift; and the latter is deemed to be a feature relevant to full-time care, rather than independent living.

8. In relation to funding, the Scottish Government notes the 2015/16 Housing Supply budget and the overall Housing and Regeneration budget have increased from the previous twelve months by £229 million and £200 million respectively.

Assessment of Housing Needs

9. The submissions received do not give a clear picture of accessible housing provision across Scotland. Not all local authorities were able to provide the information requested. Furthermore, not all local authorities reported having targets for accessible new build homes.

10. The submissions appear to suggest there is a lack of information held about accessible new build properties, particularly in the private sector. In terms of the percentage of new build homes adapted to full wheelchair accessibility standards, some local authorities were unable to provide this information and others only had information for the public sector. Many noted that terminology can make it difficult to report figures, as homes are often built or adapted to different levels of accessibility.

11. As a snapshot, at the top end of the scale, Dundee Council reported 46% of Council new builds in a recent development were fully wheelchair accessible, whilst South Ayrshire reported 30% of homes since 2011 can accommodate wheelchair users. In the mid-range, Moray Council reported 25% of recent affordable housing completions were built to the HFVN standard for wheelchair, older or ambulant people, whilst Argyll and Bute reported 15.6% of the socially rented stock comprises ‘specialist provision’. At the bottom end, Comhairle nan Eilean Siar, North Ayrshire, Aberdeenshire and North Lanarkshire reported recent home building levels to the wheelchair accessible standard below 10%.
12. In terms of people on waiting lists for disabled-friendly housing, many local authorities do not have a separate waiting list for disabled-friendly housing and the level of accessibility required differs widely between applicants. Many local authorities reported their figures as a number rather than a percentage. Moray Council reported the highest reported percentage (22%) of people on a waiting list seeking ‘accessible’ (i.e. ground floor) accommodation. Argyll and Bute, Fife and South Lanarkshire Councils reported figures below 10%.

13. Not all local authorities were able to say how many people were accommodated in disabled-friendly housing and those that could did not necessarily report figures as a percentage. Many reported figures that included accommodation with some adaptions, not just full wheelchair accessibility. The highest reported percentage was by Moray Council (26%), whilst Argyll and Bute (21%), Fife (21%) and Midlothian (11%) Councils reported figures in a similar range. It was also noted that once someone is housed in disabled-friendly housing, it can be a long time before that property is made available again.

Voluntary Targets

14. Some local authorities have adopted their own targets for building accessible homes, although the targets vary considerably and often apply to the public and/or ‘affordable’ sector only. For example, Fife Council (30%) and South Lanarkshire Council (30%) reported targets at the higher end. Aberdeenshire Council (15%), Midlothian Council (12.5%) and Dundee Council (10%) had targets at or slightly above the level suggested by the petitioner. Whilst North Ayrshire Council (3%) had a target for new affordable housing below the petitioner’s proposed target.

15. Notably, Moray Council has approved an Accessible Housing Supplementary Guidance, which will require 10% of developments of 10 or more units in new private sector housing to be built to the full wheelchair accessible standard.

Action

16. The Committee is invited to consider what action it wishes to take. Options include –

(i) To write to the Scottish Government asking whether it considers local authorities are provided with adequate guidance about how to assess accessible housing demand in the private, as well as public, housing sector; whether it views the action taken by some local authorities to develop voluntary targets as a positive development; and whether it considers more could be done to promote the benefits of taking action on both of these issues;

(ii) To take any other action it wishes to take.