The Committee will meet at 10.00 am in Committee Room 1.

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

   **PE1471** by Rachael McCully MSYP, on behalf of the Scottish Youth Parliament, on young people’s hospital wards

   and take evidence from—

   Rachael McCully MSYP;

   and will then consider—

   **PE1467** by Andrew McGowan MSYP, on behalf of the Scottish Youth Parliament, on a Scottish living wage recognition scheme

   and take evidence from—

   Andrew McGowan MSYP;

   and will then consider—

   **PE1470** by Lauren King MSYP, on behalf of the Scottish Youth Parliament, on a young carer’s grant

   and take evidence from—

   Lauren King MSYP.

2. **Consideration of a current petition:** The Committee will consider—

   **PE1367** by Andrew Deans MSYP, on behalf of the Scottish Youth Parliament, on banning Mosquito devices
and take evidence from—

Andrew Deans MSYP.

Anne Peat
Clerk to the Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5186
Email: Anne.peat@scottish.parliament.uk
The following papers are attached for this meeting—

**Agenda item 1**

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**Agenda item 2**

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Scotland’s Commissioner for Children and Young People Letter of 22 January 2013  
Scottish Government Letter of 13 December 2012  
Petitioner Letter of 11 February 2013
Public Petitions Committee

5th Meeting, 2013 (Session 4), Friday 1 March 2013

PE1471 on young people's hospital wards

Note by the Clerk

PE1471 – Lodged 17 February 2013
Petition by Rachael McCully MSYP, on behalf of the Scottish Youth Parliament, calling on the Scottish Parliament to urge the Scottish Government to establish specific young people’s wards or rooms in hospitals for adolescents, and to ensure that staff receive adequate training to support young people’s mental and emotional needs in hospital.

Link to petition webpage

Purpose

1. This is a new petition that the Committee is asked to consider and decide what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

Background – the following information is taken from the SPICe briefing

2. The Scottish Government published ‘Better Health, Better Care: Hospital services for children and young people’ (‘HSCYP’) in May 2009. This noted that:

   - Young people make up 10% of the Scottish population and are responsible for around 4% of hospital admissions (49,000 per annum) (based on data from 2005-06 and 2006-07).

   - The specific developmental, emotional and psychosocial needs of adolescent patients are well recognised but have traditionally been poorly addressed by the hospital services and facilities provided in the UK.

3. The admissions data presented in HSCYP is split by specific age groups (12-15 and 16-19), which is not readily available, and thus an update would require a request to be made to ISD Scotland. However, the ISD Scotland website does contain data for children aged 14 and under who have been discharged from an acute hospital. A summary of the number of discharges (episodes) concerning patients aged 10-14, by year and split by patient type, is presented in the following table:
4. The data above illustrates the fact that those aged 10-14 will be admitted to an acute hospital for a variety of reasons, though the key reasons are for emergency inpatient care and planned day cases, which together accounted for nearly 80% of episodes in 2011-12. The total number of episodes has fallen by 12% amongst this age group between 2007-08 and 2011-12. Out of the 10,022 elective day case and inpatient episodes in 2011-12, data from ISD Scotland\(^1\) shows that the main diagnoses were: diseases of the digestive system (2,367 episodes); neoplasm (909 episodes); and, diseases of the musculoskeletal system and connective tissue (848 episodes). In addition, 1,190 episodes concerned factors influencing health status and contact with health services, which includes admissions for examination, observation, immunisation and stoma care.

**Scottish Government Action**

5. Recent policy in this area was stimulated by Professor David Kerr's 'National Framework for Service Change in the NHS in Scotland Building a Health Service Fit for the Future' (‘the Kerr Report’), published in May 2005. The issue was addressed in the second volume of the report. This found that, at that time, there was no national policy relating to age, with practice differing across Scotland. It also noted that the Children (Scotland) Act 1995 defined a child as a person under the age of 18 years, for the purpose of support services, including the NHS. Reflecting on this the report stated:

   “The health care needs of children and young people up to the age of eighteen should be properly assessed and care provided in an appropriate environment by trained staff. But we know that children have a range of needs and accordingly we advocate a set of guiding principles rather than a hard and fast rule.” (p181).

6. It made two key recommendations:

   1. That NHS Scotland adopts the guiding principle that the age for admitting children and young people to acute care in paediatric facilities is up to their 16th birthday, dependent upon their clinical need and patient choice.

   2. For young people between the ages of 16 and 18 there should be discussion with their clinician(s) regarding where their care is best

\(^1\) ISD Scotland ‘Discharges (Elective) from acute hospitals by Main Diagnosis; children aged 14 and under’
delivered, recognising their right of choice, unless there are clear clinical reasons which determine whether admission is to paediatric or adult services.

7. Both of these are commitments which the NHS continues to work towards (see below). In terms of the provision of services to adolescents, it recommended that each NHS Board area should review its services for young people and develop proposals for age appropriate care and arrangements for transition from child to adolescent and adolescent to adult care.

8. Since this point there have been a number of initiatives to progress these issues, most notably:

- The ‘National Delivery Plan for Children and Young People’s Specialist Services’ (the National Delivery Plan) (Scottish Government, 2009)

9. These initiatives have also sought to promote training for hospital staff to enable them to better support young patients while they are in hospital.

10. One of the actions in the National Delivery Plan was to publish guidance for NHS Boards on age appropriate care arrangements for young people. This was fulfilled in May 2009 with the publication of HSCYP. What HSCYP stated in regards to the key points made by the petitioner is outlined below, together with updated information obtained from the Scottish Government.

**Hospital admission policies**

11. HSCYP (p 9) stated that, across Scotland the substantial majority of children aged 12 were admitted to children’s facilities, whilst the majority of young people aged 16 and over were admitted to adult facilities. However, it added that “policy and practice in the age group 13-15 years is inconsistent with considerable variation between regions, hospitals and individual specialty services throughout the country”.

12. The Scottish Government\(^2\) has advised that NHS Scotland continues to be committed to moving the upper age limit for its children’s hospital services from the 13\(^{th}\) to the 16\(^{th}\) birthday, with some flexibility up to 18 years. However, it added that the change will not be fully in place across Scotland until the new hospitals in Edinburgh and Glasgow are completed.

**Dedicated adolescent facilities**

13. In terms of dedicated in-patient adolescent facilities\(^3\), HSCYP (p 9) notes that, at the time, outwith adolescent mental health, there were no formally constituted

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\(^2\) Personal communication 21 February 2013.

\(^3\) HSCYP does refer to a range of social and recreational facilities that many hospitals do provide for young people.
adolescent units in Scotland, though it also pointed out that a 6-bedded unit had been opened in the Beatson Oncology Centre, Glasgow. Nevertheless, it did provide examples of where some units had made some provision for adolescent patients. Through the HCYP (p 23) NHS Boards were to be asked to: review the pattern and volume of adolescent admissions to identify opportunities for creating adolescent facilities; consider the possibility of creating adolescent facilities accessed by both adult and children’s services where this is appropriate and enhances viability; and, ensure the key elements of age appropriate care are addressed in all settings where young people are routinely admitted. The Scottish Government\textsuperscript{4} has advised that it does not do not have information on how many adolescent facilities have been created.

Staff training

14. Throughout the HCYP there are references to the necessity of ensuring staff are appropriately trained to support children. The Scottish Government\textsuperscript{5} has advised that it does not have information on the staff training that has taken place following publication of HSCYP. One of the commitments from the National Delivery Plan was the NHS National Education for Scotland should undertake an analysis of staff training needs in relation to adolescent care. The Scottish Government\textsuperscript{6} has advised that NHS Education for Scotland has produced a training resource for staff who work with adolescents.

Scottish Parliament Action

15. No reference can be found to the specific issues raised by the petitioner having been considered by any Committee of the Scottish Parliament or through debate.

Action

16. The Committee is invited to consider what action it wishes to take in respect of this petition. Options include—

(1) To seek any information. For example, the Committee may wish to ask:

The Scottish Government
NHS Boards
Action for Sick Children Scotland

• What are your views on what the petition seeks?

(2) To take any other action which the Committee considers appropriate.

\textsuperscript{4} Personal communication 21 February 2013.
\textsuperscript{5} Personal communication 21 February 2013.
\textsuperscript{6} Personal communication 22 February 2013
Public Petitions Committee

5th Meeting, 2013 (Session 4), Friday 1 March 2013

PE1467 on a Scottish living wage recognition scheme

Note by the Clerk

PE1467 – Lodged 28 February 2013
Petition by Andrew McGowan MSYP, on behalf of the Scottish Youth Parliament, calling on the Scottish Parliament to urge the Scottish Government to set up a recognition scheme to recognise employers that pay a Scottish Living Wage.

Link to petition webpage

Purpose

1. This is a new petition that the Committee is asked to consider and decide what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

Background – the following information is taken from the SPICe briefing

2. A ‘living wage’ is defined as a level of earnings sufficient to enable those working to purchase a ‘basket’ of goods and services that a family needs to buy in order to reach a minimum acceptable standard of living. The basket of goods, and the resulting living wage calculations, draws on research undertaken by the Living Wage Foundation and the Centre for Research in Social Policy at Loughborough University. The living wage is currently set at £7.45 per hour for those in Scotland (The Poverty Alliance 2012). The relevant wage rate is uprated periodically to reflect changing price levels and living standards.

3. In comparison, the national minimum wage is currently set at £6.19 per hour for those aged 21 and over. However, lower rates apply for apprentices (£2.65 per hour), those aged under 18 (£3.68) and those aged 18 to 20 years (£4.98) (UK Government 2013).

4. Research commissioned by KPMG from Markit published in October 2012 estimated that 18% of workers in Scotland are paid less than the living wage (390,000 employees). By job type, the research indicates that the activities with the highest proportion of workers paid below the living wage are bar staff (90 percent) and waiters/waitresses (85 percent) – though by number of workers the most affected people are sales and retail assistants.

5. On a UK-wide basis, the Living Wage Foundation offers an accreditation for living wage employers. Accreditation is managed by Citizens UK and provides employers with a licence to the living wage employer mark. It is open to employers already paying the living wage, or those committed to an agreed timetable of implementation. Accredited Living Wage Employers are recognised at the annual Living Wage Awards. Other more local accreditation schemes are
also in place such as Glasgow City Council’s [Glasgow Living Wage Employer Award](#).

**Scottish Government Action**

6. The Scottish Government states that it fully supports the principles of the Living Wage Campaign and incorporated the requirement to pay a minimum living wage of £7.15 per hour into its pay policy in 2011-12. This was uprated to £7.45 in November 2012 ([Scottish Government](#) 2012). Arrangements for Modern Apprentices may vary. The Scottish Government pay policy covers wage levels for around 30,000 staff including; most civil servants in central government, government agencies, non-departmental public bodies (NDPBs) and NHS Executive and senior management.

7. The Scottish Government does not have direct control over all public sector employees. Local authorities and the NHS account for the majority of the staff within the public sector who are not directly covered by the Scottish Government’s pay policy. Together these two groups account for three quarters of public sector employees in Scotland. NHS Scotland pays all directly employed staff the living wage or above and, as at January 2013, 20 of the 32 local authorities in Scotland had living wage policies in place ([The Poverty Alliance](#) 2013). It is worth noting that in November 2012 the Convention of Scottish Local Authorities (CoSLA) made an offer to trade unions as part of the pay deal to introduce a Living Wage of £7.50 across all councils ([CoSLA](#) 2012).

8. Through the consultation on the Procurement Reform Bill, the Scottish Government consulted on matters concerning the living wage through procurement. In particular, it questioned whether or not procurement activity should be used to encourage contractors to pay the living wage to their employees engaged in the delivery of public sector contracts ([Scottish Government](#) 2013). The Procurement Reform Bill has not yet been introduced.

**Scottish Parliament Action**

9. The Local Government and Regeneration Committee held an inquiry into a living wage in Scotland in December 2011. The Committee published its [report](#) on the Living Wage in Scotland on Friday 3 February 2012. While the Committee was broadly supportive of the campaign for a living wage, it recognised that decisions on whether or not to introduce the living wage are influenced by a complex range of factors, difficulties and unresolved issues. It also acknowledged that current economic circumstances bring additional pressures on public, private and voluntary sectors, which do not lead to conditions that are generally favourable in respect of the likelihood of wider introduction of the living wage. The Committee considered the option of establishing a living wage unit within the Scottish Government to input into policy and be a source of advice to employers. It took the view that the co-ordination and mainstreaming of work on the living wage across different strands of government was more important than there being a dedicated unit.
10. In August 2012 John Park MSP lodged a proposal for a Bill to require private sector employees working on public sector contracts to be paid the Living Wage; and/or (b) require the Scottish Ministers to prepare and report to the Parliament on a strategic plan to promote the Living Wage. A consultation on the Bill was undertaken, but the proposal was withdrawn in December 2012 at the time of his resignation (Scottish Parliament 2013).

**Action**

11. The Committee is invited to consider what action it wishes to take in respect of this petition. Options include—

   (1) To seek any information. For example, the Committee may wish to ask:

   Scottish Government
   COSLA

   - What are your views on what the petition seeks?

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

5th Meeting, 2013 (Session 4), Friday 1 March 2013

PE1470 on a young carer’s grant

Note by the Clerk

**PE1470 – Lodged 17 February 2013**
Petition by Lauren King MSYP, on behalf of the Scottish Youth Parliament, calling on the Scottish Parliament to urge the Scottish Government to establish a Young Carer’s Grant for carers in full-time education or under the age of 18.

[Link to petition webpage](#)

**Purpose**

1. This is a new petition that the Committee is asked to consider and decide what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

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

2. There are different estimates of the number of young carers. The 2001 census identified 16,701 young people in Scotland as providing some unpaid care ([Scottish Government, 2010](#)). The school census identified 441 young carers ([table 1.8, supplementary data](#)). However, the Young Carers Strategy gave a profile of young carers which estimates that there are around 100,000. Around a third are aged 16 - 17 years old. Half of all young carers care for someone with a physical disability and half of all young carers care for a person for more than 10 hours a week.

3. In terms of financial support, the household may be in receipt of a variety of benefits perhaps linked to the adult who is in need of care. The following relates to money that a young carer might receive in their own right.

   - Education Maintenance Allowance (EMA) of £30 per week for those aged 16 to 19 in education. This isn’t specific to young carers, but ‘vulnerable’ young people are entitled to extended support up to age 21.

   - College and University Discretionary funds for students who need extra support. This isn’t specific to young carers, but might include them depending on circumstances and available funds.

   - Carers Allowance of £58 if over 16 years and caring for more than 35 hours a week and not in full time education.

4. Further background on unpaid carers generally is available in this [SPICe briefing](#) (2009). (Note, this predates the current Young Carers Strategy and welfare reform).
5. The Care 21 project on the future of unpaid care in Scotland was a Scottish Executive-funded study of statutory and voluntary sector stakeholders on how to meet the future needs of unpaid carers in Scotland. It made 22 recommendations including that benefit entitlements should be reviewed. The then Scottish Executive responded to the Care 21 Report in 2006, setting out priority actions in areas including respite, young carers needs, carer training and improving carers' health. On benefit provision, the Scottish Executive said they had written to UK Ministers. They also said they would develop a strategy on young carers.

6. The following looks at more recent policy initiatives.

**Scottish Government Action**

7. *Getting it Right for Young Carers* is a joint strategy from COSLA and the Scottish Government for 2010-15. It does not have a particular focus on financial payments to young carers. It focuses instead on improved identification of carers, carer assessment, information and advice for carers, carer health and wellbeing, carer support and carer participation. It is supported by a multi-agency Implementation and Monitoring Group. The 2011 annual report on the strategy described progress on all ten 'headline commitments.' The one most relevant to this petition is the manifesto commitment to ensure that EMA takes account of the needs of young carers.

“We will also work to ensure the EMA takes account of the needs of young carers, with more flexibility to recognise the particular pressures that some youngsters face balancing school and caring responsibilities.”

**Education Maintenance Allowance**

8. The Educational Maintenance Allowance is a devolved benefit for those at school or college aged 16 to 19 and is not taken into account in the calculation of UK benefits. It provides £30 per week for families with incomes under around £20,000.

9. Vulnerable young people are entitled to up to 4 years (up to age 21) of EMA and there is further flexibility in their attendance pattern and type of course. See EMA Business Model para 2.1.2. While Looked After children and care leavers are automatically provided with this flexibility, local authorities have discretion about who else they define as ‘vulnerable’. Guidance does mention those with caring responsibilities. This shows that the principle already exists of adapting EMA criteria to take account of special circumstances. It would not however meet the petitioner’s wish to cover those under 18 but not in education or those under school leaving age.

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1 This is one of a number of commitments to carers made in the 2011 Manifesto
**Additional Support for Learning and Young Carers Annual Report**

10. The Scottish Government is required to report annually to Parliament on the implementation of the additional support for learning legislation. Published on 18th February, the report highlights a range of actions to support young carers in education including:

- funding the [Scottish Young Carers Services Alliance](#) to provide ‘toolkits’ for schools.
- publishing the Young Carers Authorisations Card in six health boards to make it easier to share information with a carer about the person they care for.
- funding the College Development Network to identify and support carers in further education.
- funding health boards to develop carer information strategies.
- funding the young carers festival.

11. The report highlights good practice in addressing the additional support needs of young carers in schools in five local authorities.

**Youth Employment Strategy (2012)**

12. The Scottish Government’s youth employment strategy includes a focus on young carers. They will,

> “provide flexible support including incentives to employers to support 16-24 year olds from disadvantaged groups such as care leavers and young carers into jobs including Modern Apprenticeships.”

13. As a result, Skills Development Scotland is offering a £1,500 [employer recruitment incentive](#) for certain groups of young people, including young carers.

**Scottish Parliament Action**

14. In 2008, the Equal Opportunities Committee held two roundtable meetings on the topic of unpaid carers. This was followed by a chamber debate on 25 February 2009 (S3M-3261).

15. A [Carers Parliament](#) was held at Holyrood in September 2012. There is a [cross party group](#) on carers which last met on 20th February 2013 where the discussion was on young carers.

**Action**

16. The Committee is invited to consider what action it wishes to take in respect of this petition. Options include—

   (1) To seek any information. For example, the Committee may wish to ask:
Scottish Government
COSLA
Scottish Young Carers Services Alliance

- What are your views on what the petition seeks?

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

5th Meeting, 2013 (Session 4), Tuesday 1 March 2013

PE1367 on ban Mosquito devices now

Note by the Clerk

**PE1367 – Lodged 15 October 2010**

Petition by Andrew Deans on behalf of the Scottish Youth Parliament calling on the Scottish Parliament to urge the Scottish Government to ban the use of the ‘Mosquito’ and other such devices which emit a loud, unpleasant, high-pitched noise designed to be heard only by those under 25.

[Link to petition webpage for written submissions, written questions asked, SPICe briefing and previous consideration.]

**Purpose**

1. Although this petition was considered at the meeting on 19 February 2013, the Committee decided to put it and the correspondence from Scotland’s Commissioner for Children and Young People, the Minister for Children and Young People and the petitioner on the agenda again for the joint sitting with the Scottish Youth Parliament. The Committee is invited to consider the correspondence and confirm what action it wishes to take on this petition.

**Background**

2. The Mosquito device is manufactured by [Compound Security Systems](#). It is an electronic device capable of emitting a high frequency sound which can generally be heard only by young people (typically those below 25 years of age) as the ability to hear high frequencies deteriorates with age. The Scottish Youth Parliament (SYP) has been involved in moves to ban the use of the Mosquito and similar devices for a number of years. A campaign to ban the device was launched in 2008 by the Children’s Commissioner for England. Moves at a European level to ban the use of the Mosquito and similar devices were reported in 2010. The [SPICe briefing](#) (from November 2010) sets out further background information.

3. As sales tend to be through installers or re-sellers information on the number of devices sold for use in Scotland is not available. The manufacturer expects the figure to be around a hundred (excluding what police and local authorities may have bought between 2006 and 2008, the first couple of years).

4. The petition was carried over from Session 3. At the meeting of the previous Committee on **8 March 2011**, Fergus Ewing, the then Minister for Community Safety, said "the Scottish Government does not support and has never supported the use of the devices" and confirmed that contact had been made

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1 Communication with the Clerk 26 March 2013.
with the UK Government with a view to determining where the relevant powers lay and how they could be employed and how the Scottish Government could work with the UK Government on this issue.

Current consideration

5. There was an evidence session on 21 February 2012 with, Howard Stapleton the Managing Director of Compound Security Systems, Lisa Sturgess of the National Autistic Society and Andrew Deans MSYP (the petitioner). Mr Stapleton had been campaigning for legislation to be passed to ensure that the Mosquito Device was used responsibly. He was disappointed that no action had been taken by the United Kingdom Government or Parliament. He would like to see legislation allowing local authorities to decide that the device could be used in the short term and operated by a responsible person who had received appropriate training.

6. The National Autistic Association was concerned about the discriminatory effects that the device could have on the autistic population and would welcome a ban on the use of the devices.

7. Andrew Deans did not favour regulation and did not think it would matter whether the device was regulated or not because “as soon as you switch on one of the devices, there is discrimination, and that is not acceptable.”

8. On 30 October 2012 the Committee held an evidence session with the Minister for Community Safety and Legal Affairs. The Committee agreed to write to the Minister for Children and Young People and Scotland’s Commissioner for Children and Young Peoples Commissioner bringing the transcript of the evidence session to their attention and seeking their views.

9. Responses have been received. The Scottish Youth Parliament intends to collate more evidence and the Children's Commissioner has committed to undertaking work in this area including gathering evidence. His intention is to report back to this Committee by mid-2014.

Action

10. The Committee is invited to confirm that it wishes to defer consideration of this petition again until the Scottish Youth Parliament has gathered further evidence including information on whether Mosquito devices have been withdrawn or banned in any other European country.