

Public Petitions Committee
3rd Meeting, 2017 (Session 5)
Thursday 9 February 2017

PE1319: Improving youth football in Scotland

Petitioner	William Smith and Scott Robertson
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to investigate the (1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years; (2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs; (3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity; and (4) appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years; and to (5) increase the educational target from 2 hours curricular physical activity to four hours per week; and (6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.
Webpage	parliament.scot/GettingInvolved/Petitions/PE01319

Introduction

1. The Committee last considered this petition at its meeting on [22 December 2016](#) when it heard from a range of stakeholders, including the SFA and SPFL. Issues covered by the Committee in that evidence session included issues directly pertinent to points (1) and (4) of the petition, which remain under consideration, and also wider issues of welfare of children and young people in football.

Submissions from the Commissioner

2. The Commissioner will give evidence to the Health and Sport Committee on 7 February in connection with its work on child protection in sport and has provided the Committee with a copy of his [written submission for that meeting](#). The Commissioner's [submission of 26 July 2016](#) has also been provided for this meeting.

Action

3. The Committee is invited to agree to reflect on the oral evidence from the Commissioner and other stakeholders at a future meeting.

Clerk to the Committee

PE1319: IMPROVING YOUTH FOOTBALL IN SCOTLAND

Petitioner	William Smith and Scott Robertson
Date Lodged	11 March 2010
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to investigate the (1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years; (2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs; (3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity; and (4) appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years; and to (5) increase the educational target from 2 hours curricular physical activity to four hours per week; and (6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.</p>
Previous action	<p>In 1995/96 the Youth Development Initiative started with players aged 14 and 15 years and was run by the Scottish Premier League.</p> <p>In 2003, the Scottish Football Association took over the operation and co-ordination of the initiative; this led to the banning of participants in the scheme representing their school football teams.</p> <p>Grassroots representatives raised concerns with the National Secretary, David Little of the Scottish Youth FA.</p> <p>At this time letters of concern were sent to SFA Chief Executive David Taylor and then Minister for Sport and Culture, Frank McAveety MSP.</p> <p>Also, concern regarding the change in Registration Procedures and use of unsanctioned SFA documents were raised. This led to Mr Sandy Bryson, SFA Registrations Secretary, writing to all SFA member clubs instructing them to stop the use of what was referred to as the 'T' form.</p> <p>MSP Kenny McAskill was involved and in 2007 in his capacity as Constituency MSP, following the continued growth of the Youth Initiative programme, a meeting was held with him and then Sport and Culture Minister Stewart Maxwell MSP. The Minister acknowledged there were issues and agreed to address these with the main stakeholders.</p> <p>Correspondence was entered into with Dr Bill Wilson MSP and SFA Chief Executive Gordon Smith, regarding the legality of contracts prohibiting the freedom of movement for youth players. MSP's Johann</p>

	<p>Lamont, Trish Godman and Iain Gray were also contacted and advised.</p> <p>HM Revenue and Customs were contacted in relation to the 'compensation' payments between SFA member clubs for youth players.</p> <p>Several meetings have been entered into with SFA staff at Hampden Park including attending the Youth Forum at Glasgow on 30 August 2009.</p> <p>A meeting with Tam Baillie, Scotland Children's Commissioner was held to discuss the legal, moral and general impact on child welfare for those who entered into the youth initiative scheme.</p>
<p>Background information</p>	<p>The SFA developed a programme some 15 years ago aimed at developing talent and producing players capable of improving the standard of Scottish football with the ultimate affect of raising the national team's performance and therefore improving the squad's participation at international tournaments. This programme was for elite young footballers.</p> <p>This scheme was initially administered by the Scottish Premier League, but was taken over by the Scottish FA around 2003. With this move came several fundamental changes, perhaps most controversially, the introduction into the programme's Terms of Reference (Section 4.4) prohibiting young players participating in the Performance Tier of the programme from representing their school football team. This led to an outcry from those involved in the educational arena and was commented on, at the time, by the Scottish Government (the 'sports' Minister Frank McAveety MSP) that it 'did not agree with this policy'.</p> <p>This fundamentally changed the relationship between children and sport. Youngsters are isolated from their peers as a result of being banned from enjoying a more relaxed game of football with their friends.</p> <p>Youngsters and their parents are often misled or misunderstand the real possibility of becoming a professional footballer. This leads the child to neglect school work or their attendance falter as they can unfortunately perceive their education to be secondary to their football. This undermines the teaching staff. Youngsters should be permitted the freedom of choice and be free to make their own decisions without fear or pressure of being released by the SFA member clubs.</p> <p>It is understood that children as young as 8 and 9 years of age are being required to sign 'Commitment' forms for SFA member clubs. These forms are unrecognised by the governing body and mislead</p>

the player and parent. The use of these forms should be ceased immediately.

At the age of 15 years players, should they wish to continue to participate in the Initiative Programme, must enter into a one year contract with an SFA member club, with the club retaining the right to 'hold' that player for a further two years. Being mindful that the child does not reach the Age of Legal Capacity until 16, can he commit to such an agreement? It would appear that allowing the club to retain the player for a further two years, restricts freedom of movement and there is an imbalance in the concord.

As per the answer the parliamentary question S3W-26317, can the public funds provided to the SFA be traced and accounted for? Can member clubs provide an audit trail to satisfy the Scottish Government that the taxpayer's money is being spent on providing the support and equipment for their young players and not used to finance other aspects of the football club?

Compensation payments are being paid between member clubs for youngsters with sums calculated by an SFA formula. This equates to approximately £3,000 per season. For example, if club A has trained and registered a player for 3 seasons and the player is no longer being selected for match play, or some issue arises hindering his progress at club A, club B must pay £9,000 for his release and allow him to continue to participate in football. These sums of money and the likelihood of the player being prohibited from playing football appear to restrict the player's freedom of movement.

Can the SFA confirm if these payments are subject to any VAT or tax payments and these payments are being made?

The youth initiative programme has grown steadily over the years, increasing the number of SFA member clubs who participate with a rise in the age groups and therefore numbers of teams and players involved. For season 2009/10, 30 clubs operating 139 teams. This equate to 2,780 players. Does Scotland have nearly 2,800 elite players?

Scotland has a population of approximately 5.1 million and we operate 30 football academies. Holland with a population of 16 million has 12 academies.

Presently the education system provides for 2 hours of physical activity per week for pupils. This target is rarely met and the lack of activity by our nation's children has a detrimental impact on their general health, but also prohibits their physical development, motor skills and basic physical literacy. By increasing this target twofold for our school children, supported by the SFA, we hope to improve the

health and condition of Scotland's youngsters.

SFA member clubs do not commit to a player's development as they can be released from their registration at anytime. This has the effect of failing to provide security for the young player and gives the clubs the opportunity to 'harvest' hundreds of players.

The alteration of the SFA Registration Procedures introduced the '7 day rule', which allows member clubs to force the release of youth players from their recreational club. This and the aforementioned issues have led to the breakdown in relationship between the professional clubs and the recreational clubs in membership of the Scottish Youth FA.

Finally, the Scottish climate appears to be getting wetter every year. The number of postponed training sessions and matches across the country has risen due to the grass pitches being water-logged, frozen is simply unplayable. This results in weeks of inactivity for our young players.

We call upon the Scottish Government to introduce a long-term plan to provide for every region in this country an artificial surface capable of hosting football training and matches.

In summing up, the Youth Initiative programme has benefited from taxpayers money, alterations to Registration Procedures and been afforded time to meet its objectives. It would appear that the programme has failed to meet the original aims.

This petition gives the Scottish Government the opportunity to seriously tackle the issues affecting our national sport across a number of strands. Football is Scotland's most popular sport – its time for us to aggressively resolve its problems and provide a platform for the nation to start achieving results.

www.realgrassroots.co.uk

Public Petitions Committee
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PE1605: Whistleblowing in the NHS – a safer way to report mismanagement and bullying

Note by the Clerk

Petitioner Peter Gregson, on behalf of Kids not Suits

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to establish an independent national whistleblower hotline for NHS staff to replace the current helpline. It would differ in that it would investigate reports about mismanagement and malpractice, often without recourse to NHS managers.

Webpage <http://www.parliament.scot/GettingInvolved/Petitions/WhistleblowerHotlineNHS>

Purpose

1. This is a continued petition, last considered by the Committee on [24 November 2016](#). At that meeting, the Committee considered submissions received on the petition and agreed to invite the Chief Executive of NHS Scotland and other relevant stakeholders including the City of Edinburgh Council, Public Concern at Work and trade unions, to provide oral evidence at a future meeting.
2. The Chief Executive of NHS Scotland will give evidence to the Committee on 2 March. Representatives of City of Edinburgh Council, Public Concern at Work and UNISON will provide evidence at this meeting. Their written submissions have been provided to members and are included in the annexe to this paper.

Submissions on the petition

Public Concern at Work (PCaW)

3. In its submission, PCaW set out the terms of its contract, and noted that “the service suggested by the petitioner is substantially different to the one [currently] provided...”.
4. The submission acknowledged that there was “much work to do in order to improve the outcomes for whistleblowers...” but provided examples of steps it has taken to help improve the experience of whistleblowers. This includes—
 - training sessions for designated officers of each Health Board and to the whistleblowing champions

- Ongoing work with the Scottish Government on recommended work plans for training and communications
5. In his submission the petitioner referred to a [BBC article](#)¹ following the publication of the [six-month review](#)² of the helpline covering the period August 2015 to January 2016, and which reported that calls to the alert line had fallen 75% since it was established in April 2013.
 6. The petitioner argued that the quotes attributed to the Chief Executive of PCaW were “substantially stronger” than that contained within the submission to the Committee.

City of Edinburgh Council

7. In its submission the City of Edinburgh Council (CEC) provided feedback on its experience of its whistleblowing hotline facility, which was introduced in May 2014.
8. The Council correspondence set out the scope of the service, how it has been promoted, and how it is managed internally. It set out how the system works in practice, covering—
 - the hotline facility and modes of contact
 - management referrals
 - categories of disclosure
 - non-qualifying disclosures
 - Whistleblowing Team role in investigations
 - investigation deadlines and alignment [with other Council procedures and processes]
 - investigation outcomes
 - quarterly reporting.
9. The submission set out the levels of support and anonymity available to whistleblowers and noted that the hotline had been “well received by the Trades Unions and has been extremely helpful in bringing certain issues to light”. The Council uses a bi-annual employee survey to measure the service, and notes that there is “a developing confidence ... that there is now a safe mechanism for reporting and that these will be investigated appropriately...”.
10. In his submission the petitioner considered that the CEC submission showed “how an effective whistleblowing scheme could work”. He suggested that the CEC would have been resistant to the change initially but that, having introduced the hotline, could “see the difference it makes”. He highlighted the “outcomes” section of the CEC submission.

¹ NHS whistleblowing helpline dubbed ‘completely toothless’. BBC Scotland, October 2016.

² NHSScotland Confidential Alert Line (NCAL) Six Month Review: 1 August 2015 – 31 January 2016.

UNISON

11. In its submission, UNISON Scotland agreed that “more needs to be done to create a culture where genuine whistleblowers are encouraged, supported and valued”. However, it considered that, rather than providing a hotline as called for by the petitioner, the introduction of an Independent National Whistleblowing Officer (INO) “located in the Scottish Public Services Ombudsman office with appropriate ombudsman functions and other powers” would strengthen the present system.
12. It argued that criticisms of the current system “need to be considered in their full context”. It put forward some factors that might account for low usage of the system in the most recent reporting period, including—
 - NHS staff are “anyway obliged ... to raise concerns internally”
 - “awareness of the helpline may be low”
 - “there is always potential for staff concerns to be ‘normalised’ because they may be ‘low level’ or regular occurrences”
 - “NHS staff may not feel that their concerns warrant a formal full scale whistleblowing referral...”
13. The petitioner noted that the UNISON submission was “quite at odds” with the position it took in relation to his previous petition PE1488, which called for whistleblower hotlines for Scottish councils. He noted that, at that time “Unison Scotland [was] sympathetic to the petition’s aims”.
14. The petitioner also considered that the UNISON submission in respect of this petition reflects the views of “bosses, rather than UNISON members” as it had not consulted members before submitting its views. He queried whether on this particular issue UNISON is “compromised” by the fact that bosses “hold a position close to that of NHS bosses”.

Action

15. The Committee may wish to reflect on the evidence heard at this meeting and consider options for action on this petition after it has heard from the Chief Executive of NHS Scotland at its meeting on 2 March.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1605/K: City of Edinburgh Council letter of 13 October 2016 \(205KB pdf\)](#)
- [PE1605/N: UNISON Scotland letter of 14 October 2016 \(165KB pdf\)](#)
- [PE1605/O: Public Concern at Work \(PcaW\) letter of 14 October 2016 \(407KB pdf\)](#)
- [PE1605/U: Petitioner letter of 9 November 2016 \(302KB pdf\)](#)

All other submissions on the petition are available on the [petition webpage](#).

**PE01605: WHISTLEBLOWING IN THE NHS – A SAFER WAY TO REPORT
MISMANAGEMENT AND BULLYING**

Petitioner	Peter Gregson on behalf of Kids not Suits
Date Lodged	22 March 2016
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to establish an independent national whistleblower hotline for NHS staff to replace the current helpline. It would differ in that it would investigate reports about mismanagement and malpractice, often without recourse to NHS managers.
Previous action	I raised the matter with Kezia Dugdale MSP, but she has not replied to my e-mail. At the time I copied in Sarah Boyack MSP, Neil Findlay MSP and Jeremy Corbyn MP so I assume they are aware of my concerns. I also raised it with Ian Murray MP.
Background information	<p>1. This hotline would build upon existing whistleblowing policies and allow staff to report bullying by managers and colleagues. It would specifically allow staff to safely report instances of:</p> <ul style="list-style-type: none"> • perceived negligence, malpractice or ill treatment of a patient/client/customer by a member of staff • disregard for legislation, particularly in relation to health and safety at work; • a breach of a code of conduct; • Systematic discrimination • Management instructions which are contradictory to safe and effective person centred care. <p>2. Reports would be taken to the local NHS Boards for action and considered confidentially. If the whistleblower felt those Boards had failed to act, he or she would have recourse to the national Whistleblowing champion.</p> <p>3. It would be the responsibility of each Board's Whistleblowing Champion to protect whistleblowers from retribution, to ensure their concerns were being considered and to ensure an annual whistleblowing report was compiled.</p> <p>4. It would be the responsibility of the hotline provider, upon receiving the initial call from a member of the staff, to determine whether a concern was of a "major/significant" or "minor/operational" nature. If the former, the provider would always be responsible for the investigation and reporting of that concern to the local Board, whilst in the latter scenario they will have discretion to ask an NHS manager to</p>

investigate and report back to them.

5. This hotline would replace the NHS Scotland National Confidential Alert Line, which is a helpline, not a hotline and is widely seen as ineffectual. A hotline passes reports back to a designated person; a helpline offers advice on whether and how employees can raise a whistleblowing concern.

6. A high level summary of these hotline calls will be published in each board's Annual Review.

7. The hotline would have the power to investigate current disclosures and ongoing cases as well as new ones.

Current NHS practice

The Scottish Government states that Health Boards have a responsibility to ensure that:

- Staff are actively encouraged and supported to report any concerns about patient safety or malpractice they may have;
- all reported concerns are investigated in a timely and appropriate way;
- the staff member is supported and updated on progress throughout the process; and,
- the outcome is fed back to the member of staff who raised the concern, and any resultant recommended actions are progressed by the Board.

The Government's arrangements for regional board Whistleblowing Champions is that they have a critical oversight and assurance role in making sure that these responsibilities are acted upon effectively, and where not, they must bring these issues to the attention of the Board.

Furthermore, in response to the 'Freedom to Speak Up Review' the Scottish Government has made a commitment to develop and establish the role of an Independent National Whistleblowing Officer to provide an independent and external level of review on the handling of whistleblowing cases in NHSScotland. Such a National Whistleblowing Officer might supervise the award of the hotline provider contract and help monitor their effectiveness.

Each Board holds an Annual Review which allows the Scottish Government to assess each Health Board's performance; the associated public meeting allows members of the public to ask questions about health services in their region.

Board members include those from the voluntary sector and politicians from the local authorities. Both clearly have the wider public's interest at heart. Politicians, being elected, are more

accountable and more likely to push for action on reports. (In Lothian there are 24 Board members, 4 of whom are Councillors, one from each of the local authorities that comprise Lothian Region).

Why a hotline?

Good intelligence is often the best defence against poor health practices and there is no better source of this information than from employees. Bad behaviour often goes undetected because employees fear the consequences to themselves and others of reporting bad practice through existing internal channels.

Research suggests that employees place greater trust in a whistleblowing procedure which is not part of their employing body. An independent whistleblowing hotline not only provides a mechanism for exposing systemic fraud, it also serves as a useful catalyst for capturing other corrupt practices, such as discrimination and bullying, which can have an equally debilitating effect on health board performance and reputation.

The Institute of Business Ethics noted in their "Speak Up Procedures" (2007) the company practise whereby important whistle-blower reports are escalated to corporate Audit & Risk Committees. It appears that big finance companies don't let hotlines report to senior management but to Board members. Obviously managing risk is their business and if it's good enough for them, it should be good enough for the public sector too.

By giving Health Board members, including Councillors, the facility to hear hotline reports directly, power can be returned to those who are elected to serve the public interest. This petition's approach gives politicians and the boards the opportunity to properly manage risk and ensure whistleblowers are treated properly.

The current NHS helpline, the National Confidential Alert Line for NHS workers, was launched in April 2013 to allow staff in Scotland to raise their concerns about bad practice in their workplace. But it has been branded "a waste of time" by campaigners. Patients First, said: "It is a complete waste of time. We have tried it out a few times. The people who called found it was hopeless. People who call are being told 'tell your manager, speak to your union'. They don't have any power, so all they can do is advise you." The inadequacy of the helpline was further highlighted in the Herald newspaper two months ago (29th Dec 2015) where a former psychiatric nurse and whistleblower branded the current system as "useless".

The Bowles report of May 2012 was titled "Investigation into Management Culture in NHS Lothian". It followed concerns about the manipulation of waiting list times. One of the organisational problems it logged was that staff had not used the Board's whistle-blowing and

other procedures to raise concerns, apparently for a number of reasons including a lack of confidence in their application at senior level and concerns about reprisals.

This petition seeks to tackle the widespread dissatisfaction with current arrangements. As Nicolas Chamfort said, too often "We leave unmolested those who set the fire to the house, and prosecute those who sound the alarm."

What a hotline might tackle

The 2014 NHS Scotland Staff Survey, asked staff about their being provided with a continuously improving and safe working environment, and promoting the health and wellbeing of staff, patients and the wider community. 23% of staff did not believe it was safe to speak up and challenge the way things were done if they had concerns about quality, negligence or wrongdoing by staff. Only 57% thought it was safe.

Staff were asked if they had experienced bullying/harassment in the past 12 months from their manager or from other colleagues. 9% of those who responded said that they had experienced bullying/harassment from their manager and 15% said that they had experienced bullying/harassment from other colleagues.

Of those respondents who said that they had experienced bullying/harassment, 37% said they had reported it.

The most commonly identified reasons for non-reporting were:

- I felt nothing would happen (87%)
- I feared what would happen if I did report it (78%)
- I was concerned about confidentiality (76%).

Fewer than two in five respondents (37%) who reported the bullying/harassment they experienced were satisfied with the response they received.

The whistleblowing hotline would allow reports of bullying and harassment to be reported and investigated by the hotline provider, with a report submitted to the Regional Health Board if necessary.

Cost of hotline to NHS Scotland

NHS Scotland has 160,000 staff, so the annual cost of an independent investigating hotline provider could come to £450K. But the cost should be set against the NHS Scotland annual budget of £12 Bn. To understand the cost/benefit ratio for such a scheme, the cost of a hotline should be considered in the light of savings it should create. For instance, on the 26th February 2016 the Edinburgh

Evening News reported that “Delivery room blunders had cost NHS Lothian £12m”. The cost of the hotline would be relatively miniscule if it helped minimise such blunders.

Edinburgh Council hotline

The new national hotline should seek to mimic the success of the independent hotline at the City of Edinburgh Council which reports to the Governance, Risk & Best Value Committee. It is run by an independent external company.

Edinburgh is the only local authority in Scotland to have this independent hotline to take staff reports of mismanagement and malpractice. It came about after we petitioned the Council’s Petitions Committee.

The hotline has been in place since May 2014 and was recently lauded by the Council in its Whistleblowing Annual Report : “Many of the recommendations that have resulted from investigations have led to amendments to policy, improvements to procedures and processes, the development and sharing of best practice and improved service delivery.”

In August 2015, the Finance & Resources Committee agreed that the hotline was valuable and had led to the investigation of matters that would otherwise not have come to light. The Committee considered an externally produced report which assessed the service. That report stated that all those interviewed considered that there was value in having an external whistleblowing service and that such an arrangement should continue. The Committee agreed that the hotline should continue.

Support

This petition is supported by the Scotland Patients Association, the UK Patients Association and Action for a Safe & Accountable People’s NHS (ASAP NHS). NHS Lothian UNITE Branch have passed a motion which includes the call for “Establishment of an independent Whistleblowing hotline to record, monitor and inform the regulator regarding issues to investigate reported cases of wrongdoing.”

Conclusion

To conclude, this petition aims to complement existing Regional Health Board whistleblowing policies and sits alongside the Scottish Governments call for every Health Board to appoint a Whistleblowing Champion.

This petition is one of a raft of Petitions to the Scottish Parliament

	launched in the run up to the Scottish Elections by Kids not Suits under the aegis “Vision for an emancipated healthy democratic Scotland”.
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Public Petitions Committee
3rd Meeting, 2017 (Session 5)
Thursday 9 February 2017

PE1595: Moratorium on shared space schemes

Note by the Clerk

Petitioner	Alexander Taylor
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to place a moratorium on all shared space schemes until safety and equality concerns have been addressed.
Webpage	http://www.parliament.scot/GettingInvolved/Petitions/PE01595

Background

1. This Committee last considered this petition at its meeting on 29 September when members agreed to invite the Minister for Transport and the Islands to provide oral evidence on the petition. At this meeting the Committee will have the opportunity to take evidence from the Minister and his officials. A separate briefing note on the issues raised in the petition has been provided to members.

Letter from the Minister and petitioner's submission

2. The Minister's [letter of 14 December](#) provides responses to some of the issues the Committee raised in evidence, including plans for a seminar (including a visit to a shared space scheme) and an update on the approach taken by Sustrans to funding shared space schemes. On this latter point, the Minister's letter indicated that Sustrans would write separately to the Committee.
3. In [his submission](#), the petitioner makes a number of observations on experience of the shared space development in Kirkintilloch and the nature of information that the report from the Chartered Institution of Highways and Transportation.
4. The petitioner also makes comment on the exact interpretation of Sustrans' position on issue of shared spaces and controlled crossings.

Action

5. The Committee is invited to consider what action it wishes to take on the petition. Options include—
 - seeking clarification from Sustrans on the basis of the information contained in the letter from the Minister and the petitioner's submission
 - asking the Scottish Government for an update on indicative timings for the seminar

- any other action the Committee wishes to take.

Clerk to the Committee

PE1595: MORATORIUM ON SHARED SPACE SCHEMES

Petitioner	Alexander Taylor
Date Lodged	18 December 2015
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to place a moratorium on all shared space schemes until safety and equality concerns have been addressed.
Previous Action	<p>I have written to MSPs, MPs and Scottish ministers, including the Minister for Transport, who all tell me that this is a Local Government issue and that they cannot intervene.</p> <p>The petition stems from my experience with East Dunbartonshire Council with whom I have tried to engage during the past 15 months over a proposed Shared Space Scheme in Kirkintilloch without success. As a member of the National Federation of the Blind I am able to get information on the many schemes throughout the country and I have informed all local Councillors on a regular basis of all the many accidents which have taken place where schemes have been introduced.</p> <p>I have the support of East Dunbartonshire Visibly Impaired peoples Forum, The National Federation of the blind, The RNIB, The Access Panel, The Scottish Disabled Equality Forum, Visibility, Deaf Blind Scotland, Guide Dogs UK, All the local traders, Parents whose children attend local schools, together with 99% of the public, yet we are being ignored.</p>
Background Information	<p>"Shared space" schemes are designing many blind, deaf-blind, disabled, and other vulnerable people out of their Town Centres as due to uncontrolled Courtesy Crossings they can no longer access their High Street.</p> <p>Questions about the impact of shared spaces and their impact on blind people and others have been raised in the both houses of the UK Parliament and I am aware of at least 70 reports from across the UK detailing the dangers that shared space schemes can present, including fatalities and injuries suffered by vulnerable pedestrians. A paper for the Institute of Civil Engineers (available online at http://eprints.uwe.ac.uk/17937/8/tran1200047h.pdf) has also questioned the evidence base for the introduction of these schemes.</p> <p>WHAT IS A SHARED SPACE SCHEME?</p> <p>"Shared space" is a design approach which aims to reduce the impact of motor traffic in places used by pedestrians.</p>

Robert Goodwill MP, in his previous role as Parliamentary Under Secretary at the Department for Transport, has defined a shared space as follows—

"This is a design approach which aims to reduce the impact of motor traffic in places used by pedestrians. Courtesy crossings can form part of a shared space scheme, but they are not a requirement and there will be places where provision of formal crossings is more appropriate.

There is no single definition of 'shared space' - it is a spectrum covering many types of design, which aims to reduce the impact of motor traffic in places used by pedestrians. The phrase 'shared space' is often used as shorthand to describe a 'level surface' - the situation where kerbs are removed and there is a single surface used by pedestrians and vehicles. However, this can be misleading as a level surface is not a requirement for a shared space scheme. Kerbs can still be retained, and the decision on whether to do so is for the local authority to make.

Because shared space is an umbrella term, rather than a definition of a particular road type, there are no specific rules (including any for who has priority) associated with it. Pedestrians should treat it as any other road, using the advice for pedestrians given in the Highway Code.

Nor is there any formal definition of a 'courtesy' crossing, but they are similar in principle to informal dropped kerb crossings, which can be used to provide a crossing place where a controlled crossing is not justified.

Pedestrians have no explicit right of way in law at uncontrolled crossings, and in the event of an incident at such a crossing, it would be for the courts to determine where liability lay.

Pedestrians do have a right of way at formal crossings, which include zebra, pelican and puffin crossings. Drivers must stop at a red light to allow pedestrians to cross where facilities are provided, or must give way at zebra crossings to anyone on the crossing. Advice on crossing the road is given in Highway Code, both for formal controlled crossings and for situations in which no formal crossing place is provided. We last updated the Highway Code in September 2007 and we currently have no plans to amend it.

The design of traffic management schemes, including decisions on what type of crossing to provide, is the responsibility of local authorities."

The Scottish Government document "Designing Streets: A Policy

Statement for Scotland" details a number of different crossings stating that signalised crossings are preferred by older people and people with visual and mobility impairments. This document also states that 'inclusive design should be a first principal in street design' and it refers the user to their legal requirements under the Disability Discrimination Act 2005, the PAN 78 Inclusive Design document and the Disability Discrimination Act: Good Practice Guide for Roads. The document also states that those who fail to observe the requirements of the Disability Discrimination Act 2005 will be at risk of a claim. It also mentions briefly shared space and refers users to the Department of Transport guidance note 1/11 "Shared Space" and states that the final outcome of that document should be taken into account when considering shared space. The guidance note had not been published when Designing Streets came out and as far as I can see has not been assessed for the Scottish situation.

The Mobility and Access Committee for Scotland (MACS) raised concerns about the use of crossings and shared space when the "Designing Streets: Policy Statement for Scotland was out to consultation. In particular, in the response to Section G3.3.9 MACS reconfirmed that designers should consider the needs of disabled people especially for those who are visually impaired or less mobile. Further concerns were raised about shared space in Section G3.3.13 where MACS stated 'shared space aims to slow speed visually / mobility impaired person can still be injured. Often drivers see a visually impaired person, slow down, wave them over the road, but because the person can't see the driver waving, they get impatient and drive off'. Other concerns were raised in sections G3.3.31 and G4.2.10, with the most significant concern raised in G4.2.11 which stated MACS requests that no new Shared Surface Areas are agreed by Planners until research commissioned by the DfT is completed analysed and commented on. The MACS consultation response is available online at http://www.transportscotland.gov.uk/system/files/documents/consultations/Consultation_on_Designing_Streets.pdf

To date we cannot find evidence that MACS has analysed the 'Shared Space document 1/11' even though the issue was on MACS work plans and concerns reported in their Annual Reports. The issue of shared space was also on the MACS work plan from 2013-2015 but no name assigned to it and did not feature in the annual reports.

We cannot find any document from MACS or any other document which has analysed the impact of shared space road design in Scotland. The Transport Scotland 'Roads for All Good Practice

Guide Document' states Transport Scotland cannot support the use of zebra crossings because they are unsuitable for visually impaired pedestrians and in Section 4.4.2 explains the common misconception over blister paving, that people believe it is put there to indicate it is a safe place to cross a road. Although this document is for trunk roads the needs of blind and disabled people to cross and the legal requirement under disability legislation is the same and therefore we question how local authorities expect blind people to cross the road on courtesy crossings and without kerbs. We would like to know how shared space road design / balanced streets can be used in Scotland when MACS has not from what we can see undertaken any assessment on this design and asked for no scheme to be introduced in 2009 until assessment had been done.

I would also ask how the Scottish Government can meet two of its key strategic objectives being 'Wealthier and Fairer' and 'Safer and Stronger' identified Transport Scotland in Annual Business Plan 2014-15 with the use of shared space / balanced streets approach. I would like to ask how Transport Scotland can meet four imperatives of the Scottish Government Business Strategy with the use of shared space / balanced street design especially the 'Being the Scotland we want to see' wanting 'Access to transport for all ages and needs'. Transport Scotland Corporate Delivery Commitments 2012-14 Number 44 was for its work to 'Ensure that equalities and cultural issues underpin all of transport Scotland's activities' with 44.5 being 'To recognise the Mobility and Access committee for Scotland (MACS) as a key resource providing guidance and advice on disability issues affecting the travelling public.' If MACS have not assessed it how can Transport for Scotland fund organisations to undertake this work for local authorities?

LEGAL POSITION

As you may know, under the provisions of the Equality Act 2010 it is unlawful for a public authority to discriminate in the exercise of its public functions. This includes highways functions. Section 20(4) requires that where a physical feature puts a disabled person at a substantial disadvantage in comparison to a person who is not disabled, an Authority is required to take such steps as is reasonable to have to take to avoid the disadvantage. We consider that the arrangements currently in place for pedestrians to cross High Street's discriminates against blind and partially sighted people (and other disabled people) who are either unable to cross or face unreasonable difficulty in crossing. Council's appear to have given little, if any, thought to their obligations under the Equality Act in this matter, in particular their duty to make reasonable adjustments.

As public authorities, Councils are also subject to the Public Sector Equality Duty and are required to have "due regard" to equality outcomes in everything they do. In particular, Councils are required to ensure that they eliminates discrimination, advances equality of opportunity and foster good relations between, amongst others, disabled and non-disabled people. It is not at all clear that Councils have given any consideration to their duty to promote disability equality in relation to arrangements made for accessing High Streets. Clearly, at the very least, plans should include an assessment on the impact of schemes on equality. It is quite clear that this has not taken place and Council's appear to be relying on an overall impact assessment in relation to the Local Transport Plan. This is clearly insufficient.

In any event the duty is on-going and yet it is clear that the access concerns raised by organisations representing blind and partially sighted people have not been given any further consideration or assessed for their impact on equality. We also note that many Councils' Equality Objectives include a commitment to promote equality through the provision of fair and accessible services, which will ensure that all their customers are able to access services and facilities and that there is a robust structure in place for Equality Impact Assessments. They have clearly failed to meet these and other objectives in relation to these schemes. Legal cases are ongoing in Northern Ireland on this issue and in England, with another two cases being reviewed.

Finally, we also consider that the Human Rights Act is of relevance to this matter in that the current crossing arrangements may be considered a breach of Article 8. We further consider that the current arrangements may breach the United Nations Conventions on the Rights of Persons with a Disability in particular Articles 5, 9 and 8. The problem of shared space road design being used in the UK has been reported to the United Nations by the Equality and Human Rights Commission in December 2014 and this includes Scotland too.

We support the principles that the scheme was designed to achieve in terms of reducing traffic flow and speed and providing an improved pedestrian experience. However, these schemes have been implemented in such a way as to make them hazardous to blind and partially sighted people thereby excluding them from the High Street. We have made considerable efforts to engage with Councils on this matter and to highlight the problems experienced by blind and partially sighted people, however Councils have failed to listen. In the circumstances, we would once again request that

Councils now take steps to install controlled crossings to facilitate blind and partially sighted people's access to High Streets. Concerns were raised during this year Accessible Summit by the Transport Scotland with the only survey showing 21% people concerned over the lack of definition of pavements and road and that shared space was an issue during the regional summits held across Scotland in 2015.

CONCLUSION

Why are Councils not complying with the Equality Act 2010 and their Public Sector Equality Duty to protect disabled people by not installing controlled crossings? Why can't these new developments be inclusive and serve the needs of all, pedestrians and road users. Why is it claimed that these schemes give the pedestrian priority when the step onto the road, when Minister for Transport Mr Robert Goodwill stated in the House of Commons that the pedestrian does NOT have priority on Courtesy Crossings. Why has the Shared Space guidance 1/11 from the Department of Transport not been assessed by the Access and Mobility Committee Scotland (MACS). Why is Transport Scotland passing on all responsibility to local Councils on Shared Space when the DFT Shared Space Guidance has not been assessed by the MACS Committee. Further investigation on the policy or lack of it from this Committee should be sufficient to put a halt on Shared Space Design.

Public Petitions Committee
3rd Meeting, 2017 (Session 5)

9 February 2017

PE1610: Upgrade the A75

Note by the Clerk

Petitioner	Matt Halliday
Petition summary	Calling 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.
Webpage	parliament.scot/GettingInvolved/Petitions/A75RoadUpgrade

Introduction

1. The Committee last considered this petition at its meeting on [24 November 2016](#). At that meeting, the Committee agreed to write to the Minister for Transport and the Islands. A response has been received and the Committee is invited to consider what action it wishes to take.

Committee Consideration

2. The Minister for Transport and the Islands' submission dated [14 December 2016](#) noted that the draft report in response to the Dumfries and Galloway transport summit identifies two action points in relation to the A75.
3. The first action point is a Springholm and Crocketford village traffic management study (the A75 passes through both of these villages) to be prepared by Transport Scotland. The study report was, at that point, under consideration by Transport Scotland and to be shared with the local communities in January 2017.
4. The second action point includes giving consideration to improvements to the A77 south of Girvan, linking to Cairnryan Ferry hub and the A75 and improvements to connect Dumfries and the A74(M) in the forthcoming reviews of the National Transport Strategy and the Strategic Transport Projects Review.
5. The petitioner's written submission dated [1 February 2017](#) expressed disappointment with the Scottish Government's response. In his view, progress on addressing the condition of the A75 is too slow.
6. The Committee also received submissions from David Mundell MP dated [2 December 2016](#) and Richard Arkless MP dated [13 December 2016](#), which were supportive of the petition.

Conclusion

7. The Committee is invited to consider what action it wishes to take. Options include —
- To undertake a visit to key locations on the A75 relevant to the Strategic Transport Projects Review;
 - Any other action the Committee considers appropriate.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1610/C: David Mundell Letter of 2 December 2016 \(143KB pdf\)](#)
- [PE1610/D: Richard Arkless MP Letter of 13 December 2016 \(82KB pdf\)](#)
- [PE1610/E: Scottish Government Letter of 14 December 2016 \(62KB pdf\)](#)
- [PE1610/F: Petitioner Letter of 1 February 2017 \(10KB pdf\)](#)

All written submissions received on the petition can be viewed on the [petition webpage](#).

PE01610: UPGRADE THE A75

Petitioner	Matt Halliday
Date Lodged	13 July 2016
Petition summary	Calling 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.
Previous action	A previous petition was running on Change.Org and an action group has been set up on social media to fight for this cause. A meeting was arranged with Joan McAlpine MSP who recommended lodging a petition with the Scottish Parliament.
Background information	<p>The A75 is not only the road to Stranraer and the ferry ports of Cairnryan but, as such, is also the road to Belfast, one of the UK's capital cities.</p> <p>Due to the current design of the road and previous fact, it is a road where many differing vehicle types are thrown together often at highly differential speeds. The volume of HGVs in convoy travelling east when the ferries dock combined with the 40mph limit for those vehicles causes very high level of congestion upon the A75, a volume of traffic that was never envisioned when the current road was designed.</p> <p>Throw in even slower moving agricultural vehicles, faster moving traffic, such as cars and motorcycles, and a large amount of tourist traffic unfamiliar with the vagaries of the A75, and it is easy to see how frustration can brew carelessness on the road. A change to dual carriageway would help negate the causes of this while also preventing a conflict between vehicles travelling east with those travelling west.</p> <p>For the same reasons, the local economy would benefit by being more accessible to tourists, commerce and improved links with Northern Ireland and England. This is not to mention the benefits to the local populace in improved safety and reduced journey times, especially when there is more centralisation of health services to Dumfries resulting in journeys of up to 90 miles for some in the west of Dumfries & Galloway.</p> <p>I have come to these conclusions as a regular user of the A75 and I know for a fact that I am not alone in holding these opinions.</p>

