



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Friday 1 March 2013

Session 4

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CONTENTS

	Col.
NEW PETITIONS	1114
Young People's Hospital Wards (PE1471)	1114
Scottish Living Wage (Recognition Scheme) (PE1467)	1129
Young Carers Grant (PE1470)	1141
CURRENT PETITION	1150
Mosquito Devices (PE1367)	1150

PUBLIC PETITIONS COMMITTEE

5th Meeting 2013, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jonathan Ainslie (Scottish Youth Parliament)

Malcolm Andrews (Scottish Youth Parliament)

Rae Cahill (Scottish Youth Parliament)

Louise Cameron (Scottish Youth Parliament)

Grant Costello (Scottish Youth Parliament)

Andrew Deans (Scottish Youth Parliament)

Alex Fyfe (Scottish Youth Parliament)

Alexander Griffiths (Scottish Youth Parliament)

Sian Hughes (Scottish Youth Parliament)

Lauren King (Scottish Youth Parliament)

Scott Lamond (Scottish Youth Parliament)

Callum Lucas (Scottish Youth Parliament)

Rachael McCully (Scottish Youth Parliament)

Nairn McDonald (Scottish Youth Parliament)

Caitlin McDowell (Scottish Youth Parliament)

Toni Marie McFadyen (Scottish Youth Parliament)

Andrew McGowan (Scottish Youth Parliament)

Terri Miller (Scottish Youth Parliament)

Ashleigh O'Connor-Hanlon (Scottish Youth Parliament)

Emily Shaw (Scottish Youth Parliament)

Kelley Temple (Scottish Youth Parliament)

Kyle Thornton (Scottish Youth Parliament)

Sarah Turner (Scottish Youth Parliament)

Leona Welsh (Scottish Youth Parliament)

Adam Wilson (Scottish Youth Parliament)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Friday 1 March 2013

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

The Convener (David Stewart): Good morning, ladies and gentlemen. I am the convener of the Public Petitions Committee, and I welcome you to our hearing today. We expect that proceedings will finish at around 12 o'clock. First, I request that everyone switch off all their electronic devices. That is important because the devices interfere with our sound system, so I would appreciate your doing that. I register John Wilson's apologies.

Later, we will invite members of the Scottish Youth Parliament who wish to ask questions on the various petitions to do so. I ask those who wish to speak to put your requests to me. There will be a roving microphone, but I make a small request—to help our sound engineers and official reporting staff—that you do not speak until you have the roving mike. It would also make life easier, particularly in producing the *Official Report* of the meeting, if you could identify yourselves before you speak.

I invite Grant Costello, the chair of the Scottish Youth Parliament, to say a few words.

Grant Costello (Scottish Youth Parliament): Thank you. Four thousand, six hundred and twenty-nine days: that is how long the Scottish Youth Parliament has existed. Four thousand, six hundred and twenty-eight days: that is how long the Scottish Parliament has existed.

On June 30 1999, the Scottish Youth Parliament was created, based on the idea and the vision of young people coming together and debating the issues of the day and speaking with one voice. On this day—March 1 2013—we celebrate that vision in our 50th sitting. We stand—or sit—here in the chambers of power in Holyrood to debate the issues that we face today. However, we come here not just to debate; we come also with goals, visions and ideas that we know can make Scotland better.

We want to make Scotland a fairer and better place—not just for young people, but for all the people who live here. Today's sitting lets us build on our fantastic relationship with the Scottish Parliament and the Public Petitions Committee, so I thank the Presiding Officer and the committee convener for having us here.

Following our meeting with the committee, we will go on to discuss youth employment and the summit that we ran with Young Scot and the

Scottish Government earlier this year. We are going to have some great debates, and I hope that everyone will have a good time listening to and debating with our fantastic speakers; I will say more about that tomorrow.

All those who are tweeting today should remember that our official hashtag is #SYP50. I am sorry that you cannot tweet during today's session, but it should not be a problem to do so later on. I would usually run through everything that we are going to do today, but I am sure that you cannot be bothered hearing from me at this point. The petitioners are much more interesting, and they will be the voices.

I ask the convener to begin.

The Convener: Thank you for your kind words to the committee. We really appreciate your coming along today for your 50th sitting.

I have a couple of brief housekeeping notes. Those who are sitting around the table should not worry about the sound system—if you are called to speak the engineers will automatically ensure that your mike is on, so you do not need to touch anything on the console. Those in the gallery who wish to speak should identify themselves to me, and we will get a roving mike to you. It would be a great help if you could also say where you are from. I will try to call two people in a row, which will help our proceedings to run smoothly. We are all looking forward to today's meeting, but it is important that we treat the event like any other Public Petitions Committee meeting. We are delighted that you are all here with us today, and I thank you for coming along.

We will consider three new petitions and a current petition on Mosquito devices, which was—as you know—also considered by the previous session's Public Petitions Committee. We considered the petition at our meeting last week and agreed to add it to today's agenda to allow us to hear from the petitioner, Andrew Deans.

The three new petitions are probably best introduced by each of the petitioners. I welcome Rachael McCully, Andrew McGowan and Lauren King. Also seated at the table are the vice-chair of the Scottish Youth Parliament, Kyle Thornton, and the three Scottish Youth Parliament trustees, who are Jahura Hussain, Angus Duncan and Emily Shaw.

Before we hear from the petitioners, it might be helpful if the committee members quickly introduce themselves. I have already identified myself. I am a Labour member for the Highlands and Islands. We will begin with the committee vice-convenor.

Chic Brodie (South Scotland) (SNP): I am a Scottish National Party MSP for South Scotland.

Anne McTaggart (Glasgow) (Lab): I am a regional Labour MSP for Glasgow.

Angus MacDonald (Falkirk East) (SNP): I am the MSP for Falkirk East.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): I am the SNP MSP for Carrick, Cumnock and Doon Valley.

Jackson Carlaw (West Scotland) (Con): I am a Conservative member for West Scotland.

New Petitions

Young People's Hospital Wards (PE1471)

10:07

The Convener: The first item of business is consideration of new petitions, of which there are three. The first is PE1471, by Rachael McCully MYSP, on behalf of the Scottish Youth Parliament, on young people's hospital wards. Members have a note from the clerk, a Scottish Parliament information centre briefing and the petition.

I invite Rachael McCully to make a short presentation of about five minutes to provide the context for the petition, after which I will ask some questions. My colleagues can then ask a few questions, after which I will throw the discussion open to members of the Scottish Youth Parliament, who can ask questions using the roving mike.

Rachael McCully (Scottish Youth Parliament): I am the MSYP for East Kilbride. I am calling for hospitals in Scotland to have specific young people's wards or rooms for adolescents, and to ensure that staff receive adequate training to support young people's mental and emotional needs.

Being in hospital can be a struggle for anyone—particularly for young people, who can find it a daunting and frightening experience, especially if they are in a mixed-age ward where the next-youngest person is more than 30 years older than them. At 16 we are not children, but much of the health service does not view us as adults, which sends a conflicting and confusing message to this age group.

I therefore seek to petition the national health service to provide this age group with staff, resources and rooms that meet our needs, with better specialist services for 16 to 24-year-olds, and with staff who are trained to deal with the mental health as well as the physical needs of that group. I would like the health service to ensure that all young people are consulted and informed about their diagnosis and treatment and are able to play a major role in the decisions that affect them.

I seek to ensure that, in line with article 24 of the United Nations Convention on the Rights of the Child, young people receive the best possible care and that, in line with article 12, every child and young person has the right to express his or her views freely about everything that affects him or her. Hospitals should provide rooms within wards that are set aside for this age group, so that young people are placed together even if they are on a mixed-age ward. Finally, there should be

recreation areas that are decorated with things such as games consoles, television and the internet as well books and so on. Provision of those services would aid patients' recovery and therefore shorten their time in hospital.

This is not a new request. This age group is the subject of a constant battle between professionals about where they should be placed and cared for when receiving hospital treatment.

"Adolescents have distinctive and different needs from both child and adult patients."

That is from a 1993 Scottish Office publication, "At Home in Hospital". Russell Viner, a leading consultant in adolescent medicine at the University College London Hospitals NHS Foundation Trust, has called for all

"staff working with adolescents to have a core of skills, which transcend and are in addition to their specialist training".

He has been doing constant research and consultation, and has proved that enough teenagers are treated as in-patients each year for an average district general hospital to support a specialist teenage ward of 12 to 15 beds. The report found that there were 17 patient bed days per 10,000 youngsters aged 12, rising to 24.6 days per 10,000 19-year-olds. Whereas more boys than girls occupied hospital beds at the age of 12, by the age of 17, more teenage girls than boys were in-patients. The number of beds that were taken up for day cases almost doubled from 2.32 per 10,000 people aged 12 to 4.31 per 10,000 by the age of 19.

A survey that was carried out by the Royal College of Nursing showed that

"the lack of young people's facilities left staff feeling unsupported and uninformed about how best to support young people."

Sue Burr, a Royal College of Nursing advisor on paediatric nursing, said that

"It is ridiculous that in this day and age we still do not have the services for teenagers."

Even providing somewhere for young people to go during hospital visits, such as a recreational area where they can relax, helps to stimulate their brains, allows them to continue with their education and brings a sense of normality. Informing young people and including them at all levels of consultation and of the design process will improve the relationship between patients and staff. That would show respect for young people and help to identify proper treatment, which might otherwise not happen, with important information not being disclosed.

The supporting facts and statistics from various medical sources show that by focusing on the needs of this age group, we can speed up

recovery, diagnose more quickly, shorten hospital stays and aid the recovery and welfare of individuals. Being provided with such care within hospitals would allow young people to recover better and would help them to know what is happening to them and with what medical treatment they have been provided. The result would be an all-round better experience at what can be a distressing and disruptive time for them. They would also have a better understanding and knowledge of how to take care of themselves once they are out of the care of the hospital. They would also know where and of whom they can ask questions, if they have any.

I will leave you with these aims, which have been cited by University College London:

"To appreciate and understand the advantages of implementing an adolescent friendly nursing model and ward routine to both young people and healthcare professionals"

and

"Professionals communicating directly with young people, listening to them and attempting to see hospitalisation through their eyes."

I thank you for your time and for listening. I hope that you will consider our petition.

The Convener: Thank you very much for that presentation, which I think has helped the committee greatly. We also have a current petition from Lynsey Pattie about mental health services, which will be debated at our next meeting on Tuesday 5 March, in respect of which the committee has raised the subject of mental health services for young people, which ties in extremely well with your petition.

I have a couple of questions to ask before I throw the questions open to my colleagues. Do you have evidence from other European countries on how hospitals deal with young people?

Rachael McCully: There are young people's services in Britain. At University College London, there are facilities above the paediatric ward for people aged up to 19 or 20. There are also Teenage Cancer Trust wards throughout Britain. Those facilities have had a great impact on young people's lives. They have been adopted from places such as Australia and the United States, where there are similar services. It has been proved that having such services helps young people to disclose more information and allows them to be diagnosed and treated quicker.

After a certain age, young people are put into adult wards, which means that they miss out on a lot of school. The patients in paediatric wards still get schooling. Young people's wards mean that people can still be educated, which is not possible in adult wards. Examples in other places around the world show that such services work much

better compared with young people being put into children's or adult wards.

10:15

The Convener: Have you picked up a lot of dissatisfaction among young people who are in wards that have adults in them?

Rachael McCully: We had a consultation involving different people who had experiences of being on a young persons ward, on a children's ward and on an adult ward. Basically, when young people are on a children's ward, they might be stuck next to crying babies. The young people often feel ignored because information is given not directly to them but to their parents. The young people might be 15 years old, but they are not being involved in their care.

In an adult ward, young people may also feel ignored. Often, young people feel obliged to wait until the older patients are seen, because they are not seen to be as important. For example, older patients might need more care in getting out of bed, whereas young people might be able to get in and out of bed but are still really unwell and are being put to the back of the queue a lot of the time.

Chic Brodie: Good morning. Rachael, I have a wee bit of robust questioning for you, although your presentation was very good. Given that young people represent only 4 per cent of all hospital admissions and we are trying to build a cohesive society, is the petition being driven by healthcare issues or by social care issues?

Rachael McCully: The petition comes from both those issues. It has been shown that, mentally and physically, young people recover from treatment quicker when they are on a young persons ward. Often, young people persistently need to go back to a doctor or hospital because they have not been diagnosed straight away due to not having a good relationship with the hospital staff, who often do not know how to deal with young people. That was proved through—

Chic Brodie: Do you feel that young people are treated differently from other sections of society?

Rachael McCully: Yes. When you are on a ward—

Chic Brodie: Where is the evidence for that?

Rachael McCully: I do not have the evidence here with me, but it has been shown through a Royal College of Nursing consultation that was done with nurses and with young people that nurses do not know how to deal with young people adequately. Mentally, the nurses were unsure how to speak to the young people, so they were standoffish and ended up speaking to the parents,

who might not have information on how the young person is feeling. Similarly, young people may feel that they do not know how to speak to a healthcare professional because they can feel that they are either being undermined or just not being listened to.

Chic Brodie: Perhaps that is a reflection of what happens generally in society, although there is an argument that there would be a benefit to society from mixing age groups rather than differentiating between them.

When there is a diagnosis by a clinician, how much discussion takes place about the overall expectation in relation to the young person's care in hospital?

Rachael McCully: I am sorry; I am not entirely sure.

Chic Brodie: Okay. I have one last question. On staff training, do staff in hospitals treat young people differently from how they treat other people?

Rachael McCully: Yes. That is particularly true in the accident and emergency department or when a young person is in hospital. Obviously, as a young person, you mix with lots of people at school all the time, whereas in hospital everyone is very segregated. Usually, arguments take place when young people try to have visitors in during the day. Even if the visitors are their parents, they may not be allowed in. That is one issue.

When young people come into an A and E department, the staff automatically think that they will cause trouble. If the young person comes in with five or six friends—obviously, your friends are worried about you—the staff will end up asking the friends to leave even if they are not doing anything wrong. However, another family member might come in with five or six friends, but they will not be asked to leave because they are older.

Anne McTaggart: Thank you very much, Rachel. I welcome you and other members of the Scottish Youth Parliament to the committee.

Your evidence included a personal communication from the Scottish Government which advised that NHS Scotland is committed to moving the upper age limit for its children's hospital services from the 13th to the 16th birthday, with flexibility for making it 18 years. However, that change will not be fully in place until the new hospitals in Edinburgh and Glasgow are completed. What is your view on that?

Rachael McCully: I have looked at that. Hospitals that provides children's services normally put young people—depending on their mentality—in the children's ward until age 16. However, they cannot always do that, which is understandable, and they normally prioritise

children who are under the age of 13. That leaves young people who are between the ages of 13 and 19 lingering. Putting a 14-year-old on an adult ward could become a child-protection issue.

It is not fair that young people should be asked to wait. There should be a separate ward—you are no longer a child at the age of 16 and you do not want to be stuck next to babies and kids, and neither do you want to be stuck on a ward with a person who is 95 years old because you are left feeling responsible for that person. For example, if that 95-year-old person asks you to get something for them, you might—even though you are sick—be constantly getting up and down to help them. When they are building hospitals, they need to consider putting in place a young person's ward.

Anne McTaggart: I am not sure whether you have researched the situation in A and E, but I want to share a personal experience. I am a mother of three bairns, two of whom are teenagers. When my 13-year-old was referred to A and E for an X-ray, they were sent to an adult ward because they could not be seen at the Yorkhill hospital at that time. There had been a pub brawl or a street fight, so A and E was in pandemonium. That opened my eyes up to the situation, and it was horrifying for my 13-year-old to be there, even though it was for medical reasons.

Rachael McCully: Yorkhill hospital does not receive any young people over the age of 13 unless it is for specialist care. Any person over the age of 13 who goes to A and E there is turned away. That is terrible for a child, who then must go somewhere else, which might be like the situation you have described.

Anne McTaggart: That most certainly has been my experience. I would have been even more horrified if my child had had to remain in the Western infirmary. We were only there for an X-ray, but a few years later we still speak about how horrifying that experience was for my young child.

Rachael McCully: Yes—it can be a frightening experience. As I said, when they put a child or a young person on a children's ward they think about their mentality. However, someone at the age of 13 can have a young mentality and being put on an adult ward can be very frightening. Normally, you are only allowed one parent or person with you. As you said, there could have been a pub fight and lots of people could be in A and E covered in blood. That is not right—it is not a youth-friendly environment at all.

Anne McTaggart: The experience was fairly horrific. It was scary enough for me as an adult, and far more so for the young child I had with me. Obviously, we were turned away from Yorkhill hospital and the nearest hospital was the Western

infirmary. Thank you for allowing me to share that experience.

Rachael McCully: A young person whom I consulted had the same experience. He broke his arm and had to have an operation. He was turned away from Yorkhill hospital. He was sent—at the age of 14—to an adult ward. I do not understand that.

The Convener: I will take a couple more questions from MSPs before I throw the floor open to members of the Scottish Youth Parliament.

Angus MacDonald: Thank you for your detailed presentation, Rachel. You have obviously done a lot of research.

Anne McTaggart covered part of what I was intending to ask. However, I note that in the "Better Health, Better Care: Hospital services for children and young people" report, NHS boards were to be asked to

"Review the pattern and volume of adolescent admissions to identify opportunities for creating adolescent facilities."

Clearly, there is a will to provide specific facilities for adolescents. However, I was surprised to note in our briefing for today's meeting that the Scottish Government does not have information on how many adolescent facilities have been created in Scotland.

You mentioned facilities in London, Australia and the States. Do you have any examples of good practice in Scotland?

Rachael McCully: In Scotland there is a teenage cancer ward in the Beatson hospital in Glasgow. It is part of a successful project that runs across Britain. There will be another two in Scotland. There is a ward in Yorkhill, but that is only for patients up to the age of 16. After reaching 16, patients are transferred to the Beatson.

As of this summer, there will be a ward in Edinburgh that will host 12 to 14 beds and it will be a very similar facility to that in the Beatson. There is a volume—thankfully it is a low volume—of young people with cancer and when they go on to those wards they are treated so much better. They are not woken up extremely early and they are allowed to lie in. Their treatments are scheduled around the young person's life, so they can still go to school and go out. The wards have recreational areas where patients can rest and they can have their family and friends in there at any time. The visiting times are very flexible. The young person feels a lot more relaxed there and feels like things are much better.

The NHS is also providing a youth co-ordinator to help young persons to get involved and to talk about the situation, because cancer is a very difficult thing to go through. After receiving a

diagnosis, a young person needs someone to talk to. It is good to have someone to speak to who is on their level and is not a healthcare professional, because they could worry about other aspects of life, not just the cancer diagnosis.

That facility is very much sought after, and the wards are now cropping up all over. We are going to have another two in Scotland—they are planning one in Aberdeen, as well.

Adam Ingram: Can you clarify what you are asking for? Are you asking for an adolescent ward in every hospital in Scotland?

Rachael McCully: I would not expect every hospital to host one, because not every hospital has a children's ward, but the bigger hospitals should. The new hospital that is being built in Glasgow is going to be a major, big hospital—they are moving the children's hospital there—so I do not know why they cannot put an adolescent ward into the plans.

They could have adolescent wards in the major hospitals in places such as Edinburgh, Glasgow and Aberdeen, then roll them out to other places later—even if they are just specific rooms.

Adam Ingram: I represent a constituency that is not a city constituency. What about young people there? What would you be looking for for them, with regard to treatment?

Rachael McCully: If there are not wards, a hospital could set aside rooms in which there could be two beds to a room. Although the Beatson has a specific ward, it found that it could not have just young people in a full ward, because that was not in the plans when the hospital was originally built. It has rooms for young people in which there are two beds to a room. It would be really good if hospitals had that.

Adam Ingram: The Beatson is obviously a specialist hospital that deals with cancer. One can see the logic in having a special ward for young people who suffer from cancer. Similarly, for a long time there has been an issue about trying to establish adolescent wards in mental health hospitals, particularly for young people who have had their first episode of severe mental illness.

You are arguing for significant investment by the NHS in special adolescent wards and rooms, but it could be argued that other people have special cases. Hospital is very frightening for many people. For example, an old person who lives alone at home could feel intimidated in hospital. It is a very difficult experience for them, too, so why should young people get special treatment?

Rachael McCully: I am not asking for special treatment; I am just asking for what young people deserve. It has been proven that a young person's body and mind are completely different from those

of a child or an adult. I said that going into hospital can be a frightening experience for anybody—not just for a young person.

10:30

When you go into hospital, the majority of people are elderly, so young people are in a minority group already. When young people enter hospital, there could be other young people there, but they could be spread out. If the young people were put together, it could make it a lot easier. There are specialist wards for children and then there are adult wards, but between certain ages we are classified as young people, so we are a distinct group. I am not asking for any special treatment; I am asking for consideration for a group that is identified as being different from children and from adults.

Adam Ingram: How do you define “adolescent”? Where do you draw the line? We have talked about the HSCYP report, which suggests that the age limit for children's services should be raised from 13 to 16. What age group are we talking about? Are there age criteria or other criteria that we should consider in order to define “adolescents” or “young people” with regard to treatment?

Rachael McCully: You mentioned the age limit for children's services going up to 16. Young people should be defined as being between the ages of 16 to 25 or, if not, as being between the ages of 16 to 21 at least. Most places in the world have young people's wards that go up to the ages of 25 or 21. In London specifically, within Britain, young people's wards go up to the age of 21. Young people's wards should be for those between the ages of 16 to 25, or if not, 16 to 21, because you are still developing as a young adult. You are not fully adult yet and the staff do not listen to you when you are a young person.

Adam Ingram: Could that not be dealt with just by better training?

Rachael McCully: It is not just about better training. A young person on a hospital ward can be there all day and some wards only let you see people for an hour. If there is some sort of incident on the ward, you do not see anybody for a day or two at a time. It is not good for your mental health if you are stuck in a specific room with all these elderly patients and you are not getting to speak to anybody. You can use technology, but it is not the same.

Jackson Carlaw: I start by saying that, in the six years that I have been a member of the Scottish Parliament, no constituent has raised this matter with me.

Scottish Government policy is to move to new hospital builds with single-room accommodation. The new hospitals that we are talking about—in Glasgow, Dumfries and Galloway and elsewhere—will be single-room accommodation hospitals, which Scottish Conservatives support. Are you arguing against the single-room accommodation policy for young people?

Rachael McCully: That is not something that I have looked into, so I cannot fully answer that question—I apologise.

Jackson Carlaw: In the event that we build new hospitals with single-room accommodation, where young people would be not in a mixed ward with other people but in their own single-room accommodation, would you be opposed to that?

Rachael McCully: I am not entirely opposed to it, but that situation will not be the case in every single hospital.

Jackson Carlaw: Yes, it will be.

Rachael McCully: That is not guaranteed.

Jackson Carlaw: But it is. In the hospitals that are being built, there will be single-room accommodation. I am trying to understand whether you think that the Scottish Government is wrong to be building single-room accommodation hospitals. Do you think that there should still be wards as opposed to single-room accommodation for the group that you represent?

Rachael McCully: There should still be wards as well.

Jackson Carlaw: So you would deny young people the same opportunity as other people to have single-room accommodation.

Rachael McCully: I am not saying that.

Jackson Carlaw: I think that you are.

The point was made that the Beatson specialises in dealing with cancer—a particular discipline. Most hospitals do not have wards based on age groups; they have them based on clinical disciplines. Are you suggesting that, for each clinical discipline, there should be a separate ward for adolescents?

Rachael McCully: That is not entirely true. When you are placed on a ward, it is usually dependent on what is wrong with you, but you could be placed in an orthopaedic ward when you have something wrong with your heart. You are not always placed on the right ward because you cannot always be held—

Jackson Carlaw: I want to stick to my question: are you suggesting that there should be separate, adolescent provision within each clinical discipline for which there is ward provision?

Rachael McCully: No, I am saying that there should be separate provision within the hospital, because if you are in a children's—

Jackson Carlaw: So you are saying that you want separate provision for adolescents for all mixed clinical disciplines.

Rachael McCully: No. I want there to be a ward within the hospital—

Jackson Carlaw: A ward for what?

Rachael McCully: For young people.

Jackson Carlaw: Irrespective of the condition for which they are in the hospital.

Rachael McCully: Yes.

Jackson Carlaw: Given that, where acute conditions are concerned, wards often have a particular specialisation within them, would that not put patients at risk?

Rachael McCully: In hospitals, patients are not always put in specialist wards.

Jackson Carlaw: But what would happen if someone had an acute condition and required acute specialist care?

Rachael McCully: As you said, they would be put in a single room.

Jackson Carlaw: No, but we are talking about the provision that currently exists.

Rachael McCully: You are chopping and changing your mind.

Jackson Carlaw: What would the policy cost?

Rachael McCully: I am unsure of that.

Jackson Carlaw: There is pressure on staffing resources in the NHS. The minute the creation of an additional ward facility is considered, it is necessary to consider additional staffing resource. What would that cost?

Rachael McCully: There is more cost involved in young people continually returning to hospital because they are not diagnosed correctly the first time, because they do not have a proper relationship with the staff.

Jackson Carlaw: Can you answer my question? What would it cost to make available such additional ward provision and to staff it?

Rachael McCully: I am unsure.

Jackson Carlaw: You are not sure. Thank you.

The Convener: I now invite questions from members of the Youth Parliament. I will start with the chair of the Youth Parliament, Grant Costello.

Grant Costello: I will follow up on some of the issues that members of the committee have raised.

Chic Brodie mentioned that only 4 per cent of hospital admissions involve young people, but the Scottish Government and the Scottish Parliament are trying to create a cohesive society, and the most important aspect of creating a cohesive society is ensuring that people feel equal and that they feel safe. One of the most important aspects of the petition is that young people do not necessarily feel safe or that they are listened to when they are in a ward of adults. It is quite important that young people have an environment in which they feel comfortable and in which they feel okay.

As far as significant investment and cost are concerned, I think that the recent revelations down in England surrounding the Mid Staffordshire NHS Foundation Trust mean that we have an opportunity. The NHS needs to be reviewed, and the petition's proposal needs to be considered. Young people play a massive role in society. The Parliament is meant to build a future for those young people. The committee asks for evidence of why what we are asking for is needed. We are the evidence: an 85,000-strong electorate elected us as the evidence to bring to you. In that sense, I do not think that the committee needs to worry about evidence.

When it comes to cost, there is nothing more important than a young person's future. Although, as Jackson Carlaw pointed out, we have our financial problems, some notice needs to be paid to young people. There needs to be an understanding that young people must be put first. That is important to bear in mind when hospitals with single rooms are being built, but young people cannot just be locked in a room. They need to have an environment in which they can talk to people, have fun and enjoy themselves. Young people who are sick do not have the plague. They cannot just be locked away. There needs to be an understanding of that.

The Convener: Thank you for that.

I invite questions. The intention is that they will be for Rachael McCully, but they can go wider than that. I ask those who wish to speak to raise their hands. I will take two questions at a time.

I can see two hands in the back row. Please do not speak until you have the mike. Please identify yourselves. I would appreciate it if, instead of giving a speech, you ask one-point questions, so that we can fit in as many questions as possible.

Sian Hughes (Scottish Youth Parliament): I am the MSYP for the Scottish Epilepsy Initiative.

I have a comment rather than a question. I would like to highlight the issue of training for NHS staff. My experience of our NHS has been horrific. Waiting times are ridiculously long. Despite the fact that I have had a diagnosis of epilepsy twice, I have had no proper treatment that has been successful for the past three years. When I go into hospital, I am spoken down to. As young people, we are a forgotten generation. We are pushed to the side and are treated as not important.

Issues with mental health treatment are definitely to the forefront. I have been on a waiting list for cognitive behavioural therapy for the past year and a half to two years. As young people, we are forgotten. As Grant Costello said, we are the future. I am contributing to society by going to university and—I hope—getting a job, and yet my health issues are not a concern to society.

I do not think that that is right. Training is definitely a serious issue that needs to be considered. If there cannot be specific wards for young people, extra training for staff on how to deal with young people should definitely be at the forefront. At the moment, we are totally forgotten about. That is an issue for me and I think that it should be considered.

The Convener: Thank you for that point. If anyone is available at 10 o'clock on Tuesday morning, the Public Petitions Committee will discuss that issue during consideration of another petition. If you cannot attend, you will be able to pick up the points through the *Official Report*. The meeting will also be webcast. I encourage the MSYPs to follow developments with that petition.

Alex Fyfe (Scottish Youth Parliament): I am an MSYP for North-East Fife. I was speaking to some of my constituents who did not feel that we could justify the huge investment and cost for such a small percentage of people. I know that we should be doing something about the issue, but I am not sure that such a big investment is necessary. Could a cheaper alternative be presented to us?

Terri Miller (Scottish Youth Parliament): I am an MSYP for Edinburgh Northern and Leith. I am pretty sure that we have hospitals for old people such as the Royal Victoria in Edinburgh, so surely it is only right that we should have specific areas for young people when we have different needs compared with those of the general population.

Malcolm Andrews (Scottish Youth Parliament): I am an MSYP for Greenock and Inverclyde. In response to Jackson Carlaw's point, it is important that young people who have particularly acute illnesses are treated in specialist wards. Rachael, how would you respond to that?

The Convener: Rachael, any time you feel the need to comment, just let me know. I am trying to bring in as many of your colleagues as possible.

Scott Lamond (Scottish Youth Parliament): I am an MSYP for Coatbridge and Chryston. I would like to respond to a point raised by Jackson Carlaw. It does not matter whether we are talking about single bedrooms or wards; the Scottish Youth Parliament and Rachael McCully are saying that the young people of Scotland should get the best of hospital treatment. Grant Costello made a good point when he said that, when those young people come out of hospital, what happened to them there will affect them for their rest of their lives mentally and physically. Regardless of whether we are talking about a single room or a ward, we want the treatment of young people to be the best that it can be.

Kyle Thornton (Scottish Youth Parliament): Rachael McCully and Grant Costello mentioned child protection issues and, as a constituency member for Glasgow Southside, I have had constituents describe to me horrific experiences that they have had in the Glasgow royal infirmary when they have been put beside extremely violent patients. I am talking about people hitting staff and having to be sectioned off. That is a horrific experience. Would adolescent wards help to solve some of the major child protection issues that we see in hospitals today?

Rachael McCully: Thank you for all your comments and points.

I will start with Kyle Thornton's question. Yes, in a ward for adolescents, young people would be more likely to relate to one another on a better level. If there is good communication between young people and staff, patients will be less likely to hit out or be violent. Also, an elderly patient who has dementia could also be violent and hitting out. They are obviously not able to control that and a young person could be frightened by that, at night for example, and they could react again. As far as child protection issues go, it is just not right to put a 14-year-old into a ward with someone who is 70.

I just want to touch on the point that Sian Hughes made about epilepsy. In Scotland we have a problem with the neurological side of things, because our brains are still developing but after the age of 14 a patient is often put with an adult neurologist. It has been shown that that is causing real problems, particularly for young people in Scotland who are waiting for a ridiculous amount of time to be diagnosed.

I have heard about someone who had to wait for two years to be diagnosed. They were not properly diagnosed and their seizures were not properly under control until they were admitted to the adolescent hospital at University College London,

where they were properly diagnosed and put on medication. That is a ridiculous situation. Better work needs to be done on young people with epilepsy.

10:45

In response to the question of money, I appreciate that cuts are being made everywhere. However, this approach would save money. As I have said, a lot of money is spent on young people continually going back to hospital because they did not get the right diagnosis at first, because they do not communicate properly with staff and because the staff do not communicate properly with them.

The Convener: I have to apologise, Rachel—we are running a bit short of time—but I thank you for your presentation and responding to the members' questions. You did extremely well in dealing with the kind of tough questions that we ask all witnesses. I also thank all members of the Scottish Youth Parliament for their comments and questions. Please bear in mind that we will be inviting you to ask questions and make points about the next set of petitions.

The final stage is for the committee to decide what the next step should be. I think that we should continue to investigate the issues raised in the petition and it would seem sensible to ask the views of the Scottish Government, health boards the length and breadth of Scotland and Action for Sick Children, which obviously has expertise in this area. Are committee members agreed or does anyone wish to make an additional point?

Chic Brodie: I think that if we write to the health boards we will simply get a standard administrative reply. I would therefore like to go beyond that and ask the Royal College of Nursing and medical practitioners about the training that they have had in engaging with young people. What seems to be a spillover from society is simply unacceptable in that environment, so I think that we should write to the RCN and—

The Convener: The British Medical Association?

Chic Brodie: Indeed.

Angus MacDonald: I think that we have discussed this issue at previous meetings but, given the length that it takes health boards to reply, would it be possible to set a time limit?

The Convener: If you will recall, the committee asked me to pursue the issue with the conveners group. It is on the agenda for its next meeting, which is taking place this month, and I will ask all other committees to check whether they are having the same problem and whether we can make it clear that we are the democratically

elected Parliament and that health boards must respond to our queries. There is action outstanding on this issue, and I will keep the committee updated with any developments. I also note that we set deadlines when we send out our letters.

Adam Ingram: In addition to writing to the health boards, we should also ask NHS Education for Scotland about its approach to young people's treatment and how staff training is being improved.

The Convener: Are members happy with the course of action that has been suggested?

Members indicated agreement.

The Convener: I say to Rachael McCully that even though she has done her bit she should feel free to stay and listen to the other petitions.

Scottish Living Wage (Recognition Scheme) (PE1467)

The Convener: The second new petition is PE1467 by Andrew McGowan, on behalf of the Scottish Youth Parliament, on a Scottish living wage recognition scheme. Members will have received a note from the clerk and the Scottish Parliament information centre briefing.

I invite Andrew McGowan to make a short presentation of around five minutes. As with the previous petition, I and my colleagues will ask a few questions after the presentation and then I will give members of the Scottish Youth Parliament the opportunity to ask questions of their own.

Andrew McGowan (Scottish Youth Parliament): Over the past year, the Scottish Government and local authorities have worked together on implementing in the public sector a Scottish living wage, which has benefited thousands of low-paid workers. The Scottish Government and Parliament have a duty to every low-paid worker in Scotland, regardless of whether they are employed by the public or private sector. It is estimated that around 18 per cent of the Scottish labour market—or 390,000 workers—are being paid less than the Scottish living wage. Those workers might not be directly employed by the Government, but that does not mean that it does not have an obligation to tackle actively the problems of in-work poverty.

Bar staff like me, waiters and waitresses, and those in retail and other salespeople are most likely to be paid less than the living wage. Since the age of 18, I have worked as a barman and now have nearly two years' experience. I was being paid £5.50 an hour, which is above the current UK national minimum wage rate for my age, but the fact is that I was being discriminated against because of my age. Four new starts with no previous bar experience were employed at

£6.19 an hour; despite having more experience than them and despite the fact that I had to help them with the general operation of the till system or something as trivial as changing a keg, I was still being paid less than them. There is no excuse—that is wrong.

Everyone deserves to be paid equally and to be paid at least a Scottish living wage. Workers' pay should be based on their experience, not their age, and it should reward skills and success. Everyone deserves to live rather than just survive.

Families, as well as young people, need that. The level of child poverty in Scotland has risen by 2 per cent since 2010. In tough economic times, the income of a two-child family in which both parents work full time on the national minimum wage would cover only 82 per cent of basic costs. On the other hand, a lone parent on the minimum wage plus relevant top-up benefits could cover 89 per cent of those costs.

In the so-called good times and bad times, working families are struggling to make ends meet. Pay freezes by both Government and private sector employers coupled with a period of inflation in the price of necessary goods and services have seen working families hit hardest with real-terms cuts to their limited incomes.

We should strive to tackle the blight of child and in-work poverty, and the fight should be fought on many levels. There is no doubt in my mind that making work pay to a level that allows families to live rather than just survive is an effective weapon, if not the most important weapon that we have.

You will no doubt agree that there is a strong case for a Scottish living wage. However, there is also strong demand from Scots for a recognition scheme. Our "Change the Picture" manifesto received 43,000 responses from young people, of whom 76 per cent agreed that the Scottish Government should set up a recognition scheme and 78 per cent believed that an equal minimum wage should be paid to all. In under a month, the petition secured around 2,000 signatures. That was made possible by the dedicated MSYPs who have championed the petition and who have been out in force in communities, advocating the need for a recognition scheme and collecting support and signatures.

The Scottish living wage recognition scheme that we propose today would see the Scottish Government actively encouraging businesses the length and breadth of Scotland to pay their employees a living wage. Membership of this scheme—unlike membership of the United Kingdom scheme—would be free to businesses and, once signed up, they would receive the official Kitemark. Those businesses could then advertise themselves as ethical employers and, in

doing so, encourage their competitors to join the scheme.

Glasgow operates a similar employer recognition scheme that has attracted more than 150 businesses to date in the city alone. Our scheme would aim to create a marketplace where consumers and workers could ask whether an employer chose to pay the living wage and, if not, why not.

When implemented by employers, the living wage would make an instant difference to the lives of the 400,000 low-paid private sector workers and the two thirds of children who live in poverty but who come from a home where parents are working, enabling them to truly live and not just survive.

The Convener: Thank you for your presentation. Currently, the living wage is set by a foundation in London. What is its approach to recognition of whether the living wage is paid? Is there any recognition scheme at all in Scotland for the living wage?

Andrew McGowan: No, not nationally. That is why we propose a Scotland-wide scheme. As I mentioned, Glasgow provides a scheme that has attracted 150 businesses in the city alone. That shows that businesses want to get involved and want to pay a living wage for which they will be rewarded and recognised.

The Convener: You mentioned that the bar trade is infamous for poor pay. Catering and cleaning also have a bad reputation. The workers in those sectors are predominantly women and younger people, and young women, in particular, are discriminated against. Do you agree with that analysis?

Andrew McGowan: Completely. I speak from personal experience of working in a bar where I am the only male between the ages of 18 and 25—the other seven employees are young females. I completely agree that young women are hit hardest by low pay.

Chic Brodie: I sit on the Economy, Energy and Tourism Committee. This week, we took evidence from Professor Joe Stiglitz, the Nobel prize winner, and he indicated the complications, particularly in the States, of the gap in incomes between those at the very top and those at the bottom. You have submitted a very dignified paper. I am surprised that you are not raving a lot more.

One of the saddest things to happen in the Parliament was the departure of John Park, who is a great advocate of the living wage. I am sure that the forthcoming procurement reform bill will embrace the notion that any local or national Government procurement must consider the payment of a living wage while we work to reduce

the gap between those at the top and those at the bottom.

Having run businesses, I have to say that you might get employers who tell you that they are paying the living wage but who are not. You might find people getting an award who really do not deserve it. How do you propose to establish the verity of employers who say that they are paying a living wage?

Andrew McGowan: The Scottish Government has the final say on whether to take the scheme forward. However, as with the UK scheme, if an employer wanted to join the scheme that we propose, they would have to sign a legally binding contract in which they would accept investigation to find out whether their employees are being paid a living wage at the current rate of £7.45 an hour.

Chic Brodie: What happens if they do not want to sign the contract?

Andrew McGowan: They do not join the scheme.

Chic Brodie: First of all, the scheme has to be recognised by authorities that can apply whatever rules that you want.

Andrew McGowan: I have a meeting with the Federation of Small Businesses in Scotland at which we will talk about how we could promote the scheme to small businesses, which are arguably the backbone of our economy. It is quite simple, and the scheme is completely voluntary. In Glasgow, 150 businesses feel that they should pay a living wage and are subject to checks to ensure that they are paying a living wage. They should not be able to advertise themselves as ethical employers if they are not being truthful or paying a living wage.

Chic Brodie: I am confused about how the scheme will work. You say that it will be voluntary. I have absolutely no disagreement with the intent—in fact, I support it—but I think that there will be inherent difficulties in applying a recognition scheme.

Andrew McGowan: Thank you for your point.

Adam Ingram: Would it not be more sensible to legislate for a minimum wage that is equal to a living wage?

Andrew McGowan: The power to do that is currently reserved to the Westminster Government. I am trying not to be party political here, but I do not feel that the Conservatives or the UK Government would seek to have a higher UK national minimum wage. I feel that the recognition scheme is something that Scotland can promote and encourage businesses to join, but Scotland does not currently have the powers to legally impose something on businesses.

Adam Ingram: Would it not be more sensible for the Scottish Parliament to acquire those powers?

Andrew McGowan: That is up to the opinions—
[*Laughter.*]

The Convener: He never misses a trick.

Andrew McGowan: Again, I am trying not to be party political. I would not like to get drawn into a battle.

Adam Ingram: That would sort out the problem, particularly with regard to the fact that there are different minimum wage rates and your feeling that young people are being discriminated against.

Andrew McGowan: Putting my constitutional view to one side, I believe that the Scottish Government, the Scottish Parliament and the parties that are represented in Parliament have a duty now. This scheme is needed now and not after 2014. If there is a yes vote, by all means we can work towards a higher minimum wage. If there is a no vote, we should be prepared and have a scheme that we can promote and use to encourage businesses to pay a Scottish living wage to their employees.

The figure that sticks out to me is the 390,000 workers who would benefit. Also, two thirds of children in poverty come from a working house. Irrespective of whether we become independent or stay within the United Kingdom, we have a duty as a country to those people.

Adam Ingram: All that I am pointing out is that the relevant powers are elsewhere at the moment. I understand that the Scottish Government has made a public stance of paying a living wage to every one of its direct employees.

The NHS provides a living wage for every staff member, and the Convention of Scottish Local Authorities and the Scottish Government are trying to encourage a living wage throughout the public sector. However, it is private sector employers that you have to persuade. There is a difference between persuasion and imposition through legislation. Your campaign is a good one but, as you say, it will be entirely voluntary.

11:00

Jackson Carlaw: It is always helpful to have Adam Ingram to demonstrate the dictatorship that he would like us all to live in. Yes, we could acquire the relevant powers and then colossally disappoint the nation by not implementing any of the promises that we make. I do not think that the powers themselves would guarantee the objective that the petitioner seeks.

Adam Ingram: That is a Conservative trick.

Jackson Carlaw: Oh dear, oh dear, Adam—think of all those college places that you have axed.

I am actually broadly sympathetic with the aims of the petition as Andrew McGowan has outlined them, so congratulations on that, but I would like to follow up on a couple of points. You say that, in Glasgow, a scheme is being operated with 150 businesses and that some kind of monitoring and checking is taking place. Who has responsibility for carrying out those checks? Is that being done by the council?

Andrew McGowan: I am not sure about that.

Jackson Carlaw: Do you have any idea of what resource has been made available for the undertaking of that function?

Andrew McGowan: We could look into that and let you know.

Jackson Carlaw: That would be interesting. Obviously, your primary objective is to have more people being paid the living wage. You say that the recognition scheme is potentially an access route to more people being paid it, but you would not want resource to be diverted to a recognition scheme per se—the petition is about more people getting the living wage.

You mentioned that you are going to have conversations with the Federation of Small Businesses. I presume that, if those conversations were reasonably successful and the federation initiated a programme within its organisation, a bit like Glasgow City Council has done, it would probably carry out its own monitoring of whether those who have enrolled are fulfilling the criteria. More broadly, if there was a national recognition scheme, do you thereby propose that resource should be committed nationally for the infrastructure, process and personnel that would be needed to police and manage the scheme? Since we are talking largely about the private sector, would it not be better for that to arise on a voluntary basis from within the private sector, which you are meeting and seeking to persuade?

Andrew McGowan: Our proposal is that the Scottish Government should do that. The meeting with the Federation of Small Businesses is to get its support and its views and opinions to feed into our proposals.

Jackson Carlaw: Does that mean that taxpayers would underwrite the cost of a national recognition scheme?

Andrew McGowan: The Scottish Youth Parliament has estimated that two administrators would be needed. The Government would have the final say on how the scheme should be carried out. We have made a proposal, but we cannot provide the fine details or estimate the payroll.

That would be up to the Scottish Government and civil servants.

Jackson Carlaw: Given that we are looking to private sector employers to participate more actively in the living wage, why is it preferable to have the Scottish Government use taxpayer resources to run and manage a national recognition scheme than to have private sector representative organisations manage and administer such a scheme, which would not cost the public purse anything?

Andrew McGowan: I feel that the Scottish Government and Scottish Parliament have a duty and an obligation to every one of the 390,000 workers who are presently paid less than the Scottish living wage. They are the people who, arguably, elected you, Mr Carlaw. The Government and Parliament have an obligation and a duty to the people of Scotland to champion and promote the Scottish living wage and encourage employers.

Jackson Carlaw: I do not disagree, but is that not more likely to come from the representative organisations of the businesses that you are trying to persuade, rather than through what seems like diktat or bureaucratic intervention from Government?

Andrew McGowan: Each to their own, I suppose. That is your opinion. I feel that it would be an all-Scotland and all-Government response to a problem in our society. For me, politics is about shaping the society that I want to live in. I do not want to live in a society where 390,000 people are paid below—

Jackson Carlaw: With respect, that is a separate argument. That is an argument for the living wage. We are talking about a recognition scheme.

Andrew McGowan: Yes, and the recognition scheme would actively seek to eliminate the problems of in-work poverty. It would be Government policy and part of the Government's agenda.

Jackson Carlaw: I do not disagree with that. I am just asking who should underwrite the cost of managing and administering the scheme. You think that it should be the taxpayer.

Andrew McGowan: I think that it should be the Scottish Government.

Jackson Carlaw: The Scottish Government has no money; it gets money from the taxpayer. So you are saying that the money should come from the taxpayer.

Andrew McGowan: Yes.

The Convener: Now you know what it is like being on "Question Time".

As we are a bit short of time, I ask my colleagues to ask just one brief question each, because I want to allow time for the Scottish Youth Parliament to intervene.

Anne McTaggart: I will be brief. I agree with most, although not all, of what Andrew McGowan said. It is important that we act now rather than wait until 2014, because it is a hugely important issue. It concerns me even more that people on apprenticeships are being paid £2.65 an hour. That is just shocking.

The Convener: Thank you for that. We do not need to hear a response every time, so I will move on.

Angus MacDonald: I congratulate the Scottish Youth Parliament on setting up the one fair wage campaign, and I certainly welcome the proposal for a Scottish living wage recognition scheme. Such a scheme would certainly help to concentrate employers' minds and encourage good practice with regard to paying the living wage.

Andrew, you mentioned that workers' pay should be based on experience and not on age. I think that you said that you will meet the FSB next week—

Andrew McGowan: We did not set a date, as things were too busy. We will set a date after the sitting.

Angus MacDonald: Okay. When you meet the FSB, how will you respond to the point, which it will no doubt raise, that small firms are struggling as it is and that increasing wages to the living wage level of £7.45 an hour could break some small traders?

Andrew McGowan: It is a valid point. I stress again that the scheme would be voluntary. It would not be imposed on employers. Employers who felt that they could not subscribe to such a scheme and commit themselves to paying the living wage at present would not have to do so. However, there are benefits. As I said at the end of my speech, when the living wage is implemented, it has an instant effect and people's disposable income is increased. It is an economic truth that, when low-paid workers are given more money, they spend it in their communities, and arguably they spend it with small businesses. Small businesses benefit from that, and there is a great multiplier effect on employment in the community.

Chic Brodie: I have a comment on self-regulation. It was interesting to hear what Jackson Carlaw said, because clearly his Government has great experience of self-regulation, the Press Complaints Commission being one example—not.

Jackson Carlaw: What Government?

The Convener: Now, now, colleagues. Can we concentrate on asking questions, please?

Chic Brodie: I just make an appeal. We can legislate indirectly. That is why we are to consider the procurement reform bill. We need to encourage as much effort as possible to be put into supporting what needs to be done on contractual conditions. I take Andrew McGowan's point on the multiplier effect on society, notwithstanding some of the problems.

The Convener: Thank you for that. I now throw it open for questions. I intend to take two at a time, and at the end of the questions I would like Andrew McGowan to do a brief summing-up before the committee decides what action to take next.

Lauren King (Scottish Youth Parliament): I would just like to make a statement. It is a wee bit of food for thought. I work as a salesperson and I get £4.10 an hour. Would any of you work for £4.10 an hour? Do you think that you would be able to survive and live your life on £4.10 an hour?

Anne McTaggart: I have been there.

The Convener: Thank you for that. Will people who want to ask questions raise their hands?

Louise Cameron (Scottish Youth Parliament): What is your stance on the fact that under-16s are not currently paid a national minimum wage? Would they be included in the campaign?

The Convener: Sorry—will you introduce yourself and say where you are from?

Louise Cameron: I am an MSYP for Moray.

The Convener: We have time for a few more questions. Perhaps people could stand up and introduce themselves for the record.

Kelley Temple (Scottish Youth Parliament): I am an MSYP for Edinburgh Northern and Leith.

I want to reframe Jackson Carlaw's point about whether the Scottish Government and taxpayers should invest in tackling in-work poverty. I think that, yes, it is worth investing in tackling in-work poverty. The fact that families and people in communities cannot survive while working is at the root of the point that the petition is trying to make. Given the points that Andrew McGowan raised about the harm caused by that, it is absolutely worth it. That is why it is important that the committee takes the petition forward.

The Convener: We have time for a few more questions. Please raise your hand if you wish to ask a question. I will take a question from the woman in the back row.

Leona Welsh (Scottish Youth Parliament): I am an MSYP for North Ayrshire, but I am also a modern apprentice with my local authority. I am the youngest of the eight people who are doing my course, so I am paid £2.65 an hour whereas, because the others are aged 19 and over, they get paid more than double what I do. Can someone justify why, when you are 19, you get double what you get when you are 18?

The Convener: I will take another question from the person in the back row.

Alexander Griffiths (Scottish Youth Parliament): I am an MSYP for Moray. What is your opinion of the Westminster campaign to lower the bottom rate of tax? Many people feel that that would do more than bringing in a living wage.

The Convener: Again, we still have time for a few more questions. If people want to ask a question, this is their big chance. Did I see a hand in the second-back row?

Callum Lucas (Scottish Youth Parliament): I am an MSYP for Stirling. As has been pointed out by many others, if young people were paid more, they would invest lots of that into their local communities. Everyone here knows lots of people who are drastically underpaid and who are struggling to survive on low pay, especially when that is combined with education. People under the age of 25 are not entitled to welfare benefits, which prop up low pay for other people. For people under the age of 25, their low wages are all that they have.

The Convener: I can take two more questions before I ask Andrew McGowan to sum up.

Rachael McCully: On that previous point, the Government is looking at scrapping housing benefit for under-25s. If under-25s no longer have housing benefit and have to work for such a low rate of pay, that will make things 10 times worse. How do you justify that?

The Convener: I can take one more question. Is there anyone who has not asked a question who would like to ask one? I will take a question from both people on the front row, since they are next to each other.

Adam Wilson (Scottish Youth Parliament): I am an MSYP for Dumfriesshire. The petition could help not only young people but a number of people in our society. In particular, it could reduce inequalities for gender as well as age. Also, the petition could help to improve employee relations at a time when many employees in the public and private sectors are demotivated.

Rae Cahill (Scottish Youth Parliament): I am an MSYP for Glasgow Kelvin. I would just like the Scottish National Party members of the committee to stop hiding behind the procurement reform bill,

which has been put forward as a buffer or as a reason for not supporting the Scottish living wage. To be honest, that is a great fallacy. The trade unions have been working extremely hard—not just in the UK but in Europe—to fight for the Scottish living wage, so we have a perfect opportunity. Of course, people say that businesses will need to sign up to it and blah-blah-blah, but that is not a problem. Why not implement the recognition scheme and give businesses the chance to do that? That would be a step forward, surely. It is a chance to give people the living wage that they deserve.

The Convener: Before I ask Andrew McGowan to respond, let me just say that generally in this committee, although four members are from the SNP, we tend not to be partisan. Certainly, that has been my experience.

Let me just make Andrew McGowan aware of a couple of points. First, I was in Westminster when the minimum wage legislation was put through, so I know that an inspector scheme was set up legally to enforce the new measure.

Secondly, as someone who is involved in the Scottish Parliamentary Corporate Body, which runs the Scottish Parliament, I know that we have looked carefully at living wage issues and have found that there are difficulties with putting a requirement for a living wage into procurement contracts. Alex Neil got advice from Europe on that. I am certainly not hiding behind that—personally, I am keen to make that a condition of our new contracts for catering and cleaning—but we got pretty strong internal legal advice about that. I would love that problem to disappear. There is no doubt that it is a big problem for the public sector in making conditions for future procurement. Sure, there might be some changes in legislation in Scotland, but the difficulty is to do with competition directives from Europe. I am not asking for an answer to that point. You are probably aware of the issue. Perhaps you could take my comment on board and get some other research on the matter.

Would Andrew McGowan like to sum up briefly?

11:15

Andrew McGowan: I thank members for their views. I am proud of the Scottish Government and Scottish Parliament for the broad support that they have shown and the steps that they have taken with regard to the Scottish living wage. I reiterate that the Scottish Parliament and the Scottish Government have a duty to each and every one of the 390,000 low-paid workers and the two thirds of children who come from a working household but find themselves in poverty.

The Scottish Government should be actively seeking to encourage businesses to pay a living wage, which will enable Scottish people to live, rather than just survive.

The Convener: Thank you for answering our questions. As with the other petition, it is now up to the committee to consider the next steps.

We should take further advice as we consider the petition. It would be sensible to contact the Scottish Government and the Convention of Scottish Local Authorities. Are there any other views?

Adam Ingram: We should ask for the views of the FSB and other employer organisations. We should also seek the views of the Scottish Trades Union Congress. Clearly, it will have a vital interest in this area.

Jackson Carlaw: I was going to make a similar proposal. I have been pretty impressed with the presentation that we have had from Andrew McGowan. I would have thought that, as well as seeking views, we should be asking the Government to say how such a scheme would be run and what the implications of that would be. If there is a model, and the Government is not inclined to implement it, it might be that there are other ways in which that can be progressed through the business sector.

Chic Brodie: I take your point, convener. I suggest that you read the *Official Report* for what has actually been said by SNP members on the living wage.

On Europe, I understand the difficulty in terms of the guidance. When we write to the Scottish Government, we should say that, although the legislation says “encourage”, we need to drill down and see exactly what is happening in a European context. That should happen in the case of the procurement reform bill.

Anne McTaggart: I would like to find out more information about the Glasgow scheme. Perhaps we could ask the Scottish Parliament information centre to do some research into that.

The Convener: Yes. Do colleagues agree to the suggestions that have been made?

Members indicated agreement.

The Convener: As you can hear, Andrew, we are interested in the petition and will continue our consideration of it. We will keep you up to date with developments. Thank you for your contribution. Please stay to listen to our consideration of the other petitions.

Young Carers Grant (PE1470)

The Convener: Our third new petition is PE1470, by Lauren King, on behalf of the Scottish Youth Parliament, on a young carers grant. Members have a note from the clerk and the SPICe briefing. I invite Lauren King to make a brief presentation of around five minutes. We will follow the same procedures as we did with the previous petitions.

Lauren King: A young carer is a child or young person who provides unpaid support to family or friends who could not manage without that help. That could be caring for a relative, partner or friend who is ill, frail or disabled or who has mental health or substance misuse problems.

Young carers are, in essence, an invisible group in society, yet it is estimated that there are 100,000 young carers in Scotland, who save the economy £10.3 billion a year. However, young carers can no longer survive as an invisible group. They play a vital role in providing crucial emotional and physical support and care. On a day-to-day basis, those caring roles lead to young carers and student carers facing multiple problems, such as barriers to their education, social exclusion and health problems, and some often live in extreme poverty.

I know exactly what it is like for many of those young carers. I have lived with my severely disabled brother, Ryan, for almost 10 years. I was just seven when I started caring. For many of us, feeding, bathing, changing, dealing with medication and multiple other tasks are a daily part of our lives. However, juggling caring roles, education and/or a job can be extremely difficult for a young carer, so why should they have the added burden of financial fears on top of that?

In the Scottish Youth Parliament's "Change the Picture" manifesto, 88 per cent of young people agreed that young carers in Scotland should be shown that they are appreciated members of this society and should be offered more support inside and outside education. The Scottish Government should produce a carers strategy to help to improve the lives of young people who are carers, for the benefit of every young person who cares in Scotland.

Three years into the Scottish Government's getting it right for young carers strategy, what impact has it had? The young carers strategy highlighted research showing that the majority of young carers had experienced economic deprivation. That could be due to one or no parents being able to work and the family having to rely on benefits. That means that many young carers are currently living on the bare minimum. The studies showed that young carers will experience financial hardship in their own right.

Many young carers give up an income, employment prospects and pension rights, which could leave many of them stuck in poverty throughout their lives.

While they are at school, a young carer may be eligible to receive education maintenance allowance, but they must maintain a high level of attendance or payments will be withdrawn. With their demanding caring role at home, many young carers have to miss school on several occasions, through no fault of their own. That means that many young carers have to do without money to help to meet the costs of their education and, sometimes, to pay their bills.

Since I raised the issue with my local authority, North Lanarkshire Council has been very supportive and has started to investigate some cases of young carers' EMA being stopped. However, that is not a permanent fixture, and something more has to be done nationally. If a young carer chooses to go on to further education at college or university, they are allowed to access a student bursary or loan, like any other student. Consequently, however, they lose their carers allowance.

The maximum level of financial support that a Scotland-domiciled student can access is less than what someone on benefits gets, and it is below the relative poverty line. That means that young students with caring responsibilities do not have access to enough financial support to study and to perform their caring responsibilities together. That has led to an increased drop-out rate, more mental health problems, illness and lower academic achievement. Thirteen thousand young carers provide care for more than 50 hours a week. How can they be expected to juggle a part-time job to help with living costs, like other students do, if they already have a full-time job at home?

It has been shown that the current welfare for young carers is not adequate and only leads to more difficulties for the young person. Most young carers struggle to survive with the lack of income support and with the pressures of studying and maintaining their caring responsibilities. Every day, young carers throughout Scotland are crying out for financial help, yet their voices are never heard. That is why something radical has to be done. We cannot ignore the 88 per cent of young people who say that young carers deserve better. I passionately believe that a young carers grant for carers in full-time education or under the age of 18 could make a positive change to a young carer's life.

The Convener: It must be very difficult for young people who are carers to keep their education to a reasonable standard. Is that your experience with your own caring duties?

Lauren King: Yes, that has been my experience. It is difficult to study with caring responsibilities. For instance, there are prelims coming up to Christmas, and that is also a time for increased illness. There can be great difficulties.

I was part of a young carers forum. As part of the young carers project, I moved on to the forum, and I then did governance work for the charity Action for Children. In the young carers forum, we found that the difficulties experienced by young carers during school time are a major issue. There is leeway with homework deadlines and so on, but it is the financial concerns that worry a lot of people.

The Convener: How much would you envisage the grant being? Have you made any estimates of what the budget would be for Scotland on a yearly basis?

Lauren King: I have not looked into how much the grant should pay; I am just proposing the petition, and that is something that the Government could decide.

Chic Brodie: As you know, we will be integrating health and social care at a local level. What involvement have you had in any discussions regarding that?

Lauren King: In my young carers forum we did a lot of consultation work with social work as well as with the NHS. In a lot of cases, we would analyse any surveys that came out and offer criticism, saying, for instance, that some measures would not help young people. We were moved on to the forum as more educated young people, but there are other young people who are quite deprived and are not aware of what is going on around them. They would not be able to understand some of the things that healthcare services are putting towards them, because they have not had the education, they have not had the life experience to understand them and they have had nobody to tell them about such things. In some cases, their parents cannot understand them themselves.

Chic Brodie: People such as yourselves and your colleagues in the Youth Parliament can articulate the issues so well. Have you personally been involved in any discussions about plans at a local level?

Lauren King: I have had a lot of discussions with young carers, who have raised the issue that they are struggling financially. A lot of young carers feel that nobody listens to them because they are young. Sometimes they are afraid to say that they are a young carer, and sometimes they do not know that they are a young carer. I raised that point in a debate with council members in North Lanarkshire. My young carers group, Action for Children, had young carers there, but the

young carer who was going to ask a question about the withdrawal of EMA could not stand up and ask it—the staff member had to ask it for her. That is when I had to say, “Look, I don’t think you’re getting the issue here. The issue is that young carers are not surviving. If they are not getting to school because of their caring issues, that is not their fault. They still want to be in education and they need that money.”

Shortly after that—the next day—North Lanarkshire Council started to investigate the problem. Since then, the young carers project in North Lanarkshire has referred to the council several cases of children whose money had been stopped, who were in critical financial circumstances and extreme poverty, and who relied on that money.

Anne McTaggart: Thanks, Lauren, for a great presentation and for sharing your immense experience—both your personal experience and what you have learned in your role. What is your experience of the Scottish young carers services alliance?

Lauren King: I have not had great experience of the Scottish young carers services alliance. The North Lanarkshire young carers project is run through Action for Children, which is a different organisation.

Anne McTaggart: I am certainly not trying to score any political points here. What the Scottish Government says that it will do for Scottish young carers looks really good on paper and it looks like carers will be recognised. You will know about that more than we do. Are you saying that that is not really happening on the ground?

Lauren King: The implementation of the young carers strategy was good at the time. I was part of the consultation work that took place at the young carers festival. When I was at the festival, I did not have a clue what I was being consulted on and I did not know that there was going to be a strategy. There needs to be greater awareness. Now that we are three years into the strategy, its effectiveness has to be reassessed. It is the case now that a lot of young carers have a voice and are saying, “Look, this isn’t right.” It is about time that something else was done.

Anne McTaggart: I hope that you will champion that. You are a great ambassador for young carers.

The Convener: Would any other colleagues like to ask a question?

Adam Ingram: You have not given us much of a clue for quantifying what sum of money would be associated with the grant. The EMA is about £30 per week, is that right?

Lauren King: Yes.

Adam Ingram: Local authorities ought to be sensitive to the issues about stopping or suspending the EMA and they should appreciate the circumstances that young carers have.

On top of the EMA, what is required? I notice that the grant would really be for carers in full-time education and those under 16. Can you give us a hint about the sum of money that would be appropriate for a grant?

Lauren King: A lot of young carers who are in education are getting their EMA stopped. I want to move away from the EMA and focus on the need for an unpaid carer's allowance, because young people in education are still caring. If young people are in full-time education, however, they cannot apply for a carer's allowance. That restricts their choices. Are they meant to choose money for their family to survive, or an education to better their future? It is a tricky question to ask a young carer: "What do you want to do? Pay for your family or get an education to pay for you in later life?"

I do not have a specific sum that I think that they should be paid. That is something to be worked out with the budget.

Adam Ingram: How would it relate to the benefits system? I could make an obvious political point about welfare benefits, but I would like to get your experience of how the benefits system interacts with your financial circumstances as a young carer.

Lauren King: I am not entirely sure how that would interact with the benefits system. My mother refuses a carer's allowance because she believes that she should not be paid to look after her own child. However, in some circumstances, it is a parent who is disabled and children cannot survive only on the money that is coming in through benefits—there needs to be something else that supports young carers and not only allows them to have an education, but pays for their families. Most of the disabled parents cannot go out to work or, if the young person is not looking after their parent, the parent cannot work because they have to look after the other person. This is a diverse issue.

Adam Ingram: Yes, it is complicated.

11:30

Jackson Carlaw: My sister-in-law died of breast cancer at the age of 48. She had three children. The burden of care fell on a range of people, but particularly on one of her daughters, who—as you said—stepped forward out of a sense of love and duty as much as anything else. A point that arises from your petition that is perhaps not broadly considered is that young people who assist in that

way—they are doing so voluntarily to help a family member—are potentially compromising their future at a critical point in their life.

I understand the issues raised in your petition, and I have a great deal of sympathy for them. I am interested to know whether you have views beyond the financial support that your petition seeks to secure. Are there other ways in which support should be provided for young people who find themselves in a caring position?

Lauren King: Almost every young carer's project is run by a different authority. For example, the North and South Lanarkshire young carers' projects are run by different organisations. Some are run by the council and others are run by external organisations. It is hard to say what else needs to happen.

A lot more consultation needs to be done with affected young people because many do not know where they are meant to go and who to give their views to. That is why I represent all young carers in my constituency, and I am putting the issue across because a lot of them have found that to be a big issue.

Jackson Carlaw: So there is a hugely variable approach from different local authorities. Would you welcome a more proactively designed national approach, rather than a variable one?

Lauren King: It is a national issue. Obviously, young carers help the country hugely. It is about time that Scotland stands up and says that it supports young carers. A lot of young carers feel a bit invisible and excluded from society. Many people do not understand what they are going through—a lot of people will not even know what a young carer is. It is a big thing for a young carer to explain why they care for their family, never mind them having to deal with not knowing who to share their issues with or how to get financial support.

The Convener: We are now moving on to questions. We will use the same procedure as before, so please introduce yourself when you get the mike. I will take as many questions as I can before asking Lauren to sum up briefly and answer some of the points that have been raised.

Ashleigh O'Connor-Hanlon (Scottish Youth Parliament): I am the MSYP for Aberdeen Central. Do you not agree that the socialisation process is impacted as much as education is? In my constituency, we have VSA—formerly known as Voluntary Service Aberdeen—which is in control of the young people's project. The project has a socialisation process which affects the issue. Even young carers need that impact in society.

Sian Hughes: I am the MSYP for the Scottish epilepsy initiative. I agree with the campaign, but I

want know how—money aside—it will be assessed. My sister and I are carers. She does not have to miss education, but I worry about the social aspects. Would benefits be assessed on income or disability?

Kelley Temple: I am the MSYP for Edinburgh Northern and Leith. A question was asked about how much money should be given to young and student carers. All carers, including young carers, who care for more than 50 hours a week are paid the equivalent of £1.70 an hour through the unpaid carer's allowance. That unpaid carers allowance is lost when they move into full-time education. That gives you an idea of the scale of the problem that young carers and student carers face. I will give you a proposal off the top of my head. The idea of paying carers the equivalent of what we consider to be the minimum wage or the living wage should surely be considered, given that £1.70 an hour is an absolutely disgraceful amount to expect someone to live on. The minimum wage would potentially not even be good enough, but it is one proposal, given that carers who provide more than 50 hours of care currently receive £1.70 per hour.

It is important not only that the gap in benefits for someone who goes into education is addressed and funded, but that the payment is at least above the minimum wage, because £1.70 an hour is just not good enough.

Nairn McDonald (Scottish Youth Parliament): I am from North Ayrshire. We spoke to the members of a young carers group in the area who said that an unpaid carers allowance would be the difference between whether they had a childhood and a social life or not. Surely we must seriously address the need to give young carers the opportunity to have a social life and to be able to go out with their friends.

Kyle Thornton: I am from Glasgow Southside. I was recently told that, at times in my life, I would have qualified as a young carer, which is not something that I ever took into any great account during those experiences. That highlights the point that Jackson Carlaw was getting at: we need to consider other aspects, especially in relation to letting people know that there are young carers and that there is support for them.

Chic Brodie mentioned the health and social care reforms, but I have never seen any consultation with young people on any of those reforms. Public sector reforms in my local authority area of Glasgow have meant that the city council officers have decided to remove young people from planning bodies and public areas as community representatives. That is a general point about young carers and young people—public sector reform is at times acting against those voices—and it relates to the petition. We also need to look at ensuring that the voices of young

carers are not lost among the general voices in Scotland.

Rachael McCully: It is important that young carers are identified. I am the MSYP for East Kilbride in South Lanarkshire, which has done a lot of work with North Lanarkshire. The councils have spoken to all the young carers—we have quite a lot of carers in these areas, and the services for young carers in North and South Lanarkshire are quite good.

One thing that the carers brought up was the fact that, when young people who are getting the EMA are off sick, they can take a sick note in to school and they will still be paid the allowance. However, if they are a young carer, they cannot take in a young carers note and say, "I'm off because of this," so they will not get paid. We need to think about that and how we can communicate properly with the schools, as it is a big problem.

The Convener: That is a good point.

Toni Marie McFadyen (Scottish Youth Parliament): I am the MSYP for North Lanarkshire, and my point ties in with what Kyle Thornton said. Where will the line be drawn? Who is a young carer, and how are you going to identify that? Some carers are not being identified and are not given the recognition that they deserve, so we need to look at where the line will be drawn to identify them.

Emily Shaw (Scottish Youth Parliament): I am the MSYP for Shetland, and my question relates to the point that not all young people are in education. As someone who worked full-time and is now a student, I would like to know what Lauren King's proposal has to do with young people who are young carers and perhaps working part-time. If they are caring for 50 hours a week, they might not be able to hold down a full-time job or even get a reasonable wage, which is relevant to the previous discussion. What are your thoughts on that?

Lauren King: In response to Emily Shaw's point, the proposal would apply to young carers under the age of 18 as well as those in full-time education, because that is an issue.

I will pick up on Kyle Thornton's points. I became a carer when I was seven, but I was identified as a young carer only when I was 13 and in high school. That was mainly because a young carers project took the initiative in going into schools, seeking out young carers and doing presentations to every single first year social education class. I was identified because of that organisation and not because of a Government policy that says that we must identify every young carer.

It is vital to identify every young carer as soon as possible. For instance, my primary school teachers, doctors and social workers knew about my situation, but nobody linked things together and thought "This is a young person with a disabled brother, so she must be doing something." I empathise with Kyle Thornton's point. It is vital to recognise young carers as quickly as possible so that they can get more support.

Nairn McDonald and Ashleigh O'Connor-Hanlon talked about social inclusion, which is a huge issue for young carers. A lot of young carers feel socially excluded. That can be because of financial worries. If somebody's parents rely on benefits, they might not have enough money to fund going out with their friends, or enough time to get a job. Just allowing for time away from caring to go out with your friends is hard enough without having to think of where to find the money to do that. We need to make life a wee bit easier for young carers because, obviously, they save the Government billions of pounds every year.

The Convener: It is now over to the committee to decide on the next steps. The procedure will be the same as with the previous petitions. We clearly need to do further investigation. It certainly seems a sensible next step to write to the Scottish Government, COSLA and the Scottish young carers services alliance, but I ask my colleagues for views.

Chic Brodie: Although it is fine to write to COSLA, as I keep saying, we need to drill down to find out what is actually happening. It might be worth while to write to each of the councils, asking for a timeous reply, to find out exactly what on earth they are doing. For example, we have just heard about differences between the Lanarkshire councils.

Anne McTaggart: We should ask the Scottish Government to evaluate whether it has done what it said that it would do. That evaluation might be sitting there, but we do not know. We should also write to the Princess Royal Trust for Carers, which has a young carers service, for some advice.

The Convener: As there are no further suggestions, do members agree that we will continue the petition and write to the organisations that we have just referred to?

Members indicated agreement.

The Convener: I thank Lauren King again for her presentation and for answering the questions so well. I know that it is intimidating to give a presentation in the Scottish Parliament. We will keep you up to date with how the petition is going. I ask you and your colleagues please to stay on until we finish at 12, so that we can hear from Andrew Deans.

Current Petition

Mosquito Devices (PE1367)

11:42

The Convener: Agenda item 2 is consideration of PE1367, by Andrew Deans, on behalf of the Scottish Youth Parliament, on banning Mosquito devices. Members have a note and further submissions. We have worked hard on the petition and Andrew Deans has been before us previously. This appalling device has had a high profile. I ask Andrew Deans to kick off and to give us a quick summary of the situation for members who are perhaps not familiar with the issue.

Andrew Deans (Scottish Youth Parliament): I begin by saying how pleased I am that more petitions are coming from the Scottish Youth Parliament. If the committee puts as much effort into the new ones as it has into this petition, we will all be very grateful.

I am grateful to the committee for agreeing, at its meeting on 19 February, to defer consideration of the petition to allow us to collate extra evidence. The reason why I am so keen to get the Minister for Community Safety and Legal Affairs back to look at the evidence, as I mentioned in correspondence, is that, although I accept that the minister is entitled to decide not to take action, I feel that the reasons that she gave for doing so when she addressed the committee did not stand up to scrutiny and would not stand up to a quick search of the evidence.

I have picked out three reasons that she gave. The first was a perceived lack of interest among young people. She said that no young people in her constituency had been in touch with her about the issue. One might suspect that the fact that a national organisation that democratically represents young people was sponsoring the petition and that it was part of our manifesto, which was the result of extensive consultation with young people, would have been enough. I am looking over at my colleague who represents the same constituency as Roseanna Cunningham and who I believe was quite upset that the implication was made that young people in that constituency were not interested.

11:45

I am not sure whether the minister has already received correspondence or whether there is correspondence on its way, but I am glad to tell the committee that that situation will be addressed. In addition, we launched an online survey on Wednesday this week to get more information

from young people. That might also include some information on where these devices are.

Secondly, there was an assertion that the minister did not believe that the Mosquito device was in contravention of the European convention on human rights. Although I understand that she has a legal background, she admitted that that assertion was not based on any specific legal advice that she had sought. Since then, we have looked at that particular issue and we have found some fairly good evidence based on legal advice, which suggests that the Mosquito device does contravene a number of articles of the ECHR.

Thirdly, there is the lack of evidence about the number of devices. We are investigating how many devices there are, although as I am sure the committee will appreciate, that is a difficult or impossible task given that they are not regulated in any way. I appreciate the suggestion—which I think was made by Angus MacDonald—of asking the manufacturer. I do not know whether we have received an answer from them yet. It would be helpful if the manufacturer was able to give us an idea of how many devices are out there.

Jackson Carlaw asked why we had not already collated information about the number of devices, given that we are two-and-a-half years down the line. As Adam Ingram touched on, the answer is that the number of devices never formed part of our argument. Our argument is not that it is a problem that there are quite a few of these devices. Our argument is that it is a problem that these devices are not illegal. Mr Ingram described our argument as principle over practice. The problem for us is the very idea that these devices are still legal and that any private individual in Scotland can go ahead and buy one.

I will pre-empt a question from Angus MacDonald on whether the devices have been withdrawn in any other European country. The answer is no, as far as I know, although a resolution was passed by the Belgian Parliament in June 2008, which asked the Government to take measures to prohibit the use of the Mosquito device on Belgian soil. As far as I can tell, nothing came of that.

There was one tribunal in France that awarded €2,000 in compensation to people who lived near a private individual who had deployed a Mosquito device. That was the only other thing that I could find. As far as I know, there have been no bans, although I suspect if there was to be a problem in any country it is more likely to be here, given that the manufacturer is in Wales. We have an opportunity to lead the way on that.

I am happy to answer any questions.

The Convener: Thank you again for your comprehensive report to the committee. We have

done a bit of research ourselves since we last met. The clerk tells me that around 100 of these devices were purchased by police and councils in the initial years between 2006 and 2008. I hope that we have some intelligence for you on that point.

You will recall that it was me who asked the minister about legal advice. For those who were not at the meeting, I asked what specific legal advice the minister had taken to confirm whether the Scottish Government has legal competence on the issue, and whether the Mosquito device is a breach of the ECHR.

The answer was that no specific legal advice was taken. Presumably it would be sensible for us to clarify whether the Government has sought specific legal advice since then. Irrespective of whether or not a minister is a lawyer, there are specialist officials that they must consult in order to get guidance on that.

In fairness, when Fergus Ewing was the minister he was clear in his opposition to this particular issue, going by the material from that time. There are issues about the legal competence and whether there is a breach of the ECHR. I know that Scotland's commissioner for children and young people has done a lot of good work on the issue.

Before I invite questions, I want to ask Andrew Deans whether he wants more time to investigate the issue before we pursue it, perhaps by inviting the minister in. Are you ready at this stage for us to take this away?

Andrew Deans: Given that we launched the online survey just this week, we hope to have all the evidence, including the human rights evidence, the evidence from young people and the collation of evidence from bodies responsible for tackling antisocial behaviour—including the police, who have obviously responded to the committee before—children's charities and other such organisations by the end of March. The committee might wish to hold off until then, look at that evidence and then decide whether to call the minister back. In any case, we are looking to collect all this information by the end of March.

The Convener: On a point of clarification, the figure of 100 is over and above the number of devices that police and councils have purchased. That is as far as we can get on the detail of that.

Andrew Deans: Is that the figure for Scotland?

The Convener: Yes.

Andrew Deans: And that is the number of devices purchased by private individuals.

The Convener: That was the number purchased between 2006 and 2008. We got those

figures from the manufacturer. Later on, I will read the information that we have received into the *Official Report* for the sake of clarity.

I seek questions from members.

Chic Brodie: I have to say that I share Fergus Ewing's position on the matter. I do not know what kind of society we are building, but I certainly know that we do not need these things.

Perhaps I can take a different angle and think outside the box for the moment. Have any health and safety complaints been made about the use of the devices?

Andrew Deans: We have considered the issue of health protection during the petition's lifespan. However, I would rather not go down that route; the issue for us has been always been about rights and our belief that there should be no place for such devices.

Chic Brodie: We have been at this for two years. There comes a time when we have to say, "Perhaps we need to take a different route."

Andrew Deans: We have looked at that route, but did not think that it was any more promising. Our best opportunity would be for the Scottish Government to decide to ban the devices because it feels that they are not appropriate in Scotland.

Jackson Carlaw: As you might know, I am the committee member who is moved to close the petition. I think that the whole thing is barking mad.

The minister's argument was that the Parliament spent time banning fur farms when there were no fur farms to ban. What evidence do you have that one of these units is currently being used or deployed in Scotland today?

Andrew Deans: We have two types of evidence, the first of which is the evidence that David Stewart has cited.

Jackson Carlaw: That is evidence of acquisition. What evidence do you have that one of the units is being deployed somewhere in Scotland today?

Andrew Deans: I have a number of points to make in response to that question. First, the acquisition of more than 100 of the devices points to the fact that at least one of them is bound to be in use today. Secondly, there is anecdotal evidence that they are in use. Thirdly, we have launched a survey to find examples of devices that are in use.

Jackson Carlaw: The petition has been open for two years. Why in that time has no one come forward to us with evidence that one of the units is in operation anywhere in Scotland today?

Andrew Deans: It is the minister who is interested in that evidence and feels that it is particularly necessary to have it. For us, the anecdotal evidence that the units are in use and have been acquired is more than enough. It is only because the Scottish Government has come back and said that it does not feel that that is enough for it that we are now looking to get that information. We are essentially trying to satisfy its requirement for that evidence before it acts.

Jackson Carlaw: The question is not whether we think the units are desirable—I think that we are all agreed that they are not. They were a fashionable accessory when they were introduced but public opinion and the opinion of all manner of organisations—from representative organisations to elected councils—has been hostile to their deployment. I do not believe that there is any evidence that they are being deployed today.

I understand and respect the basis of the petition, but this is not just an issue of principle; this is a Parliament and practical considerations come into play. If we are going to detain Parliament with legislation, that legislation should be based on an identifiable requirement. What is the identifiable requirement to progress legislation that bans something if we have no evidence that it is actually being used?

Andrew Deans: We are searching for the evidence and for the Mosquito devices that are currently in use. On top of that, there is an issue in relation to our research into the human rights element, which is based on legal advice that the Equality and Human Rights Commission gave to Tim Loughton when he was Minister for Children and Families. The EHRC's position was that the Mosquito device contravenes several of the articles of the ECHR and that, in failing to act, a Government would be in breach of its positive obligation to safeguard human rights—

Jackson Carlaw: So all Governments across the world are in breach of that obligation.

Andrew Deans: If they come within the remit of the Council of Europe and the ECHR, yes.

Jackson Carlaw: They are all in breach of the convention.

Andrew Deans: In the EHRC's opinion, yes.

Jackson Carlaw: So every country should pass legislation to ban something that is not being deployed. That is just preposterous. In the event that a device was deployed, surely the objective would be to have it removed. If there was ever evidence that a device had been deployed, could not elected councillors, MSPs, MPs and other people, on behalf of the community, effectively represent to whoever was deploying it the need to remove it? That is what councillors, MSPs and

MPs do regularly with socially undesirable things—for example, when a shopping centre puts a Golden Balls gambling machine into its concourse, where young people who should not be gambling have access to it. MPs, MSPs and councillors make representations and such things are removed. What recourse would it be for this Parliament to spend time passing legislation to ban the device when there is no real evidence that it is a problem?

Andrew Deans: MSPs, MPs and councillors should all do that when they find a Mosquito device. As I am keen to stress, we are looking for evidence of the devices. You seem to suggest that it is hypothetical that the devices might be in operation. It is fairly clear from the evidence that we continually get from young people and the evidence that we have from Compound Security Systems that it is not a hypothetical situation—

Jackson Carlaw: Where is this evidence? You are telling me that you have received evidence from young people that the devices are being deployed. Where is it?

Andrew Deans: Anecdotal evidence and evidence—

Jackson Carlaw: Anecdotes are not evidence. You have just said to me that you have evidence from young people that the devices have been deployed. Where?

Andrew Deans: Everyone who is involved in this and who has spoken to young people is in no doubt that the devices are being deployed. I appreciate the point that you are making. At the end of the day, my feeling has always been that if we are trying, as the Scottish Government is keen to do, to make Scotland the best place for children and young people to grow up, it should not be left to individual councillors, MPs and MSPs to tackle human rights abuses on an ad hoc basis. The fact that the devices are legal and people in Scotland are buying them does not go along with that view of Scotland.

The Convener: We are a bit tight for time. This has been an interesting and useful dialogue but I am conscious that I need to bring in other members. As I understand it, you are saying that you require a little more time to prepare further evidence to give to the committee. We would then be in a better position to look at the next steps. You talked about the end of March—we are just into March.

Jackson Carlaw makes a fair point. We try to have some throughput of petitions so that they are not hanging around for long periods. It is only fair to new petitions that there should be committee time for them. Part of my job is to manage that. However, it is reasonable to allow you time to give us more evidence so that we can look at the issue

again. The committee always looks carefully at the length of time that petitions have taken.

I am keen to bring in other members of the Youth Parliament, but do any other committee members want to make a quick point?

12:00

Angus MacDonald: I thank Andrew Deans for pre-empting my earlier questions. I appreciate the research that he has done, particularly with regard to Belgium and France. Jackson Carlaw assumes that none of the devices is being deployed. That begs the question: where is his proof?

Jackson Carlaw: I have asked for evidence.

Angus MacDonald: I believe that we should give the petitioners the opportunity to identify examples of where the devices are being used and that we should certainly continue the petition.

The Convener: Before I throw the discussion open for people to ask questions, I place on record the paragraph from the clerks' paper about the number of devices, as it probably was not clear enough. Paragraph 3 states:

"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 ...)".

I hope that that clarifies the point about numbers. It is quite difficult to be specific.

Chic Brodie: The dilemma that I face, having listened to Jackson Carlaw, is this: if the devices are not being used and people have stopped buying them, why is the manufacturer continuing to produce them? Of course they are being used.

The Convener: I throw the discussion open. As usual, I will allow as many questions as I can—I see a forest of hands. At the end of the questions, I will ask Andrew Deans to summarise the answers and will then ask the committee to consider the next steps.

Rachael McCully: You ask for evidence. It is not our fault that you cannot hear the noise—we can. In South Lanarkshire, there are three devices that we know of, one of which we have heard for ourselves. There is one just down from our youth club, and once it has been put on at night it does not go off until 7 o'clock in the morning. We have continually approached the seller, asking whether they would be able to take it out of that shop, but they have refused to do so. You say that it is up to the local MSPs to try to get them out. We also have one in our Spar in East Kilbride, and they will not take it out of there either. There is your evidence—there are three devices in our area.

Jackson Carlaw: In that case, you should submit those names and addresses to the committee.

Rachael McCully: We have. We gave everything to Andrew Deans this week.

Jackson Carlaw: You have not submitted them to the committee.

Rachael McCully: Not to you, but to Andrew Deans.

The Convener: I ask colleagues to speak through the convener, so that we do not get into a dialogue.

Grant Costello also wants to make a brief comment.

Grant Costello: I will be brief, as a lot of other people want to speak. We do not ban things because they are not in use; we ban things because they should be illegal and because it is wrong to have them. You are quite right to say that the Parliament is elected to carry out the will of the people—

Jackson Carlaw: It was not in my manifesto.

Grant Costello: Well, you take part in things that go ahead. This is the Public Petitions Committee and we have submitted a petition because we honestly believe that the situation should be changed. You say that you want evidence. We will present the evidence to you at the next committee meeting, and I hope that you will change your mind.

Scott Lamond: We have heard that there might be 100 of the devices in Scotland. Regardless of whether the number is one, 100 or 1,000, the Scottish Youth Parliament and the Scottish Parliament should fight for a fairer future for Scotland. If the device targeted a racial or elderly group there would be an international outcry, but because it targets young people it has been overlooked. We will have to make progress on such things in the future, and we are starting now.

Ashleigh O'Connor-Hanlon: The devices have been deployed, but iPhones and stuff also use the Mosquito device. People in schools use it for a joke, but it is still an issue.

The Convener: I do not know whether all members heard that, but I have experienced that. A friend who had one of the new iPhones was able to play back the sound that a Mosquito device makes, and all the young people in my company heard it but the adults did not. The noise of a Mosquito device can be replicated by an iPhone.

Sarah Turner (Scottish Youth Parliament): Only young people hear the Mosquito devices, but it is not always young people who are responsible for the antisocial behaviour in the areas where the

devices are put. Why do we have this device that only young people can hear when it is not always young people who create the problems?

The Convener: I ask people to raise their hands if they want to speak. There was a forest of hands a minute ago, but they have all gone.

Louise Cameron: Jackson Carlaw said that it would be a waste of time to legislate but surely it is more of a waste of time to leave it to people in every individual constituency to deal with the issue by themselves.

I do not know if everyone has experienced how unpleasant the effects are. Union Square in Aberdeen is a new shopping centre, and it has one. I heard it when I was going through the train station and it was so unpleasant that I had to put my hands over my ears because it caused so much discomfort. That disrupts your day and it is an age discrimination issue.

Toni Marie McFadyen: The point is not about individually banning those that have been deployed already; it is about prevention rather than intervention. Instead of people going after individual cases, individuals need to be stopped before they deploy a device.

Alex Fyfe: Has any research been done into the effect of Mosquito device on crime rates in different areas? When I was researching the issue, I spoke to the local community police officer and he said he could see that it was an effective deterrent to crime in an area where crime is high among young people who are at age when most crime is committed. Is there any research out there that suggests otherwise?

Jonathan Ainslie (Scottish Youth Parliament): I am the MSYP for South Perthshire and Kinross. I represent the same constituency as Roseanna Cunningham, and I was incredibly disappointed to learn that she does not think that the issue is a concern for the young people in her constituency. Not only have I yet to meet a young person who is not horrified by the notion of the devices being used in their community, but I have had conversations with at least two young people who have experienced them and are horrified that they are allowed. I look forward to following up those conversations so that I can contribute to the quantitative evidence that will be presented to the committee. However, I do not think that the Government can argue that the issue is of no concern to young people.

The Convener: I will be generous and allow a couple more questions. Never let it be said that we do not let people speak.

Alexander Griffiths: The Mosquito device is not necessary. I have been racking my brains to remember where it is but there is a shop that just

plays Elvis Costello music and other old-fashioned music that young people do not like and it keeps them away. [*Laughter.*]

The Convener: I think that that is a petition to ban Elvis Costello.

Caitlin McDowell (Scottish Youth Parliament): I am an MSYP for Galloway and West Dumfriesshire. The problem for me is that the devices allow stigma to be attached to young people. They are meant to target young people and no one else, which creates stigma in society.

The Convener: We are coming to the end of our time but I will allow one more question. Who wants to ask the final question?

Kelley Temple: My question for the committee is, given the evidence that has been given today and all the work that Andrew Deans has done over the past couple of years, is it not time that committee and Scottish Government showed some leadership by saying that the situation is not good enough? That is what we would like to see. It is time that some leadership was shown and time that the Government said that it will take action to prevent it from happening.

The Convener: Thank you; that is a good point on which to end. Andrew, will you do a very quick summing up of some of the questions?

Andrew Deans: I think that the Public Petitions Committee has, over the years, shown good leadership on the issue, and I am grateful to it. I am also pleased that we are already getting evidence in from young people about the existence and location of operating Mosquito devices—I assume that that evidence is coming through the survey. The survey is doing its job already and I hope that we will be in a position to present more evidence soon.

The evidence that Mosquito devices work to reduce crime appears just to be anecdotal. During consideration of the petition, we have heard evidence from the Scottish Police Federation and the Association of Chief Police Officers in Scotland, who do not think that they work. They move the problem on, which is at odds with what the police want to do to tackle antisocial behaviour. That evidence will, of course, form part of our evidence.

My final point is that more evidence is coming in, and I would appreciate the opportunity to get the minister back to talk to that evidence.

The Convener: It would make sense for the committee to continue the petition until we receive the evidence that you are looking at. Jackson Carlaw made that point quite fairly. We should continue the petition so that we can look at that evidence; then, if the committee agrees, there will be the option of inviting the minister.

Jackson Carlaw: In order to expedite matters, I would be grateful if, when the clerks receive the evidence, the committee could write to the individuals who are named as operating the units to ask them to confirm whether that is the case. That would facilitate our debate. I certainly would not wish the minister to come before the committee on the basis of evidence that proved not to be substantiated.

The Convener: That is a reasonable point. We will do as much as we can as quickly as we can.

I thank Andrew Deans again. Your presentation was very helpful and you faced some hardball questions—that is totally legitimate because the committee likes to get to the bottom of all issues. I am sure that you will be glad to know that we treated all today's petitioners in exactly the same way as we would treat any other petitioner at an ordinary meeting. That is positive. You have all answered the questions extremely well—sometimes in the heat of fire, but that is how things work in Parliament.

I thank you all for coming along today. This has been an excellent meeting. I have certainly enjoyed it and I hope that you have. I am sure that we will do this again, perhaps in a year's time. I am certainly very keen to have a similar event. I understand that the Scottish Youth Parliament will sit throughout the day today and tomorrow, and that Jack McConnell and Nicola Sturgeon will be speaking to you. Enjoy the rest of the proceedings.

Meeting closed at 12:13.

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e-format first available
ISBN 978-1-78307-461-7

Revised e-format available
ISBN 978-1-78307-479-2

Printed in Scotland by APS Group Scotland
