

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 29 February 2000
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

5th Meeting 2000, Session 1

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*Mr John Munro (Ross, Skye and Inverness West) (LD)
Nora Radcliffe (Gordon) (LD)
Tommy Sheridan (Glasgow) (SSP)
*Elaine Smith (Coatbridge and Chryston) (Lab)

*attended

WITNESSES

Heather Chapple (Disabled Persons Housing Service)
Sally Daghlian (Scottish Refugee Council)
James Mackenzie (Scottish Refugee Council)
Wladyslaw Mejka (Disabled Persons Housing Service)

CLERK TEAM LEADER

Martin Verity

ASSISTANT CLERK

Alison Taylor

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 29 February 2000

(Morning)

[THE DEPUTY CONVENER *opened the meeting at 10:03*]

The Deputy Convener (Shona Robison): I welcome everyone here this morning, including members of the public and our invited guests who have come to give evidence.

You will see from the agenda that at the end of this meeting we have to consider proposals for oral evidence and lines of questioning for the draft ethical standards in public life bill. I suggest that that be taken in private, unless anyone is otherwise minded. Do I have the agreement of the committee?

Members *indicated agreement.*

Disabled Persons Housing Service

The Deputy Convener: The first piece of evidence that we will hear is from Wladyslaw Mejka and Heather Chapple of the Disabled Persons Housing Service.

I was impressed by the written material that you provided. It was a good and extremely helpful summary. The Scottish housing reference group report that you provided gave useful information, which I am sure was appreciated by committee members. As we have your written evidence, perhaps you could summarise some of the main points, which would allow us more time for questions, as I am sure that there will be many of them.

Wladyslaw Mejka (Disabled Persons Housing Service): Needless to say, we are pleased to be able to come here today and present some of the evidence that is available on inequalities in housing opportunity for disabled people. As you noted, we sourced a lot of that evidence from the housing reference group report, which will inform the work of the disability rights commission in the UK and Scotland from April. Lothian Disabled Persons Housing Service was a key partner in the research for, and production of, that report, which is an important landmark in the analysis of Scotland's housing problems as they affect disabled people and their day-to-day lives.

In its second house condition survey, Scottish Homes provided us with the important statistic that almost one third of all Scottish households have one or more household members with a long-term illness or disability, which is one of the many ways of thinking about how to define a disabled person. That is an enormous community of people. Within that community, the housing reference group estimates that approximately 40,000 people are wheelchair users, yet there are only 5,000 wheelchair-accessible houses in Scotland. Delivering equality of opportunity for those people is not just about providing the right number of houses of the right design in the right place; it is about breaking down the barriers that are inherent in the current information, policy, planning and service delivery frameworks, which, because of the way in which they are set up and operated, exclude disabled people from being able to make and act on informed choices.

Like the report, we contend that it is essential that the future housing and community care landscape in Scotland takes the form of organisations such as the DPHS. Important features of such services must include being independent and user-led and operating at the interface between housing, health and social work. They must deliver across public and private sectors and provide informed option-appraisal services that are person centred. In other words, for the creation of an inclusive society, those who are currently excluded have to be at the heart of our new policy development, planning and service delivery processes. Organisations such as the DPHS are already leading the development of options for that. Some would call it the third way; I just call it the new way of doing things.

One of the most important recommendations in the housing reference group report is determining the amount of need in Scotland. Both Scottish Homes and the old Scottish Office—now the Scottish Executive—were asked to develop reliable tools to estimate the unmet need for housing for disabled people. Received wisdom for a long time in Scotland has been that the future will be in single-person households: we will all live on our own; we will all be upwardly mobile with a single salary—whatever the acronym is these days. That is the approach that planners are adopting towards building houses for the future, yet DPHS research shows that, for 72 per cent of disabled people in one of the groups that we examined, the need is for family homes with between two and five or more bedrooms. Another group that we have worked with closely found a similar percentage—86 per cent need between two and five or more bedrooms. There is also a consistent, almost absolute, need across the spectrum for enhanced space standards to accommodate the many needs that people have

when their disability or impairment requires them to have equipment or supplies in their house.

In September 1997, the then Scottish Office proposed to revise guidance to local authorities and others on how to plan and calculate needs. It said that the guidance issued in 1991 was no longer sufficiently robust. In November 1999, two years after issuing that draft guidance, the Scottish Executive withdrew it, saying that it, too, was insufficiently robust; it suggested that we all go back to the 1991 guidance, which was said to be insufficiently robust in 1997.

We have described a circle in relation to the guidance on how best to estimate need. We have gone backwards; we are no further forward on how best to calculate real needs. The only organisation that has been doing sustained work on calculating need is the DPHS, as a result of the nature of its work, its structure and its approach to working with people with housing needs. That work has to be extended across Scotland. It must be adequately resourced and, if we are to end up with the right quality of information, it must be led by disabled people themselves.

One of the principal issues that we want to talk to the committee about is recommendation 3 in the report—reviewing the building regulations of Scotland that determine what all new housing will look like and how it will accommodate disabled people. The Scottish Parliament was asked by the housing reference group to review the building regulations with a view to increasing the minimum acceptable standard for accessible design.

As I am sure most of you know, the regulations have been changed; the new ones will take effect from April. The regulations document is organised much more inclusively, in that the regulations that apply to disabled people are included in the sections that apply to non-disabled people, whereas previously they were in an appendix. We found that encouraging, but when we examined the overall standard that the regulations strove for, we found that they aimed to provide only visitability—in other words, disabled people can visit a new home built to the new standards but they cannot inhabit that new home. We are saying that the regulations introduce a new glass ceiling of inequality, because they say to disabled people, “You can visit but you can’t stay.”

The new standards for all private sector homes—most public sector homes built with Scottish Homes funding achieve higher standards of barrier-free building—perpetuates a number of unacceptable situations and attitudes. They perpetuate the notion that disabled people are an unfortunate minority who require the help and support of the nanny state to maintain their existence, rather than seeing them fully as a part of our society with the ability to contribute their

talents and knowledge if only the barriers to social inclusion were removed.

They also perpetuate the situation in which a member of a family who has bought a visitable property and whose circumstances change—for example, their mobility is reduced—finds that their choices for the future are limited and stark. They either embark on costly adaptations, which usually means changing things that could have been built-in in the first place, such as altering switch heights or increasing space—often the space that they require would meet the minimum standards that were in place in the 1960s, whereas now there are practically no standards for storage space or room sizes for private homes—or they have to move into one of the few accessible properties that are being built in the public rented sector. Therefore, they have to move away from their current support networks—and sometimes out of employment—and into special developments, which some people might term ghettos.

10:15

This poverty of ambition on the part of the regulations becomes even more threadbare by the introduction of a test of reasonableness. It allows for a consideration of cost, among other factors, in determining if the visitability standard should be applied at all. It hands developers a “get out of jail free” card; architects and designers are under constant pressure to show that visitability is an unreasonable standard to apply to what they are working on.

We argue strongly for two recommendations in this area. The test of reasonableness should be removed. Where a developer wants to reduce the standard, that reduction should be subject to an application for relaxation. That takes us into an area where we are presuming in favour of inclusion in the building of new homes. It would send a clear signal to developers of new homes and would allow MSPs and others better to monitor where accessibility is not being included in new homes. We also recommend that the lack of parity between England and Scotland in relation to electrical switch and socket positions should be remedied, with the amendment of our regulations to emulate the far better English standards and provisions.

Recommendation 2 of the housing reference group report continues that theme and calls for all new houses to be built to the highest standards of accessibility, arguing that more accessible housing is in the interests of everyone. Equality of housing opportunity will never be delivered through quotas for the building of barrier-free and wheelchair-accessible houses. Even if those quotas were to be met—and the report questions whether that will happen—that approach inevitably creates and

reinforces a structured inequality of opportunity through the acceptance that the vast bulk of Scotland's housing will remain no-go areas for disabled people. We can reach equality of opportunity only when a robust redefinition of barrier-free design standards is mandatory across the public and private sectors. Anything less will confine disabled people to living in poorly designed houses in specially designed schemes in a context that would in other circumstances be described as a ghetto.

Recommendation 4 calls for a duty to be placed on our local authorities to procure equality of housing opportunity. We take it that everybody would agree with that, but we point out that, if such a duty is placed, we must introduce a dynamic and robust framework to guide our efforts towards achieving the objective. That would have to include the introduction of radical alternatives to current housing and social work service delivery systems and structures. New-build housing is unlikely to offer a timely and significant contribution to meeting the housing needs of disabled people. Therefore, the ability to deliver person-centred adaptations is ever more critical.

In the past year, Scottish Homes and the Scottish Executive have brought forward guidance and detailed recommendations on how all those involved in the processes should improve. Scottish Homes suggested that there would be merit in the establishment of an adaptations agency, which would deal with the adaptations required across all tenures in any area. We endorse the new role for local authorities in identifying and specifying the housing inequality in their area and in planning for how and when that inequality is to be overcome, provided that disabled people are empowered and resourced to monitor, audit and influence the dynamic and hold local authorities to account for their performance.

We also endorse the growing calls for an adaptations agency to replace the different and ineffective systems that deliver adaptations. We must have a person-centred approach. There must be holistic engagement with disabled people, irrespective of their tenure, if quality adaptation services are to be delivered. We suggest that the DPHS would be the natural home for an adaptations agency.

Recommendation 7 deals with the private sector and calls for the establishment of profiles of purpose-built and adapted private sector dwellings. This country seems to be willing to trace the journey of a cow from the field to the supermarket shelf, but it is unable to tell what happens to the £30 million or £35 million that is spent on adaptations across all local authorities in Scotland each year. If we accept that we have to measure needs more accurately, we must also

accept that it is imperative that we establish in detail what housing resources we have across all sectors. Profiling the housing stock and incorporating an accessibility audit has to be a priority objective. That would allow better-informed planning and investment decisions at a national and a regional level and enable a much more efficient use of our investment in housing.

We have developed a database system that has started to do that. We have submitted a pilot project to the Scottish Executive that would allow us to build up details of all private sector houses that have been adapted using public sector grants. The project would track the use of those houses and would allow us to act as a broker to match disabled people with housing that became available in that sector as well.

Only with effective measurement of need and detailed measurement of resources can we ensure better matches between people's needs and the houses that are available. Our work offers proof positive that benefits will follow. In the past 18 months, we have matched a young wheelchair user living in New Zealand with a private sector wheelchair-accessible rented flat in Edinburgh and we have helped a woman who has languished on the council waiting list for 17 years—she was 147th on that list—to move into a suitable housing association home within weeks of her contacting us.

Recommendation 9 also deals with the private sector. It talks about the need to develop systems that would open up the under-utilised sections of the market for home ownership by disabled people. Equality of opportunity must know no boundaries and must include home ownership for disabled people. Last year saw the launch of an internet-based company that offers a buying service for people who want to buy a home; it provides the single-survey seller concept that was trailed in last year's housing green paper. Through dialogue with us, the company has agreed in principle to incorporate a simple but increasingly sophisticated access audit on the information that it posts on the internet. That will allow disabled people to make informed decisions about home ownership on equal terms with non-disabled people, for whom the service is primarily designed.

We are concerned about the fact that the Government has failed to move towards legislating to make such a baseline requirement mandatory for all agencies that are involved in providing information in the housing market. Without that baseline, the equality of information provision, and thus the opportunity for disabled people in the home-ownership market, will always be subject to the vagaries of market forces.

Recommendation 18 refers to the need to ensure that a deeper understanding of barrier-free

design is gained among those who deliver our built environment. We have to do more than simply ensure that the building regulations and good-practice design guidance are disseminated widely among those involved. We have to engage with them to ensure that they know why a barrier-free environment is necessary and that they can positively work with an understanding of the wider context.

We have started to engage with students of design and architecture in colleges and universities in Edinburgh and are making tentative moves westward. That work secured an immediate and positive response from all those involved but a lot more has to be done. We recommend that barrier-free design should become a permanent feature of pre-qualification and post-qualification training.

We have engaged with the Scottish Executive's draft policy on architecture for Scotland and we encourage this committee to monitor development of that policy. We hope to encourage other user-led organisations to establish a clear ownership of that policy and to ensure that the practical delivery of the end products—such as the new Parliament building down the road—are inclusive of all people. To achieve that, user-led organisations such as the DPHS will need to be resourced to allow them to provide the staff time that will be required to deliver training. Those responsible for curriculum content and professional development must be required to incorporate such training packages.

We know the nature and the extent of the problems of inequality in housing. The response has to be devolving further the necessary power and resources to disabled people and enabling them to come up with sustainable solutions.

The Deputy Convener: Heather, do you have anything to add?

Heather Chapple (Disabled Persons Housing Service): No. Wladyslaw and I prepared that presentation together. I am here to answer any technical questions.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I know that DPHS is focused on the Lothian area but do you have any information on the disparities in the delivery of services in the rest of Scotland?

Wladyslaw Mejka: Our picture of disparities and inequalities is heavily informed by the work that we have done in Lothian but it is also informed by work that is being undertaken by two sister organisations that have been established in Glasgow and in Renfrewshire. There are no particular areas of need and provision, either in rural or urban Scotland, that would distort the picture or reflect a different one.

Mr McMahon: I take it from that that there are no areas that you would recommend as examples of best practice and that the situation must be improved universally.

Wladyslaw Mejka: The problem is that we do not know what the need is and we do not know what resources are available. The only knowledge that we have relates to the disabled people. The system is not helping them to identify the choices that are available to them. That is a uniform factor across Scotland.

In the past year, the Executive and Scottish Homes have issued guidance that could be regarded as guidance on best practice. As I mentioned, we submitted a proposal to the Executive to establish where public sector grants were funding adaptations in the private sector. We had envisaged a project that would last for three years, employ two people and build up a historical and contemporary database of what had happened in Lothian. I regret to say that the Scottish Executive response was to offer us funding for one post for one year.

We will endeavour to start that project, but the Executive's response was clearly inappropriate to what we felt was a significant proposal, which would enable people in other areas to examine what we had done, to learn from it and perhaps to improve on it. There is a reluctance to engage and take forward work that deals with what everyone agrees are areas of unmet need and areas where better, if not best, practice must be introduced. So far, the Executive's response has been constrained by the cash limit.

10:30

Tricia Marwick (Mid Scotland and Fife) (SNP): You say that we do not know how many people need access to houses adapted or specially built for people with disabilities, or how many homes in Scotland are presently suitable for disabled people's needs. As you said, those are the two great unknowns.

Before we can move forward, we must find out what we have. I realise that wheelchair access is not the only issue, as people with disabilities have other needs, but what mechanisms would you suggest should be adopted to find out how many people are disabled and need, in particular, wheelchair access? Secondly, how can we find out how many homes are presently suitable for people with disabilities? For example, do local house condition surveys or the "Scottish House Condition Survey" give us that information? Have you identified mechanisms to answer both those questions?

Wladyslaw Mejka: So far, we have taken the crude data that are available, either through the

Scottish Homes audit of housing association performance or through joint work with councils that have data on their own stock. Over the past three years, we have conducted an accessibility audit on that data, which are simple and offer little substantial information. However, we can now tell you bedroom size, location, degree of accessibility to different forms of disability and how frequently a property is let or re-let. We can now identify two years in advance—according to development programmes of housing associations—what housing will come on stream. We can do that down to estate level and we can aggregate it across Lothian, which helps to inform advance planning by those who are building in the public sector. More recently, but with less frequency, we have been consulted by private sector developers who want to build in certain areas and would like to include, in their market plans, barrier-free and wheelchair-accessible housing.

Tricia Marwick: You talk specifically about Lothian—I know that that is the area in which you operate—but is anybody doing the sort of work that you have described in the rest of Scotland?

Wladyslaw Mejka: No.

Tricia Marwick: When you say that you have carried out that work, are you talking about Lothian?

Wladyslaw Mejka: In fairness to the Executive, I should mention that two years ago a member of this committee—as housing minister—approved the proposal that we should take on the additional role of rolling out the concept of the DPHS by creating a national network of local DPHS. As I said, we have now established one in Renfrewshire and one in Glasgow, which will—because we will provide them with the same databases and work approach—build up a similar profile in their areas. There is a plan to create a national network, but it will take time.

Johann Lamont (Glasgow Pollok) (Lab): I was interested in what you said about training. What kind of response from people working in this sector would there be to a more positive approach to training? What has been the response of those involved in delivering training, including universities, colleges and professional bodies? Training on designing for disabled people seems to be added on to the end of courses, but is there resistance to developing the much more positive model that you described? What is the current training situation?

You mentioned that, when public money is used to build new homes, those homes tend to be barrier free. Is there a difference when homes are built by a public-private partnership? When public and private money come together, is one less likely to get barrier-free buildings? If so, that would

have major implications if there were housing stock transfers in some of our cities.

Heather Chapple: My experience is of training as an architect. I stress that it is not only architects who build housing; the training should apply to all the professionals involved in procuring buildings. Clients have a great influence on how buildings are designed and constructed, so there is wider scope for training.

In the curriculum guidance for architectural schools, one paragraph states that training should include designing for all sectors, including special needs. That is the only requirement.

When we have contacted architectural schools, they say that they find it difficult to get appropriate training, so they are willing to have us come in. One of the housing advisers from the DPHS and I go into the schools and take groups of 20 for an afternoon. That is often the only training that architects receive on this subject in a seven-year course.

The training that we give to students is intended to change their attitude. Architectural training is good at enabling students to learn problem-solving skills. We want architects and designers of buildings to rethink their attitude so that they design for a broad spectrum of the public rather than to the narrow ergonomic standards that have been adhered to—those standards are based on an average height of 5 ft 9 for men and 5 ft 4 for women, which is no longer the average. If we can get them to think about designing flexible environments, in the way that the commercial world now requires offices to be built—to take into account future provisions, flexibility in use and future alterations—that moves us a long way forward.

We get a good reaction from students and tutors. We carry out our half-day tutorials by putting the students into ridiculous kits, which provide a minimal indication to them of what it is like to have an impairment. We put them in a wheelchair, bandage them up and send them out to experience the world. The disabled community is moving away from that as a model for training, but I believe that it is useful for designers to experience moving around the environment that we have created.

We then talk about the number of people who are impaired in our society, which is 12 per cent of the population. That is a significant proportion; it is not a small minority. We make it relevant to the students by stating the likelihood that they themselves, one of their friends or a member of their family will have a short-term or long-term impairment in mobility or senses. We encourage them to think inclusively.

Even after a half-day tutorial, the projects that

the students produce at the end of the year are significantly changed, to the point that the students argue with their tutors. When their tutors talk high art to them, they say that a design is not successful if we cannot get 12 per cent of our population in and out of it, or if we require 12 per cent of our population to go in through a side entrance or a back entrance, to use separate toilets or not to use the same changing rooms as us at the swimming pool. Colleges are reacting well, but they are either unable or reluctant to pay more than our costs for the tutorials, so we provide them at cost.

Professionals who are already qualified—from architectural firms, for example—often contact us asking, “How do we do this? How do we do that? I did not receive any training in this.” That includes groups that are carrying out adaptations for disabled people. I have recently set up a group of designers in Edinburgh who carry out all Edinburgh’s adaptations of owner-occupied properties. The lack of understanding among some of them was marked. They feel that they do not have an understanding of how to design for disabled people, because that was not included in their training. We would like training in designing for disabled people to be provided for architects as part of the requirement for continued professional development. There is a requirement for 35 hours of training every year. That is being provided by some groups, but only minimally.

The need for adequate provision for disabled people is now recognised, especially since the introduction of the Disability Discrimination Act 1995; architects now feel that they may be sued if they do not provide adequate provision for disabled people within the buildings that they design. As members are aware, under the act, there will in 2004 be a requirement to provide reasonable adjustments to the physical properties of buildings. Therefore, the buildings that architects and designers are designing now should meet the requirements that will be placed on the buildings’ owners in 2004.

Unfortunately, architects are—mainly because of the nature of the building industry in which they work—very claims conscious. The industry is litigious and does not work a great deal on co-operation, so the movement towards legislation is waking up attitudes and ideas. We are getting more contacts from firms that are trying to find out what they should include in their buildings and, unfortunately, from other firms asking about what they can get away with not including.

Johann Lamont: Would it be reasonable to expect professional bodies and training organisations to provide training on designing for disabled people? If you are in a position to provide such training at cost, they will take it, but how can

we encourage society to think it reasonable to expect designing for disabled people to be part of training? It should be the responsibility of trainers to ensure that disability issues are included in the training.

Heather Chapple: We have started discussions with the Royal Incorporation of Architects in Scotland. Unfortunately, it does not set the criteria and curriculum for architects. That is set in London, partially by the Royal Institute of British Architects and partially by the Architects Registration Board. Architecture is a protected profession; one has to be registered to call oneself an architect.

The only part that the RIAS has control over is the part 3 examination—the examination in professional practice—which comes after seven years and after all the design training. We would hope that the policy on architecture—if it is changed to include an inclusive approach to design—would influence architecture training and would push existing professionals to seek out the training that they require to understand their obligation to meet the needs of the 12 per cent of the population.

Your second point concerns the difference between public and private sector provision. When you mention the partnership whereby public and private sector funding comes together, are you talking about the situation in which housing associations build?

10:45

Johann Lamont: I am thinking generally of any project that uses that method of funding, of which there is an increasing number both in the housing market and, more broadly, in the construction of public buildings. Your written evidence talks about a standard of visitability for all private sector homes. It says that

“those funded by public monies are generally built to ‘barrier free’ standards”.

Is that standard compromised when public and private money comes together?

Heather Chapple: Housing associations build to barrier-free standards. There may be new and more innovative approaches to bringing public and private sector money together in housing, but I am not sure whether there are any implications on accessibility.

Johann Lamont: You do not take into account public buildings, then?

Heather Chapple: The visitability standard is for housing rather than for public buildings. There are different requirements in the building regulations for buildings that the general public may visit. With the introduction of the Disability Discrimination Act

1995, all buildings apart from schools and a couple of other kinds—on which Wladyslaw will be able to enlighten me—are required to make reasonable adjustments, partly for visitors and users of the services but also for staff members. Those buildings will be covered by the service provision and employment requirements under the Disability Discrimination Act 1995. Housing is totally omitted from the act, with the exception of the procedures for letting and selling housing.

Irene McGugan (North-East Scotland) (SNP): In 1994, the Ewing inquiry report came up with similar recommendations to those that we are hearing about today, concerning barrier-free design, adaptation services and the requirements for new houses and for more information about need. Six years on, the fact that most of those issues are still outstanding must be incredibly frustrating for people in organisations such as yours. Who most needs to hear about this issue? What is the best way of ensuring that those matters are addressed this time round?

Wladyslaw Mejka: If you are talking about the Government, I would say that the Minister for Communities is the obvious person to approach, given not only the scale of that department but the remit of that post. I understand that the Administration's policy on social inclusion is centred there.

Having started in 1996, I view my work for the DPHS as being an obvious and real example of the way in which to create social inclusion through focusing on people's housing needs and bringing a different approach to bear on the way in which we help people to meet those needs. The end product is not simply finding someone a house; it is giving that disabled person and their family access to a much more fulfilling and more active life in the community of their choice. It is much more than ensuring that they are able to get in and out of the front door of the house; it is a social inclusion initiative.

As an organisation, we were developing that socially inclusive approach before social inclusion became a buzz phrase in about 1997. We are undoubtedly a tad disappointed that our approach has not been endorsed enthusiastically, particularly by an Administration that is devolved from London. I have often been an advocate of devolution beyond Edinburgh; it should continue downwards from Edinburgh to groups that are prepared to set themselves up as the DPHS has, to be led by the constituency that they represent—disabled people.

Marilyn Livingstone (Kirkcaldy) (Lab): I have a question about aids and adaptations. From personal experience within my family, I know that a house can be suitable for only a short period of time and that the needs of a person can change. It

is quite difficult for disabled people to get the right aids and adaptations quickly and at the right time. Scottish Homes is suggesting that an adaptations agency should be set up. How do you think that that would work? Do you think that it would benefit people? Is it something that we should pursue?

Wladyslaw Mejka: You will receive a two-part answer to that question. I shall offer the strategic answer and I am sure that Heather will offer some comment on a pilot project that we are undertaking with the social work department of City of Edinburgh Council.

Currently, too many people are involved in delivering adaptations for people when they need them. Too many organisations or parts of authorities are involved in going through committees and stages of authorisation, in identifying where the funding will come from and in ensuring that the cash flow for that funding is in place and is delivered on time. There are too many barriers for the system to work effectively for the people who need it. The current raft of procedures has developed over time, organically and without any clear destination in mind; the last thing that those procedures are is person centred. If the system is taken as a whole, it is inevitable that it suits the organisations that are trying to deliver those services rather than the person who needs them. That is one of the flaws in the present set-up.

The other flaw is that the procedures tend to be tenure based. Different procedures and different attitudes towards the delivery of an adaptation are required if a person is living in the social rented sector rather than as an owner-occupier. Sometimes different professions are involved, bringing different attitudes and cultures. Increasingly, there are also different kinds of landlords. Different types of social rented landlords will begin to emerge as council housing stock becomes increasingly divested of its current landlord status. They, in turn, will bring different procedures.

What we are arguing—and what Scottish Homes has argued in its best practice guidance on the delivery of adaptations—is that there is no defensible reason why that situation should continue. There is every reason to argue for an adaptations agency that would provide a person-centred approach and deliver adaptation to where it is needed, regardless of tenure and circumstances. That agency would work holistically and would consider more than just the adaptations that are required. By virtue of its approach, it would ensure that what is delivered also takes into account the wider aspects of a person's life, to fit not only their needs of the moment, but those of the foreseeable future. It would encourage that person to consider

alternatives to adaptation before the investment is made.

An adaptations agency would take the issue out of the political environment, which currently guides a lot of the work of departments and has led to differing approaches in local authorities throughout Scotland. For example, Fife Council has a unified adaptations budget, whereas City of Edinburgh Council does not. Many other councils take alternative approaches. All those systems and variations do not work in favour of the disabled person and do not have that person in mind.

Heather can provide a bit more detail on some of the specific work that we are undertaking to foster a different approach in Edinburgh.

Heather Chapple: The majority of our work is taking place in Lothian, and I apologise to those of you whose greater interest is outwith Lothian.

In Edinburgh, if someone lives in a property that is owned by City of Edinburgh Council, they can have an adaptation done within six months. If they live in an owner-occupied property, the same adaptation can take more than two years. All funding is provided by the same council. We are working with City of Edinburgh Council on a pilot project that focuses on adaptations of owner-occupied properties. Edinburgh lags behind the rest of Scotland in that it does not offer direct grants to individuals to commission the adaptation that they require. It takes a maternalistic attitude and commissions the adaptation, picks the designer and contractor, and acts as the client—for all intents and purposes—of the building contract. The owner of the property should be the client of the contract, should have a say in the choice of designer who is to carry out the work and should have some choice in the work that is carried out on their property.

The pilot study that we are undertaking, with City of Edinburgh Council, seeks to find a way of moving towards a direct grants system that would be supportive and work for the individual and the family in which they live. As an architect in the DPHS, I work with a housing adviser who is a registered occupational therapist, and with the individual and their family, to examine all the available options. Those options range from the installation of minor fixtures and fittings in their property to a reasonable-sized adaptation, if that is appropriate, or to a move to another property. Together we consider the full range of options that are available to the disabled person before they decide what is best.

There are obviously restrictions on the amount of cash that can be allocated to those individuals. It cannot be shown that an individual whose case is handled through our full option-appraisal pilot study would receive any more cash than would be

available to them through another system. However, we contend that the way in which we consider adaptations is more appropriate, as it involves an architect (who has an understanding of designing for people with disabilities) and an occupational therapist, working in close partnership without the communication problems that can arise elsewhere in relation to adaptations.

We believe that we can make better use of the cash that is available and provide an adaptation that suits not only the individual but the rest of the family. For an adaptation to be successful, it must suit the rest of the family as well. Adaptations are often carried out with only the individual in mind and may upset the coherence and use of the building for the rest of the family. We also believe in considering the long-term needs of the individual, rather than simply their specific needs of the moment. As you have pointed out, that issue is sometimes missed, as adaptation takes so long to be carried out that the need may have changed.

Our pilot study is progressing. We are carrying out a couple of adaptations and we are receiving additional referrals. We will monitor the performance of those adaptations over time and make comparisons with the adaptations that are carried out through the existing processes, to try to show the benefits of a person-centred approach, which works with the family, over a more maternalistic approach.

The Deputy Convener: Two members have indicated that they would like to ask questions. If they are brief, and if we receive brief replies, we will be able to include them both.

Elaine Smith (Coatbridge and Chryston) (Lab): I had two questions, but I shall ask only one. What is your view on the proposals for the extension of the right to buy?

11:00

Wladyslaw Mejka: I was hoping that no one would ask that. We are having a robust and vigorous—passionate—debate on that subject in the DPHS board. As a paid member of staff, I must help the board come to a conclusion on it. I give nothing away by saying that we have almost reached a conclusion.

The argument will probably be that it would be wrong in principle to exclude disabled people from the right to buy. Equally, given what we have shared with you about the reality of the housing landscape for disabled people, which is a chronic and disgraceful underprovision of housing to meet their needs, it would be foolish to pretend that we can vote for the right to buy and then walk away. It is not so simple for disabled people.

The DPHS position will be to say that excluding disabled people from the right to buy would be a denial of equality of opportunity, but that there will need to be safeguards, including mechanisms such as pre-emption, so that a local authority has first refusal on a house when it comes back to the market.

In future new build programmes, there should also be greater emphasis—whether through building regulations or Scottish Homes funding—on tackling the underlying shortage of appropriate housing. There are several strands in my response to your question but, in essence, we will probably say that disabled people should have access to the right to buy. However, much more than that is needed.

Tricia Marwick: On the matter of adaptations and an adaptations agency, you said that councils use a number of different mechanisms—social work, housing departments and sometimes a combination of both. I know that some of the budget comes from social work, which is funded by council tax, but other local authorities use part of their housing revenue account to fund aids and adaptations. That is clearly not a satisfactory solution. Should there be central funding for any adaptations agency, or should there be local authority funding to allow an outside agency to continue an aids and adaptations programme?

Wladyslaw Mejka: Although ultimately they have to come together, I regard those as two distinct matters. I hope that the merits of the adaptations agency approach are reasonably self-evident. Out of the confusion and lack of uniformity of delivery of service to people who need it, we need to create some transparency and uniformity of quality and performance.

Two years ago, a visitor from the Netherlands, who was in Edinburgh for the festival, dropped in on the DPHS. In a fractured conversation—his English and my Dutch were equally poor—it emerged that he was the director of a regional adaptations agency in the Netherlands. Although the bulk of that agency's work was adaptations, it provided a range of advice and information services similar to those provided by the DPHS. In the Netherlands, regional funding for adaptations comes directly from central Government. It does not stop off at local authorities before it is passed to the agency. That is a practical example of the central Government funding approach elsewhere in Europe. It certainly seems to be much more successful in what it delivers to people.

Tricia Marwick: As I understand it, there is no stopping off of money from central to local government; local government raises the money with which to provide adaptations. To achieve parity of investment throughout Scotland, would it not be a better idea for money to come from

central Government, instead of local government trying to fund agencies as you suggest?

Wladyslaw Mejka: Part of the difficulty in answering that question is the lack of clarity about the future role of local government in housing. I find it very difficult to work out what the housing function of local government will be in five years' time—whether it will have a strategic role, as some people clearly have in mind; whether it will have a mini Scottish Homes regional role; or whether it will still have a significant service delivery role. The answer to those questions will influence the answer to whether funding should come from local government or from the centre.

Scottish Homes's take on this is heavily influenced by the fact that it is less than satisfied with the performance of housing associations in delivering adaptations. That is one of the factors that has led it to review performance across the board. We are not talking just about councils; we are talking about anyone who has anything at all to do with delivering adaptations.

To supplement what Heather said, there is another facility—as yet undeveloped, which needs to be developed much more quickly—that would fit into the concept of an adaptations agency as another trend or thread in devolution. As we understand it, local authorities have the facility to offer direct grants to people. I know that the director of social work in Edinburgh is aware of that: he is actively thinking about it—but he has been actively thinking about it for more than a year.

We see an adaptations agency as another safeguard that should be in place ready for when that provision becomes much more uniform. People who are about to receive adaptations—or funding for them—may be given funding and then invited, if they wish, to commission their own work. As I am sure you gathered from Heather, there are quite a few cowboys out there. The last thing we want is people being given direct access to grants and more power over what happens in their homes and their lives, only to find that they end up appearing on endless watchdog programmes because they have been ripped off by builders, architects and others. The adaptations agency could not only offer a direct service; it could probably take on the role of watchdog over all the professionals involved.

The Deputy Convener: I thank Wlad and Heather for their thought-provoking evidence. They have given a lot of information that the committee will want to digest.

I will put Irene McGugan on the spot by asking that that information be referred to the disability reporters and that she come back with an action list of questions that we can put to ministers. We

could also consider the review of the building regulations that the DPHS has suggested. Is that agreed?

Members *indicated agreement.*

The Deputy Convener: Once we have an action list, I am sure Irene will furnish the DPHS with a copy.

Scottish Refugee Council

The Deputy Convener: The second piece of evidence today is from the Scottish Refugee Council. James Mackenzie and Sally Daghljan will outline some of their concerns about the impact of the Immigration and Asylum Act 1999.

Sally Daghljan (Scottish Refugee Council):

Thank you for inviting us to give evidence to the committee today. We are pleased that the committee is taking an interest in refugee issues. Refugees and asylum seekers are one of the most vulnerable and disadvantaged groups in society. They face many difficulties, including discrimination, racism, physical attacks and disadvantage in accessing basic services. That is compounded by language barriers, issues relating to social origin, a lack of information on, and knowledge about, the systems in the UK, and isolation.

Today, we want to raise your awareness of refugee issues and highlight some specific equal opportunities issues. We also wish to look at the implications of the Immigration and Asylum Act 1999 and suggest some ways in which the committee might ensure the promotion of equal opportunities for refugees.

I will quickly explain what the Scottish Refugee Council does. We provide advice, information, legal representation and practical support to asylum seekers and refugees in Scotland. We work strategically to promote good practice in refugee settlement, and to encourage appropriate policy development in local authorities, Government departments and other agencies. We campaign on refugee issues and aim to ensure that Scotland meets its legal and humanitarian obligations towards refugees.

Before we look at the specifics of the Immigration and Asylum Act 1999, it might be useful to refresh people's minds on the definition of a refugee. The legal definition of a refugee comes from the 1951 United Nations convention on refugees and the 1967 protocol on refugees, which form the basis of international refugee law. The UK is a signatory to the convention and played a key role in drafting it. According to the convention, a refugee is any person who

"owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country".

The right to seek asylum is enshrined in the 1948 UN declaration of human rights. An asylum seeker is a person who has applied for recognition as a refugee under the convention. Someone who

has been recognised in the UK as a refugee has indefinite leave to remain here, and eventually can apply for citizenship. The UN convention on refugees states that a refugee should be treated no less favourably than any other citizen.

Refugees come to Scotland from many different countries—and from different backgrounds, religions and social origins—and face similar difficulties to other ethnic minorities in Scotland, but with added and specific difficulties relating to their experiences as refugees. In particular, refugees have often experienced and witnessed severe violence. All have lost a great deal and suffer grief in exile. There are specific difficulties faced by different groups of refugees, from women refugees to elderly refugees, to young unaccompanied refugees and torture victims.

The Immigration and Asylum Act 1999 will have a great impact on asylum seekers in Scotland. Despite the fact that immigration and asylum are reserved matters, the act is a question for the Scottish Parliament and this committee. I remind the committee that the Immigration and Asylum Act 1999 has amended five pieces of Scottish legislation that cover devolved areas: the Social Work (Scotland) Act 1968, the National Health Service (Scotland) Act 1978, the Mental Health (Scotland) Act 1984, the Housing (Scotland) Act 1988 and the Children (Scotland) Act 1985. All the amendments exclude asylum seekers from some of the provisions of those acts.

11:15

Under the Immigration and Asylum Act 1999, up to 6,000 asylum seekers a year will be dispersed to Scotland, which the Home Secretary has designated as a cluster region. Dispersal will significantly alter the long-term make-up of the ethnic minority communities in Scotland; they will grow and become much more diverse. Dispersal will have implications for education, health, housing and other services.

Home Office statistics show that 63 per cent of decisions made on asylum applications in 1999 were positive, so many refugees will be citizens here long term. The dispersal policy is part of a longer-term integration and settlement strategy. The Government wants people who are granted refugee status to remain in the regions to which they are dispersed.

We have particular concerns about the proposed support arrangements for asylum seekers, which will have an impact on people's long-term ability to settle and integrate. Under the act, a new Government agency—the national asylum support service—will be set up to administer a means-tested support system. Destitute asylum seekers will be dispersed across the United Kingdom on a

no-choice basis without account being taken of any family or community support.

Support will be provided through a package of vouchers and cash. Only £10 cash will be provided per person per week. The total package will be equivalent to only 70 per cent of income support, even after the provision of utilities as part of the support package is taken into account.

There are many problems with the voucher system. Vouchers stigmatise and are degrading and experience shows that they are likely to lead to community relations problems. In England, vouchers have been in use for asylum seekers since 1996. Asylum seekers have regularly suffered abuse and humiliation when using vouchers. Vouchers do not allow asylum seekers to get best value. That is discrimination as it restricts where asylum seekers are entitled to shop.

The support system was devised to be used for short periods. The Government target for decisions on applications for asylum was six months, but decisions are now taking an average of 27 months and we see no prospect of that being speeded up.

The support system contradicts directly Government policy on social inclusion and equal opportunities. Specifically, the system will result in social exclusion, stigmatisation and marginalisation of one section of the community. It is the first time in Scotland that one particular group has been excluded from social welfare provisions. The move will have an impact not only on asylum seekers, but on the wider refugee and ethnic minority communities. Asylum seekers will live in extreme poverty, unable to participate in normal community activities. They will have a lack of opportunities and will be forced to rely on already disadvantaged ethnic minority communities for support.

We are very concerned about the potential impact on children. The system may lead to breaches of the UN Convention on the Rights of the Child. The Scottish Refugee Council and Save the Children intend to investigate that further.

Access to services for asylum seekers will be difficult, not only because they will be excluded from some services, but because of the language barriers and lack of sensitivity among service providers that asylum seekers and refugees experience.

Interpreters and translation services are vital to ensuring equality of opportunity. Many service providers, such as general practitioners, are not required or funded to provide interpreters for people who do not speak English. That leads to reliance on friends, family members and unqualified interpreters and raises questions of

confidentiality and accuracy of diagnosis and treatment. Access to interpreting of minority languages in Scotland is also limited.

Certain groups of refugees, such as female refugees, might face additional problems because of misunderstandings relating to culture, religion and not knowing that services specifically for women exist.

Asylum seekers and refugees face racial harassment. Previous refugee settlement in Scotland, particularly the Vietnamese and Chilean programmes, has shown that refugees will be isolated and targeted for racial abuse if they are settled in inappropriate areas. The stigmatisation of asylum seekers through the voucher system and the inappropriate placement of asylum seekers—for example, in areas of multiple deprivation—are likely to lead to harassment and abuse.

Dispersal without community education to ensure that the host population understands the needs and problems of asylum seekers is likely to lead to local tension, hostility and abuse. That has been the case in many areas in England. Already, there has been some inaccurate and negative press reporting about dispersal in Glasgow, which has resulted in some hostile community response.

Another area of concern is policing. A recent "Newsnight" report from Wales suggested that, despite the Macpherson report, police officers do not always deal with crimes against ethnic minorities appropriately. Dispersal of refugees to Scotland has implications for police officers, who must be trained to deal with asylum seekers, many of whom have had exceptionally negative experiences of state authorities and police. Again, access to interpreting is key to ensuring equal access to protection and justice.

Asylum seekers are here because they need protection under the UN convention of human rights. Access to legal advice and representation and, therefore, access to justice are areas of concern. Asylum seekers need specialist legal advice. Very few legal practitioners work on this area in Scotland and dispersed asylum seekers will have difficulties accessing appropriate legal advice, which might mean that they do not receive the protection they need. Survey evidence suggests that 30 per cent of people who are legally represented win their appeal, which contrasts with a 6 per cent average for success at appeals.

Asylum seekers coming to Scotland will be expected by the immigration department to travel to Croydon for their asylum interview. That will seriously disadvantage asylum seekers living in Scotland as their legal representatives will not be able to attend those crucial interviews with them.

Refugee children have suffered particular disruption and trauma and require sensitive induction to school and learning support to enable them to understand new systems and learn English. Teachers and schools need to have an understanding of background issues. Experience in England suggests that negative stereotyping and teachers' low expectations can hold back refugee children.

For the successful integration of adults, the keys are English language and employment. Many refugees are highly skilled and highly qualified yet face financial and other hurdles in their efforts to requalify or train. Research among Scottish Refugee Council clients show that 60 per cent of asylum seekers and refugees have a degree, diploma or professional qualification, yet many of them are long-term unemployed. That research is backed up by the Home Office's own research throughout the UK.

Section 8 of the Asylum and Immigration Act 1996, which makes it a criminal offence to employ anyone who does not have permission to work in the UK, leads to discrimination against refugees, asylum seekers and ethnic minorities. Other agencies have suggested that it is leading to whites-only policies among employers. Employers are often unaware of the different types of permission to work, and therefore wary of employing refugees. That denies individuals the opportunity to work and it denies society the contribution that they might make.

How can this committee help? We suggest that it can do several things. First, it could monitor discrimination and harassment experienced by refugees and asylum seekers in Scotland. Secondly, it could review the impact on equal opportunities of existing legislation in devolved areas such as housing, education, health, social work, legal aid and access to local government services. That could be done by requesting reports from the Scottish Executive as well as through taking evidence from refugee organisations.

We suggest that the committee could also make representations to the Home Office about the equal opportunities implications of existing legislation on reserved matters, such as in the areas of asylum decision-making and dispersal. The committee could ensure that any legislation that comes before this Parliament does not increase the risk of discrimination against refugees and asylum seekers. It could also make legislative proposals to reduce existing discrimination and promote equal opportunities for refugees and asylum seekers.

The Deputy Convener: Thank you, Sally. James, do you have anything to add at this stage?

James Mackenzie (Scottish Refugee Council): No.

The Deputy Convener: You mentioned the need for host communities to provide community education. Are you aware of any Home Office or Scottish Executive plans to carry out such education campaigns?

Sally Daghlian: We are not aware of any such plans. The Home Office has recommended that the regional consortia that are to oversee the dispersal of asylum seekers should develop media strategies, but we are not aware that anyone has made any specific plans.

Johann Lamont: You may not be aware that the Local Government Committee intends to address the impact of dispersal on the demands on local government services. A lot of what has been said will be of help when we come to address that.

Can you clarify from which services people are excluded by legislation, rather than by default because they are not given the support necessary to access services? You talked about the problems that emerge when people are inappropriately placed. What is your definition of appropriate placing? What kinds of support would there need to be before somewhere could be defined as reasonable for us to place refugees?

Sally Daghlian: The Government has suggested that asylum seekers should be placed only in areas in which there are ethnic minority communities, so that those people can access support, and only where there is an infrastructure of voluntary and other support, or the potential to develop an infrastructure of support, that will ensure that people have access to services such as legal support.

One of our biggest concerns is that, although those suggestions are being made and many documents indicate that people should take them into consideration when they are contracting with the Home Office to house asylum seekers in their area, the legislation says only that the Home Secretary must have regard to the availability of housing.

11:30

Over the past few months, under the interim dispersal scheme, the availability of housing has become the driving factor. People have been placed in extremely inappropriate areas, such as small, rural communities, where there is no access to English-language classes, for example. They are very visible in such areas and the local population is often hostile. The evidence gathered over many years has shown that refugees find it easier to live in cities and towns than in small

villages. They need to be where there are other ethnic minority communities and where they have access to services.

We are still waiting for clarification about some of the specific changes to the legislation. The regulations are going to be laid before Parliament next month. The changes under the National Health Service (Scotland) Act 1978 and the Mental Health (Scotland) Act 1984 exclude asylum seekers from being able to access specialist housing services for people who have experienced mental health difficulties, for example. That is a concern because often refugees have experienced mental health difficulties. Our understanding is that, if a refugee who ended up in an acute state was hospitalised and then required to be discharged to supported accommodation, that could not happen because of the new support arrangements.

The new legislation amends the Social Work (Scotland) Act 1968 and excludes asylum seekers from the provisions that allow local authorities to make cash payments to people to promote social welfare. The legislation restricts the ability of local authorities to make judgments about people's needs and to support them in those needs.

James Mackenzie: There is a specific concern about the so-called hard cases in that the replacement system under section 12 of the Social Work (Scotland) Act 1968 does not apply. The national asylum support service will provide the vouchers to people whom it deems eligible. However, a negative decision means that a person is taken out of the system. If the refugee cannot be removed from the country because they are a hard case—because they are seriously unwell or pregnant—NASS may not provide money and, under destitution legislation, local authorities are also prohibited from providing money.

Johann Lamont: Does that mean that children and young people would be particularly vulnerable? Is that group excluded from social services provision?

Sally Daghlian: At the moment, homeless asylum-seeking families with children would be accommodated under the Children (Scotland) Act 1995. After the implementation of the changes, that will no longer be possible, because asylum-seeking families will be housed only through the new Government agency. That means that if a homeless asylum-seeking family turns up at a social work department, the department will still have broad duties towards the children under the Children (Scotland) Act 1995, but will not be allowed to house them. Social work departments might find that they are forced to decide whether to take the children into care or to house people illegally.

Mr McMahon: One of the other areas that you highlighted was employment. The law says that an employer cannot take on someone who does not have permission to work, yet employers are not always aware that there are different levels of permission. Could you expand on what those different levels of permission are, and on how access could be granted rather than denied?

Sally Daghlian: Without going into all the technicalities—which I would not be able to do—there are employment permits and so on to consider. The permission that an asylum seeker needs to work is different. Unlike an employment permit, it is not related to a specific job.

One difficulty is that the documentation that asylum seekers receive from the Home Office can differ; different asylum seekers may have different pieces of paper. The documents are often scrappy and poorly photocopied, which can make employers sceptical. Employers do not know what they are looking for.

When the Asylum and Immigration Act 1996 was introduced, Jack Straw pledged to repeal the measures about the requirement to gain permission to work. The matter is a real concern. I know that the Commission for Racial Equality has long seen that requirement as something that encourages employers to consider whites-only policies. Employers are instantly worried if they see a foreign name. They do not know the status of the applicant; they do not want either to break the law or to have the added work of checking out someone's status.

Mr Jamie McGrigor (Highlands and Islands) (Con): I wanted clarification on whether support will be in the form of a packet of vouchers and £10 cash per person. How often is the £10 provided?

Sally Daghlian: Once a week.

Mr McGrigor: And the vouchers are for different services?

Sally Daghlian: The vouchers may be exchanged in shops for food or clothing.

Mr McGrigor: You are obviously against that system. You—or Kent County Council—are saying that it is three and a half times more expensive than a cash system. Are not the vouchers issued because a lot of asylum seekers have problems with language? At least the voucher states what it is for, whereas people might not get the services that they need if they just get cash—the cash might be used in the wrong way. Would you agree with that?

Sally Daghlian: I see it the other way round. Vouchers are more difficult for people to understand, whereas cash is universal. People understand what money is and how it can be exchanged for services and goods. People can

therefore access all that is on offer.

Vouchers are much more difficult for people to understand, particularly if they do not have a good grasp of English. They have to understand that they can use them only in some places. There are complications—people cannot get change, for example, and have to shop for goods to the total value of the vouchers. The experience of the use of vouchers over the past few years in England has been very negative.

In particular, vouchers can cause community-relations problems. For example, someone in a supermarket may have a voucher. If they do not speak English very well and are trying to exchange the voucher with a cashier, the cashier will, in time-honoured English tradition, tend to speak louder, although the person does not understand. The whole queue can hear what is going on. People become irritated, as they do in such situations. Although it is difficult for the asylum seeker to understand what is happening, they certainly feel humiliated and stigmatised.

Mr McGrigor: I have had a similar experience. I remember going to Russia, in 1969 I think. I had to use a voucher system and I found it very complicated. On the subject of the cash, are you suggesting that the voucher system be dispensed with altogether and that the cash equivalent be given out?

Sally Daghlian: Asylum seekers used to be entitled to welfare benefits. We think that that is cheaper, more efficient and in the asylum seeker's interests. The £10 cash is intended to cover all incidental needs, including bus fares and telephone calls. We are not yet clear about where the vouchers will be used, although we are only a few weeks away from the introduction of the system. We do not know which shops people will be able to use. We also think that £10 is inadequate.

Tricia Marwick: You say that, under NASS, up to 6,000 asylum seekers will be dispersed to Scotland every year. Is that 6,000 individuals or 6,000 family units?

Sally Daghlian: I think that it is 6,000 principal asylum seekers, so it could include more individuals. Usually, the Home Office counts the principal asylum seeker. However, most asylum seekers are single people; there are fewer families.

Tricia Marwick: Would those who decide that one person is coming to Scotland and another is going to London have regard to family relationships, so that people in the same family are not sent to different parts of the United Kingdom? Would they try to keep families and relatives together?

Sally Daghlian: We understand that they would not. The legislation states that the Home Secretary can have no regard to the asylum seeker's preference. Under the interim dispersal schemes that are being implemented, people have been separated from their families. Members of the committee may have seen a "Panorama" programme recently that showed the difficulties of an asylum-seeking family who had arrived in London and had relatives there, but were promptly bussed off to Liverpool. Until the bus pulled away from London, those people did not understand that they were being sent to another city.

Mr John Munro (Ross, Skye and Inverness West) (LD): In your submission, you say:

"Destitute asylum seekers will be dispersed across the UK on a no-choice basis",

irrespective of family commitments and so on. Surely that is a harsh and unsympathetic way of handling people.

Sally Daghlian: Yes.

Mr Munro: If the family is broken up, that adds to the trauma that the asylum seekers are experiencing.

Sally Daghlian: We agree. One of our concerns is that some people will choose not to be dispersed, because they would rather stay in places where there are people whom they know. We may as a result find that many asylum seekers end up homeless. People may be able to stay with relatives or other members of the community for a short time—we have experience of refugees who will sleep on somebody's floor rather than be sent to another town—but if they have to wait for a decision on their asylum claim for 27 months, that can become very difficult. We think that more asylum seekers will become homeless and that other agencies and local authorities will not be able to help them because of the restrictions in the legislation.

Elaine Smith: Do you think that there is a danger that asylum seekers may be housed in areas where housing is hard to let? Would that concern you?

Sally Daghlian: It would. Local authorities are being encouraged to see using their hard-to-let housing as a way of reducing their void rates. Most empty properties are empty because there are problems with them and because they are in areas where people do not want to live.

Mr McGrigor: You say:

"The legislation specifically prevents asylum seekers from accessing many social welfare provisions."

To which provisions are you referring?

Sally Daghlian: The restrictions affecting the Social Work (Scotland) Act 1968 are significant, as

that is an important piece of Scottish legislation that has given local authorities discretion to help people in need. The restrictions on housing deny asylum seekers the opportunity to be housed by local authorities and to choose where they live.

However, all the changes are significant, and we will not really know what they mean and what the difficulties will be until the legislation comes into force. For example, what will happen to an asylum seeker in hospital who might need to be discharged to supported accommodation which cannot be provided? Will they have to remain inappropriately detained in hospital, or will they be sent out into inappropriate accommodation, thereby risking rehospitalisation or perhaps posing a danger to other people?

11:45

Elaine Smith: There has been a promise to review the act after a specific period; it will be important to keep an eye on that.

Sally Daghlian: That review is critical and it is important for us to monitor what happens in the 18 months until the Executive reviews the act. Although I am not clear about the form that the review process will take, I imagine that this committee will take evidence from organisations that are involved. We hope to establish a monitoring and research project with another organisation to find out what happens to people, where they end up, whether they get the services that they need and whether other conventions are being breached.

James Mackenzie: We are certainly concerned that there has not yet been a report about the level of preparedness in Scotland and about the support services that asylum seekers and refugees need. Although we welcome the review in 18 months' time, we are somewhat concerned that, in five weeks' time, many people might be arriving in Scotland and we do not know whether they will have access to appropriate legal support, interpretation and medical services.

Mr Munro: Where there is a high concentration of asylum seekers, such as in the south of England, there is no possibility that local authorities will get additional funding from central Government to support them in their efforts to accommodate those people. What is the situation in Scotland? Although we have heard about the same lack of finance, have local authorities made any request to central Government, or even to the Scottish Parliament, for additional funding to support their initiatives?

Sally Daghlian: Many local authorities are still in the very early stages of finding out what is in store and of investigating potential costs. Over the past year or so, representations have been made

by the Local Government Association, the Convention of Scottish Local Authorities and individual local authorities. The interim dispersal scheme, which started in December, has realised only a very small amount of accommodation outside London, because local authorities do not think that the figures add up. For example, there is no specific funding for education. The Home Office position is that, as the number of residents and children in any area increases, eventually local authorities will be reimbursed through the normal mechanisms on a per capita basis. However, that does not recognise that many refugee children would need extra support for language provision, for example, particularly in the first years.

Similarly, there is no extra resourcing for health services. Although such funding might also be awarded on a per capita basis, that does not recognise the fact that, among refugees and asylum seekers, there are often people such as torture victims who, given their experiences, run the risk of mental health problems. Furthermore, people often have chronic health problems and illnesses, especially if they have been living in very poor conditions. For example, many of the Kosovan refugees who came to Scotland earlier this year had chronic problems such as diabetes. As some people had not received any medical care in the months before they arrived, there was a heavy demand on health services.

The Deputy Convener: Thank you.

In her evidence, Sally Daghlia outlined a number of requests that she would like the committee to take forward. I would like to make a number of proposals based on those requests and see whether they are acceptable to the committee.

The review of the impact on devolved services was mentioned. We know that the Local Government Committee is examining that, so we should write to it and find out how it intends to take the issue forward and what services it will consider. Is that acceptable to the committee?

Members indicated agreement.

The Deputy Convener: Another issue that was raised was whether there was a plan to have an education and information campaign within the host communities that are receiving asylum seekers. I suggest that we write to Iain Gray, who seems to be the minister responsible for replying to questions about this, to ask whether there are any such plans. Is that acceptable to the committee?

Members indicated agreement.

The Deputy Convener: Sally Daghlia also mentioned interpreting services and legal representation in relation to policing. Jim Wallace has responsibility for the majority of those

services, so we could write to ask him what training the police have undertaken in dealing sensitively with asylum seekers and refugees. We could also ask about the updated position in relation to resources for interpreting services—I know that this committee has raised that issue before. Is that acceptable to the committee?

Members indicated agreement.

The Deputy Convener: The Scottish Executive has made a commitment to monitor the situation and review it in 18 months. I suggest that the committee receives regular updates from the Scottish Refugee Council on the evidence that it receives through its monitoring project. The committee can then consider the situation and the concerns that are being raised. Is that acceptable to the committee?

Members indicated agreement.

The Deputy Convener: We can discuss the frequency of that, but I suggest that three-monthly updates might be appropriate.

The other request was that the committee make representation to the Home Office on the equal opportunities implications of the Immigration and Asylum Act 1999. Is the committee of a mind to make a representation on that? We could include evidence that we have taken, perhaps based on today's submissions, that we could send with a covering letter expressing concern to the Home Office.

Mr McMahon: We should identify and flag up the implications.

The Deputy Convener: Will we do that and consider this issue at a future meeting, after we have examined the evidence?

Members indicated agreement.

The Deputy Convener: Sally, have I overlooked any issue that you asked the committee to consider?

Sally Daghlia: I request that, when legislation comes before Parliament, the committee considers the equal opportunities issues that it raises for refugees and asylum seekers.

The Deputy Convener: Sally suggests that we consider the impact on asylum seekers and refugees of legislation considered by the Parliament. It would be helpful if the Scottish Refugee Council could highlight any issues in the legislative programme that will affect asylum seekers and refugees and bring them to the attention of the committee. Is the committee minded to agree to that?

Members indicated agreement.

The Deputy Convener: I thank the witnesses for their thought-provoking presentation. We will maintain contact on the issue of monitoring during the next few months.

Sally Daghlia: Thank you. We apologise for not submitting our written evidence earlier.

Reporters

The Deputy Convener: We will move on quickly to the reports from the reporters.

The first report is from Irene McGugan, who, I realise, has only just taken over the job. I am not sure whether she has anything to report at this stage.

Irene McGugan: I do, although, as the disability sub-group acknowledged that it was some time since it had met, we agreed to review where we were. We felt that we had to go back over the ground in three areas.

First, we wanted to renew the request to the committee to write to all organisations that may have an interest in the Adults with Incapacity (Scotland) Bill, particularly in relation to disability matters. Secondly, we said previously that we would like a full briefing for all committee members on the workings of the disability rights commission, with specific reference to the arrangements that are being made in Scotland. Thirdly, we thought that an informal briefing for the full committee on the workings of the Disability Discrimination Act 1995 would be appropriate. In fact, we thought that it would be so useful that the corporate body should be asked to make that briefing available to all MSPs, in order to raise awareness of the potential impact of the act in terms of access to offices and other requirements.

Those areas were identified previously as requiring action, but that action has yet to be taken. As all three areas relate to briefings for, or evidence taking by, the committee, it would be useful to schedule them into the committee's timetable of future work. That would allow us to see when we are to deal with them and so when we should have material available for the committee.

We also considered two new areas. First, we considered the recent disability rights task force report "From Exclusion to Inclusion", which deals with civil rights for disabled people. The document is lengthy and detailed and we felt that most MSPs would be unlikely to read it in full. However, a summary of the report, highlighting the important issues on which we should focus, would probably be useful to all members. With the committee's permission, we will try to make that summary available.

Lip-reading is the second new issue that we considered. Many MSPs have already met Rosemary Jeffries, including Johann Lamont, who has circulated a briefing of her meeting with Rosemary. Johann's paper sets out ably that, for people with hearing loss, lip-reading offers solutions to communication problems by

supplementing or replacing the use of a hearing aid, but that variable support and lack of funding is threatening the lip-reading service. Johann makes three recommendations at the conclusion of her paper, which the disability sub-group has already considered sympathetically. We have no difficulty in exploring further the issues raised in the paper and we support the lodging of a motion on the issue.

The Deputy Convener: Thank you. Are there any questions for Irene? Does Martin Verity wish to say anything about the future work programme?

12:00

Martin Verity (Clerk Team Leader): We have arranged for the National Disability Council to give evidence to the committee on 28 March.

The Convener: Johann Lamont will now speak for the reporters group on gender issues.

Johann Lamont: I will persist in calling it the women's group, but that is for historical reasons.

I circulated a report of our meeting, but I will go through it briefly. In pursuing the issues relating to the report "Towards a Just Conclusion", we agreed that as a first step the group would seek a meeting with Angus MacKay to discuss how the Executive planned to progress the report. Those of you who were present at the debate that was initiated by Gil Paterson on the Soroptomist International report on rape will recollect that Angus MacKay said that the Executive planned to produce an action plan. We are keen to hold a dialogue with him about how we can participate in that process.

Meetings with Engender and Women's Aid are being arranged. Our request to the Social Inclusion, Housing and Voluntary Sector Committee that it take evidence from Women's Aid has been accepted and will be pursued in due course.

The group felt that it had emerged from the evidence from the equality unit that, rather than operating in separate worlds, the committee and the unit should set up a process by which we could talk with each other. I know that one member of the unit has been identified as its link person, but we thought that as a first step the women's group could be used as a forum for discussion about how we could liaise. Therefore I will invite Jackie Baillie and whoever the equality unit deems the appropriate person to explore these issues initially.

The last point that we raised—we were not trying to be topical—concerned the new Parliament building. It has been suggested that there will not be a crèche in the new Parliament. It is our view that, although a crèche will be an important provision for MSPs and staff, it will be

most crucial in relation to the Parliament as a public building, in which people should be able to access MSPs, committees and the chamber and make a contribution regardless of their child care needs. We want this committee to raise our concern in the appropriate place—we were not clear where that would be—and to underline the fact that a crèche is not an added extra but part of the Parliament project and part of the provision of any good public building. We can explore how that can be managed. Large supermarkets manage to provide crèches for folk who are shopping, so a crèche in the Parliament should not be beyond us.

The Deputy Convener: Do members agree that the committee should write to the corporate body to seek clarification about the crèche?

Johann Lamont: And to emphasise the importance of a crèche.

The Deputy Convener: Yes. We will do that.

We will move on to Michael McMahon's report on race issues.

Mr McMahon: At the previous meeting, I said that a meeting of the race group had been scheduled. However, because of the number of apologies that I received, it was not worth going ahead with the meeting. We wanted a focused discussion on the recent crime statistics, which would have been a waste of time if members had not been present. I have rescheduled the meeting for next week.

A small delegation, headed by Robina Qureshi from Positive Action in Housing, will guide us on that issue and will give us information on the Macpherson report one year after it was published. I know that the Positive Action in Housing will meet the committee formally to discuss its activities. Given that the meeting will focus on the Macpherson report and the recent statistics, I thought that it would be better to hold it next week rather than to press ahead last week. I will e-mail everyone—again I have received a couple of apologies. I think that we should be well represented at the meeting with the delegation, as the matter is important, but the meeting can be informal. Three people from PAIH are coming through. The meeting is at 10.00 am next Tuesday.

The Deputy Convener: I urge all members of the sub-group and other committee members to attend the meeting. I agree with Michael that it is important to have a good turnout.

Nora Radcliffe is not here to give a report, but she keeps us updated with written reports by e-mail. We will hear from her at the next meeting.

Correspondence

The Deputy Convener: The next item is correspondence.

Martin Verity: A paper listing recently received correspondence has been circulated. It is on the agenda for information and in case any member wishes to raise any points.

The Deputy Convener: Johann and I expressed an interest in attending the event in Belfast that members have been notified about. I understand that we can both go. Johann, do you want to say something about it?

Johann Lamont: I am very pleased that we will have the opportunity to go. I understand that it is about setting the women's agenda for the Northern Ireland Assembly. Although there may be difficulties in relation to the assembly, the women's agenda is continuing.

We were asked to talk about the experience of the Scottish Parliament. I understand that a number of groups have been invited to participate. It may be possible to give more detailed information before we go and we will give a full report when we return.

The Deputy Convener: I now bring the public part of the meeting to a close.

12:06

Meeting continued in private until 12:27.

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