

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 9 May 2000
(Morning)

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CONTENTS

Tuesday 9 May 2000

	Col.
DISABILITY ACCESS (CALEDONIAN MACBRAYNE).....	631
REPORTERS.....	641
WOMEN'S OFFENDING.....	646
SUBORDINATE LEGISLATION.....	660
CORRESPONDENCE.....	661

EQUAL OPPORTUNITIES COMMITTEE

11th Meeting 2000, Session 1

CONVENER

*Kate MacLean (Dundee West) (Lab)

DEPUTY CONVENER

*Shona Robison (North-East Scotland) (SNP)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)
*Johann Lamont (Glasgow Pollok) (Lab)
*Marilyn Livingstone (Kirkcaldy) (Lab)
*Mr Jamie McGrigor (Highlands and Islands) (Con)
*Irene McGugan (North-East Scotland) (SNP)
*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)
Tricia Marwick (Mid Scotland and Fife) (SNP)
*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

Ken Duerden (Caledonian MacBrayne)
William Kindness (Caledonian MacBrayne)
Professor Sheila McLean (University of Glasgow)

ACTING CLERK

Stephen Imrie

ASSISTANT CLERK

Alison Taylor

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 9 May 2000

(Morning)

[THE DEPUTY CONVENER *opened the meeting at 10:05*]

Disability Access (Caledonian MacBrayne)

The Deputy Convener (Shona Robison): I welcome everyone to this morning's meeting of the Equal Opportunities Committee. Our first item is an evidence session with two representatives of Caledonian MacBrayne, William Kindness and Ken Duerden, who are both very welcome. The committee has already met organisations that have raised concerns about the accessibility of ferries to people with disabilities and we will be pleased to hear what our witnesses have to say about that and other matters. After that, we will open up the session to questions from committee members.

Ken Duerden (Caledonian MacBrayne): Thank you very much for inviting us to this morning's meeting. I am the commercial director of Caledonian MacBrayne and Willie Kindness is our network manager.

In the few minutes that are available, I want to take the committee through the background of the company, to consider some of the current influences on our activities and to point out the facilities for passengers with impaired mobility on the major and minor vessels. I will then hand over to Willie, who will touch on the recommendations from the Disabled Persons Transport Advisory Committee; the situation with the upper-Clyde vessels, which was discussed in a previous committee meeting with representatives from Achievement Bute; facilities in the ports; staff training for disability awareness; and concessionary fares.

I will start with the background to the company. I realise that some committee members have a lot of knowledge about our activities and have worked with us over the years. We operate a fleet of 28 vessels and have two under construction. Yesterday at Ailsa shipyard in Troon, we launched a new vessel, which will come into service later this summer on services from Mallaig to the small isles of Eigg, Muck, Rum and Canna. Another major vessel, which is being built at Fergusons in Port Glasgow, is due to be launched later this

summer and come into service towards the end of the year on the services from the north of Skye to Harris and Uist.

We operate between 50 terminals, with 25 Scottish routes and one Irish route, and sail directly to 23 Scottish islands, one Irish island and four peninsulas. In 1999, we carried a total of 4.8 million passengers, 895,000 cars, 84,000 commercial vehicles and 12,500 coaches.

The company budgets to break even each year, which means that there is no profit element built into the budgetary process. To break even in 1999-2000, we received a subsidy of £14.8 million from the Scottish Executive. We have an undertaking with the Executive that specifies a number of routes that we are required to operate and allows us to operate those routes at a loss. We can also operate outside the undertaking, if we wish, but such activities are subject to stringent rules to ensure that there is no seepage of subsidy.

The biggest current influence on us is probably the state aid issue. A consultation exercise on the requirement to tender our services is due to end in June. Part of that process is consultation on the Gourock to Dunoon service—I know that you have discussed the future of that service and the condition of Dunoon pier. The process has included the publication of the Deloitte & Touche report and supplementary work since that report was commissioned. The Gourock to Dunoon situation has a bearing on the Wemyss Bay to Rothesay service, mainly because of the interchangeability of the vessels.

No new vessels were introduced into our fleet between 1979 and 1984—that is quite a long period with no new vessels. We currently operate 12 major vessels, eight of which have been replaced since 1984—all the major vessels have been replaced except the upper-Clyde vessels. All the new vessels that we have introduced since 1984 have easier gangway access, lifts between decks and between the car deck and the accommodation decks, accessible toilets, and modified tables in the cafeteria to accommodate wheelchairs.

You may be interested to know that in 1995 we introduced a new vessel, the Isle of Lewis, to the Ullapool to Stornoway route. She was investigated by the Department of Transport mobility unit shortly after she came into service, and her facilities were given a very favourable report.

We have replaced 10 of our minor vessels since 1986, which leaves five pre-1978 minor vessels. Those vessels operate on the Tarbert to Portavadie service, on the service between Oban and Lismore, and between Ballycastle, on the mainland of Northern Ireland, and Rathlin island.

All the new minor vessels have widened access. Kerbs have been built on those new vessels to allow wheelchair access, and the sills that are normally built in doorways to prevent water entering the accommodation have been removed to allow much freer access. Most small vessels tend to operate on short crossings and most of the passengers travel in cars.

William Kindness (Caledonian MacBrayne):

Part of the difficulty that ferry operators have faced in constructing ships is that there have been no guidelines on facilities for the disabled.

I am a member of the ferry committee of DPTAC, which is producing guidelines on the internal structure of ferries. We will put the final touches to the guidelines at a meeting in London next week. The draft guidelines were circulated around all the major ferry operators in the UK for their advice before DPTAC makes its recommendations.

The four upper-Clyde vessels—the Rothesay ones come to mind—are from the older part of our fleet. They were built in the 1970s before the focus on the needs of the mobility impaired developed. The particular difficulty with those four ships, as the Rothesay people no doubt mentioned to you when you met them—I have met the same people—is that the level of the tide determines the level at which one boards those four vessels, and access to the lower decks is by an outside staircase.

We asked Stairlifts (Scotland) to advise us on resolving the problem and considered many options, including Stannah lifts and stairlifts. Stairlifts have never been fitted in ships and are no use outside. We thought that we had cracked the problem recently when we were offered and tried stair-climbing wheelchairs. One of our larger port managers sat in one of the chairs and went up and down the outside stairs. The chairs worked extremely well on the days on which we tried them—there was very little motion on the ship; they were nice days—so we thought that that was the answer. However, we have had a quote from the suppliers and the chairs are pretty expensive—£5,000 each. We would need four. The main worry, however, is that they can be used only in dry weather. We operate in the west of Scotland so we do not get many dry days, which throws the whole thing into doubt. There is no means of shifting people on the decks of the ships other than by physically carrying them. We are not happy about that at all. The other option for wheelchairs, again dependent on the weather, is to take them on via the car deck, which is hardly ideal, as we have to stop all the movement of vehicles.

As Ken Duerden indicated, the whole issue for the upper-Clyde vessels is state aid and the

Deloitte & Touche report, which indicated that the Gourock to Dunoon ferry may become a passenger-only service, which would probably mean new ships. That has a bearing on what happens to the Wemyss Bay to Rothesay route. Until the Executive makes a decision on state aid and the Deloitte & Touche report, that will be put in limbo. We have hit a brick wall.

We have been considering facilities not only on the ships, but in the ports—the DPTAC guidelines will include recommendations on what facilities should be available in the ports. We have a slight difficulty because not all the ports are owned by Caledonian MacBrayne; some are owned by the local authorities.

10:15

Whenever we have a difficulty, we solve it by appointing a committee. Taking the DPTAC guidelines as a benchmark, a committee of port managers went round the ports to see what needed to be done. Its members quickly realised that they were not qualified to decide what was needed. A group of chartered architects, who had carried out work for the Scottish Office and Lothian Regional Council on disability audits, gave a presentation. They recommended that we consider using a company; they had dealt with Smith, Scott, Mullan + Associates.

We are about to introduce mobility impairment awareness training for all staff. We will be using a training module called “IMPART: putting people first”, which is a scheme recommended by the Scottish Executive. Such disability awareness training will become mandatory for all sailing staff by the end of next year.

We offer concessionary fares for people who are disabled. Depending on what they get from the social services, we offer anything between a 10 and 50 per cent reduction in the car fare, principally to allow them to get around more easily and cheaply. If someone possesses an orange parking badge, they automatically get a 10 per cent discount on the single car fare. If that is supported by a tax disc exemption certificate or proof of receipt of disabled living allowance at the higher rate from the Department of Social Security, we give a 50 per cent discount.

That is where we are at the moment.

The Deputy Convener: Thank you very much. The floor is open for questions.

Mr Jamie McGrigor (Highlands and Islands (Con): Thank you for that very good presentation. You have answered a lot of the questions that I was going to ask. I am an MSP for the Highlands and Islands. I have been using CalMac all my life—I can even remember the days when I used

to have to climb down a rope ladder to get on to the ferry to go to Coll. I was thinking just the other day that we have come a long way since then.

Caledonian MacBrayne offers a very good service. I often use the Isle of Lewis, which you talked about. In the big boats, provision for the disabled is good; but there are concerns—certainly for Rothesay people—about the Juno, the Jupiter, the Saturn and the Pioneer. I am not sure what the climbing wheelchairs are called.

William Kindness: They are just given a code name.

Mr McGrigor: I know that those chairs work fine. However, as you said, they cannot work in the wet. Would it be possible to produce a chair that did work in the wet?

William Kindness: The suppliers are concerned because the staircases are metal. The chairs are fine; the ambulance service uses them. However, its staircases are usually inside, whereas our staircases are often outside and very steep, at 45 deg, with steps that are narrow, at 9 in. The rubber wheels of the chairs have to catch on to a very narrow space.

Mr McGrigor: So the problem is not the fact that that chairs are electrical, but that they might slip.

William Kindness: Yes.

Mr McGrigor: My second question is on your shore-based customer care team. Disabled people find your offices a bit difficult. People in wheelchairs cannot see over the counter, which is a problem for someone who is trying to buy a ticket. Moreover, the door handles are too high.

William Kindness: The shore team recognises those problems, and one of the first things that it has been considering is the height of the counters. It has a budget for that.

Mr McGrigor: All that would be needed would be one space.

William Kindness: That is right—one space where we could drop the level of the counter.

Mr John Munro (Ross, Skye and Inverness West) (LD): Good morning, gents, and thank you for coming to speak to us. In your presentation, you talked about the facility for getting disabled people aboard with the climbing wheelchair and said that you are not allowed to operate it in wet weather. As I am sure you know, our experience on the west coast of Scotland is that we do not have many dry days, although this week has been quite exceptional.

Aboard your vessels, the facilities are appropriate. Especially on the new vessels, there are excellent facilities for accommodating people with a disability. The problem seems to be in

getting from the quay to the vessel. In some of the major ports, that is not a problem, because new arrangements have been put in place. Caledonian MacBrayne does not have a monopoly on every shore facility; you mentioned that local authorities own some of them. Have the authorities co-operated with you, or been in discussion with you, on improving shore-to-ship facilities?

Ken Duerden: In general, where port facilities have been improved at ports that we do not own—whether they are owned by councils, third parties or trusts—there have been discussions. Ullapool and Stornoway are probably the best examples. Work has been done at both terminals recently by the owners; we hope to start work within the next couple of months on a new facility at Ardrossan, which is owned by Clydeport plc.

The answer to your question is that, where there have been resources to improve terminal facilities, we have had dialogue with the pier owners and have incorporated the required facilities where possible. We are more concerned with the facilities where there has not been investment and which are now lagging behind. The facilities in such places are not up to the standard that we would wish. That can apply to our ports as well. Our main thrust for investment in recent years has quite rightly been for the vessels; the shore facilities are not quite what we would like in a lot of places. I hope that, as resources become available and as the future of the company is determined through the state aid process, we will have a clearer idea of what is needed and be able to work towards upgrading substandard facilities.

Mr Munro: It is fair to say that when an opportunity has presented itself and where there were the means to provide appropriate facilities, disabled access has been provided. It is at the lesser ports where that becomes difficult and one has to operate with a vessel that was never designed to accommodate facilities for the disabled. I am thinking of the small isles facilities—Rum, Eigg and Canna—where people had to transfer from the vessel to a flit boat and then be put ashore. It would be difficult for any company to provide a disabled facility in those circumstances.

Ken Duerden: The vessel that was launched yesterday will have disabled facilities on board. As soon as the shore structures are built at the four islands, the vessel will be able to land passengers directly on the shore. At the moment, that is only possible at Canna. Work has started on Muck and Rum, which will have slipways in the foreseeable future. The ship will be able to land people directly and there will be wheelchair access via the vehicle deck, with a lift to the accommodation decks. We are getting there. We hope that the funding for Eigg will follow shortly.

Nora Radcliffe (Gordon) (LD): Has any work been done on what the wheels of the stair-climbing chair could be coated with in order to give grip in wet weather? If that is the only thing that is stopping you using them, it should be given some thought.

William Kindness: We have not done that yet. We received the quote from the suppliers only last week. We are considering the matter.

Nora Radcliffe: Is this a problem in other countries? Has anyone investigated whether it has been solved elsewhere?

William Kindness: We are taking that on board. It is just the four ships that Mr McGrigor mentioned that are affected.

Nora Radcliffe: What is their expected lifespan?

Ken Duerden: Three of the ships were built in 1974 and the other was built in 1978. Normally, we would expect any vessel to have a 20-year lifespan and therefore all four vessels are past the end of their expected working life. The replacement of the vessels has been delayed largely because of the uncertainty of the future of the services.

Nora Radcliffe: Would it be a short-term fix?

Ken Duerden: We hope soon to have a clearer idea of the future of the services.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I would like to get a sense of the scale of the problem. You mentioned the 12 major vessels and the four upper-Clyde vessels. How many vessels do you have in your fleet?

Ken Duerden: We have 28 vessels and two more under construction. Four of the 12 major vessels are the upper-Clyde vessels. Quite a high percentage of the vessels do not have the required facilities. Eight major vessels out of 12 have the required facilities.

Malcolm Chisholm: What about the other vessels?

Ken Duerden: The other vessels are much smaller. The vessels that have been introduced since 1986 have much better access facilities.

Malcolm Chisholm: How many of the vessels have been replaced recently?

Ken Duerden: We have replaced 10 vessels since 1986. We have five vessels from before that date that do not have the facilities, one of which is a ferry boat that tenders at Eigg. The use of that boat will be phased out as soon as the slipway is provided on the island.

Malcolm Chisholm: Are you saying that you need to replace the vessels in order to deal with the problem?

Ken Duerden: No. We have done quite a lot of work, particularly on Juno, Jupiter, Saturn and Pioneer. The advice that we have been given is that it is not practical to retrofit—particularly lift facilities—in vessels of that age.

Malcolm Chisholm: What would you say was the effect of the complicated announcement that was made on the matter? What effect will that have?

Ken Duerden: Which announcement?

Malcolm Chisholm: The one on state aids.

Ken Duerden: The most recent announcement was made a couple of weeks ago. The consultation process on how to tender the subsidised services that Caledonian MacBrayne operates in order to meet the requirements of the EU legislation is due to be completed in June. I am not sure how that will work out.

Caledonian MacBrayne welcomes the opportunity to participate in that consultation process. We have a long history of serving the islands, and I hope that we will be allowed to continue to do so. We welcome the parts of the announcement that assure the future of the services and say that the company will not be privatised and that we will be allowed to bid for the services. There are quite a few positive things in the announcement, although we shall have to wait and see quite how it works out.

10:30

Tommy Sheridan (Glasgow) (SSP): Following on from what Nora Radcliffe said, I wanted to ask whether there were opportunities for international comparisons. I cannot imagine that, elsewhere in the world, people have not tried to combat the lack of access for disabled citizens. Will your investigation include examining international examples of how those problems have been solved in other countries? I do not have the details to hand, but I know that other European countries are ahead of us in breaking down barriers to the disabled when it comes to transport. Can you assure me that you will look into such examples?

William Kindness: As I said, the basic problem with wheelchair access is that the chairs work well only in dry weather and the stairs are outside. We should try again to find a way of resolving that problem.

Mr McGrigor: I have been studying the document, "Development Department Research Programme Research Findings No 76 1999—Transport Provision for Disabled People in Scotland". It says of staff training, although not specifically of ferries, that

"significant gaps were found in relation to disability issues".

What is your programme for training your staff on disability matters?

The document also states that

"few transport providers were found to undertake extensive or proactive consultation with disabled people."

Again, are you addressing that problem?

The document recommends that

"transport providers are encouraged to adopt an audit based approach to assessing the accessibility of their facilities, and to develop action plans which have, as their objective, the development of full accessibility, meeting the needs of the widest possible range of disabled people."

Are you going ahead with an audit of your ports?

Finally, when people drive a long way with a disabled passenger to catch a ferry, it is an awful nuisance to get there and find that the ferry is not sailing because of bad weather. I know that, on the Portavadie route, you put up a notice at Tighnabruach, some distance away, saying that the ferry is off. That is very helpful. Would it be possible to do that at certain points on some of the other routes?

William Kindness: We have a programme for introducing remote signs electronically. We introduced the first of them on the Fishnish to Lochaline route last year on our own terminals controlled from both Oban and Tobermory. They have been successful and we plan to roll out more of them. Unfortunately, most of the roads in the area are trunk roads and we are unable to stick up signs on trunk roads. One of the obvious places to put one is at Tyndrum, which would catch people heading for the Lochaline ferry.

Mr McGrigor: That would be ideal.

William Kindness: Unfortunately, that is also on a trunk road and we are unable to put signs on a trunk road.

Mr McGrigor: That seems odd.

William Kindness: I agree. Nevertheless, we shall take on board the recommendation of our shore care team to have another look at the port audit.

Mr McGrigor: Are you aware of the research findings document that I quoted?

William Kindness: I do not think that I have seen that one, but I shall read it.

Mr McGrigor: I had not seen it until this morning.

Ken Duerden: On your question about consultation, we have two main consultative bodies. One is the Shipping Service Advisory Committee; Mr Munro was previously a chairman of one of its sub-committees. The other is the Caledonian MacBrayne users consultative

committee, which is part of the Central Rail Users Consultative Committee. We have spent quite a lot of time with them in the past talking about facilities for disabled people. For each new vessel that we design, plans are submitted to those bodies at an early stage so that they have an opportunity to discuss them and to make recommendations about the facilities on board.

Mr McGrigor: I am glad that you are talking to disabled people, especially when you are building new ships, so that they can say what is annoying for them. It is great news that you are doing that.

Ken Duerden: That information is passed back to us by the Caledonian MacBrayne users consultative committee.

The Deputy Convener: Thank you for giving evidence this morning. We recognise the valuable service Caledonian MacBrayne provides and its efforts to overcome access problems. To progress the issue and to try to create an outcome from our discussion this morning, I suggest that we send a copy of the *Official Report* of today's meeting to Achievement Bute and ask for the group's response. Perhaps the disability reporters group could liaise with Achievement Bute to find out whether there are outstanding issues that the committee could take forward. We could also send a copy of the *Official Report* to the Transport and the Environment Committee, to keep it informed of the issues that have been raised today.

William Kindness: One of our port managers, who is on the shore care team, is also on the Achievement Bute team.

The Deputy Convener: Yes. He was a member of the party that gave evidence to the committee. Thank you again.

William Kindness: Thank you for your time.

Reporters

The Deputy Convener: Professor Sheila McLean is not due to give evidence until 10:45, so I suggest that we take item 4 in the meantime. We will run through the reporters' reports, starting with Irene McGugan.

Irene McGugan (North-East Scotland) (SNP): I had a meeting with Alison Taylor, from the clerking team, on 2 May. We decided to forward the list of questions that was prepared after the committee heard evidence from the Disabled Persons Housing Service to that agency for its comments before we did anything else, so that we could be assured that we had identified all the relevant issues. The list may be amended in light of any comments that we receive from DPHS; we will then bring it back to the committee before forwarding it to the relevant ministers for their comments.

We also decided to ask DPHS for its advice on how to progress any review of the building regulations, which are, as members know, extremely complex.

The committee paper on correspondence includes notification of a letter from Disability Scotland offering me a presentation. We decided, as a sub-group, that it would be better if that presentation were made to the whole group, rather than just to the reporter. We will proceed on that basis.

The Deputy Convener: Are there are questions for Irene? No. Thank you.

We will hear the report on gender issues next.

Johann Lamont (Glasgow Pollok) (Lab): I will begin with an apology, as I was unable to attend the group's meeting. I understand that a number of members met, along with Alison Taylor from clerking; one of those members may wish to report on the substance of the meeting. We will meet again next week.

I should highlight to members that one of the reasons we invited Professor Sheila McLean along was the work she has been doing on women as offenders. I outlined to Professor McLean what our sub-group had been doing, but we were keen to get her information on the record through the *Official Report* and available to a broader group. Professor McLean sent me a copy of "The Inter-agency Forum on Women's Offending". I did not realise that that document had not been sent to everyone else, so we will circulate it later; it is useful and interesting and will add to anything Professor McLean has to say. The subject of women's offending is opening up and we will want to pursue it.

Does anyone who was at the meeting have anything to add?

Irene McGugan: We had a follow-on discussion about an issue that was raised with the committee by the Scottish Rape Crisis Network and others when they gave evidence. The discussion concerned strategies that are in place to protect women against violence, and centred round guidelines from the Convention of Scottish Local Authorities. There was some concern that those guidelines may not be being implemented cohesively across the country. The minister advised that responsibility for implementing the guidance lay with COSLA, so I have written to COSLA to ask for an assurance that the guidelines are in place and information on what sort of monitoring system is available.

We have had a response from the chief executive of COSLA, which focuses on the new Scottish partnership and the domestic abuse development fund, which goes some way towards putting systems in place to deal with domestic abuse. There is a distinction to be drawn between domestic abuse and violence against women in general. They are different problems and will require different strategies. There is an issue about the extent to which each local authority has regard to some of the excellent recommendations that were put together after extensive consultation with all the relevant agencies. We will continue to consider ways of making progress on that issue.

The Deputy Convener: As Johann Lamont suggested, we will distribute the report to the rest of the committee as soon as possible.

We will now hear from Michael McMahon on race issues.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I circulated the report to the committee by e-mail yesterday and I have brought a hard copy this morning.

The meeting focused on the issues raised by the gypsy travellers and the Scottish Travellers Consortium. The report outlines the major concerns that they raised and the evidence they hope to give when they come to the committee. Issues were raised about the difficulties of overcoming the public's negative perception of travelling people and the fact that the media and politicians do not always help to portray travelling people in a positive light.

Practical difficulties were also raised, such as the fact that the Race Relations Act 1976 does not refer to gypsy travellers as an ethnic minority. That curtails the ability of organisations such as the Commission for Racial Equality to act on their behalf when issues of discrimination come up. Benefits issues are not for the Scottish Parliament, but we must bear in mind the difficulties travellers

experience with procedures that some of us take for granted.

The major problems that we heard about were to do with accommodation. Local authorities' policies on how sites are operated, what access is allowed to sites and what is allowed on sites caused difficulties. Those issues broaden out into justice areas, as the travellers feel themselves to be discriminated against. The policies have an impact on their ability to find jobs.

Two of the people to whom we spoke gave practical examples of the difficulties that they had encountered. Although they were graduates, they had felt discriminated against in terms of gaining access to the work place. One was a teacher, the other was a linguist, but they had been unable to get jobs because of their lifestyle. It was also hard for those who were unemployed to get access to training schemes. Because they are not regarded as an ethnic minority, they do not have the same rights as other people under legislation relating to discrimination in training.

There were other difficulties, such as access to doctors. Also, as they do not have letter boxes, all their mail goes to the site manager, who is responsible for passing it on—even important mail such as benefit cheques.

Young travellers have made a short video in which they talk about the difficulties they experience. I was sent a copy and it might be useful for committee members to see it. If we cannot get a copy for everyone, I can make mine available. It was made by young people, for young people, about their lives, and they talk about the issues that are discussed in my report.

The travellers also invited the committee to visit one of the sites to see at first hand the type of things that they are talking about. There are some difficulties in doing that. Because there is a general perception that politicians are not particularly friendly towards travellers, resentment might be felt towards us were we to visit a site as a group. The committee would have to overcome those difficulties if it felt that such a visit would assist it in its consideration of the issues. The people who came to speak to us last week felt that it might be to our advantage. However, they were aware that when local authorities, the police and so on visit sites they tend to bring problems with them, and that we might be seen in the same light. The visit would have to be conducted very tactfully and would probably require some organisation.

When the travellers' representatives appear before the committee we will have a chance to broaden our understanding of the issues. They will be very forceful in telling us about their problems. However, we need to get information on those problems either from the video or by visiting a site.

I would be grateful to hear members' views on that.

10:45

The Deputy Convener: I ask Alison Taylor to ensure that all committee members, particularly those who are not here, know that there is a video that they can borrow from Michael McMahon. Representatives of the different organisations that represent travellers and the gypsy community will appear before the committee on 23 May. This paper provides useful background information on some of the issues that will be raised at that meeting. Between now and 23 May, members can think about whether we want to organise a site visit. I feel that it would be worth seeing first hand some of the problems with the sites and the conditions in which people are living. Do members have any questions for Michael McMahon?

Mr McMahon: Before they do that, I would like to make one further point. The group that I met included representatives of formal organisations and people independent of those groups. Although there were no difficulties between the individuals present, it was made clear to us that one organisation that represents gypsy travellers had tried to talk people out of attending the meeting. The four people who attended as independents would like to raise issues with the committee independently of the formal organisations. I ask that those people be given a slot at our evidence-taking session so that they can do that. I can give Alison Taylor the names of the people to contact.

The Deputy Convener: That is fair enough. The committee wants to be as flexible and to hear as wide a variety of views as possible.

Tommy Sheridan: I want to draw the committee's attention to one matter that arose during the forum that the Scottish Travellers Consortium held at the city chambers, which a number of us managed to attend. I am referring to the lack of a uniform policy across Scotland on accommodation. One major problem is that the travelling community is treated differently, depending on which local authority area it finds itself in. That creates all sorts of problems when it seeks to respond to its treatment, as there is no protocol or standard against which that can be measured.

I hope that the committee will address that issue, along with the issues that Michael McMahon has raised in this report, which is very good and summarises the points that were made at the forum. Some issues, such as the designation of travellers as a distinct group in the eyes of the Commission for Racial Equality and issues to do with benefits are problems that we must flag up but may not be able to solve.

Something we could make progress on is trying to encourage, perhaps via the Local Government Committee, sponsorship of a protocol that would be expected from all local authorities in Scotland so that we do not have lack of uniformity on respecting the rights of the travelling community.

The Deputy Convener: That issue was raised at the briefing at the reporters group. That is a useful suggestion. We could invite representatives of the Local Government Committee to hear the evidence on 23 May and we could ensure that the report is sent to that committee, for it to consider the issue.

Mr McMahon: Johann and I are on the Local Government Committee—we can liaise between the two committees to ensure that the issues this committee raises are taken up.

Mr Munro: I was interested to hear Michael McMahon talk about the different factions involved. I have long been involved with this situation in the Highlands. There are two types of traveller: gypsy travellers, who contend that they are the genuine, traditional travellers; and the new age travellers, who are a hindrance, if you like, to the gypsy traveller. The two can never be in harmony, yet both need consideration.

Efforts that have been made to accommodate the needs of the traditional, gypsy traveller are not the same as those required for new age travellers. That causes difficulties. Suggestions to a local authority on providing facilities that one imagines would be appropriate for gypsy travellers are not accepted by new age travellers. I am sure that, at the debate he was at, Michael saw the distinction and the aggro between the two groups.

The Deputy Convener: We do not want to get into too much discussion about the issues today, because we will hear the issues raised on 23 May. However, Michael's report is a useful starting point for that discussion.

Mr McMahon: It is difficult to find definitions. However, we are talking about the traditional, or gypsy, traveller. No one there claimed or suggested that they were a new age traveller. It was the traditional travelling groups that were involved.

The Deputy Convener: Professor McLean has joined us. I ask her to bear with us while we finish this item on the agenda.

Nora Radcliffe: There has been no meeting of the sexual orientation reporters group since the most recent one on which I reported, so there is nothing to report.

The Deputy Convener: That was brief—thank you.

Women's Offending

The Deputy Convener: I invite Professor McLean to join us at the table—you are very welcome to the Equal Opportunities Committee. Professor McLean is from the Institute of Law and Medical Ethics at the University of Glasgow. She is here to talk about how women fare in the justice system.

I am aware that you have produced a report that we will arrange to have circulated to the rest of the committee. I am looking forward to hearing your evidence this morning.

Professor Sheila McLean (University of Glasgow): Thank you, convener, and thank you for the invitation to be here. I sent a copy of our forum's report to the clerks. I presume that not everybody has seen it. It might be helpful if I explain what we are trying to achieve. I do not want to take up too much of the committee's time chattering; unlike the standard academic, I shall try to keep it brief. I will be happy to answer questions.

My function in the inter-agency forum is very much as the chairperson. I do not regard myself as an expert in criminology or sociology. I took the opportunity to look at your website—I am sure that there are people in this room who are more knowledgeable about those subjects than I am, while members of my committee are undoubtedly experts.

The inter-agency forum came about as a result of the publication of "A Safer Way", which many of you may have seen. It was published by the Scottish Office—as it then was—in 1998. Several recommendations were made in the report; the one I am concerned with is the recommendation to establish a high-profile steering group in the Glasgow area. Its purpose was to consider not only women in prison—you must remember that the report followed the high number of suicides in Cornton Vale—but female offending in general. The Glasgow area was selected for the fairly obvious reason that it tends to produce the most women who enter the criminal justice system.

The forum was intended to come up with ideas that might improve the position of females in the criminal justice system, not least by keeping them out of that system wherever possible. It was also intended to bring together a variety of agencies—voluntary and statutory—that deal with women before offending, during the process of entering the criminal justice system and in the prison system. At the back of the report is a list of the organisations that are currently represented on the committee. They range from representatives of the sentencers—the judiciary and the police—to

representatives of voluntary organisations, social work departments and those who are involved in housing, education, employment and training. It is a substantial committee and has on board many people with great expertise in this area.

During our first year, we met seven times. We have met two or three times since then. As you can imagine, it is easy to understand the problem but very difficult to ameliorate it. Our first task was to identify the kinds of situations in which the women we were asked to deal with would find themselves. It will come as no surprise to anybody here that one of the major difficulties we identified right at the beginning—and which had been identified in the report—was that the women share what we have described as three characteristics: addiction, abuse and anxiety and other forms of psychological distress. The women who are going through the criminal justice system, or who are at risk of entering it, come from abusing backgrounds—which can include emotional abuse as much as anything else—and often live what is called, in the jargon, a chaotic lifestyle.

It became clear to us that the solution to the problem—which would also help to relieve the problems at the other end of the system, in the prison service—would be to find routes to divert women towards what they might need in the community. The vast majority of women who are in prison are there for what, if you will forgive me, could be called trivial offending. I would like to return to that point, briefly.

We have developed two or three working parties within the framework of the forum, which are implementing three main ideas that came out of our first year of deliberations. The first relates to employment, training and education opportunities. We have tried to collate as much information as we can on the services that are available to women in relation to social work and other areas. It is hoped that we will be able to provide an up-to-date, comprehensive and thorough document to those who are dealing with women professionally as they go through the system, from the police to those who eventually have to sentence women.

A second idea that we are pursuing—they become more difficult to implement further down the list—is the possibility of having some kind of assessment process available for women at the point of arrest, or shortly afterwards. Many women end up in prison cells; we hope that, somehow, we can provide some kind of service to assist those who are caring for the women as well as the women themselves when they are arrested.

The third major strategy on which we are working is to identify whether there are ways in which we can streamline the court system. We would like to devise a pilot project with the magistrates court in Glasgow. There are clearly

mechanical difficulties, and we are still working on the system—with the court's co-operation. We hope to produce a format in the court system that enables representatives of the agencies that are capable of providing diversion and additional support for these women to be available at the critical point when women appear in court. I recently discovered that there is already an informal protocol in the Glasgow area, which we might help to harmonise. When the women appear in court, the sentencers might not have as much information as they might want, and the women's needs may not be recognised.

One or two other issues came out of our report, which I would like to mention. They are not things that the inter-agency forum can do much about, technically, but they are matters that we have brought to the attention of the minister. Some women may end up opting for a custodial sentence rather than anything else as the UK housing benefit regulations mean that benefits can be paid only on one address. Although women might be offered bail with a residential condition, prison is preferable for some of them as it enables them to maintain their tenancy.

That seems a somewhat perverse result, but I am assured that that is the situation. The problem is caused by UK legislation. I am not sure that the Scottish Parliament or our forum can do much about it directly, but it would be possible to fund bail hostels differently, which may be a way around the problem. The legislation militates against the use of bail accommodation, although we could do with more beds in such accommodation.

There are other, straightforward, ideas that I am sure you have heard a million times before. Two things would decimate the population of women's prisons in Scotland: one is the decriminalisation of prostitution; the other is the transition of failure to pay television licences from a criminal to a civil matter. Although the inter-agency forum cannot have any particular impact on such issues, we raise them because they account for a substantial number of women in prison.

11:00

Finally, as far as I am aware, section 235 of the Criminal Proceedings (Scotland) Act 1995 has not yet been brought into force. That section would prevent the imprisonment of fine defaulters if they owed less than £500. In December 1997, Scottish Office figures showed that the average outstanding fine for people who are imprisoned for defaulting on payment is £256. As many women are in prison because they have failed to pay off fines, enacting that section would have a significant effect.

Although we need to deal with women who end up in custody, it is also imperative to find rational and appropriate mechanisms in the community to divert women from becoming engaged in the system or involved with offending. For people who become involved, we need the provision of adequate and appropriate halfway housing, which is lacking. As I have had letters from victims and the parents of victims—unsurprisingly—I should add that none of our suggestions ignores the plight of victims. In fact, I am sure that our task of minimising the chances of anyone becoming a victim of an offender of whatever gender is very similar to theirs.

We need a broad strategy that addresses how we prevent women getting into the situations in which they find themselves. Such a strategy must be part of a wider social strategy as well as being very much a part of the committee's social inclusion strategy. I have tried to highlight several short-term measures that we could introduce. As I said, our message is that we must divert women out of abusing situations, crime, prostitution, hopelessness and recidivism—and, I hope, out of prison.

The Deputy Convener: Thank you very much. I will now open the session up to questions.

Johann Lamont: Thank you—that was very interesting. I was the one member of the committee who had had the advantage of already seeing your report. The last point that you made was interesting, because the work that was being done by the small reporters group to this committee related to women who are victims of crime and women as offenders, but you have drawn out a direct link between the two. In some cases, women who have been in difficult circumstances, who have been abused and subjected to the stresses that have been described to us at other times may, at a later stage in their lives, offend. It might be low-key offending, but they could end up in jail. It is interesting to see those issues in that way.

Where is the report in the Scottish Executive? Where is it sitting, and what is the next stage? Obviously, we hope that we can have a role in promoting some of the useful suggestions that you are making in regard to broader policy for the Scottish Executive.

Professor McLean: I was supposed to meet Angus MacKay this afternoon, but that has had to be postponed, so I am hoping to meet him in the next couple of weeks. The report was sent to the Executive a couple of months ago, so it is waiting on the minister's desk.

Johann Lamont: Therefore, it would be for the Executive, with your group, to pull things from the report that you could then progress through the

normal channels.

Professor McLean: I would have thought that your committee could make progress simultaneously. The purpose of the meeting with the minister is in part to see what, if anything, in our report, can be done in the near future.

On the longer-term strategy, the forum is in existence for three years. It would be nice to think that we would not need three years, but unfortunately, as you will know, during our lifetimes the number of women going into prison has risen. Sadly, it appears that the same applies to the amount of more serious crime committed by women. In one sense, I suppose that you could say that we must be a dreadful failure, but I do not think that that is within our control. As I said, there are some strategies that the Executive might wish to look at now.

Johann Lamont: I want to raise a point that was raised with me elsewhere, about Glasgow's routes out of prostitution initiative, which diverts women from prostitution and supports them into employment. If someone has a conviction for prostitution, they are not defined as a schedule 1 offender, but it means that they are unable to work with young people—the offence would stay on their record—yet that is the area that we would hope many of those women could go into. Could those offences be rescheduled?

Professor McLean: There are two ways forward. As I suggested, one way is to decriminalise prostitution. If decriminalisation is impossible, we might have to look at alternative ways of policing, as I know has happened in the Lothian and Borders police area in recent years. That would probably have the most dramatic impact on women's employability.

You are right: there is a paradox, in that many women who might be seeking employment might be looking for jobs in such a sector, and if they are deprived of that opportunity, there are difficulties. Nowadays, when we as a community have concerns about who is allowed to work with our children, I suspect that even re-categorisation would not be seen as sufficient to permit those women to take up such employment.

I am not speaking now on behalf of the forum, because I do not know the views of everyone on it, but I am speaking as an individual: it seems that our community's attitude to prostitution should be looked at again.

Johann Lamont: Many of the young women who are prostitutes are themselves victims. If drug addiction or abuse is taking them on to the streets, they are penalised through being unable to find a reasonable route out of that situation.

Professor McLean: That is right. As I said, one of the major findings of the report was the discovery of the cycle of going from early deprivation of one kind or another, through the system, into drug or alcohol abuse, and then being unable to get out of that cycle. Women are not always imprisoned for offences, but even if alternatives such as fines are used, default is the next step down that line. Even supervised attendance orders do not necessarily help, because a default mechanism is still built in, and people get into a terrible cycle.

The Deputy Convener: Before I ask Michael McMahon to speak, I should like to ask Professor McLean about section 235 of the Criminal Proceedings (Scotland) Act 1995. Have you had any discussions with the minister about lack of enforcement of that section?

Professor McLean: No. That is one of the matters that I hoped we would be able to discuss this afternoon. As you know, legislation comes into force in stages and, as far as I know, it is just a question of that section not having been activated. It would make a difference to men, as well as women.

Mr McMahon: Recently, I talked to a doctor who mentioned the problems in Cornton Vale for women affected by opiate addiction. He commented that a number of the suicides—I am not sure about the exact figures—that took place there could be attributed to a lack of a support programme for women who were either opiate addicts or on methadone treatment programmes. Obviously, they were in prison in the first place because of an opiate addiction lifestyle. Did the forum examine that issue? Do you have any comments on that?

Professor McLean: I will go back one stage further, to women in the community. One of the matters that we have been examining with Greater Glasgow Health Board has been the availability of support systems for women, such as methadone support schemes.

There are difficulties in the prison sector. Kate Donegan would be a much better person to answer that question than me. It seems to me that as long as the prison remains as overcrowded as it is, there is at least one difficulty with developing any kind of rational strategy—the sheer scale of the problem that the women are confronting, in surviving on a day-to-day basis. Developing the right approach to deal with women with opiate addictions might be easier when the prison system is able to give it the time.

There is also a different set of difficulties—this might be partly what was referred to by the doctor whom Michael McMahon mentioned. Many women in prison are on remand, so they are there

briefly, or they are there briefly because of the nature of the sentence that they were given. That makes the creation of a stable regime to help them through the problem difficult for the prison staff. To an extent, that is as much part of the problem as anything else.

Members will know that there is a system whereby one of the voluntary agencies, which received funding to do so, will pick women up when they leave prison and try to bring them back into the community. Those people have expertise in working with women who are involved with drugs.

Small things can be done, but there seems to be a difficulty in building a real strategy when the prison population is so sporadic. When women who come out of prison do not go to a form of care in the community such as a supervised safe house—not prison in the community—it is difficult to break the chaotic cycle.

I do not know whether that answers Michael McMahon's question.

Mr McMahon: It does to an extent.

Although the Scottish Prison Service has a problem because of the nature of the women's crimes and the length of time that they will be in prison, that should not stop it trying to alleviate those problems. Is it trying to alleviate those problems effectively?

Professor McLean: Yes, very much so.

I rambled on a bit in my answer because it seems to me that the problem that confronts the women who end up in prison is exacerbated by the nature of the system that puts them there and which does not deal with them when they come out. That is reflected, in my view, in the capacity of the Prison Service to offer the best possible strategy, but the staff in Cornton Vale are certainly examining every possible avenue to support those women. The drug problem is only one of the issues, but a big one.

Malcolm Chisholm: Do you have any figures, or can you give us an indication of the percentage of women who would be in prison for the three things that you mentioned—prostitution, non-payment of television licence fees and outstanding fines of less than £500?

Professor McLean: I am ashamed to say that I do not have those figures with me, but they are in the document, "A Safer Way", which gives a thorough breakdown of the reasons why women are in prison. It is a significant percentage.

Malcolm Chisholm: You referred to the different methods of policing prostitution in this part of the world. That presumably feeds into differential prison populations in different parts of

Scotland.

Professor McLean: We presume that it does. We have had some discussions with Tom Wood at Lothian and Borders police. He has been helpful in explaining the system here.

We are not yet able to reach firm conclusions. It would be helpful for us to know what the Government's general response is to the issue of prostitution before we attempt to reach conclusions about policing, as there are strategies that can be adopted by people other than us. One of the difficulties that we experience—perhaps inevitably—in this type of forum is that although the groups that it involves are professionally responsible for the people we are discussing, they also have their own inter-agency relationships. The forum has a role to play in taking the agenda forward, but the activities that flow from that agenda might be the responsibility of someone else, such as the Scottish Executive.

Malcolm Chisholm: I want to ask about the housing benefit issue to which you referred. Were you thinking specifically about bail hostels, or about alternative accommodation more generally?

Professor McLean: I am thinking of any order to which women are subject that involves a residence order—that would include supervised bail, for example. Women's capacity to take up the accommodation that is available to them is limited, as many of them are single parents or have responsibility for children.

Malcolm Chisholm: Are you saying that many people cannot take up the accommodation? Is there also a shortage of such accommodation?

Professor McLean: There is a perceived shortage of appropriate accommodation. Bail hostels are one option, but in other countries throughout the world there are examples of halfway houses that are not linked directly to the criminal justice system. They are not policed, but they are safe and secure places. Most women are looking for a safe place to be. I do not think that Lady Cosgrove has finished her report on domestic violence, but I imagine that some of the things that she has to say will feed into this set of proposals.

11:15

We highlighted the housing benefit issue because of the perverse nature of the outcome. Women are choosing prison because there they can retain their tenancy. If they do not choose that option but choose one of the other options that are available with a residence condition, their housing benefit will be used to fund that accommodation. We cannot get round that legislation at the moment, but there might be other ways in which

the Scottish Parliament or local authorities can use their money to circumvent the problem, so that women can avoid prison and retain their tenancy.

Tommy Sheridan: Thank you for your presentation. Yesterday I was trying to locate a report submitted to Glasgow City Council that attempted to explain why, in proportion to its population, Glasgow has such a high number of women offenders, particularly women offenders receiving custodial sentences. I remember that the main problem that was flagged up in that report was that, although a number of sheriffs indicated that they were willing to consider alternatives to custody, there was a lack of such alternatives. There is a great deal of fine talk about the need for alternatives, but they are not funded. The problem is that sheriffs have no option but to impose custodial sentences. Does your report bring that out and identify areas where alternatives are available and areas where they are not?

I would like to follow up the points made by Malcolm Chisholm. The Glasgow City Council report found that a high percentage of women were in custody because of non-payment of fines, and that a similarly high percentage of those fines related to prostitution. That was the result of a perverse situation in which women who were involved in prostitution had to continue with that illegal activity, as it was the only way in which they could pay their fines and avoid custody for non-payment. For that reason, I am glad that you have flagged up the way in which we deal with prostitution. I hope that in your report you make a firm statement on decriminalisation, which has been talked about for a long time but which the Executive has yet to get a grip on. At the moment, we are criminalising women for being victims.

From the point of view of the report, will you comment on why the proportion of women who are committed to prison for prostitution in Glasgow—and in Strathclyde generally—is so much higher than it is elsewhere in Scotland? I suspect that the answer will, in part, be to do with the way in which Lothian and Borders police treat prostitution. If that is the case, should not we try to encourage uniformity of treatment throughout Scotland, to prevent women from being committed to custody? I would like to hear your comments about funding and alternatives to custody and your recommendations in regard to the way in which prostitution is treated.

Professor McLean: I agree that uniformity is necessary throughout the country in respect of the management of prostitution. We are interested in the experiments by Lothian and Borders police, which seem to have reduced the number of women who are being arrested and charged with prostitution. I understand that that also allows some women to continue to work in relatively safe

places. That safety issue is something that we must take seriously.

I cannot speak about this on behalf of the forum because we have not reached a conclusion, but I favour any measure that increases the safety of such women, some of whom will continue to practise as prostitutes and many of whom do not like to be seen as victims, as I am sure you are aware. We must recognise the social and practical reality of those women's lives and we must not aid their progress further down the path of criminalisation to the point at which they end up in prison.

Another problem related to prostitution is that such women might have drug habits that need to be fed—we highlighted that at the beginning of the report.

On sentencing options, we have had representations from sentencers to the inter-agency forum. One of the first things that we identified was that those people do not—as Tommy Sheridan said—know what is available. They are confronted with people about whom they must make disposals and they are not sure what options are available beyond the obvious mainstream options. The first task of the first working group that we set up was to identify the alternatives to custody that are available.

Interestingly, the picture is not, perhaps, as bleak as we first thought. There are many very good agencies that work with women who find themselves in those situations. I have said publicly from the beginning that, if there are funding implications, I will not hesitate to present them to Parliament. The good news is that—even if the question of funding must be raised—there is a bundle of services that the forum might be able to help in harmonising. There are things that the forum can achieve through its structure that individuals in organisations that are concerned with the matter might find more difficult. We can bring to each other's attention the various people who are involved, as well as to the attention of those who process women at any stage of their passage through the system.

There might be funding implications—if there are, I will ask Parliament to examine that. I hope that, in pulling together the various agencies, we might be able to pool resources in a way that would also streamline the system. Does that answer your question?

Tommy Sheridan: Yes, definitely.

Marilyn Livingstone (Kirkcaldy) (Lab): I also enjoyed your presentation and found it to be informative. I would like to ask about employment and training for those who are in custody or leaving custody. There is an issue about gender equality in lifelong learning—women who are not

in custody face many barriers.

The Enterprise and Lifelong Learning Committee—of which I am a member—has been carrying out a local economic development review. That committee will soon examine guidance and support in lifelong learning. Are you aware of any examples of good practice with people, particularly women, who are in custody or leaving custody?

Professor McLean: There is nothing that springs to mind, although the committee might want to get hold of Alex Blackwood, who is a member of our forum and has been fronting the strategy on our behalf. We have just had a successful seminar and we hope to have more. He is from the Glasgow education business partnership and he might be worth speaking to, as he is critically concerned about that matter.

We are trying to identify the best mechanisms for gathering relevant information about what is going on and what might be doable. That precedes the good practice question. We are considering how we might then provide the best possible means of dissemination, because there are user groups that we would have to target. We are contemplating whether a website might be built around that kind of information; there are questions round ownership of the website, but we are working on that.

Malcolm Chisholm: How does having children impact on women? I am not well clued up on this at all, but how does the fact that women have young children affect their treatment in the criminal justice system?

Professor McLean: There is a criminological answer, which suggests that women have been dealt with historically rather more leniently because of their child-bearing capacity. Members of the committee may disagree with me about that. However, once women deviate and step out of the model that they are supposed to conform to, their child-bearing capacity becomes another reason for punishing them.

The criminal justice system must pay attention to the nature of what is being done. Its obligation is not to be sympathetic to women and/or their children; it is to ensure that we have a community that feels safe. Where women are a threat to the community, there is no question but that they must be punished in the same way as men would be. On the other hand, it could be argued that many women in the criminal justice system do not pose that sort of threat. Nevertheless, the facilities and services to permit them and their families to be adequately taken care of do not exist either.

Judges may be more reluctant to imprison a woman with a young family but, in the long run, if they run out of options, it will happen. Part of our task is to ensure that we do not get to the end of

the options, except in those cases where there is no choice.

Johann Lamont: Do we have sufficient women-specific drug projects? Our picture of a drug addict is probably of a young man who may be causing problems in the community because of his addiction. The justice system may be more likely to find ways of diverting male drug-using offenders because they are creating a greater problem. Is there enough support in the early stages for women who have a drug problem to avoid them going further down the line where their problem may lead to offending?

Professor McLean: We have a number of extremely good organisations, such as Turning Point, which is represented on the inter-agency forum on women's offending. I suspect that the people who run such organisations would say that much more money needs to be spent, as there are limitations to what they can produce. Glasgow's drugs action team has an innovative and proactive drive on at the moment to consider drugs. I know that treatment of drug offenders of both genders in the courts system has been raised in Parliament by Angus MacKay among others.

The health boards, voluntary bodies and social work departments are working closely with other centres, such as the Douglas Inch centre, whose remit is to deal with mentally disordered offenders, but which tackles wider issues. The question of resources is one that could probably be better answered once we have been able to get to the root of what is available and how those provisions can integrate and overlap. It may be that services are being underused. For example, there is a feeling that the outstanding services that are offered by the Douglas Inch centre are not used as much as they might be. One of our ambitions is to bring such matters to people's attention so that services can be used appropriately. When we reach that point, I suspect we will find that there are considerable shortfalls, but until then, we cannot speculate how big they might be. We are also rather cheered by everything that is going on, even if it is not being done in the most structured way.

11:30

Johann Lamont: We have been examining the budget process and the gender impact assessment of the budget. It would be interesting to know the extent to which money is being directed toward women offenders and women with drug problems. Engender says that dealing with the issue in a mainstream, non-gender specific way means that the money is directed toward men.

Professor McLean: If it does nothing else, that justifies the existence of the forum. As you can imagine, when the creation of the forum was announced, I had to give many media interviews explaining why it was not sexist. There are sound reasons for considering women, because they form a fairly discrete group in the offending population. I suspect that they share more characteristics than men do. It must be said that, in the same way that we do not anticipate that this group will make more people victims, we hope that lessons that are learned from the study of that discrete group will be translatable into the wider prison population.

I think you are right that women have tended not to have as high a profile because, by and large, they do not do quite so many dreadful things. They form a smaller percentage of the offending population and the crimes that they have committed, traditionally, are not high-profile crimes. Many structures that go back as far as the prison system and the criminal justice system are, in essence, patriarchal in nature and may not have been able to be sensitive enough to women in the past.

The Deputy Convener: The information that you have given us has been extremely thought provoking and useful. We should reflect on how we take the issues forward. You seem to have identified a number of priorities in your report with which the committee could assist, such as the issue of section 235 of the Criminal Procedure (Scotland) Act 1995 and when that will come into force. Perhaps we could ask the Minister for Justice about that as well as about decriminalisation, the options for funding bail hostels differently, and safe houses. We could ask the minister to seek the thoughts of the UK Government on the penalties for non-payment of TV licences. Are you happy that we should make progress on those issues by seeking the thoughts of the Minister for Justice? Perhaps the committee can discuss his response.

Professor McLean: We would be very grateful if you did that.

Johann Lamont: We intend to invite the Minister for Justice and the minister with responsibility for equality. The gender reporters group thought that, at some stage, it would produce a report with recommendations to the Justice and Home Affairs Committee. Clearly, we also want to know what is being done now. We can certainly do both things. Ultimately, the group wants to highlight specific justice issues that the Justice and Home Affairs could promote at some time.

The Deputy Convener: Both those things can be done together. There are some pressing questions on which we would like to know the minister's thoughts, and we should seek those thoughts as soon as possible. The report to the Justice and Home Affairs Committee would be a useful follow-up to that.

Subordinate Legislation

The Deputy Convener: We move to item 3 on our agenda, which is subordinate legislation. Members should have received explanatory notes on the two instruments that we have in front of us. The lead committee on the instruments is the Justice and Home Affairs Committee. We are being asked to comment on the Census (Scotland) Regulations 2000 (SSI 2000/102) by 17 May, and on the draft Census (Scotland) Amendment Order 2000 by 18 May. We have noted that the points that we raised on religion and the expanded question on ethnicity have been included. Does the committee wish to make any further comment to the Justice and Home Affairs Committee?

Kate MacLean (Dundee West) (Lab): The religious question is a voluntary question. We were asked whether we thought that that fact should be stated beside the question or somewhere else on the form; the committee thought that it should be stated somewhere else on the form, because, if it were included beside the question, that would encourage people not to answer it. I have had a look and I cannot find where the statement has been put.

The Deputy Convener: We should ask for clarification on that and bring it to the attention of the lead committee before the deadline.

Tommy Sheridan: The front page of the document gives a census helpline number, but it should be stated clearly that calls to that number are free. Some people might assume that the helpline is free, but others might be deterred from getting help because they think they will have to pay for the call.

The Deputy Convener: That is a fair point. Are we agreed that we should put those two points to the Justice and Home Affairs Committee?

Members *indicated agreement.*

Correspondence

The Deputy Convener: Item 5 on the agenda is correspondence; I will comment on some of the items on our long list.

The letter from Mrs D M Islam raises a fairly complex matter regarding her employers. The recommendation is that we should reply to say that we have noted the contents of the letter, and that we should refer the matter to the Commission for Racial Equality, who may take up her case.

Mr Drummond has written concerning the television licence rebate. Again, we should note the contents, and refer the letter to the disability reporters group. Perhaps we should also send a letter to the UK minister.

We should note the contents of the letter from the Presiding Officer. I know that many members are concerned about what is happening to the space in the new Parliament building for the crèche and family facilities, and confirmation that there is to be a space is welcome. Perhaps members will want to ensure that they respond with their thoughts on the use of that space.

Johann Lamont: As for anything else, it is a good idea to plan now for the crèche. A space is a space, but we do not want to end up with a space that is too small. We should emphasise the importance of identifying needs as early as possible. The need should determine the space.

Tommy Sheridan: I agree with Johann. I have organised conferences at which a room has been set aside for the crèche, but professional crèche workers have said that the room is unsuitable because it does not have good toilet access, natural light or ventilation. The idea of having a multi-purpose space is not good enough. There should be a family-oriented space that is devoted to that specific purpose. If it is not used, so be it, but given the number of people who are invited to give evidence to Parliament, it would be useful to let witnesses know that they can have their children looked after while they are here.

The Deputy Convener: We should write to the corporate body to express that view and to find out a bit more about the space.

Nora Radcliffe: The last words leaped out of the paragraph at me: "in light of experience". What experience? Perhaps it would be a good idea to set up a crèche now and get some experience of how it would operate and what demand there might be.

The Deputy Convener: We can seek clarification on that.

On St Mary's Episcopal Primary School's loss of

grant-aided status, I suggest that we note the letter and that the convener, the clerks and I consider the matter further.

The other correspondence is for noting only. The letters are available from the clerks if members want to see more details. We welcome the fact that the Transport and the Environment Committee, the Enterprise and Lifelong Learning Committee and the Local Government Committee have indicated that they are considering equal opportunities in relation to the budget process.

Johann Lamont: Have we had a response to our request to the Procedures Committee? At our previous meeting, we discussed the fact that that committee planned to examine all the procedures except those that affected equal opportunities issues. That struck me as bizarre.

The Deputy Convener: The Procedures Committee has deferred that process and is doing nothing further at the moment.

Johann Lamont: We should make it clear that equal opportunities should be at the heart of the process, if it goes ahead, rather than excluded.

The Deputy Convener: We will chase up the issue.

Kate MacLean: After reading the *Official Report*, I wrote to the convener of the Procedures Committee to ask why that recommendation was in the committee's report.

The Deputy Convener: We now move into private session.

11:43

Meeting continued in private until 12:07

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