

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 7 November 2000
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

21st Meeting 2000, Session 1

CONVENER

*Kate MacLean (Dundee West) (Lab)

DEPUTY CONVENER

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Linda Fabiani (Central Scotland) (SNP)

*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)

*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

Deborah Burns (Disabled Persons Housing Service)

Wladyslaw Mejka (Disabled Persons Housing Service)

CLERK TO THE COMMITTEE

Lee Bridges

ASSISTANT CLERK

Alison Campbell

LOCATION

Committee Room 2

Scottish Parliament

Equal Opportunities Committee

Tuesday 7 November 2000

(Morning)

[THE CONVENER *opened the meeting at 10:08*]

The Convener (Kate MacLean): Welcome to the Equal Opportunities Committee. Apologies have been received from Tommy Sheridan, and we have been contacted by Marilyn Livingstone, Elaine Smith and Michael McMahon, who will be late as a result of travel delays.

We must first decide whether to take items 5, 10 and 11 in private. Is that agreed?

Members *indicated agreement.*

Interests

The Convener: There have been some changes to the committee since our previous meeting—Shona Robison and Tricia Marwick have both resigned. I record my thanks for their work with the committee, especially Shona Robison, who was the deputy convener and has been a member of the committee since its first meeting. I am sure that she will continue to take a keen interest in equal opportunities, despite the fact that she is no longer a member of the committee.

I am sure that the committee will also join me in congratulating Malcolm Chisholm, who has become the new Deputy Minister for Health and Community Care. He will no longer be a member of the committee—I assume that his place will be filled before our next meeting.

I welcome Linda Fabiani and Kay Ullrich as new members of the committee and I ask whether they have any interests to declare.

Kay Ullrich (West of Scotland) (SNP): I am a member of Unison. I am also a woman, but I do not know if that is relevant.

The Convener: That is not a pecuniary interest.

Linda Fabiani (Central Scotland) (SNP): I am a member of the Transport and General Workers Union and I am a woman, in case members had not noticed.

The Convener: Thank you.

Deputy Convener

The Convener: Shona Robison, who was the deputy convener of the committee, has resigned, so we must elect a new deputy convener. Members will remember that the position of deputy convener of the Equal Opportunities Committee must be held by a member of the Scottish National Party. Are there nominations for the position?

Irene McGugan (North-East Scotland) (SNP): I nominate Kay Ullrich.

Mr Jamie McGrigor (Highlands and Islands) (Con): I second that nomination.

Kay Ullrich was chosen as deputy convener.

The Convener: I welcome Kay's being chosen as deputy convener. We will speak after the meeting, Kay, so that I can organise meetings with you.

10:13

Meeting continued in private.

Travelling People

The Convener: The next agenda item is an update on our inquiry into travelling people and public sector policies.

I confirm that Delia Lomax, who was first on the list of preferred candidates, has been appointed to advise the committee on its inquiry.

The Scottish Gypsy Travellers Association and Save the Children have expressed concern that they were not consulted before the committee made that appointment. The committee has discussed at least twice the fact that we are not happy with the method of appointing advisers to committees. I raised that with the committee of conveners and the matter is being examined so that a method can be devised that is more in line with equal opportunities policies. The Scottish Gypsy Travellers Association and Save the Children have written to me and I will make their letters available to committee members. I will respond to those organisations to advise them of the position.

Delia Lomax is a research fellow at the school of planning and housing at Edinburgh College of Art and Heriot-Watt University. She has also recently completed a research report on Travellers entitled, "Moving On: A Survey of Travellers' Views". If the committee agrees, I will ask the clerk to invite Delia to attend a committee meeting as soon as possible, so that we can discuss the inquiry with her. Do members have any questions or comments?

Irene McGugan: Convener, can you clarify whether the concern that was raised by Save the Children and others was simply that they were not involved in the appointment of an adviser?

The Convener: Those organisations expressed concerns before they knew who was to be appointed. They expressed absolutely no concern about the appointment of Delia Lomax and I am sure that they are happy enough with her appointment. They felt that we should have consulted them before appointing an adviser, but, given the procedures that have been adopted by the Parliament for appointing advisers, it was not possible to do so.

Mr McGrigor: I met Benny Wilson, who is the travelling people's representative for Argyll and the Highlands. I spent two or three hours with him and listened to what he had to say. I can report back on that meeting at any time.

The Convener: Jamie will report back to the committee on that meeting at an appropriate time.

10:19

Meeting continued in public.

Housing

The Convener: I welcome Wladyslaw Mejka, director of the Disabled Persons Housing Service, and Deborah Burns, the property register officer of DPHS. Several committee members' arrivals by both road and rail have been delayed. They will arrive at some point, and I apologise in advance in case of interruptions.

I hope that the witnesses will make a short statement to the committee. Members will then be able to ask questions. I ask the witnesses to speak for five or ten minutes or for however long they feel that they need.

Wladyslaw Mejka (Disabled Persons Housing Service): The DPHS is an organisation that likes to share its work. This morning, we will make a presentation that summarises our position on the proposed housing bill and on related issues. For that, I hand over to my colleague, Debbie Burns.

Deborah Burns (Disabled Persons Housing Service): Good morning and thank you for inviting us to give evidence this morning. First, we will go through a statistical analysis of the housing situation for disabled people. Secondly, we will outline our overall view of the proposed housing bill. Thirdly, we will go through the salient proposals and our recommendations, step by step.

Some of the gaps in the available intelligence on the housing market have been filled by publications such as the 1996 Scottish Homes house conditions survey, which found that almost one fifth of all households have one or more members who have impaired mobility and that about 20,000 households contain a wheelchair user. That, however, is a conservative estimate, compared to that in "New Threshold for Disabled People", which argues that that figure should be about 40,000. About 124,000 households contain someone who uses a walking stick or frame.

In stark contrast, that publication also found that 5,000 dwellings are suitable for use by wheelchair user, but that only 2,000 of those houses are occupied by wheelchair users. Furthermore, it found that 13,000 dwellings are suitable for people using a wheelchair on a temporary basis and that 6,000 dwellings are suitable for people who do not use a wheelchair.

Members will be aware that this year's Scottish household survey—commissioned by the Executive—also confirmed that one third of all households in the country have at least one person who has a long-term illness or disability.

The DPHS welcomes the core of the vision that is set out in "Better Homes for Scotland's Communities", but we must challenge the claim that the proposed housing bill will bring about a radical reshaping of Scottish housing. For a long time, attempts to meet the housing needs of excluded communities have been driven by agendas that have been constructed by housing professionals. Social inclusion will not be accomplished by tinkering with the existing balance of interests; it will be achieved only by engaging with people whose housing needs have not been met, or are not being met.

The document sets out a vision. In addition to its two commitments, we recommend a third: that every community should have equality of housing opportunity.

On the first proposal—for a single tenancy—we believe that the document's exclusion of private-sector tenants from the reform of statutory tenancy rights will only exacerbate the imbalance between public-sector and private-sector tenants that exists on the housing playing field, and that it will entrench the social exclusion of people for whom private-sector tenancies are the only option. We recommend, therefore, that a common set of enhanced statutory rights should be introduced for all tenants. For similar reasons, we believe that a single regulatory framework for all landlords should be introduced.

No matter how the core proposal on the strategic role of local authorities is presented, it lacks robustness in its rationale for the role. It also serves as another example of a new framework that is merely a poor disguise for the continuation of the same old culture of things being done to people, rather than with and for people. Glasgow City Council's conduct towards its tenants with respect to the new housing partnership is a case in point.

We recommend the establishment of radical power-sharing partnerships that would be led by the local authority, but which would include representation from all communities and relevant organisations, such as the user-led DPHS.

On the proposal to convert Scottish Homes to an Executive agency, it is clear that a new role for the organisation is required. The DPHS believes that the summary in "Better Homes for Scotland's Communities" has significant gaps and that the following points should be added.

The role of HomePoint—Scottish Homes' information and advice unit—in promoting and encouraging innovation in how the housing market meets the needs of clients, should be strengthened and the organisation should be given a higher profile and be provided with substantially more resources. HomePoint should have overall

responsibility in setting standards for, monitoring the performance of and accrediting all housing advice, information and advocacy services that are provided by agencies, including services that are provided by local authorities and the private sector.

On proposals in the document for tackling homelessness, we do not argue about the fact that greater priority should be attached to tackling the unmet housing needs of disabled people. However, we would prefer parity of priority to be applied to the work that is necessary for tackling housing needs among both the disabled and able-bodied communities.

We recommend first, that the duty of local authorities towards meeting the housing needs of disabled people should be strengthened and that it should include the goal of providing equality of housing opportunity. Secondly, new rights should be created for disabled people. Those rights should be based on an approach to and an understanding of disability that is based on the social model of disability. Thirdly, new arrangements should be introduced to monitor and regulate the performance of landlords in meeting their obligations to provide equality of housing opportunity for disabled people and for other excluded communities.

In the DPHS's view, the proposals for repair and improvement grants would not bring about reform and they would certainly not bring about modernisation. The thinking behind the proposed change fails to take a person-centred approach to how improvement grants should work. Instead it considers improvement of the administration, the introduction of means testing and the retention of arbitrary limits to the payment of grants. Fourthly, therefore, we recommend that there should be a radical review of what the repair and improvement grant scheme delivers to the client. That should include an exploration of the option of merging the respective strengths of the national networks of DPHS and of the care and repair projects. The new agencies should be asked to take on all such work, irrespective of tenure or sector.

Our final major point on the support of vulnerable people is our support for the core principle that funding should follow the person, rather than the bricks and mortar. In further support of that, we recommend that Scottish Homes—via HomePoint—should be provided with the resources and responsibility for funding independent voluntary sector housing advice, information and advocacy agencies.

"Better Homes for Scotland's Communities" invites us to comment on the impact of the proposals on particular groups of people with respect to equality of opportunity for all. We must point out, in very blunt terms, that the document's

impact on the massive unmet housing needs of disabled people will fail spectacularly, for example, in ending the shame of people being asked to use chemical toilets in their hallway. It offers no hope to disabled people who are left to crawl about their own homes and it offers no escape route for disabled people who are condemned to solitary confinement within their own homes.

There is a crisis in how the housing market is attempting to meet the needs of disabled people. Because of that, the DPHS calls on the committee to strengthen the proposed housing bill by incorporating a core commitment—underpinned by primary legislation—to create a housing market that is accessible by all and to ensure that the systems that are used in housing deliver equality of housing opportunity for all people, including disabled people.

To add to our recommendations, we believe that building equality of access and opportunity into Scotland's housing will require a tartan weave of policy initiatives, which will consist of the following threads and colours.

First, making best use of existing resources in any field requires a comprehensive information audit on what exists and what is required. That is equally true with regard to the housing needs of disabled people. Locality, council and national information baselines must be established to inform all future action on tackling housing needs.

Secondly, disabled people must be leading partners in commissioning and interpreting research surveys. From such bases, local authorities must devise action plans to deliver freedom of access to Scotland's housing and equality of housing opportunity for disabled people. Such plans must be transparent and accountable. As ever, disabled people should have devolved responsibility for undertaking independent monitoring and auditing of action plan performance.

Thirdly, financial frameworks and mechanisms need to be developed and delivered locally, to encourage greater flexibility of access to the range of tenure options that are available to disabled people.

Housing development proposals should be proofed against national standards of accessibility and against locally based information on unmet need. That will enable proactive intervention where the housing market is functioning inadequately.

10:30

Bottom-up, person-centred strategic planning and service commissioning for all private and public housing services must operate at local level

and should devolve decision making power and responsibility to disabled people.

Fourthly, as a focus for all those activities, Scottish Homes and the Scottish Executive must resource the creation of a national network of locality-based and user-led disabled people's housing services throughout Scotland, using the Lothian DPHS as a model.

There is a crisis. The proposed housing bill shows no sign that it recognises that crisis or that it plans for a way out of it. Disabled people can be part of the solution to that crisis. The Equal Opportunities Committee can work with disabled people in turning the crisis into an opportunity through the proposed housing bill.

The Convener: Do you want to add anything to that, Wladyslaw?

Wladyslaw Mejka: We can go straight to questions.

Irene McGugan: Thank you for those comments and for the very comprehensive report that you submitted to the committee. The DPHS suggests radical and extensive additions and amendments to the bill. Do you think that the bill is salvageable or are you seeking different legislation to address the myriad issues and proposals that you have raised? Could those be incorporated in the bill as proposed—the willingness of the Executive notwithstanding?

Wladyslaw Mejka: As this would be the first housing bill for a long time, many people—including the DPHS and the people that we work for—expect much more; we expect a statement of intent, ambition and aspiration. We have to take a fairly robust approach to analysing and critiquing what the proposed bill will do for people and we make no apology for that. For too long, disabled people have been apologising for their existence and for intruding on the rest of society. By critiquing the proposed bill openly and honestly, we believe that we can persuade committees such as the Equal Opportunities Committee to work with the Executive and Parliament to improve what can be regarded only as a starting point.

The most basic analysis of the proposed bill shows that it is not up to the job that is required of it. The proposal takes a limited approach to the current structures and frameworks and suggests a redistribution of responsibility and function among the current players—local government and Scottish Homes. During the past 50 years, Scottish Homes and its predecessors, the Scottish Special Housing Association, the Housing Corporation in Scotland and local government—in the different forms that evolved during the latter half of the previous century—have contributed largely to the housing environment in which we live. We do not believe that the rationale behind

the proposed housing bill takes that into account. It does not move beyond the current framework and partnerships to recognise the fundamental principles of social inclusion and tackling exclusion. Those partnerships have not delivered what is required because they continue to ignore and exclude—by virtue of their end product, which is housing—the people who they are trying to include.

There is a clear need to revisit the fundamental frameworks. We cannot abolish them completely and start again—however desirable that may be. We must work pragmatically within the current frameworks. However, the principle that would be the key to the success and sustainability of the approach is that excluded communities—we speak for disabled people, but we believe that the principle applies to many other excluded communities—and the organisations that work with and for them, must be real partners in whatever emerges from the proposed legislation.

The proposed bill is a good start, which provides an opportunity for Parliament's committees to visit the issue and to bring fresh principles to bear. The Equal Opportunities Committee can apply its remit of equality-proofing Executive proposals, which would bring into play the equality strategy that was launched yesterday. That strategy should be applied in practice to what will be a central piece of legislation.

Such an opportunity will not come our way very often. We are trying to make robust criticisms of the proposals at the same time as offering robust solutions and alternatives, so that we can develop the document into a bill that will deliver housing that meets the needs of disabled people and other groups.

Irene McGugan: What are your priorities in the list of initiatives that you would like to see extended or improved? Are there particular issues that should be addressed first and foremost, or do the needs fall across the board? Should everything be considered equally—should the package be taken as a whole and considered altogether in order to deliver your objectives for disabled people?

Wladyslaw Mejka: There are two priorities. Some weeks ago, I attended a meeting with the team that is drafting the housing bill. That meeting confirmed my view that the proposed bill will be very small—it will not be a large document with hundreds of sections. The bill will be small, as will the proposals that it will contain. That is the current plan. In that context, we want the bill to include a section that imposes an obligation on local authorities to deliver equality of housing opportunity in their areas.

In the discussion and debate with the drafting

team, we accepted that we were not going to get a bill with a thousand sections. Given that position, we would require the bill to contain the main provision that we suggested. We can work from that provision—through secondary legislation, regulation and codes of guidance and practice—to help deliver a framework that would allow equality of housing opportunity to be discharged by local government. An important example of the way in which that can be done—it will not appear in the bill, but should be followed up quickly through secondary legislation—is the creation of the partnerships that Debbie Burns described. Those partnerships must be different to those that have emerged in the past 10 or 20 years, in which people are consulted on proposals. They must be dynamic, power-sharing partnerships.

I know that there is on-going research into how to involve tenants more dynamically and effectively in decisions that affect them. I understand from my colleagues in the tenants movement that the word “consultation” is a real sticking point. In its detailed and comprehensive response to “Better Homes for Scotland's Communities”, the DPHS emphasised problems with the wording of the current proposals. The document talks about consulting people on proposals “before they are implemented”. If that is a distillation of what consultation means, it is an insult. As a trade union official, when someone consulted me, I expected such consultation to be meaningful and not simply a preliminary to implementation. In partnerships, those who have the power and resources, and who have had them for 50 years or so, must give up some of that responsibility and the power and resources that go with it. Those must be shared with excluded communities.

Taking both of those measures hand in hand, there would be an obligation on local authorities to deliver equality of opportunity in housing and to give up power and resources. That would enable those who are excluded to play a part, in partnership with local government, in delivering equality of opportunity.

Deborah Burns: At the equality strategy launch yesterday, Jackie Baillie announced that the strategy was not for her, but for all ministers—that would include all ministers who are directly responsible for housing legislation. We want equality of opportunity to permeate all areas of ministerial responsibility.

Linda Fabiani: Much of what I wanted to ask about has been covered in the answer to Irene McGugan's question.

Will you confirm that codes of practice over the years have set targets, quotas, standards and ideals that all housing associations and local authorities were meant to comply with to get

funding, but that—because there has been no legislative back up and no monitoring—those codes of practice have not been adhered to? Are you confident that the sort of proposals that we are talking about could be set up properly without primary legislation?

I would like to make a plea on behalf of local authorities. If the onus is being put on them completely, there must be a recommendation that they have adequate resources. All too often, someone who happens to work in the housing department is suddenly put in charge of the housing issues that we are discussing, despite not having the training or skills to do so properly.

Wladyslaw Mejka: If the proposed bill was amended to include a duty being placed on local authorities to deliver equality of housing opportunity, I presume that that would be followed quickly by benchmarks and guidance on how to measure the evidence that that was happening. As Debbie Burns explained in the formal presentation, we would have to measure what particular forms of housing there were and what forms were lacking. An action plan should follow.

That strikes us as being incredibly simple and basic and we cannot understand why it has not been done in the past 50 years. We do not want to go over that ground too much, because we see that the solutions exist. However, we believe passionately that, for a long time, part of the problem has been the fact that the people who are on the receiving end of many agencies' and professions' work to create a better housing market in Scotland have not been included in that work. We cannot go on like that if the solutions are to work in practice. Not only must the overall objective be given clearly to local government, but it must be followed quickly by guidance and regulations from the Executive and by high-profile and pro-active ministerial support for the concept of dynamic power sharing with the organisations that we wish to be included.

That will require trust on the part of local and central government. It will involve finding a way of sharing resources—possibly some from local government and some from Scottish Homes. Part of the vision of the proposed bill is that there should be some fairly radical shifts in powers, responsibilities and funding between Scottish Homes and local government. Therefore, it should not be beyond the wit of senior officials in the Executive to include in that rearrangement groups such as the DPHS and Positive Action in Housing. Those groups would then be able to do more than merely stand on the sidelines and hurl abuse at the politicians who are in power—they could instead work positively with the existing partnership agencies.

Mr McGrigor: The DPHS's paper mentions that

decision-making powers at local and community level should be devolved and that user-centred groups such as the DPHS should have a major role in advocating the needs of possible tenants. How would you ensure that that devolution of power did not result in a lot of argument between the various groups when new housing issues arose? What provisions would be made so that a group that was not currently excluded could enter the devolved decision-making process if it began to experience exclusion?

Wladyslaw Mejka: I heard only part of your question. Could you summarise the main question for me?

Mr McGrigor: If power were devolved to agencies such as the DPHS, how would you deal with the bickering and argument that might develop between various groups? I am thinking about the fact that provision would have to be made for people with differing wants and needs, such as asylum seekers and travelling people.

Wladyslaw Mejka: Are you asking how we would deal with that?

Mr McGrigor: Yes. Your paper says that decision-making powers at a local and community level should be devolved and that user-centred groups such as the DPHS should have a major role in advocating the needs of possible tenants. How would you ensure that that devolution of power did not result in mere bickering between the various groups when new housing issues arose?

Wladyslaw Mejka: I recall the situation to which you refer. That continues to be a concern of the DPHS. A considerable part of what was said on the new single social tenancy focused almost exclusively on those who are currently tenants. I am sure that members of the committee are aware that most local authorities have thousands of names on waiting lists. That means that there is a large number of people in Scotland who are not, but who would love to be, tenants and for whom we have—as yet—no mechanisms for hearing their voices. That group includes homeless people, travelling people and disabled people.

The Executive has to consider models such as the DPHS and Positive Action on Housing. They are user-led organisations that have—for a variety of reasons—emerged from a long history of being ineffectively consulted or not being taken into partnership to work at creating a better climate for excluded communities in Scotland. The Executive must consider whether such models can be made available to voiceless communities.

In Scotland, there is a serious deficit in that context in relation to people with learning disabilities. In housing and many other fields, there is a dearth of organisations that work for and with those people. However, that is a matter for the

Executive, in partnership with some of the lone voices from those groups. We are happy to speak with such people to help them develop organisations of a similar nature, but we should not suggest that our model is some magic wand that such communities can wave.

The section of our paper on that underlined the fact that there are thousands of people in Scotland who are not represented in the debate on the formulation of future policy on housing. It also stressed the fact that some of those people are on local authorities' waiting lists.

Mr McGrigor: On the introduction of the single social tenancy, what issues arise around the rights of succession when the property in question has been designed or adapted for a disabled person, and the successor has no need for that type of accommodation?

Wladyslaw Mejka: Again, what is your question?

The Convener: If, for instance, there had been a grant—

Mr McGrigor: Would you like me to repeat the question?

Deborah Burns: With respect, succession rights are quite a difficult question, related to the right to buy. It is important to separate the house from the person. Should we discourage people who have a disability from having the right to buy? That cannot be justified if the tenant next door has the right to buy. We need to separate the bricks and mortar. If the property has been adapted, we need to ask whether it should be used by someone who has the same degree of disability. That is a difficult question to answer. The point is that we must separate the person from the property in making such decisions.

Wladyslaw Mejka: I have found the section to which you referred. I am aware that other organisations with particular interests in housing have considered the current thinking on succession rights and have found that there is a considerable degree of confusion about the practical implications for many people, not just disabled people. A lot of responses, from organisations such as Shelter, have called on the Executive to be much more clear about who will be allowed to succeed in tenancies and in what circumstances. We are not suggesting that there is an easy answer, but we are suggesting that the Executive's current thinking is not comprehensive or clear enough and does not appear to take into account some of the practical experience.

Equally important, the aim of the Executive's thinking does not appear to be to attempt to obtain universal application across Scotland. One of the issues, which I thought that we had hinted at, but

perhaps we did not do so clearly enough, is that there is variation in practice across Scotland, particularly in the areas that we have highlighted, in relation to houses that have been adapted because one of the tenants was disabled. That lack of uniformity is, in itself, bad policy; but equally, no one is providing any clarity or guidance. Essentially, that is a call for the Executive to do a lot more detailed thinking and, when that is concluded, to ensure that practice is applied universally across Scotland wherever possible.

Nora Radcliffe (Gordon) (LD): What would you recommend as a solution that could be universally applied? You talked about separating the person from the bricks and mortar. How would we deal with this problem, which is, admittedly, knotty?

Wladyslaw Mejka: In terms of succession?

Nora Radcliffe: Succession and the question whether a house that is adapted should be in a special category at the expense of the rights of the tenants. It is a Gordian knot. Where would you cut it?

Wladyslaw Mejka: A lot of our thinking has been influenced and informed by practical experience and by what people tell us. Perhaps surprisingly—although not really when one thinks it through—much of the contact that we have is from surviving spouses, who indicate that staying in an adapted house, or even a new-build property that is wheelchair accessible, is inappropriate for them, not because the house inhibits their lifestyle, but because they are aware of the pressing need in their part of the country and of the number of people who are waiting for such housing. They come to us for help to make the move elsewhere and to make the important link with action to get the house used by someone whose need for that house is greater than theirs. That is part of a linkage; it is part of people wanting joined-up work to take place. If we considered it strategically, it represents a practical example of joined-up working not taking place.

For a long time, various people have said that Scotland has a crude surplus of housing in terms of the total number of houses and the total number of households. I do not want to get into that discussion, but it is clear that, whatever the totality, there is a lack of joined-up working to make best use of resources. The example that I gave is only one example of where that joined-up approach is lacking, although it is one that I would not want to dismiss too easily, because it results in a very real human cost. Invariably, rights of succession follow the separation, break-up or death of partners who have been together for some time. At such a time, a considerable degree of sensitivity is required, but that does not appear to be the practice in too many cases.

Nora Radcliffe: To change the subject completely, there is a corollary to that. There is a mismatch between the houses that are suitable for people with a disability and the people who live in them. It has long seemed to me that a sensible approach to that would be to build houses that are much easier to adapt in the first place, through the building regulations. There has been some movement on that, but we would like there to be more. Will you outline what you believe the next priority for changes to the building regulations should be? What is the most sensible way to make all houses barrier free or easier to adapt?

Wladyslaw Mejka: Do you mean improving the ability of the housing market to house people?

Nora Radcliffe: If we house people, we have to put them in bricks and mortar—we cannot get away from that. Some bricks and mortar are more easy to access and more amenable to adaptation than others. There are some simple, straightforward things that we could require people to do when they build new houses, which would make them more accessible and easier to adapt in future. Do you have a wish list of priorities of what those fundamental changes to building regulations should be?

Wladyslaw Mejka: New build will not even begin to make a significant contribution to meeting the current target, which is reasonably ambitious. It will not be able to cope with the backlog of unmet need, which will continue to grow. We need something more dramatic and more immediate.

I will pass over briefly to Debbie Burns, who, as some members may know, is undertaking for the DPHS a project funded by the Scottish Executive. If the project is implemented, it could have a major impact fairly quickly on the ability of the housing market to deliver housing that people need by finding out what we currently have. That goes back to something that we discussed earlier. We do not currently know what we have. It is nonsense to try to build new houses when we do not know where and why we need them. Debbie will give members a brief taste of her project and why it could have an immediate and major impact.

Deborah Burns: We have funding for one year from the Scottish Executive for my post, the aim of which is to gather data and to develop a detailed database of private sector properties that have been adapted with local authority grant funding. We will probably also include properties that have been adapted through self-funding. We will use the information for strategic purposes to inform statutory planning for accessible housing. We will also use it in a practical sense further down the line, when we aim to act as a broker to match property with people's particular needs.

We have had quite a lot of support so far from

the Scottish Executive, Scottish Homes and other partner agencies. We are now in negotiations with councils to request transfer of data about houses—not people. A few issues have arisen as a result, which tend to revolve around confidentiality and consent. We are finding ways around those by contacting people individually and asking them to register their property with us, with a view to the future, when they might want to come to us for help to find a property on the open market or to sell their property. We are trying to remove the cultural barriers to owner occupation, in partnership with organisations like Ownership Options in Scotland.

11:00

We know that 40 per cent of all adapted properties are in the private sector and that 38 per cent of disabled people are owner-occupiers, so there is a market. The problem is in convincing solicitors and property managers that that is the case and that they should include some form of accessibility indicator in schedules, to help people to identify those properties. It has been suggested that there could be a problem of vulnerability, for example, during open viewing. Some people believe that disabled people are more vulnerable to the darker side of society. Whether or not that is true, we could take information and contact our clients individually rather than advertising publicly. That is the long-term aim of the private sector initiative.

Nora Radcliffe: That initiative is good and very necessary, but because building regulations determine how all houses are built, I want to ask what you think should be in building regulations to make all new housing more accessible and easier to adapt.

Wladyslaw Mejka: A twin-track approach is needed. It would be possible straight away, within the year, for MSPs to have the building regulations amended to the highest possible standards currently available, as developed by Scottish Homes in "Housing for Varying Needs - A Design Guide". That would ensure that every new house built in Scotland would be not only accessible to most disabled people, but readily adaptable to allow someone to stay there for almost all of their adult life. That will take several decades, if not another 50 years, to have a substantial impact on the housing needs of today's community of disabled people, let alone those who have yet to be born.

A more immediate impact will be made through work of the kind that Debbie Burns and others will, I hope, be doing more of shortly. Just as it is reckoned that Scotland has enough houses for everybody, we know that local government has poured millions of pounds over many years into

adapting housing in both the public and private sectors. But no one has a clue what has happened, whether the adapted housing is still there or who is using it. That is utterly irresponsible. I return to an earlier comment, that there is no point in placing an obligation on local government to do something if it does not do it. That should be an object lesson for us.

We have managed to persuade the Executive to take a first tentative step by using an organisation that does not just believe something ought to be done but wants and offers to actually do it. Ours is the kind of initiative that can have an impact from today. Once people hear that there is such an organisation, they will come and say to us—as Debbie has had people getting in touch to say, even although we have not sought them—that they have a house that has been adapted with the following features and can we find someone for it. There is a job of work to be done and it will have a massive impact in improving the match between people looking for a house, in whatever sector, and finding that house. You cannot find something if there is no map.

Kay Ullrich: Further to what Nora Radcliffe asked about the right of succession to tenancies, what are your views on the right to buy adapted housing?

Wladyslaw Mejka: I am sure I answered that question in February.

Kay Ullrich: This is my first time as a member of the committee and I have not read the papers as far back as February.

The Convener: We have two new members, so if you do not mind—

Wladyslaw Mejka: I recall that I said in February that the organisation was still working out its position, but it would be disingenuous of me to continue to say that.

Before fully answering, I would like to offer a view as an individual, as a member of staff of the Disabled Persons Housing Service and as a professional. I have been very disappointed by the amount of heat generated by the issue of right to buy, as proposed in "Better Homes for Scotland's Communities". There has been an enormous amount of attention and discussion on the tweaking of right to buy this way or that. In the final analysis, it will not affect the housing landscape as disabled people know it; it will not provide disabled people with new houses. It will continue to take our attention away from more pressing issues of the kind we have been discussing this morning. It will do nothing to address the core issue of equality of opportunity. The issue appears to me to be more about professional self-interest than about solving housing problems.

With that preface or preamble, we see two almost opposing fundamental issues as relevant. One is that the Equal Opportunities Committee must ensure that there is equality proofing of any policy. If right to buy is to remain, in whatever form, it should be extended to housing for disabled people. However, that is to ignore the fact that we are not starting with a blank sheet and that an inadequate number of houses are currently available to disabled people. No matter which way the cake is sliced, not everyone will have equality of opportunity to bought, rented, shared ownership or other housing. It is wrong to take the high ground and say that equality of opportunity should apply to any amended right to buy.

We are not terribly interested in the fine tweaking of right to buy or in the problems that housing associations may face because of it. We would like to see a person-centred approach to the problem—which is to try to devise a policy, of which right to buy would only be a tiny part, that delivers sufficient housing for people where and when they need it. We suggest that, as a real-world, pragmatic course of action, right to buy must apply to disabled people and housing made available to them. We also suggest that it should be made available to housing association tenants—we are not convinced by the housing association movement's arguments.

However, alongside that there must be facilities, policies and finance available so that landlords can intervene if, once a right to buy has been taken advantage of by a family, that house comes back on to the market. Local government and other landlords should have the right to buy it back to bring it into use for other people who need such a house. We should also be creating flexible financial frameworks so that other families who need such a house and who have some equity but not enough to meet market rates can buy it.

A number of flexible approaches are required. The organisation and I do not want to be tied into hours of working out what should be the maximum discount and the maximum ceiling. That will not build new houses.

Mr John Munro (Ross, Skye and Inverness West) (LD): Good morning. I am surprised that we are having this discussion today, because in my local authority work in the past the concept of barrier-free housing was promoted over many years. But here we are and housing providers and architects and builders are still not providing it. They may be hiding behind the concept of barrier-free accommodation, which applies as long as an individual is able to get into and out of their house—that is the extent of the compliance with the regulations—and forgetting that, once the individual is inside their house, they may experience difficulties in manoeuvring and living in

the property.

What do we have to do to encourage the housing providers to pay more attention to what is provided in the property? We probably have a joint role with people such as yourselves to encourage not so much the architects and the builders as the providers of the equipment. They hold on to the concept that each square metre of floor space is important to the property, forgetting that the individual, who is probably wheelchair bound, requires more floor space than is anticipated. There is no use in providing a three-foot-wide or metre-wide door if the corridor will not allow the wheelchair to turn.

Apart from trying to educate those in the architectural world, we must address the design of the equipment in buildings, such as the worktops and kitchen units. Those are built to a standard, and no thought is given to the fact that people may require a lower or narrower worktop. It is difficult for someone who is sitting at a standard worktop to reach the taps and the equipment that they need. Do you agree that an education exercise is required to be undertaken by all who are concerned, in relation not only to the access to buildings but to the whole design and layout of their internal structures?

Wladyslaw Mejka: Absolutely. We may be spilling over into the second part of what I understood we would try to cover this morning—on-going correspondence with the reporter.

The whole issue is about encouraging, persuading and otherwise ensuring that the private sector delivers housing that is of the required design standard. Your question also addressed the general need for education. In the four and a half years that our organisation has existed, we have been asked—because of the philosophical view of the people who set up the organisation that no sector should be exclusively the preserve or not the preserve of disabled people—to work positively and dynamically with the private sector as far as possible. I have been surprised by how responsive the private sector has been.

Over four and a half years, we have managed to establish some very positive relationships with the private sector largely because we have been able to explain that there is a market that it has not yet identified as requiring a specific product. Increasingly, we are finding that, if we have the time and space to sit down and discuss the issues and break down preconceptions that a lot of developers have about disabled people, the developers will return and will start to deliver products that the end user wants.

In Edinburgh, a number of private sector landlords are more than happy to alter their accommodation to provide an end product that

disabled people will use. Our greatest progress has been in encouraging one of the long-standing factors in Edinburgh to consider setting up a separate arm of the company to buy up significant amounts of ground-floor tenement property in Edinburgh with a view to adapting it. The company has recognised that there is a clear market for disabled people who are interested in the long-term renting of property, irrespective of its tenure.

Education, in its broadest and loosest senses, is absolutely necessary. Our most recent correspondence—which has been driven in part by the earlier response from the former Minister for Enterprise and Lifelong Learning, which appeared to suggest that we should all be fairly sanguine and comfortable with the current education system for probably the most important person in the housing market, the architect—has revealed that there is a desperate gap in the education of the people who design what we build. Although architects spend a minimum of five years at university, they are lucky if they spend half a day in considering the principles that are involved in designing accommodation for disabled people—whether that accommodation is barrier free or beyond the barrier-free concept—and understanding what it is to be disabled, to learn how to design a home that is accessible for a disabled person.

11:15

Some of you will be aware of the recent inquiry into the continuing professional development of doctors, which is regarded as vital in the health service. Equally, the building profession is attempting to provide continuing professional development for, among others, architects and engineers. However, in the architectural profession, that continuing professional development is entirely voluntary. Given the fact that we expect those people to design our built environment—especially our housing—the idea that they can spend 30 or 40 years of their professional lives never refreshing their inadequate education is appalling. Until the Executive and the Scottish Parliament decide that they want to improve that aspect of our education system and the continued professional development of professional people, that situation will continue.

Somewhere in the corridors of this Parliament, there is a draft policy on architecture for Scotland. We have been desperate to speak to the people who are developing it, because of the situation that I have described. However, the dialogue has been one-sided. We keep saying that we are ready to talk and that we have a lot of ideas about improving specific aspects of the policy, but we have received no response. We have attempted to

talk with the professional architects organisation, the Royal Incorporation of Architects in Scotland, but it has been a case of pass the parcel. We have been told that the Royal Incorporation of British Architects is responsible for curriculum content. What we are seeing is professional self-interest, as the profession defends itself against what we all understand to be the policy development that is necessary for social inclusion. That policy cannot be legislated for—the way in which things are currently done must be changed.

Change is imperative if those who are going to design houses five or 10 years from now are to design barrier-free-plus standard houses rather than the sort of houses that we have today. Education is vital, and the Executive and the Parliament must take control. They must work out where that education starts to have an impact and whether they want to intervene. If they do—and this returns us to something that Debbie Burns and I have tried to emphasise today—it is not sufficient just to ask those organisations to include something in their curriculum. They must be directed to work with organisations such as the Disabled Persons Housing Service and with communities that have, over decades, distilled experience and understanding of what is required from those professionals. That experience and understanding must be shared, to enable the architects, as qualified professionals, to deliver a satisfactory end product.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I apologise for being late. If the question that I am about to ask has already been asked, please tell me and I will read the *Official Report* to get the answer.

My question relates to your response to the letter from Jackie Baillie on measuring needs and the black hole in information that you seem to have identified. Just how big is that black hole, how do you envisage its being filled and what part can organisations such as the DPHS play in filling that information void?

Wladyslaw Mejka: I do not want this to get personal, but our experience is heavily informed by what is happening in the four councils in the Lothian area. We recently published a report on the mapping of housing provision in those authority areas that was undertaken by Debbie Burns and another colleague.

The black hole continues; even after four and a half years of effort, there is little understanding in any detail of what properties local authorities manage. We have worked on that with local authorities—often at no cost to those authorities. However, there is an enormous black hole in the information: the authorities do not know what they have and therefore cannot tell us. We have carried out some partnership working with the City of

Edinburgh Council to begin to get a baseline understanding of its directly factored stock. Across the four authorities in the Lothian area there remains a large black hole in the information on the number of houses that the councils own. When one wants to know how many houses are wheelchair accessible, built to barrier-free standards, or have had a significant adaptation and of what kind it is impossible to find out.

The best quality of information is provided by housing associations. There are two reasons for that. First, Scottish Homes insists that associations record such information. Secondly, such organisations have a different culture to that of local government housing departments and often stem from community-based groups. Such organisations are accountable and answerable to the people who live in the houses.

The other element of the information black hole is the private sector. The DPHS has repeated its message that one should not consider the social rented sector as the only player in delivering housing to meet disabled people's needs. One cannot ignore the contribution of the private sector. The map of private sector provision, gained through the statutory requirements of local government or other sources, is probably not even black—it would be white because it is empty. Debbie Burns's project will start to fill in some of the gaps because we will build up a map of private sector, owner-occupied houses that have been adapted with local government funding for Edinburgh, Midlothian, West Lothian and East Lothian. That will take some time. We are talking about decades of local government funding to the owner-occupied sector that has not been tracked or detailed.

The mapping exercise will not result in the traditional outcome—lists of adaptations described in archaic technical terms, available only on the dusty shelves of housing and social work departments across the country. We describe properties from the point of view of the people who live in them—what the property provides for a person. We are not describing adaptations in cost or technical terms.

Those are the twin elements of the information black hole that persists in Lothian and across the rest of Scotland. We do not have a clue what the private sector offers and we do not have enough of a clue what directly factored local government housing has to offer. That is worrying because, in the next few years, local government housing might be transferred away from the authorities. The bare information that they have—sometimes paper-based, sometimes computer-based—will probably disappear with that transfer. We will find ourselves in an even worse situation because even that threadbare base will be missing.

Mr McMahon: Is it fair to say that the information could not be provided without the intervention of the Scottish Executive?

Wladyslaw Mejka: Yes.

The Convener: I have a question for Debbie Burns. In your opening comments you mentioned four aims: audit; a transparent and accountable action plan; local financial mechanisms; and a national network of DPHSs. Would such DPHSs play a different advisory or statutory role? This follows on from Linda Fabiani's questions. If we put a duty on local authorities to meet the housing needs of disabled people, what those needs are is subjective. You would not want local authorities to decide what the housing needs were.

When you mentioned repairs and improvement grants, you talked about merging DPHS and Care & Repair (Age Concern Scotland) Ltd. I understand that Care & Repair is an organisation that is headed up by Age Concern Scotland, which improves the standard of housing for elderly people in relation to insulation and making their houses wind and watertight. What would Age Concern think about that merger? Are those bodies not doing two different things?

Deborah Burns: The aims and goals of DPHS and Care & Repair are similar. Many of our clients are over 60. That is the age group that is most rapidly increasing. There will be an increase in the number of people with disabilities. As they age, their disability will increase with age. There is a common theme in the client group that we serve. There is a network of care and repair organisations throughout Scotland, in 30 councils out of 32. We want to do the same and establish DPHSs throughout Scotland.

On your first point, we have a national development officer who visits different council areas to assess local need and supply in the area, conjures support from disabled people and establishes a shadow user-led committee. Once the service has appointed its own staff, it will develop its policies based on the ethos of a user-led, person-centred organisation. We hope that independent DPHSs will grow throughout all the regions of Scotland.

We also consider that Care & Repair (Age Concern Scotland) Ltd is an organisation that provides a service. That service is seeing to the implementation of repairs and improvements to older people's houses in the private sector. We have a common goal on that. We have a professional architectural service and an occupational therapist who can provide full option appraisals from the beginning of the assessment right the way through to completion and ensure that the person is happy with the adaptation. If we can combine services for older people in that way,

it would be a much-strengthened organisation.

I cannot remember what your other question was.

The Convener: I think that you have covered it.

Wladyslaw Mejka: I would like to—

The Convener: The other question was about the strengthened role of the DPHS, given that you would not expect local authorities to define the needs of disabled people.

Wladyslaw Mejka: I will add a couple of points while Debbie Burns works on her response to that question. Many of the existing 29 care and repair projects do adaptations. They also provide a variety of different services such as the important minor repair scheme, which includes tasks such as organising the changing of a light bulb for someone who lives on their own and is frail. That aspect of the work is often severely underestimated and undervalued. Changing a light bulb may seem to be an incredibly simple task, but in the context of the life of a person who is on their own and frail it can be an important and daunting task.

Care and repair projects have been around for a while and come under the unique management role of Age Concern Scotland. They enjoy a positive relationship with the Executive, which wants to see them extended to the 32 authorities in Scotland. However, the projects lack an important dynamic, in that—due to that unfortunate relationship with Age Concern—they are not necessarily in touch with the needs of the people they work for. I believe that it is vital that organisations doing work of this nature should be user-led, to ensure that they remain responsive and sensitive to what people need as opposed to what professionals think that they need.

11:30

There is sufficient synergy in direct service provision of care and repair projects. We provide some direct services as well as a general advisory and advocacy role. There is real scope for merging the benefits of both kinds of organisations into one. One thing that we have in common is that we encourage, cajole, persuade and bully other organisations in the longer-established statutory sector to do better, highlighting their inefficiencies and pointing them down a better road. We do not want to end up with duplication of effort, where organisations that inhabit a similar part of the landscape unnecessarily take up additional resources. If there is scope for merging, I would like to see that properly examined by the Executive. The essential role of organisations is never to supplant local government, housing associations and so on, but always to ensure that

they are doing the best possible job, acting in the interests of service users and reflecting their views.

The other aspect of the Care & Repair and DPHS marriage is that it offers the Executive and the Parliament the opportunity to consider whether adaptations are being delivered inefficiently. They are currently being delivered through social work, Scottish Homes, housing associations, housing departments and other groups. Some housing departments want to fund adaptations to other people's stock. In some one-off cases, where we can demonstrate health gain, national health service funding comes in. We have a real mishmash of funding input, professional input, resources and assessments, but end users do not really care where the money comes from or which professional is organising it.

There is a need for a better focus on what the end user needs and wants. We have allowed a framework to evolve that does not consider the end user as its first priority. Blending the respective strengths of Care & Repair and DPHS into a new organisation would allow that major piece of tidying-up work, delivering something much more person-centred. In addition, although I have not done the figures, it would probably save the Executive money in the long run, which would be no bad thing.

The Convener: Thank you. If the committee were to consider that further, we would have to ask Age Concern Scotland to give evidence.

Linda Fabiani: Most of my questions have been answered. You stated quite strongly that you think that Scotland should have an adaptations agency, largely because of the problems that you have just outlined. Would it be administered by Scottish Homes as the new executive body that has been mooted in the proposals for the housing bill, or would it be completely stand-alone? Was that what you were getting at when you talked about your organisation merging with Age Concern? Did you mean that you would fund, monitor and run such a service?

Wladyslaw Mejka: Some of you will probably be aware that we have considered similar organisations in Europe. There is one in the Netherlands that offers a positive example of what is achievable. We would argue that something very similar to that, enjoying a relationship with central Government in funding and monitoring terms, would be readily transferable to Scotland. It would bring immense benefits to Scotland.

We said in our submission that one of the things missing from the proposals for the housing bill is the immensely important but often undervalued role that HomePoint has played in the work of Scottish Homes for about the past ten years.

Scottish Homes is conducting a pilot, of which we are a part, on a set of national standards for agencies such as ours, which will lead to formal accreditation or, if they do not make it, being struck off. We would readily endorse the application of that to other organisations of a similar nature. Scottish Homes, rather than formally monitor and regulate, would set those standards out. They are the kind of standards used by Shelter Scotland and citizens advice bureaux. There is a less intrusive and onerous role for Scottish Homes to play in ensuring that the various standards that we would expect of those organisations are in place.

The Convener: I thank you both for giving evidence to the committee—it will be collated in a report that will probably be given to the Social Inclusion, Housing and Voluntary Sector Committee early next year. If anybody has not visited the DPHS, which is just around the corner, I am sure that they would be welcome to do so.

11:37

Meeting adjourned.

11:45

On resuming—

Sex Education

The Convener: I restart the meeting.

Nora Radcliffe: I apologise—I may have to leave before the end of the meeting as I have another meeting to go to.

The Convener: We might be finished in time.

There is a paper on item 7, which was carried over from last week. It is the consultation exercise on sex education in schools. The options are to take evidence or to ask the clerk to draft a report that we can consider at a later meeting.

Nora Radcliffe: I have mixed feelings on this. It might be better to take evidence, as we have given such emphasis to the fact that we are accessible and open to consultation. Such importance was given to the strength of the guidance that schools were going to receive and the whole section 2A debate that it would be politic to have people comment on it.

The Convener: The deadline for the response is 22 December, so we do not have much time. I am sure that we could fit an evidence-taking session into one of the committee meetings before that.

Mr McMahon: I have similar reservations to Nora Radcliffe's. I wonder whether it is possible to do both. If we do not have much time and if there are a number of organisations that we want to hear evidence from, it might speed up the process if the clerks could produce a report that would mean that we would not need to take so much evidence.

The Convener: Is everybody happy with that?

Members *indicated agreement.*

Equalities Checklist

The Convener: For the benefit of new committee members, we have agreed that we will produce a research proposal for mainstreaming equality in the Scottish Parliament. However, we also agreed that because that will take some time, as a temporary measure we would have a mainstreaming checklist, which we could ask other committees and the Parliament to have regard to. Members have copies of the draft research proposal. We agreed to submit a bid for funding. Does any member have any questions on that?

Members indicated disagreement.

The Convener: Does the committee agree to that proposal?

Members indicated agreement.

The Convener: Do all members have the paper relating to the checklist? Are there any questions on that?

Members indicated disagreement.

The Convener: I realise that members will not have had time to examine the paper, so I ask the clerk to explain it.

Lee Bridges (Clerk): The committee wanted to go forward with a more detailed investigation on the bid, using external research. At the previous meeting concern was expressed about what we should do in the meantime. I have used a paper by the Equal Opportunities Commission and the Commission for Racial Equality—which was circulated to members last year—as the basis for some interim arrangements. That paper is included as an annexe to the paper that has been circulated to members.

The clerks would like to know whether members are happy for the questions that are listed to be used by other committees and areas of the Parliament as the basis for considering equalities issues in a more structured way and, if so, how they would like to implement that.

There are two options. The first is to publish a proper committee report that is based on the checklist and to debate that report in Parliament. The second option is to wait to see whether our bid for research funding is successful. If it is, we will be able to make proper recommendations—once the research is completed—which can be debated in the Parliament. In the interim, the convener may want to write to other conveners to inform them of the committee's current advice and that something more substantial will be produced later. The committee needs to decide between those two options.

The Convener: I have already indicated to the

conveners group that at some point we will want a half-day of committee business in Parliament to discuss the final checklist. I am happy to write to conveners to ask them to build the existing checklist into their work as an interim measure. Are members happy with that?

Members indicated agreement.

The Convener: I will write to the other conveners on that. We have already made a bid for a half-day for committee business.

Reporters

The Convener: Item 9 of our agenda is on progress reports. Members should have received written reports from the reporters. The first is from Nora Radcliffe, the reporter on sexual orientation.

Nora Radcliffe: The report is fairly self-explanatory. I met representatives of the Evangelical Alliance and of Christian Action Research and Education—CARE—who said that people who have queries about religious topics were not sure what their access point to the committee was. They thought that it might be helpful for us to designate someone as a reporter on religious issues, in addition to our existing reporters on race, gender, disability and sexual orientation. That might provide people with a gateway that would allow them to get their views into the parliamentary system.

The Convener: Any religious organisation is able to give evidence on specific issues, such as section 28. Some of them availed themselves of that opportunity. The reporter on race, Michael McMahon, also covers religious issues. However, his job is to address religious discrimination, rather than to feed in religious viewpoints on matters that the committee is considering. I am comfortable with the current arrangement.

Nora Radcliffe: It might be helpful to redesignate Michael McMahon as the reporter on race and religious issues.

Mr McMahon: I have no problem with that, although only issues of discrimination would come before this committee. I have provided religious groups with access to the committee through my reports on the Act of Settlement, as has the inclusion of a question on religion in the census. The arrangement has worked thus far.

Linda Fabiani: I can see the logic of that. However, I would have a problem with redesignating Michael McMahon as the reporter on race and religious issues. A race issue need not have a religious element. It might be regarded as discriminatory to make that assumption.

Mr McMahon: I could be termed the reporter on race or religious issues.

Nora Radcliffe: We could simply indicate that the reporter on race is also the reporter on religious issues.

Linda Fabiani: Perhaps that is the answer.

The Convener: Would you like another hat, Michael?

I think that it is sufficient to put on record the fact that the reporter for race issues also deals with religious issues, as he has done in the past, for

example on the Act of Settlement and on the Census (Amendment) (Scotland) Bill. I am not entirely sure that that role is what the representatives from the Evangelical Alliance advocated in their evidence. I was not at the relevant meeting, but I sense that they were asking for something quite different—from a religious perspective. I do not think that that is a matter of religious discrimination. Such views can be reflected in the evidence that we can take on any issue, and the alliance is more than welcome to come along at any time to give evidence to the committee on any matter that we are considering. It can also ask us to consider something that is not already included on our future work programme. I am quite comfortable with the set-up as it is.

Does Nora Radcliffe wish to comment further on her report? Do other members have any questions on it?

Nora Radcliffe: I think that the report covers the points that we have discussed.

The Convener: We will pass over the report from the gender reporter, as Elaine Smith has had to pop out of the room for 10 minutes. We will move on to the report from the disability reporter, Irene McGugan.

Irene McGugan: I apologise for the fact that my paper was not submitted in time for circulation with the other committee papers; I hope that members have seen a copy, as attached to my e-mail.

There are only two issues to report. One concerned the DPHS, and was well covered under agenda item 6. As a follow-up to that and to previous correspondence, any additional queries will be forwarded to the relevant ministers.

The second issue was that of recognition for the European day for disabled persons, which is normally held on 3 December. That links nicely with the fourth anniversary of the coming into force in 1996 of the Disability Discrimination Act 1995 and with the first anniversary of the requirement on providers of goods and services to make reasonable adjustments to accommodate disabled people.

I have learned that Capability Scotland plans to undertake a nationwide survey of shopping facilities, during which disabled people will be going out to both local shops and high street multiples in various parts of the country to make the same kind of purchases. They will then fill in a detailed questionnaire, outlining their experiences. The questionnaires will be analysed and their results collated in a report that will be issued by Capability Scotland to illustrate how well shops—in particular—have implemented the terms of the 1995 act, which is otherwise known as the DDA. The intention of the report is that it should not so much criticise as attempt to find and highlight good

practice as well as shortcomings.

I thought that it would be good for the committee to acknowledge the European day for disabled persons and to give some time in the agenda of our meeting during the week beginning 3 December to hear Capability Scotland present us with the findings of its shopping survey, which is set to be very useful. That would help us to gauge how far society may or may not have come in implementing the terms of the DDA. We could also consider recommendations on what might be done to ensure that the 2004 deadline relating to that act is met. That is when services and goods must be fully accessible to all disabled people.

The Convener: This committee is set to meet on 5 December. Is it agreed that we invite Capability Scotland along to that meeting?

Members indicated agreement.

Linda Fabiani: Will that provide enough time for Capability Scotland to conduct an extensive analysis of its findings?

Irene McGugan: Yes—its representatives think that it will.

The Convener: The committee accepts that the time scale is short, but Capability Scotland will still be able to send people along to give us useful evidence.

We will now return to the report from the gender reporter.

Elaine Smith: Thank you for holding this part of the discussion back, Kate.

Last week, I took evidence from Linda Watson Brown and I had hoped to take evidence from Scottish Women Against Pornography. Due to the short notice of the request, its representatives were unable to turn up. I managed to take evidence from them because the transport issue had to be put off until next Tuesday. I will take evidence from Professor Sheila Henderson at that meeting, should any members be interested in attending it.

Members have my report in front of them. Its subject matter—women and pornography—is quite controversial, but I do not think that it is peripheral to the debate on gender equality. Although we might sometimes consider the problems and the symptoms, such as domestic violence and the increase in the number of rapes that are reported, we might be failing to consider the underlying causes.

12:00

There is not much research on pornography and it is quite difficult to find the research that exists. For obvious reasons, if one were to use the

internet to research pornography, one would find sites that one might prefer not to find. It is important that the committee should take evidence from Scottish Women Against Pornography and Linda Watson Brown. I have included those points in my recommendation.

We must note that pornography might cause problems—it is a big business that, through imagery, can have an effect on society and on the way in which women are viewed. It might also have subliminal effects on people and on their attitudes to women in society. Does the committee agree to undertake that work? I know that our schedule is quite tight, but at some point before the end of the year, we should take evidence. That would be useful.

The Convener: It is unlikely that we will have time to take evidence on pornography before the end of the year. I do not mind taking such evidence, but it will be useful to know in what context we would do so. What part of our work would that evidence feed into? Our work plan is busy and, although it would be interesting to take evidence on a number of matters, evidence should fit in with work that the committee is undertaking. How would such evidence tie into our work?

Elaine Smith: Having taken over the role of gender reporter from Johann Lamont, I have been pursuing the issue of women in the justice system and I believe that pornography ties in with that issue. The committee might want to reconsider that issue later in the year or when we decide our next work plan.

The Convener: We could fit it into next year's work programme. Is that agreed?

Members indicated agreement.

The Convener: As members have no questions or comments on Elaine's report, we will move on to a brief report from Michael McMahon, who is the race reporter.

Mr McMahon: I want to highlight a particular problem. Only I was able to attend the previous two—abortive—meetings, the purpose of which was to consider the current legislative programme and to determine the race input into that programme. I have not been able to start that work. Apart from me, the sub-group was made up of Jamie McGrigor, Malcolm Chisholm and Shona Robison.

In order to allow the group to consider that issue, other members must attend our meetings. I have scheduled another meeting for next Tuesday morning, about which I will e-mail members.

If other issues arise, such as meetings with groups and so on, I can attend to those issues with one of the clerks—that is not a difficulty. However, we must consider the legislative

programme, on which the race reporter's sub-group must develop an angle. If members volunteer to come along to that meeting, we might be able to kick off that process. We are being held back because meetings are not taking place.

The Convener: I will ask the clerk to e-mail all members with information about the reporters. New members should contact the reporters for the areas in which they are particularly interested.

We do not have sub-groups—we are not allowed to have sub-groups.

Linda Fabiani: They are discussion groups.

The Convener: People will be able to get in touch with the reporters and find out when they can hold discussions with them after that e-mail has been sent.

12:03

Meeting continued in private until 12:07.

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