

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 5 December 2000
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

23rd 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)

*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

Bill Fisher (Scottish Disability and Housing Network)

Julia Fitzpatrick (Scottish Disability and Housing Network)

Michelle Hegarty (Capability Scotland)

Kate Higgins (Capability Scotland)

Hilary Spenceley (Scottish Disability and Housing Network)

David Tares (Capability Scotland)

CLERK TO THE COMMITTEE

Lee Bridges

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Alison Campbell

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 5 December 2000

(Morning)

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

The Convener (Kate MacLean): The first item on the agenda is items in private. Does the committee agree that we take items 2 and 6 in private?

Members indicated agreement.

10:05

Meeting continued in private.

10:09

Meeting resumed in public.

Housing Bill

The Convener: I welcome Bill Fisher, Hilary Spenceley and Julia Fitzpatrick from the Scottish disability and housing network. Will you briefly outline the role of your organisation and present any evidence that you want to give? The committee will then ask questions.

Bill Fisher (Scottish Disability and Housing Network): The housing reference group for Scotland was by necessity a short-lived working group. However, its short existence was constructive and informative. It gave disability-led organisations, statutory authorities and other organisations with an interest in disability and housing the opportunity to come together to research equality of housing opportunities for disabled people. The results of the research were published in the report "A New Threshold for Disabled People?", which catalogues the very real barriers and limitations that prevent disabled people from securing equality of housing opportunity. When those recent findings are compared to the findings of the Ewing inquiry into housing in Scotland for disabled people, which reported in 1994, it is clear that there has been no significant change in the availability of accessible housing for disabled people in Scotland.

Against that background, disability-led organisations, including the disabled persons housing services that are being established around Scotland, have set up a similar autonomous working group to continue the excellent work that was done by the housing

reference group. The long-term working group will be known as the Scottish disability and housing network.

We are three members of the group. I will use this opportunity to introduce ourselves and to highlight some of the issues that arose in our response to the housing bill consultation. Julia Fitzpatrick is from Ownership Options in Scotland, and will speak about flexible housing tenure. Hilary Spenceley is from Margaret Blackwood Housing Association and will speak about equality of housing opportunity. I am Bill Fisher, a freelance disability consultant, who had the privilege of serving on both the Ewing inquiry and the housing reference group.

I will discuss communities of interest. Much of the information that has been produced by the Parliament and the Executive recognises and promotes the need to take account of communities if the objectives of social inclusion are to be realised. We acknowledge that there are tried-and-tested and new mechanisms to generate greater social inclusion and opportunities to take account of what people in those communities are saying. However, all that we have read and heard appears to relate to geographic communities and is silent on communities of interest. Communities of interest are, by their nature, dispersed and difficult to contact. Contact with the disability community of interest is made significantly more difficult because of societal barriers relating to, for example, transport, disposable income, mobility restrictions and the inaccessible printed word. It will require a great deal of effort to break down those traditional barriers to ensure that the hopes and aspirations of disabled people are well articulated, heard and acted on. A structured approach is required. We suggest that the example of the success of the homelessness task force could be usefully followed to give a voice to the disability community of interest.

Julia Fitzpatrick (Scottish Disability and Housing Network): I will discuss flexible tenure and flexible finance—that invites an image of a bendy Mastercard, but there is more to it than that.

There is an acknowledged lack of locality-based housing strategies that address the needs of disabled people across all types of tenure. Part of the problem is that any one of many different agencies may hold the information on needs. We still seem to be a long way from joined-up information pooling from the bottom up. Information on the housing needs of a disabled person can be located in the social work or housing departments, the health service or even the education system.

The gaps between those information sources and the key source—which of course is the disabled person or family—and the planning

system results in lost opportunities to meet specific or projected housing needs. For example, there are frustrating examples of new-build developments failing to include suitable properties for a disabled person because that person was known to the social work department but not to the housing or planning department. Often, that happens because those people are currently owners and would prefer to remain so.

10:15

It is interesting that the proposals on the supporting people regime aim to change the way in which we fund housing support from money that follows a property or a project to money that follows a person. There is an equivalent need to change the way in which we consider providing or developing housing for disabled people, which means getting the right house for the person, in the right place and at the right time, and considering tenure later.

We must open up ways of accessing suitable or adaptable housing in the owner-occupied sector in order both to reduce waiting times for ever-depleting stock in the social rented housing sector for those who need or want to rent and to ensure that disabled people have equal access to home ownership, which is not happening at present. Such an approach is cost effective, but it needs mechanisms and resources in order to enable flexible tenure for the first and subsequent households and to enable buy-backs of adapted property.

Adaptations funding systems often seem inflexible as well as under-resourced. Legislative blocks are sometimes cited as preventing the flexible and creative use of money between different housing budgets and across housing, social work and health budgets. There is something of a geographical lottery for households that need adaptations or an alternative home; existing legislation appears to prevent local authorities from making a contribution from their adaptations budget to adapt a house that is newly built for ownership. For example, a family in unsuitable housing could apply for a grant of up to £9,450 for adaptations to their current house but cannot access financial help if they want to build a new home that is suitable for their needs and require funding for the extra costs of making that home suitable. However, the system also allows significant grants to be invested in individual properties with no subsequent claim on any increase in property value or any way of maximising continued benefit from that grant investment.

The housing bill provides an opportunity to do more than just tinker with grant amounts and conditions for improvement and repair grants. The

bill gives us an opportunity to enable transfers of funding from one tenure type to another and to enable capital and revenue to be used in the most person-centred and cost-effective way. It will provide an opportunity for opening up new ways in which local authorities and the private sector can meet obligations to provide equality of housing opportunity for disabled people through long-term, interest-free or equity loans, for example. There are some positive movements, but the system must be made easier for care, housing and health authorities to do the commonsense thing, supported by legislation and codes of guidance.

Hilary Spenceley (Scottish Disability and Housing Network): I will talk about securing equality of housing opportunity, which is the key recommendation of the report "A New Threshold for Disabled People?".

The report catalogues the huge shortfalls in accessible accommodation, the lack of information on accessibility, adaptations and housing need, and the barriers that disabled people and their households have faced in getting decent and affordable accommodation that meets their needs and enables them to participate fully in society. In our discussions with the housing bill team and in our formal response, which was circulated to committee members, we asked for a statutory responsibility for procuring equality of housing opportunity for disabled people and their families to rest on local authorities in the forthcoming bill.

There are significant opportunities to address equality of housing opportunity in the changing picture of Scottish housing. In particular, the proposed transfer of council housing stock to community ownership, which will bring in private investment to regenerate communities, is a key opportunity to refurbish or remodel to increase the amount of accessible housing stock. The stock surveys that are being undertaken as part of that process should be gathering information to inform that investment and to determine which stock has been adapted or could be upgraded easily. We believe that the Executive's guidance to councils should require those issues to be addressed and describe how the outcome of the transfer process will address the shortfalls. The cost of addressing the shortfalls should be built into the projections.

The single housing planning process will be a vehicle for gathering robust information on need and on the accessible, adapted or adaptable housing stock that is available in all tenures. The plans will be the place where the strategy for securing—and demonstrating—equality of opportunity is articulated. Bill Fisher emphasised the need to have at the planning table people who can speak with authority on these issues. Guidance or secondary legislation will be required to put flesh on the bones of what is meant by

equality of opportunity.

Disabled people should no longer have to wait five times longer than other priority households for suitable housing and there should no longer be bureaucratic systems for getting adaptations. The joint future group report was launched yesterday and, although we have not studied the report in detail, it appears to address many of the issues that are related to better joined-up working.

Disabled people should no longer have to live in institutional settings. Members who attended the launch of the report "A New Threshold for Disabled People?" will remember a graphic image of a young girl who uses a wheelchair and who had to live in a geriatric nursing home for seven years because no appropriate housing was available for her. Disabled people should no longer have to make do with restricted independence and loss of dignity in order to remain in the community that they know or to stay in a particular tenure.

People with learning difficulties should no longer be denied independence and a home of their own because housing allocations policies fail to recognise the need to level up the playing field for that group. They should no longer be told by social work departments that they will have to share with strangers because the department cannot afford the care and support that they need in order to live independently.

Equality of housing opportunity impacts significantly on wider equality issues. For example, a suitable home is key to equal access to education and employment opportunities. For example, if it takes a person two helpers and two hours to get down two flights of stairs, it would be difficult for that person to consider taking up a job.

That concludes our introductory comments. We are happy to answer the committee's questions.

The Convener: Thank you. I open up the discussion to members of the committee.

Linda Fabiani (Central Scotland) (SNP): I worked in housing for a number of years and it seems that, for many years, we have been listening to representatives of disabled people and to disabled people themselves saying, "It's time for joined-up thinking. Everything must come together. Why don't we have central registers?" Despite that, we are still talking about these issues. Julia Fitzpatrick said that the housing bill provides us with a good opportunity to address some of the issues, but how do you think that that will happen? Co-ordination is required—we should not simply co-ordinate adaptations in one place, allocations in another and services somewhere else. Would the situation be best addressed by local authorities or by a national, central agency?

Hilary Spenceley: Securing equality of housing opportunity will be crucial. If local authorities are required to secure equality of housing opportunities, an action plan ought to be developed to demonstrate how that equality will be secured across all tenures, including new build, refurbishment and remodelling. It is particularly important to have power sharing and to involve in the planning system disabled people and people who can talk with authority. Bill Fisher may wish to say more about that.

Bill Fisher: The major difficulty is that, over the decades, policies from central Government and local government have been predicated on the lowest common factor rather than on the highest common denominator. We must work towards a system that recognises that, apart from anything else, demographic trends show that people are living longer and sustaining mobility impairments during that extended lifetime. We must consider the optimum house that will meet the needs of the population in the long term. By building such houses, we will save money in the long term, because fewer adaptations will be needed.

Linda Fabiani: The problem is that funders do not consider the long term.

Bill Fisher: Yes, but part of the difficulty is that most funding systems are examined using cost-compliance assessment. We are not good at using a cost-benefit analysis; if we were to use that system, we would see that long-term investment, rather than short-term opportunism, makes for better value.

Linda Fabiani: Rather than setting up an agency to jump among all 32 local authorities, would you prefer to leave the responsibility of ensuring that targets are met with local authorities?

Julia Fitzpatrick: I was thinking about that when you talked about the idea of a central, national agency—

Linda Fabiani: Perhaps that could be a role for the revamped Scottish Homes.

Julia Fitzpatrick: There are two ways of examining the situation. First, grant regimes, unitary grant systems and statutory systems, such as the adaptations system, must be constructed in such a way as to allow local authorities to use money fairly flexibly. Secondly, information systems and the way in which information is gathered must be handled at the local level and driven by agencies that are controlled and managed by disabled people, with local authority and health authority support. Disabled people are key to the process and should be involved, along with all the other agencies, in bringing together the information.

Linda Fabiani: The proposals for the housing bill mention funding going to local authorities, which will have to be answerable to Scottish Homes, or whatever it is to be called. Do you agree that those proposals provide the ideal opportunity for co-ordination, given that local authorities will answer to a national agency on whether they meet their targets?

Bill Fisher: If registration and inspection—if I may use those terms—are as effective and as wide ranging as in the system that exists for housing associations, local authorities will be much more answerable to central Government and much easier to scrutinise. At present, there is an imbalance, as housing associations and housing co-operatives are inspected in almost devilish detail, whereas the housing bill proposals that I have seen for local authority functions are miles away from that approach. If the Executive and the Parliament are serious about bringing about change, they must make people accountable; they must monitor and evaluate them and hold them to account if they fail.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): In previous evidence, we have heard different arguments about the right to buy. Some organisations think that it is a secondary issue and that, before we consider the right to buy, the focus should be on the right to an adaptation, whereas others think that it would be discriminatory if disabled people were not given the same rights as other tenants. Do you have a clear view on the right to buy?

Julia Fitzpatrick: I have considered the right to buy a fair amount and the network has discussed it. The issue is complex and has largely dominated the debate on the proposed housing legislation.

Over the past 20 years, the right to buy has pretty much systematically removed from local authority rented housing stock the property types that were the most adaptable. Therefore, opportunities for disabled people to access suitable or adaptable social rented housing have been reduced. At the completely crude supply level, it is arguable that fewer opportunities exist for disabled people to access suitable housing than existed 20 years ago. However, the owner-occupied sector has singularly failed to compensate for that by balancing housing opportunities.

10:30

There is an interesting point about right to buy that demonstrates the wider issue of why and how the housing market does not work for disabled people. If members will indulge me, I will cite some statistics. In the past 20 years, the proportion of home owners in Scotland has grown from 41 per

cent of people in 1981 to 62.5 per cent today. Sixty per cent of that growth is attributable to the right to buy. However, only 38 per cent of people with physical disabilities own their own home. The percentage of people with learning difficulties who own their own home is probably barely in double figures. As a community, disabled people have not benefited from the right to buy by participating in home ownership. Few exercise the right to buy unsuitable housing. Generally, the existing systems have not enabled disabled people to become home owners.

I cannot see an extended right to buy having a significant impact on the tenure balance. Extension of the right to buy would make things worse in the rented sector and would not do anything to address the wider issues of how the housing market does not work for disabled people. That takes us back to some of the points that I made earlier about flexible tenure—thinking more imaginatively about using existing funding in different pots and working with disabled people to find the housing solutions that they need, irrespective of the type of tenure. That would mean purchasing housing for rent from within the owner-occupied sector. It could mean buying back housing that has been sold under the right to buy. There need to be mechanisms for that.

Mr McMahon: I have a fairly blunt question in response to that. If someone is currently renting an adapted house and the right to buy were taken from them, would you see that as a form of discrimination?

Julia Fitzpatrick: The network cannot support the extension of the right to buy to a category of houses—housing association properties—that are more likely to be new or modernised and barrier free. Those properties need to be retained for rent in a sector in which there are few opportunities for disabled people. However, if the right to buy is extended, disabled people should have the same rights as their next-door neighbours. We would see anything else as discrimination.

Mr McMahon: Do you think that there is a case for hypothecation? If a house in the rented sector that is adapted is taken out of the sector, should the money that is raised from the sale of that house be used to adapt another house? That would mean that the number of adapted houses in the rented sector continued to increase.

Julia Fitzpatrick: I would answer both yes and no to that question. Yes, we should keep as much funding as possible circulating. Some time ago Scottish Homes proposed a scheme of the sort that you suggest, but nothing came of it. The money raised from a house sold under the right to buy may be enough to fund a compromise adaptation to another house. However, a lot of money will still be lost because of the discounting.

Bill Fisher: We must be careful about how many layers of financial burden we add to registered social landlords. Calculations by the Scottish Federation of Housing Associations, for example, show that the current ceiling of £20,000 could threaten the viability of a number of housing associations. A scheme of the sort that Michael McMahon suggests would be yet another layer of financial burden. It would take money out of the coffers of rented social landlords and could threaten their viability.

As Julia Fitzpatrick said, we have had decades of tinkering. We need to focus on our objective, which is social inclusion and, within that, equality of opportunity. Equality of opportunity applies across the spectrum of issues in our society: housing, education, transport and so on. The housing bill gives us an opportunity to take the principled stand and concede that what we have been building for decades—some of which is being torn down in the Gorbals as we speak—has not met, does not meet and will not meet the needs of the population of Scotland. We need to take a principled stand. We must identify the optimum house style to meet people's needs and pursue that.

That will mean amending the building regulations. I allowed myself a wry smile when I read in the previous review that light switches in Scotland should not be a certain height above the skirting board because civil servants thought that Scots might trip over them. That reasoning did not apply to our fitter and more active colleagues south of the border, however. The regulations are that ludicrous.

The Convener: When it comes to discrimination against disabled people, the right to buy and succession of tenancy rights are likely to be the two most controversial issues arising from the bill that this committee will have to consider. Earlier, we took evidence from the Disabled Persons Housing Service. I was not entirely clear about their answer to this question, and I am not clear about yours. Are you in favour of the right to buy? Could you also say something about succession to tenancy rights? I understand that, in local authorities, adapted houses, sheltered housing and certain tied housing are excluded from the right to buy. Would you like that to be changed under the new housing bill? Normally if a family is living in an adapted house and the person for whom the house was adapted dies or leaves, the local authority will try to find that family another house. What is your position on that? The committee will have to come down on one side or the other, so it would be good if we could have a clear indication of what organisations such as yours think.

Hilary Spenceley: I will summarise what Julia

Fitzpatrick said about the right to buy. We do not support the extension of that right. However, if it is extended, we would see it as discriminatory to say to disabled people that they may not buy their houses. If, and only if, the right to buy is extended, we would like it to apply to disabled people as well as to others.

The key issue is that there should be flexible funding systems that enable houses that are suitable for disabled people to be available under the form of tenure that people require. In other words, if a house is purchased under the right to buy and subsequently resold, there should be funding to allow that house to be made available to a disabled person and their family. There needs to be active marketing by estate agents and solicitors, indicating that a house is suitable for a disabled person. There must also be matching processes to find a family with a disabled person who would like the house. If that family wants to be in the rented sector, there should be funding that would allow a registered social landlord to take on the property and rent it to them. We want to talk about flexible funding systems to enable the tenure that disabled people want and that suits their financial circumstances to be delivered.

I would like to comment on the experience of succession of tenure in Margaret Blackwood Housing Association and other social landlords. Often when a house occupied by a disabled person is succeeded to, their family will tell us that they know that there are many people like their relative who could use the house and they ask us to assist them to find another house, so that their current house can be freed up for a disabled person. At the moment we are not required to free up such houses, and local authorities are not required to assist us to find suitable accommodation for the family. Provisions in that area could be strengthened. We have good working relationships with some local authorities, which will prioritise moving a family who are occupying a house unsuitably to suitable alternative accommodation, with a view to freeing up that house.

The Convener: Are you in favour of succession to tenancies where the person for whom a house was adapted has left?

Hilary Spenceley: That is a difficult question. We would not want a different type of tenancy for a disabled person. Given the shortage of suitable housing, we would like to free up adapted houses for families who need them. However, it would be difficult to require that that should happen—it might be seen as being discriminatory against the disabled person who no longer occupies the house or against their family.

Bill Fisher: It is a very difficult situation. I do not think that any of us would suggest that we should

discriminate against one set of people to meet the needs of another. However, if a disabled person invests in a low-cost home ownership house, starting at 25 per cent share and staircasing up to 100 per cent, that person has the right to dispose of that house however he or she wishes. I would have difficulties with a system under which people who lived in social rented houses had fewer opportunities and rights than people who bought their houses. As I have said a number of times, the real issue is the supply of housing and the type of housing that is being built. Adapted housing has been referred to several times this morning. If we built houses to a norm, there would no longer be any need for significantly adapted houses. We might have to put in a handrail here or something else there, but we would be dealing with minor alterations rather than wholesale refurbishments.

Julia Fitzpatrick: I would like to add two points. They do not amount to a definitive answer, but they may help the committee in its thinking about the question. The debate about succession rights arises from the fact that there is a terrible shortage of suitable or adaptable properties for disabled people. Should we deny people who occupy properties that might be suitable for adaptation the right to succession, whether or not they are disabled? Once we get into the minutiae of the issue, it becomes very difficult to say that we should give one set of rights to one person and a different set to another.

Adaptable property is only one of a number of property types in the social rented sector of which there is a terrible shortage. There is also a terrible shortage of four and five-bedroom properties. Should we also deny succession rights to the tenants of four and five-bedroom houses? That would not be an answer—the points that I have made are simply other ways of thinking about the issue. It is very difficult to deny succession rights to people who occupy one property type, rather than another.

I had a second point, but I cannot remember what it was.

Kay Ullrich (West of Scotland) (SNP): In your written submission you refer to the anomaly of tenants getting structural adaptations free and owner-occupiers having to pay for them. Would you like to expand on that and perhaps offer a solution to the problem?

Hilary Spenceley: At the moment, in the rented sector a household that requires a structural adaptation applies to the landlord for that adaptation to be carried out. If the council is the landlord, it carries out the adaptation; if a housing association is the landlord, it applies to Scottish Homes for funding for the adaptation. Scottish Homes and the local authorities are prioritising adaptations much more than they did previously—

that is good.

10:45

There are means tests for adaptations in the private sector. The proposed legislation suggests minimum grants, but we are concerned that, through lack of resources, those will become the maximum grants. There does not seem to be a level playing field when, in one type of tenure, somebody pays for the adaptation, but not in another type of tenure.

When there are grants in the private sector, adaptations are not secured in the value of the property. There are opportunities for recycling the funding through an equity loan or an interest-free loan in the property, which could be repaid if sale proceeds allowed it. That money could then be recirculated.

Kay Ullrich: Is the argument that a structural adaptation would add to the value of the property?

Hilary Spenceley: Not necessarily. That would depend on the circumstances.

Kay Ullrich: Can you give examples of the adaptations that people would have carried out?

Hilary Spenceley: An extension might add to the value of the property, but other adaptations would not necessarily do so. Some would, in a purchaser's perception, devalue a property. We must work with estate agents and solicitors to market positively properties that are suitable for disabled people. In the past, there has been waste because adaptations have been ripped out when a property is put up for sale.

Bill Fisher: The example of my wife and I buying our house is a good one. We bought it five and a half years ago. We had been looking for a house, but we were going on holiday, so we decided to stop looking until we came back. We were in town and slipped into the estate agents, where Jayne picked up a few prospectuses. When we looked at them at home, we saw that there was ramped access to the back garden of one house. That was serendipity, but we must address the information aspect, not only with local authorities, but with estate agents, solicitors and anybody else who markets housing.

It does not take a great deal of effort to include information, such as that at the front of the house there are three steps up that are each 2.5 in high, and at the back there are five steps that are 4 in high or that there is level access to the house. Such small statements would take us a great deal further down the road towards equality of opportunity.

Kay Ullrich: Did you buy the house that had a ramp?

Bill Fisher: Yes. Unfortunately, it has the biggest garden that I have ever seen.

Kay Ullrich: I take your point that that was good luck, but statements that houses are especially suitable for disabled people should be standard, so that we avoid losing those valuable properties for them.

Irene McGugan (North-East Scotland) (SNP): My point follows on from that one.

Although the housing bill would offer the opportunity to address some issues about equality of housing opportunity for disabled people, much more could be done to make progress. Some of the measures are simple and would be effective in the long term, such as training for architects, which seems so obvious. However, we heard from DPHS that such training is almost unheard of in courses for architects. Little is said in such courses about how buildings should be barrier-free and that that should be the aim. In the view of most disability organisations, even the revised building regulations do not go far enough in making houses barrier-free. The regulations apply only to new build. Local authorities carry out much improvement and refurbishment work, yet opportunities to make houses barrier-free are lost.

Would it be worth the Equal Opportunities Committee's submission on the legislation extending its recommendations to raise awareness of the fact that, although there are opportunities in the bill, other aspects of legislation that are the responsibility of the Scottish Executive are equally worthy of consideration? We will not get proper equality of housing opportunity for disabled people unless we take a holistic approach, which examines all those factors and others to make progress.

Hilary Spencely: That would be most welcome.

The report entitled "A New Threshold for Disabled People?", to which we have referred, contains 29 recommendations. We had a useful meeting with Scottish Executive staff who are drafting the housing bill. They informed us that the housing legislation could not address all the recommendations, but we asked for the other recommendations to be passed to the appropriate people.

I am interested in what Irene McGugan said about taking on board remodelling opportunities when refurbishment takes place. I mentioned in our introductory statement that we felt that the stock transfer refurbishment and regeneration of communities was an ideal opportunity to take on board those adaptations. If the building regulations could be extended to apply to major refurbishment, that would be a key way to address equality of opportunity.

On Irene McGugan's point about training for architects, it is good to hear that new policies will be proofed for equalities under the equality strategy that was launched recently. I have read only the introduction to the Scottish Executive's architecture policy, but it refers specifically to communities. It is to be hoped that that includes not only geographical communities, but communities of interest, such as those that we are talking about today.

The Convener: Thank you.

The last question is from Linda Fabiani.

Linda Fabiani: It is probably an ideal last question, because I do not know whether there are any answers to it.

I am interested in the obvious discriminatory aspects of certain communities not being allowed to participate in the right to buy—if that happens. How would that tie in with single social tenancy and equality of opportunity, when some disabled people are subject to occupancy agreements in their accommodation? They will not be part of a single social tenancy and there would be no equality of opportunity. That applies equally to sheltered housing.

Bill Fisher: If registered social landlords follow the recommendation of the Scottish Federation of Housing Associations, occupancy agreements will be used as seldom as possible. That is a great injustice. I am glad that occupancy agreements seem to become fewer and fewer as years go by, but we must still eradicate their use.

Julia Fitzpatrick: That has reminded me of the second point that I was going to make earlier.

My understanding was that the introduction of the single social tenancy was about all tenants having the same rights. On the right to buy and right of succession, to say that everyone will have the same rights—a tenant who lives next door to another tenant will not have different rights—and then to say, "except if", seems to go against the thrust of what the single social tenancy is meant to achieve.

Linda Fabiani: Yes. The thrust of the extension of the right to buy must be linked to a single social tenancy, but people do say, "except if".

Bill Fisher: In response to Irene McGugan's questions, one of the ways in which equality of opportunity would be taken much further forward would be to impose a requirement—which would be monitored and evaluated—on local authorities or registered social landlords to survey their stock to identify how many houses have been adapted, how many could be adapted and how many could not be adapted. Once we had such information, equality of opportunity would increase significantly.

Julia Fitzpatrick: I will pick up on another point that Linda Fabiani mentioned, which we have not addressed. Those who are most likely to be subject to occupancy agreements, rather than full tenancy rights, tend to be people who have learning difficulties. Tenancy and occupancy rights are an issue. The other issue is that the rights of many people who have learning difficulties tend, because of their support needs, to be restricted in respect of the properties to which they are allowed access. That picks up on the point that Hilary Spencely made about the number of people who have learning difficulties who do not get access to independent housing and the full tenancy agreement because the cost of their support needs is such that they must live in shared accommodation with occupancy agreements.

We do not have time to go into that huge issue today, but I am glad that Linda Fabiani raised it. It is an opportunity for us to say that, although we have spent a lot of time talking about properties, equality of housing opportunities is about much more than that.

The Convener: I thank the three witnesses very much for giving evidence to the committee. We have heard some good evidence during the past few meetings, which will help us to make an informed submission on the housing bill.

10:56

Meeting adjourned.

11:05

On resuming—

The Convener: I welcome David Tares, Michelle Hegarty and Kate Higgins to the committee to give evidence on the Disability Discrimination Act 1995. It will be useful if you will tell the committee how accessible you found this building—I am aware that it is not ideal. We will be in the Parliament's temporary accommodation for some time, but we could pass on any recommendations to the team that is considering the new building.

Michelle Hegarty (Capability Scotland): First, I thank the committee for marking European day of disabled persons, for giving over a substantial part of the meeting to disability issues and for affording Capability Scotland the opportunity to present the committee with the findings of the survey that we recently carried out in Scotland's towns and cities.

I am director of communications for Capability Scotland. To my left is Kate Higgins, who is our policy and parliamentary manager, and to my right is David Tares who, as one of the mystery shoppers who took part in our survey, focused on Dundee. David recently received a millennium award for looking into the provision of disability

equality training and hopes eventually to set up a consultancy on those issues. He has a wealth of experience to offer.

Capability Scotland is Scotland's largest disability organisation. We provide services for children and adults who have physical and/or learning disabilities. We aim to campaign on a range of disability issues.

There are three main reasons why we carried out the survey. First, it was our way of marking European day of disabled persons. Secondly, we wanted to consider how businesses were measuring up to their responsibilities under the Disability Discrimination Act 1995. As members are probably aware, the act came into effect in 1996. However, it is phased legislation; in October last year, new responsibilities were introduced that mean that businesses must make reasonable adjustments in how they provide for disabled customers. We wanted specifically to consider that and to see whether there had been any changes.

Last—but not least—we wanted to record how disabled people felt they were treated as customers in Scotland's towns and city centres. We would like to work with the Scottish Parliament to address some of the issues that are crucial to people's independence and to their ability to take part in everyday life and Scottish society. We hope that if disabled people are visible, that will help to break down the many negative stereotypes and discrimination that exists still in towns and cities throughout Scotland.

Kay Ullrich: Good morning and thanks for coming along today.

You chose six Scottish towns and cities—why did you choose those particular towns and cities?

Michelle Hegarty: We did not seek to choose any specific towns and cities over any others—we tried to use a cross-section. Unfortunately, in an area such as Inverness—which was one of our choices—some people were unable to fill out questionnaires. That was due, believe it or not, to things such as transport and people's ability to get out and about.

We considered that the places that we chose represented a good mix of large towns and smaller town centres. We wanted to focus on the piecemeal change that has occurred. Some people assume that the big stores or service providers have got it right; in fact, many corner shops have made what would be considered reasonable adjustments under the law, while many high street stores are failing in that respect. We wanted to show the breadth of disabled people's experience of shopping.

Kay Ullrich: How did you compile the list of items—a pint of milk, stamps and so on—for your

mystery shoppers to purchase?

Michelle Hegarty: We tried to think about what an average customer might shop for; not only the small things and the necessities of everyday life, but the bigger things. We focused on the fact that this is the run-up to Christmas and people will be going out to buy presents in towns and city centres. We considered a mix of publicly owned agencies and private companies and retailers. For example, one might want to buy a pint of milk at the local corner store or use the post office. In town, one might want to go into a shop that sells compact discs or try on an item of clothing. On a busy Saturday, one might want to go for a cup of coffee. We tried to assess the breadth of experiences of shopping that the average customer might try to cram into a busy Saturday afternoon.

Kay Ullrich: You mentioned the run-up to Christmas. I am aware that many towns set aside an evening for disabled shopping—how do you feel about that sort of thing?

Michelle Hegarty: The feedback from many of the disabled people that we are in touch with is that it can be a good thing. If you asked any of us, we would say that we would like to do our Christmas shopping on a Saturday in shops that are less crowded. Obviously, people think that when there are fewer people around, that is an opportunity to do their Christmas shopping.

We must remember that, in the hustle and bustle of Christmas, a wheelchair user—David Tares could speak to this—is at a different height to everybody else. Tempers are more frayed in the run-up to Christmas, not only for the everyday shopper who is struggling to buy Christmas gifts, but for the staff in the shops. At any other time of year, staff might be courteous and helpful, but people are working longer hours and have to pack more in at Christmas, so things might be a little different.

People have told us that disabled shopping evenings can be good—they provide an opportunity to get out there and they makes things a bit easier. However, the other side of the coin might be that we are segregating disabled people from other shoppers. Capability Scotland believes strongly that the more that disabled people are visible in our society, the more change will happen. A number of people in our survey said that the reason that their local corner shop is so good is that they go there nearly every day. The shops have made specific changes to accommodate those people, knowing that they live nearby. Change is not to do only with legislation, but with visibility.

David Tares (Capability Scotland): I agree with Michelle Hegarty. There is a place for special

shopping nights for disabled people, but they do not really do anything to increase our integration into society. We have a right to do our shopping whenever we wish.

There is a movement in Dundee to provide an accessible bus service for people who have disabilities; again, that has its place. However, if that happens, it will negate the efforts of the council to modernise its mainstream bus services. Low-floor buses have been provided in Dundee—the council thinks that it has gone far enough. Those buses are manned only by the driver, and drivers are not trained to help people in wheelchairs on and off buses. My feeling is that, to increase integration, all public transport should be made accessible to disabled people.

11:15

Irene McGugan: I congratulate Capability Scotland on the work that it has done in organising the survey and in highlighting the adjustments that need to be made when implementing the legislation. I hope that Capability Scotland will find the motion that I have lodged helpful—it appears in today's business bulletin. The motion calls on the Scottish Parliament to do what is necessary to ensure that the provisions are fully implemented in all spheres of life and are available to everyone, no matter where in Scotland they live.

I want to talk about the public sector element of the survey, particularly post offices. They do not seem to provide as ideal a service to disabled people as we would want them to. That is concerning. Do you intend to follow that concern up? How will you share the findings with the Post Office?

Kate Higgins (Capability Scotland): We were unpleasantly surprised by the extent to which access to post offices was bad. In post offices in Glasgow and Edinburgh, Scotland's two biggest cities, our mystery shoppers could not get in the door. Rather than go to their local post office, they chose to come into the city centre and use the main post office. That is concerning.

The survey points out that many disabled people are dependent on benefits for nearly all their income. That means that, for many disabled people, access to post offices is almost a life essential. How can they access their money without having to jump through hoops and go out of their way to find an accessible post office?

From anecdotal evidence, we are aware that other public agency buildings are not much better. Council offices in particular are a bugbear. One of our mystery shoppers went to a council office to pay her council tax. When she got into a narrow lift in the building, the doors closed before her carer could get in. She was effectively trapped because

she was facing the back wall of the lift with the lift buttons and the emergency phone on the wall behind her and her mobile telephone did not work because she was in an enclosed space. Her carer had to run around for 10 minutes trying to find someone to get her out of the lift. Never mind the degradation, that is dangerous.

In our report on the survey, we say that we would like to do a similar survey in the spring to examine specifically access to council offices, post offices and so on. We could even ask our mystery volunteers to visit their local polling station before the general election next year to find out what improvements have been made. In 1996, Capability Scotland conducted a survey about access to polling stations. The situation was discovered to be pretty reprehensible. However, we know that many councils have made improvements and it would be worth testing them. We would welcome the involvement of the Scottish Parliament and this committee in such a survey. The Scottish Parliament must take a leading role. There is no point in expecting the private sector to get its house in order in relation to its obligations under the Disability Discrimination Act 1995 if the Scottish Parliament and the Scottish Executive are not prepared to do the same for the agencies that they fund or have some control over.

Irene McGugan: You are right about the fact that the public sector might be worse in that regard than the private sector.

Are you aware of any work that is being done by public sector bodies and organisations to implement the requirements of the Disability Discrimination Act 1995? Perhaps you will not be aware of that until you have done the survey.

Kate Higgins: The Disability Agenda Scotland consortium, of which we are a member organisation and which brings together six of Scotland's largest disability organisations, intends to approach the Convention of Scottish Local Authorities to find out whether there is a concerted and consistent approach to implementing obligations arising from the Disability Discrimination Act 1995. We suspect that some councils will be better than others. For example, Dundee City Council, on which the convener of this committee used to serve, has an equal opportunities unit that is committed to issues that affect all groups, including disabled people. However, we know of some councils that have never had an equal opportunities unit. We want to work with COSLA to make sure that there is a national approach to ensure that people are aware of their obligations and that they are doing something about access to council buildings.

We know that the new building regulations should help to ensure that new buildings such as

libraries provide for physical access by disabled people and include ramps and so on and that any changes that are made to existing public buildings do likewise. We are not sure of the extent to which the regulations will ensure that that happens as there is a tendency in the non-disabled world to assume that if wheelchair users have been provided for, the box can be ticked to show that all disabilities have been catered for. That is not the case, however.

We know that work is continuing. We are not sure whether David Tares, who lives in Dundee, is experiencing the same level of service from his council and other public agencies as somebody who lives in Glasgow has. People have the right to expect the same level of service and access to public services as anyone else. We will be working on that issue in the spring.

Irene McGugan: I am sure that the committee would support everything that you intend to do next year.

Linda Fabiani: I was at two meetings yesterday. One was with Deaf Blind UK and concerned the difficulties of day-to-day life. The other was with the Post Office and concerned all the wonderful things that it does for disabled people. In the light of these meetings, your report made interesting reading. Do you think that there is a case for post offices and banks being subject to stricter rules than other businesses because they are service providers? I am thinking particularly of induction loops.

Your submission makes some strong points about the Disability Rights Commission. While you welcome it, you hope that it will be willing to take on specific cases in which there has been bad practice and where obligations are not being met. Do you think that that will have to happen because private and public organisations do not have the will to implement the legislation? Will there have to be court cases to encourage the others?

Michelle Hegarty: The Disability Rights Commission must take a carrot-and-stick approach. We recognise that the commission has a difficult job to do. It is trying to promote a piece of legislation that some businesses welcome as an opportunity to cater for a wider customer base. On the other hand, there has been some ardent criticism from the small business sector in particular about the cost of change. At this stage, the costs involved are not huge but in 2004, when the requirements for physical changes to buildings to be made come into effect, there will be costs involved for many businesses.

The Disability Rights Commission has to promote the legislation and educate people, but, ultimately, progress is made in relation to a lot of legislation, such as the sex and race

discrimination legislation, only by the relevant commission highlighting specific examples of companies that will not listen or take their legal responsibilities seriously. We get the feeling that the disability sector wants that to happen in Scotland. Such action would highlight the fact that the Disability Discrimination Act 1995 is an effective piece of legislation. There has been much worry within the disability sector about how effective the act will be and about the fact that it has taken four years for the commission to be set up to enforce it. The approach would persuade businesses that compliance with the legislation would be not only good for business, but prudent.

David Tares: I want to respond to the question that was asked about provision in public services. Having worked in the public sector for the Benefits Agency in Dundee, I am aware that little provision for disabled customers was made in the way of sign language interpreters. A certain percentage of staff in public agencies should be trained to deal with disabled customers. When working for the Benefits Agency, which I did for three years, I was shocked to find out that, because it was a Government agency, it was exempt from certain provisions of the employment legislation.

Linda Fabiani: Do you think that there would be a case for being more stringent with public agencies and perhaps even banks?

Michelle Hegarty: If the Disability Discrimination Act 1995 were to be effectively enforced and promoted, all organisations, whether public or private, would get their act together. There might be a case for prioritising certain public agencies, such as the Benefits Agency. There are certain agencies that everyone has to deal with in their daily lives. Disabled people come into contact with many public agencies.

David Tares: For example, two of the main social work offices in Dundee are not accessible to disabled clients. One of them is up a flight of stairs, so the disabled person is beaten before they even start.

Kate Higgins: On the subject of the use of induction loops, our survey showed that, bizarrely enough, businesses are doing the expensive things first. Although their general comment is that it is the cost of the Disability Discrimination Act 1995 that concerns them most, there were many good examples of businesses having fitted disabled changing rooms and having installed ramped access and automatic doors.

When we tested aspects such as the availability of communication aids, we found that the availability did not seem to be good. That is to do with a combination of factors. Some people did not look for communications aids because it was not an issue for them or did not see any evidence of

such aids after having had a quick look around. However, in some cases, the staff did not know what people were talking about when they were asked.

The issue of providing information in accessible formats is interesting. One of the tests that we set involved asking for a mortgage leaflet in a bank or building society. While the staff were sure that information was available in an accessible format, they had to root around in the back to find it and in many cases came back to say that they did not have any.

11:30

The cheapest thing to do is apply a little thought. Displays of clothes should be placed at a level that can be reached by disabled people who want to live independently. Posters should be displayed, saying, "If you need to use an induction loop, please ask," or "If you need a large-print leaflet, please ask." Disabled people need to be made aware that the services that they require are available, without being made to feel that they must go out of their way and constantly ask to be treated like any other customer. There is a need for a huge education process of business and the private sector generally, to inform them of what they can do for little cost.

David Tares: Kate Higgins and I were at the new Overgate centre in Dundee yesterday. Everything was fine, apart from the fact that they had forgotten the simple adjustment of providing automatic doors.

Nora Radcliffe (Gordon) (LD): The point that I will raise has just been picked up. When people are told that they must make adaptations for disabilities, they immediately think of wheelchair users, and forget all the other disabilities that people must overcome.

The witnesses mentioned another issue that worries me. Have you any evidence that businesses are seeking advice about the right way of implementing the 1995 act? It bothers me that people may make adaptations that are expensive, not as good as they should be, ineffective and inadequate. Will you expand on how that need might be met and whether people are looking for good advice?

Michelle Hegarty: Businesses have approached us for advice and information about making adjustments and about simple issues such as the right font size to use. Some businesses are seeking help. Besides Capability Scotland, there are numerous bodies from which companies can seek help. There are plenty of local disability forums that are effective at giving advice.

Several large service-providing companies are good at training their staff. We have worked with

Scottish Gas, which employed a disability consultancy to work with it on customer attitude. Scottish Gas also provides several adapted fittings additional to its normal gas service for disabled customers, and password schemes. The utilities tend to be quite good at dealing with disabled customers. They have recognised the business case for attracting and keeping disabled customers. That message should be spread to other sectors of industry, business and commerce.

The problem is that adaptations are piecemeal. You could not walk down a street and find that every shop had implemented the 1995 act to the same basic level. Big stores and some smaller stores might have got that right, but other big and smaller stores might have failed on some aspects.

In previous surveys, staff attitude was rated as dreadful. Staff did not know how to deal with a disabled customer and frequently ignored the person, treated them as if they were invisible or talked to whoever accompanied them. That still tends to happen, but we were pleased that the current survey showed that staff attitudes had improved. Staff tried to make up for the shortcomings of their employers. In the post office, the lady came out from behind the counter to deal with the disabled customer. A lady in a bank said that she was sure that they had a large-print leaflet. She went away expecting to find one, and when she could not, she returned and read the leaflet to the disabled customer. She also offered to help more with the application if the customer wished to phone the bank.

As the 1995 act requires them to, staff have made reasonable adjustments to deliver services by alternative methods. For example, that might include going up to the second floor of a bookshop to bring down a book. However, the employers are letting down the staff. They have not had the foresight to put in place some of the non-costly changes that would make a difference.

David Tares: Small issues such as access inside shops also make a difference. Last week, I was in a small bookshop in Dundee. I could not go up one of the aisles because it was too narrow, a problem that was compounded by extra displays. I had to go up the aisle in a roundabout way. That does not make the experience as enjoyable as it should be.

Kate Higgins: Nora Radcliffe talked about disability not just equalling someone in a wheelchair. Even in that context, I have been amazed at how disabled people are treated as a homogeneous group. For example, by having one disabled person provide evidence to a committee, everybody thinks that they have done their job.

Disabled people must be seen as human beings who are just like non-disabled people. Disabled

people are aware only of their own experiences. Someone who uses a wheelchair and has a physical disability has no experience to relate of having a learning disability or a sensory impairment. That comes through again and again in conversation with people with various disabilities, who say, "I never really thought from that point of view." Disabled people consider provision only in terms of their own experience, as we all do.

One size of wheelchair does not fit all. Like non-disabled people, disabled people come in all shapes and sizes, and so do wheelchairs. Businesses, and transport providers particularly, think that they have provided wheelchair-accessible vehicles, when they have not. Lifts, too, fit only some wheelchairs. We know of people who cannot use services such as dial-a-bus because their wheelchairs are too big to fit. That is patently nonsense.

Nora Radcliffe made a point about businesses seeking advice. The convener did that when she asked what we thought about accessibility to the committee chambers. Our view is that disabled people should always be involved in such a process. We can only imagine what access might be like. Disabled people have the experience. If the Parliament wants to assess the accessibility of its buildings, please, please involve people with a range of disabilities. They must go in and around the buildings to experience the facilities.

David Tares: Retailers must remember that there is a financial issue of the orange pound. Disabled people are the same as everybody else and want to go out and spend their money. A big issue that I have encountered is the cost of reaching the town centre, which takes a proportion of my income. Sometimes, when I reach my destination, I am so exhausted by getting there that I cannot enjoy the experience.

Mr McMahon: I will take on the idea of who is responsible for chasing the orange pound. For some of us from the west of Scotland, that has connotations that might raise alarm and ideas of a proliferation of shops selling sectarian regalia, rather than thoughts of the Disability Discrimination Act 1995. Your report makes the point that the Scottish Executive has responsibilities across a range of subjects such as tourism and enterprise. The Executive published an equality strategy recently. Does your report raise issues that you feel that the Executive is missing in its strategy and its work with the range of organisations for which it has responsibility?

Kate Higgins: We welcome the equality strategy. We acknowledge, as the minister does, that it is not a document that will set the heather on fire. It is very much about nuts and bolts, structures and procedures that will, in the medium

to long term, make a huge difference to people's lives. It aims to change the way that people think about providing services to ensure that all groups and communities in Scottish society are being provided for. We see the document as applying to how the Executive does business and how all the agencies that are funded from, or have a statutory relationship with, the Executive go about their business. That includes being a best-practice equal opportunities employer.

In tandem with the equality strategy, the Parliament can pick up on the fact that the Disability Discrimination Act 1995 is a piece of UK reserved legislation, although it impacts on lots of devolved legislation. A good example is the Disability Rights in Education Bill, which has come from the UK Parliament but which will impact on education in Scotland, because it is about applying the Disability Discrimination Act to education services. Scottish agencies and voluntary sector organisations are concerned by the lip service that appears to have been paid to consulting in Scotland, Wales and Northern Ireland on how the bill should be put together so that it also works in the areas where education is devolved.

We are not quite sure how that situation arose. It could be that the UK Parliament is just getting on with a piece of legislation that it thinks is its business, or it might be the case that people in the devolved Administrations may have slipped up by not putting their foot down and demanding better ownership of the provisions for their area. In either case, the general view is one of dissatisfaction with the bill. People have got used to how the Scottish Parliament and Scottish Executive operate, consulting groups that have expertise to offer. Now, all of a sudden, people are scrabbling around to get a handle on the important new legislation from Westminster.

That is an example of an area in which we need to sort out the relationship between reserved and devolved. Do problems arise because reserved legislation emanates from the UK Parliament, and should such legislation be handled by the devolved Administrations because of the impact on devolved matters? All the devolved Executives and Parliaments need to sort that out, or we will find ourselves in a continuing situation of unease and dissatisfaction. The Disability Rights in Education Bill seems to have taken us back to the old Westminster way of Scotland being tagged on in brackets.

To reiterate a point that was made in our report, the Executive has said that, in areas such as planning, it has no immediate plans to conduct a review of legislation. We see a review of planning legislation as being absolutely vital to ensuring that the Disability Discrimination Act works in our town and city centres. We conducted a survey last

summer on changes that are happening in town and city centres, the lack of involvement of disabled people in planning streetscapes and the lack of forethought being given to the needs of disabled people. All the beautiful little Italian paving slabs, bollards and fancy trees might be great for us, but they are obstacles and barriers to disabled people. Perhaps David Tares can tell us of his own experience of such things.

David Tares: What Kate Higgins says is true. Parking meters stick out into the street. If someone is visually impaired and happens to bump into one accidentally, it can be quite painful. Advertising boards in the middle of pavements outside shops are also a problem. Shopkeepers sometimes do not think that a visually impaired person might come along and bump into them. There needs to be a little bit of thought about design and where things are placed.

11:45

Marilyn Livingstone (Kirkcaldy) (Lab): Kate Higgins mentioned the size of wheelchairs. I represent a constituency in Fife, where I have been working with disabled ramblers, who pointed out some of the same things that today's witnesses have raised. Many of them have scooters and that is how they would get to the shops. They told me that, although there may have been adaptations for wheelchairs, provision had not been made for bigger vehicles. As David Tares said, a little bit of thought would make access on the street much easier. Lowering the pavements could help, for example, and wheelie bins that have not been put back against the wall can create obstacles on the days when the bin men are out. We have written to Fife Council about those points and the council has taken them on board.

My constituents also talked about the problems that shop displays cause them. Although shopping centres have good access for people with disabilities, getting there can be a problem. Access to the high street is sometimes fraught with problems. Have you done any work on that?

David Tares: I have thought a lot about that since I have been involved with the report. There is a Shopmobility scheme in Dundee, which provides motorised wheelchairs. People can go round the city centre in their buggy, but there is a problem if they come to a shop that has a high step. I am ambulant disabled and can leave my wheelchair outside and walk into a shop, but some of the motorised wheelchairs are too big to take into the smaller shops, so people are defeated again.

Michelle Hegarty: We looked into the pedestrianisation of city centres, because a number of people got in touch with us to say that

they were finding it extremely difficult to get into their town and city centres. They were almost becoming no-go areas for them because of pedestrianisation. Although it can be good once people are there, because they do not have to dodge traffic or go up and down over street kerbs, which are frequently too high and do not have dips in them, getting into town in the first place is becoming quite problematic for many people.

Because public transport is not accessible for many disabled people, they rely on taking their cars in. In pedestrianised areas, parking can be quite far from the pedestrian precinct where they want to shop. A number of people have pointed out that there has not been a significant change to allow disabled people to park closer to the pedestrianised city centre area so that access can be easier for people using a wheelchair. For some streetscape schemes, rough stone has been used. It may look good and have a great texture, but it can make things difficult for people in wheelchairs.

I was in Buchanan Street yesterday with somebody with a disability. It is a good street from an access point of view because it is very flat, but getting to Buchanan Street can be quite difficult, because there are not great parking facilities close by.

David Tares: There must be an overall review of the transport system throughout Scotland, not only to provide accessible buses but to site bus stops in more appropriate places. I can use the bus services in Dundee, but only one or two buses will take me anywhere near where I want to go. I can get on the bus for 90p—compared with £2.60 for a taxi—but I still have to think about whether, once I have got off the bus, I will have the energy to walk the extra distance. The weather has to be taken into account, too. If it is snowing or raining, I cannot walk any great distances, because I do not have any balance and am in danger of falling. I have to weigh up the risks to myself; it is like a practice in risk management.

Kate Higgins: Michelle Hegarty talked about the impact of pedestrianisation on access. Another development that is good in its own right but which is having an adverse impact on access is the extension of the number of dedicated bus lanes and greenways. People who have disabled parking badges cannot park on bus lanes and greenways. Every time a bus lane appears along a shopping street, the number of parking places available to disabled drivers is reduced.

There has been controversy, from the point of view of businesses, over some of the bus lanes designated in local shopping areas in Glasgow. It also means that disabled people who want to access those businesses and who rely on car transport to get around are having to park further away, and they may start thinking twice. We may

be making public transport more accessible and reliable and more available to people, including disabled people, but we may also be affecting adversely those who cannot use public transport and who are totally reliant on cars to access goods and services.

David Tares: Most of Dundee city centre has been pedestrianised. If people come into the centre of Dundee by taxi, there are only certain points where taxi drivers can drop disabled people off, because they are not allowed to go into certain areas at certain times of the day. People can still end up quite a distance from the shops that they want to go to.

The Convener: I am aware that the pedestrianisation in Dundee has been quite controversial, because there is no access to many parts of the city centre for buses or for people being dropped off in taxis.

You mentioned that, when you were conducting your survey, someone in a post office came round the counter to serve a disabled customer, which would be considered acceptable as a reasonable adjustment. In 2004, when the final phase of implementation comes in, will that be acceptable? Are businesses and shops aware of the short time scale that they have to get their act together?

Michelle Hegarty: The whole point of phasing the Disability Discrimination Act 1995 was so that businesses would not be faced with huge costs up front. Businesses had about eight years to consider the physical adaptations that they would have to make. Consultation on access has been undertaken and we are not yet clear exactly what will be required. Interpretation of the act always comes back to what is reasonable, looking at the resources of the company, its size and the nature of its business. It is not about putting anybody out of business just to cater for one or two disabled people. It is about what businesses can reasonably do. Business often misses the point that, at the end of the day, it is about reasonableness.

We are pretty sure that structural changes will be needed in some cases. If there are a lot of steps to the front of a big building, that will have to be ramped. Doors may have to be widened. However, it always comes down to the size of the business concerned. If a corner shop is up a flight of steps, it may not have to have ramped access, but it may need to display a sign at the door saying that if customers cannot get in, staff will come out and assist them. It is not ideal, but we live in a world that was never built to take into account the fact that there are people with disabilities, older people and mothers with young children in prams.

Kate Higgins: We are concerned about the time

scale and about businesses' awareness of what they have to achieve. We can all think of a recently refurbished bank or shop premises that we are familiar with. Perhaps we should try to look at such places through a disabled person's eyes.

Why is it that many banks, building societies, post offices and shops do not provide lower counters when they are refurbished? Why do they not do it now, to save them having to do it in 2004? On the other hand, we know of a couple of stores on Princes Street that have been refitted recently and have made the necessary changes. One of our mystery shoppers tested one of them; she said that it was great and that she would definitely be back. Perhaps businesses should take heed of that: she will go to places that provide for her needs, and which have a disabled fitting room, lower counters and automatic doors, because shopping then becomes a pleasure. We have to question businesses that are refurbishing and refitting their premises but which are paying no attention to the fact that, in 2004, they will have to comply with the legislation on physical access.

The Convener: Would a change to planning legislation deal with that, if it meant that a local authority, when granting planning permission, had to point out to people what their duties would be in 2004 once the final provisions of the Disability Discrimination Act 1995 had been put into effect?

Michelle Hegarty: When people are at the early stages of plans to adjust buildings, they must be told of the requirement to adhere to the act. We know of numerous new buildings where people have not acknowledged that there should be disabled access. That is very sad, because they may later be subject to litigation and have to go back and spend more money, when they could have done it right in the first place. Much assistance is available for such people, to tell them how to do it right. However, the requirements under the act should be more clearly promoted to companies, and a change in planning legislation would help with that.

The Disability Rights Commission has only just got off the ground, but we would like it to have a role in ensuring that planners, architects and others, when designing buildings, acknowledge that disability access is crucial and that the buildings of the future have to be accessible to all. The DRC will have to grasp that nettle and consider how it can promote such ideas at the very early stages, before anything is built that is inaccessible and therefore discriminates against disabled people.

Kate Higgins: With legislation such as the Disability Discrimination Act 1995, and with obligations to implement equal opportunities and equality-proofing, people often have a sense that it is someone else's responsibility and does not

really apply to their work. I am sure that members of the committee can think of examples of that in legislation and policy initiatives. There are many examples of it in council departments, especially planning departments. In the past couple of years, many local and structure plans have been reviewed; it would be interesting to know how many planning groups included disabled people or their representatives, and how many of the new plans actually mention the Disability Discrimination Act 1995 and disabled people's needs. I am willing to bet that you could count the references on fingers and toes. For example, I do not think that Glasgow City Council's future plan for the city centre mentions disability once.

Michelle Hegarty: It is not mentioned in the plan.

Kate Higgins: That document represents Glasgow City Council's vision for Glasgow city centre for the next 10 years, and disability is not mentioned. Capability Scotland thinks that everyone has a role to play, and there is great excitement that, with the Disability Rights Commission up and running in Scotland, we now have an organisation with the clear role of educating people to take responsibility for implementing the Disability Discrimination Act 1995 and of making people aware that we are all responsible, in whatever we do, for ensuring that access to goods and services is made better for disabled people.

Michelle Hegarty: Capability Scotland, with a number of other organisations, launched a guide for MSPs on making surgeries and meetings accessible. It would be a significant gesture by the Parliament if every MSP were able to hold surgeries or any other public meetings in places that were accessible and that catered for the needs of disabled people. The six organisations that helped to prepare that guide would be more than willing to help with advice to the Parliament on how that idea could be developed.

The Convener: I thank the witnesses for coming along and giving evidence. The challenge for the committee—with help from organisations such as Capability Scotland—is to ensure that the new Parliament building is barrier-free and sets an example to the rest of Scotland.

We will be interested in developing the ideas that you raised in your presentation and in the question-and-answer session—especially the last one on accessibility of surgeries and meetings. We will discuss those ideas when we consider our future work programme. I hope that you will be happy to come back to the committee in future when we consider some of the issues in more depth. Thank you again for coming today.

Michelle Hegarty: Thank you.

Reporters

The Convener: Members have received a written report from Elaine Smith—the gender reporter progress report. Elaine is ill today and has sent her apologies for not being at the meeting. You will see from paper EO/00/23/5 that she wanted us to agree that she should produce a report on the Executive's consultation paper, "Redressing the balance: cross-examination in rape and sexual offences trials". She would do that by next January.

Members *indicated agreement.*

The Convener: Do any of the other reporters have a report?

Nora Radcliffe: I do not have a report as such, but the next meeting of my reporter's group will be at 8 pm tomorrow in room 1.15; everyone is welcome to attend.

There will be a report back from the recent equality network conference, and we will consider upcoming legislation, especially the family law bill. As an inducement to attend, and because it is the last meeting of the year, we thought that we might repair to a convenient hostelry at the end of the meeting.

The Convener: I point out, for the *Official Report*, that we do not have reporters' groups, we just have reporters.

Mr McMahon: I have been finding it difficult to get everyone together at the same time. I do not have a report to present, but I would like to have an input to the forward work programme when we come to that on the agenda.

12:03

Meeting continued in private until 12:25.

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